

June 18, 2002

Rodney Jones, Chairperson
South Valley Special Education Unit
P.O. Box 289
Forman, ND 58032-0289

Dear Mr. Jones,

The North Dakota Department of Public Instruction (NDDPI) Office of Special Education conducted a Verification Review in the South Valley Special Education Unit during April 15-17, 2002, 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 South Valley Special Education Unit, parents, and stakeholders.

In conducting its review of the South 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 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 South Valley Special Education Unit should ensure that all improvement strategies are consistent with the new final regulations.

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

Thank you for the assistance and cooperation provided by the South Valley Special Education staff and Self-Assessment team members during our review. Throughout the course of the review, Dr. Pat Groven, 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 South Valley Special Education Unit to continue to improve the lives of individuals with disabilities.

Sincerely,

Robert C. Rutten
Director of Special Education

Cc: Dr. Pat Groven

Enclosure

EXECUTIVE SUMMARY SOUTH VALLEY SPECIAL EDUCATION UNIT

The attached report contains results of the Collaborative Review and Verification Review phases of the North Dakota Continuous Improvement Monitoring of the Individuals with Disabilities Education Act (IDEA), Part B, implemented in the South Valley Special Education Unit during the 2001-2002 school year. The process is designed to focus resources on improving results for children with disabilities and their families through enhanced partnerships between the North Dakota Department of Public Instruction (NDDPI), the South 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 South 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* by a Steering Committee comprised of parents, administrators, and general education and special education personnel. A second Steering Committee, comprised of the Director and special education personnel, completed the file review process and conducted the surveys. The self-assessment process included a synthesis of the data collected to address the six principles of IDEA and resulted in the completion of a unit *improvement plan*.

Five Self-Assessment activities were completed by the Steering Committee as part of the Collaborative Review Process:

1. Parents, students with disabilities, general education teachers, special education personnel, and administrators were surveyed regarding their satisfaction with the South Valley Special Education Unit. Sample survey forms recommended by NDDPI were revised and used.
2. All special education student files (488 files) were partially reviewed for compliance with the IDEA regulations, utilizing the form provided in the NDDPI document *Special Education Monitoring Manual: Collaborative Review Process*.
3. Compliance worksheets were completed and the results were analyzed.
4. Programmatic issues were analyzed to ensure that comprehensive and accurate information was used to identify issues necessary for the design of the unit improvement plan.
5. Interviews were conducted with representatives from other agencies serving students with disabilities for additional insight in planning improvement strategies.

The Verification Review conducted by the NDDPI included an on-site meeting with members from the South Valley Special Education Unit Self-Assessment Steering Committee and the North Dakota Department of Public Instruction (NDDPI) staff. Interviews with school administrators, general educators, special educators, related service providers, and paraeducators were conducted during the verification review site visitation on April 15-17, 2002. Focused special education file reviews were conducted on the special education records of 19 students following the compliance issues reported by the Special Education Unit Steering Committee in their Self-Assessment report. Additional IEPs were reviewed for transition requirements. The

1996 South Valley Special Education Unit P.L. 101-476 Compliance Monitoring Report and Three-Year Plan was reviewed for comparison purposes with the current verification review. The *South Valley Special Education Unit Policies and Procedures Manual* was reviewed to ensure that the revisions contained within the *1997 Reauthorization of the IDEA* were addressed in the unit's policy. Information obtained from these data sources was shared with Dr. Patricia Groven, Director, in an exit meeting conducted on April 17, 2002.

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

This report contains a description of the process utilized to collect data and to determine strengths, areas of noncompliance with the IDEA, and suggestions for 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 in the South Valley Special Education Unit Self-Assessment Report. The strengths observed by the NDDPI Monitoring Team are listed below:

- The professionals employed by the South Valley Special Education Unit were described by all consumer groups as caring, compassionate, and as teachers that are interested in what is best for the children. Staff members also expressed an appreciation of Dr. Groven and the improvements that she has made since becoming the Director.
- The proactive approach being used by the Early Childhood Special Education (ECSE) Program in the northern part of the unit is exemplary. The program collaboration with other agencies, the multiple service delivery formats being used, and the inclusion of services for at-risk students demonstrates the unit's commitment to the national agenda that all children will start school ready to learn.
- The consistency in using the state recommended assessment planning process was observed to be a strength. The commitment to the NDDPI standards for conducting student evaluations and reevaluations was evidenced in all files reviewed.
- Several strengths were noted in the documentation of the deliberations of the Individualized Education Program (IEP) planning teams. The Present Levels of Educational Performance sections were well written and easily understood by parents. Progress reporting to parents was documented in a consistent manner and addressed progress made by the student relative to the goals and the objectives in the IEP.
- The collaboration between general education personnel and special education personnel was observed consistently across all school districts visited by the DPI monitors.
- An additional strength noted was the degree to which parents were involved in the evaluation and IEP process. The staff is to be commended for their efforts to collaborate with and involve parents in the special education processes.

Areas of Noncompliance

NDDPI observed the following areas of noncompliance:

- Inadequate documentation on the Integrated Written Assessment Report (IWAR) for students with specific learning disabilities (SLD).
- Lack of compliance within the evaluation process for the following requirements: considering information from a variety of sources; documenting that no additional information was needed (when applicable); and including a regular education teacher on the multidisciplinary team for assessment planning.
- Content of individualized education programs (IEP) including: IEP team members did not include students ages 14-21; parent input and patterns of functioning was not included in the present levels of educational performance (PLEP); transition was not adequately addressed in the PLEP; transition planning components were missing; annual goals were missing components; characteristics of services (COS) were missing components; documentation of

participation in nonacademic, extracurricular activities was inadequate; and documentation for potential harmful effects was insufficient.

- There is inconsistency in the understanding and application of the Extended School Year (ESY) provisions of the IDEA.
- The Least Restrictive Environment (LRE) decision making process for students with mental retardation (MR) does not acknowledge a continuum of options.
- Incomplete or missing procedural safeguards (i.e. prior written notices for assessment planning and IEP meetings, parents consent for evaluation and Record Locator form.)
- Information on more than one child was found in several student files.

SOUTH VALLEY SPECIAL EDUCATION UNIT MONITORING REPORT
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INTRODUCTION

Background, Administrative Structures, and Children Served: The South Valley Special Education Unit is an independent special education cooperative located in the southeastern part of the state. The Unit serves fourteen school districts in Richland, Sargent, and Ransom Counties. Special education students make up approximately 14% of the districts' total student population as of December 2001. The total district ADM population is 3,187 and the total special education population is 451.

The South Valley Special Education Unit has a professional staff of 38 professionals supervised by the director. The staff consists of 14 teachers of students with Specific Learning Disabilities, 2 teachers of students with Emotional Disturbances, and 6 teachers of students with Mental Retardation. Several of the teachers listed in the categories above also have a credential in another area of special education. Additional staff includes 6 Speech and Language Therapists, 1 Speech and Language Therapy Assistant, 2 Early Childhood Special Education teachers, and 2 teachers of the Hearing Impaired. There are 2 Tutors-in-Training (Special Education Strategist), 2 School Psychologists (1.5 FTE), and 1 Occupational Therapist. The unit also employs 31 paraeducators, 14 transportation providers, the director, a business manager, and an administrative assistant.

Verification Review and Data Collection: The South Valley Special Education Unit began the Collaborative Review process in September 2000. The Self-Assessment Report was submitted to NDDPI in the winter of 2001-2002. The Self-Assessment Report included the data and analysis of student record reviews, survey information, and program quality indicators.

The North Dakota Department of Public Instruction (NDDPI) visited the South Valley School District on April 15-17, 2002, for the purpose of validating the information provided through the Collaborative Review process. This included a review of the new requirements under the IDEA, Amendments of 1997, and compliance to findings from the *1996 South Valley Special Education Unit State Monitoring Report*. On April 15, 2002, NDDPI staff members met with Patricia Groven, Director of the South Valley Special Education Unit, and the Self-Assessment Steering Committee to review and discuss the Self-Assessment Report. NDDPI visited the majority of the public school districts served by the South Valley Special Education Unit. Student record reviews, including Individualized Education Programs (IEPs) and Integrated Written Assessment Reports (IWARs), were reviewed. Interviews were conducted with 28 special education staff, general education staff members who teach children with disabilities in their classrooms, paraeducators, and administrators. Preliminary results and findings of the Verification Review Visit were presented to administrators and staff members of the South Valley Special Education Unit in a summary meeting at the end of the site visit, on April 17, 2002.

Improvement Planning: In response to this report, the South 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 South Valley Special Education Unit will serve as a resource for improvement planning purposes, and will respond in writing to indicate approval of

Improvement Strategies submitted by the Unit. If needed, the regional coordinator may be contacted for suggested formats to be used for the development and documentation of the Improvement Strategies.

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 in the *South Valley Special Education Unit Eligibility Document*, the unit participates in ongoing efforts to identify, evaluate, and serve children with disabilities. Project Child Find is conducted each September at the state and local levels. The South Valley Special Education Unit works in cooperation with a variety of state agencies and local Early Childhood Programs on their Child Find efforts.

In surveys conducted as part of the Self-Assessment process, general and special education professionals were asked if they felt their school had sufficient pre-referral interventions and support services available to support at-risk students within general education programs. From the 130 general education teachers responding to the survey, 87% agreed with this statement. Only 72% of the special education teachers agreed with the statement. The administrators demonstrated inconsistent responses to this item. Seventy five percent (75%) of the superintendents agreed, eighty-six (86%) percent of the secondary principals agreed, and 100% percent of the elementary principals agreed. The school counselors were asked the same question with 88% agreeing with the statement.

Although the South Valley Special Education Unit has a designated building-level support team in each school building, the teams are functional and operational in only some of the school districts. During the interviews conducted by NDDPI as part of the Verification Review, respondents were asked to “Describe the BLST activities in your school”. Further probes included questions regarding consistency of team membership, team function, and the adequacy of pre-referral interventions and support services to maintain at-risk students in the general education program. The interviewees provided an adequate description of Building Level Support Team activities in the school buildings in 15 out of 24 cases (62%). This indicated that in 38% of the cases, the BLST was not viewed as an effective mechanism for providing school-wide supports for students who are at-risk for eventual placement in special education. Many of the professionals interviewed expressed a concern that the BLST is viewed as an obstacle for a timely referral to special education. Other teachers articulated that there is “no need for such a team” considering the experience level of the general education teachers in that particular school district.

IDEA Part B Child Find obligations extend until students graduate from high school. Therefore, it is the responsibility of the special education administrative unit to promote effective strategies to identify any school-age child who has a disability and may require special education and related services. This includes students who are at risk for dropping out of school. As part of the *Program Quality Indicators* section of the South Valley Special Education Unit Self-Assessment report, it was noted that suspension/interim alternative educational setting procedures as required by law and regulations have been followed. However, there was no data on suspensions and expulsions submitted to validate this finding. Principals who were interviewed about the

Discipline Amendments (IDEA, 1997 Reauthorization) were uncertain about the requirements. A frequent comment made was that they would have to call Dr. Groven, Director of Special Education, to find out what procedures must be followed if a long term suspension (more than 10 days) or expulsion were being considered for a student with a disability. As part of the *South Valley Special Education Unit Eligibility Requirements Document*, the district was asked to provide current policies and procedures relating to suspension and expulsion of students with disabilities. The South Valley Special Education Unit uses the state recommended practices for *Suspension and Expulsion* of students with disabilities. Although the unit's policies and procedures manual has been updated to include the necessary considerations for discipline, contained within the 1997 Reauthorization of IDEA, training that has been provided to the administrators and teachers in the cooperating school districts was reported to be inadequate. The number of students who dropped out of school was also not reported in the Self-Assessment report. The Performance Indicator "The LEA carries out early identification efforts to locate students who are at-risk of dropping out of school" was rated as not being in compliance. A corrective action identified for the Improvement Plan was to develop a "Drop-out" policy for inclusion in the unit's policies and procedures manual.

An analysis of the percentages of students served under each disability category indicated that the South Valley Special Education Unit is consistent with the state and national averages in most of the disability categories. The only exceptions that were significant were in the areas of Other Health Impaired (OHI), Mental Retardation (MR), and Noncategorical Delay (preschool). The South Valley Special Education Unit has 4.8% of the total child count identified as MR in contrast to the statewide average of 8.8%. A total of 14.4% of the child count is identified as OHI in contrast to a statewide average of 5.7%. The number of children identified as NCD consists of .4% in contrast to a statewide average of 3.2%.

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

STRENGTHS

The South Valley Special Education Unit has a commendable Early Childhood Special Education Program in Lisbon that serves the northern part of the unit. The proactive approach being used by the Early Childhood Special Education (ECSE) Program in Lisbon is exemplary. The program collaborates with other agencies on screening, providing student evaluations, and providing consultation for the early identification of disabilities and determining the impact of at-risk conditions. The ECSE Program uses multiple service delivery formats including integration in Head Start, language groups, self-contained groups, single service therapy, and integration into kindergarten. In those cases where it is necessary to bus preschool children to a neighboring school district, every attempt is made to establish the locus-of-control with the resident school district. Examples include holding the assessment planning and IEP meetings in the resident school district, inviting the administration from the responsible school district to all meetings held in regard to the student, and including the kindergarten teacher from the home school district early in the transition process. The attempts being made to extend incidental benefit to at-risk preschoolers through collaboration with community preschool programs, child-care centers, and the Head Start Program are exemplary.

SUGGESTION FOR IMPROVED RESULTS FOR CHILDREN

The South Valley Special Education Unit Self-Assessment team identified several areas of concerns in the area of *Zero Reject*, or providing FAPE to all eligible students. These concerns were validated by the NDDPI monitoring team. The areas of needed improvements relate to the procedures for implementing existing policy as well as the development of new policies and procedures.

The South Valley Special Education Unit identified the quality indicator corresponding to identification, location, and evaluation to be an area of weakness. The current process of having the school district Building Level Support Team submit documentation, that must be approved by the Director of Special Education prior to being considered for an evaluation, is cumbersome and serves as an additional barrier to the timely delivery of child find services. Consideration should be given to developing a more streamlined process that builds the capacity of each school district to provide the necessary child find and evaluation services.

During file reviews conducted as part of the South Valley Special Education Self-Assessment Process, 195 files were reviewed to determine if they included documentation that prior to initial referral, instruction was provided appropriate to age and ability level. This included evidence that the interventions were documented by the building level support team. It was determined by the South Valley Special Education Unit Self-Assessment team that this regulation was in compliance in 75 cases, resulting in 38% compliance. Files monitored by the NDDPI monitors indicated that building-level support team activities were documented in 62% of the cases. Documentation that the disability was not due to lack of instruction was documented in 3 out of 9 applicable files, resulting in 33% compliance.

The surveys used by the South Valley Special Education Unit Self-Assessment team asked the following question: “The BLST team works effectively to ensure that interventions have been attempted and results documented before referral to special education”. The elementary principals were the only group of consumers that responded affirmatively to this item 100% of the time. The results of the other consumer groups completing the surveys, and the percentage that responded affirmatively to this item, is presented below.

General Education Teachers –	78%	Paraeducators-	38%
Special Education Teachers-	67%	Speech/Language Pathologists-	50%
Guidance Counselors-	63%	Secondary Principals-	86%
Superintendents-	59%		

An additional concern noted by the NDDPI monitors was the response of parents on the parent questionnaire administered by the South Valley Special Education Unit Self-Assessment team. When asked, “Before my child was referred for special education services, other options within general education were tried or considered”, only 44% of the parents agreed with that statement.

The South Valley Special Education Unit’s Self-Assessment steering committee identified a need to develop a system for tracking the dropout rates in the cooperating school districts. This

need was validated by the NDDPI monitoring team. The current procedures contained within the unit's eligibility document must be included in the unit's policies and procedures manual.

II. NONDISCRIMINATORY EVALUATION

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

File reviews conducted by the South Valley Special Education Unit showed 85% or higher compliance in 5 of the 18 Procedural Requirements/Assessment items monitored. The targeted areas of improvement included recommended training in the 13 areas of noncompliance. The recommendations for the procedural requirements consisted of training on using parent prior notice for assessment purposes, securing consent from the parents, documenting the reevaluation process when no additional information was needed, and documenting the dates and adhering to the timelines for conducting an evaluation. The remaining areas of noncompliance addressed the additional considerations for students classified as learning disabled, including documenting a discrepancy between ability and achievement and that instruction provided prior to the referral was appropriate to the age and ability level of the student. Documenting the basis for determination of the specific learning disability, conducting an observation in the classroom and considering the relationship between the observation and academic functioning were also found to be inadequate. A correlating need was addressing the effects of disadvantage (economic, cultural, environment) and documenting that the discrepancy was not attributable to other causes such as sensory or other disabilities.

In surveys conducted as part of the South Valley Special Education Unit Self-Assessment Report, 100% of special education personnel and administrators agreed that student assessment information is reflective of student progress and is valid and meaningful for planning student instruction. When asked the same question, only 81% of the general education teachers and 76% of the Guidance Counselors agreed with this statement. The South Valley Special Education Unit director has assured NDDPI that state recommended *Guidelines: Evaluation Process (8/1/99)* has been adopted by the unit and is being used by special education staff members. Training to all special education staff on the use of the state guidelines has been provided.

During interviews conducted by NDDPI as part of the Verification Review, respondents were asked to "Describe the evaluation planning process." Further probes included questions regarding: a) access to information for assisting in determining nondiscriminatory assessment; b) documentation that disability is not due to a lack of instruction in math and reading; c) for students 16 years and older, whether student interests were discussed; and d) if children were assessed in all areas relating to the disability. In addition, respondents were asked about the process followed when the team determines that no additional data is needed, and the process followed when a student is dismissed from special education prior to graduation. Individuals involved in the completion of assessments for SLD students were also asked to describe how additional SLD requirements are addressed in the IWAR. Copies of assessment plans and the IWAR were reviewed during the student record review process. Out of a total of 14 interviews conducted, 13 of the responses (93%) were rated as being in compliance when describing the evaluation planning process. The responses to the question of "What happens when the team

determines that no additional assessment information is needed?" was rated as being in compliance in 11 out of 14 of the interviews (78%). The results of the South Valley Special Education Unit's file review indicated that an assessment was conducted prior to determining the student is no longer a child with a disability in 22 out of 26 (87%) of the applicable files.

NDDPI reviewed and analyzed the data from the unit's Self-Assessment file review, and the NDDPI file review, and identified the following areas of strength, noncompliance, and suggestions for improvement:

STRENGTH

The South Valley Special Education Unit is consistently using the state recommended assessment planning process for initial evaluations and three-year reevaluations. The NDDPI monitoring team rated the student profiles and assessment plans as being of high-quality and evidenced parent participation. The commitment to the NDDPI standards for conducting student evaluations and reevaluations was documented in 94% of the files reviewed, validating the findings of the South Valley Special Education Unit. In addition to having an assessment plan in place, the student profiles completed by the special education teachers was rated as a strength. Eleven out of twelve (92%) evaluation plans contained a completed student profile. Seventeen out of eighteen (94%) of the assessments addressed all areas related to the suspected disability and included information related to enabling the student to be involved in and progress in the general education curriculum. The parents were members of the multidisciplinary team in 18 out of 18 of the evaluations, validating the South Valley Special Education Unit's finding of 100% parent participation. Having an individual who can interpret the instructional implications of the evaluation results was evidenced in 15 out of 16 (94%) of the applicable files.

AREAS OF NONCOMPLIANCE

Additional Procedures for Evaluating Children with Specific Learning Disabilities

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

Professionals responsible for providing services for SLD students were interviewed regarding the additional requirements for SLD. Out of a total of 14 interviews conducted, 13 of the responses (93%) were rated as being in compliance when describing the additional SLD requirements and the process required for including them in the IWAR. Review of IWARs by the NDDPI monitors for 12 students identified as having specific learning disabilities, indicated that 9 of them (75%) were of adequate quality. Documentation that instruction, appropriate to the age and ability level of the child, was provided prior to the referral was found to be in compliance in 38% of the files review by the South Valley Special Education unit. This was validated as a concern by the NDDPI review that found assurance in 3 out of 9 files, or 33% compliance. Documentation that an observation was completed in the general education classroom was not found in any of the files (0%) reviewed by the South Valley Special Education Unit and in 5 out of 9 (55%) of the files reviewed by the NDDPI. The NDDPI monitors examined the IWAR to determine if any reference was made to the students performance in the general education classroom, which would infer that someone other than the classroom teacher had observed the student. The South Valley Special Education Unit personnel, when conducting their file review, apparently required

that an observation form be contained in the file. The South Valley Special Education Unit determined there was adequate documentation of the discrepancy between ability and achievement in 54% of the files reviewed. The NDDPI monitoring team found this to be true in 6 out of 9 files, or 66% of the files. The South Valley Special Education unit determined that in 38% of the files, there was documentation that the discrepancy was not attributable to other causes. The NDDPI found this to be true in 5 out of 9 cases, or 55% compliance. Documentation of educationally relevant medical findings was reported in 100% of the files reviewed by the South Valley Special Education Unit and in 44% of the files reviewed by the NDDPI. The consideration of the effects of disadvantage was rated as adequate in 38% of the files reviewed by the South Valley Special Education Unit. The documentation of the effects of disadvantage was rated as adequate in 66% of the files reviewed by the NDDPI. An additional concern identified by the NDDPI staff was that the determination that the discrepancy was not attributable to a visual, hearing, or motor disability, mental retardation, or an emotional disturbance was documented in only 66% of the cases.

Evaluation Process

NDDPI *Guidelines: Evaluation Process* (8/1/99) includes suggested procedures and forms that meet requirements of the assessment planning process and the development of the Integrated Written Assessment Report (IWAR). Noncompliance with *34 CFR 300.533, Determination of needed Evaluation Data; and 34 CFR 300.532 Evaluation Procedures* was identified for the following requirements:

- Considering information from a variety of sources and integrating the information in the IWAR was documented in 13 out of 18 cases (72%) for which the standard was applicable.
- Documenting that no additional information was needed, in those cases where an evaluation was not conducted, was found in 2 out of 4 applicable cases, resulting in 50% compliance.
- Including a regular education teacher on the team for assessment planning was found in 77% of the files reviewed.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

It is recommended that the South Valley Special Education Unit continue with the current internal monitoring process for file reviews of student evaluations. Periodic review of the files for the assessment plans, parent prior notices, parent consent for evaluations, parent participation and writing the Integrated Written Assessment Reports will assist the administrator of the unit to identify teachers having difficulty implementing the state recommended assessment process. The high level of reliability observed between the South Valley Special Education Unit and the NDDPI monitoring team indicates that the results from the unit's internal monitoring procedure are valid measures of teacher performance.

Interviews with special education staff indicated inconsistencies in the definition of "significance" related to the eligibility determination for students with specific learning disabilities. The confusion was attributed to changes in the State SLD Guidelines document. Although these concerns may or may not be valid, the apparent confusion and inconsistency across staff needs to be addressed. Additional concerns evidenced in the current monitoring

activities, such as the need for an observation form, the need to better document the parameters of discrepancies, and ruling out the exclusionary components, should be addressed.

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.

File reviews conducted by the South Valley Special Education Unit personnel showed 85% or more compliance in 17 of the 27 areas monitored. Four areas were rated as being in 100% compliance for the 448 student files reviewed. These four areas consisted of a correct listing of a primary disability, parents present at the IEP meeting, addressing participation in general education in the characteristics of service section, and including the dates of the beginning of special education and related services including the frequency, the location, and the duration of services. Eight additional areas were determined to be at 90% compliance or higher. These areas consisted of: effective dates of the IEP, including a statement of present level of educational performance, including short-term instructional objectives, progress reporting to parents, addressing positive behavioral interventions and strategies and physical education, participation in academic and non-academic activities, and LRE justification.

The South Valley Special Education Unit director has assured NDDPI that state recommended *Guidelines: Individualized Education Program Planning Process* (8/1/99) was adopted by the unit and is being used by special education staff members. During interviews conducted by NDDPI as part of the Verification Review, respondents were asked to describe the IEP development process, including specific questions related to:

- IEP team members
- Development of annual goals and objectives
- Progress reports for parents
- Development of characteristics of services
- Determining need for assistive technology devices and services
- Student involvement in extracurricular activities
- Availability of curriculum and materials for students with limited English proficiency
- Participation in statewide assessments
- Intervention and strategies used to support students with emotional, behavioral or discipline problems
- Transition planning activities for students 14 years and older.

Out of a total of 12 interviews conducted with special education teachers, 100% responded to the questions in a manner that indicated no concerns with the IEP process. All of the teachers were familiar with the team member composition, disability categories, requirements for the present levels of educational performance, and the procedures for deriving goals, objectives, and characteristics of service.

Since the determination of need for, and the provision of, extended school year services is an issue for schools across North Dakota, and has also been identified as an area of concern by

federal monitors during their most recent visit, this issue was emphasized during interviews with school personnel. Student file reviews completed by NDDPI staff also included the IEP components indicated above.

The review of 19 files by the NDDPI Verification Team noted consistency across teachers in the development of IEPs for students with disabilities. All 19 files verified that an IEP was in effect prior to the provision of special education services. All 19 of the files reviewed had a current IEP in the file, were reviewed within 12 months, included the parents, and were understandable by parents and general education teachers.

Additional components found to be in compliance in 90% of the cases or greater in the South Valley Special Education unit Self-Assessment report were including effective dates on the IEPs, providing a statement of present level of educational performance, and including short-term instructional objectives and characteristics of services. The characteristics of service must document the special education services to be received and the type of physical education and extended school year services to be received by the student.

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

STRENGTHS

A strength relative to the development of IEPs was the consistency with which the staff was able to document the students' present level of educational performance. Several parameters were rated as 100% compliance including: being understandable to parents and general education teachers and addressing academic performance, motor ability, sensory status, health/physical status, and functional skills. Ninety five percent (95%) of the files addressed cognitive functioning, communication status, and social emotional, behavioral, and ecological variables. Community participation and how the disability affects the child's involvement and progress in the general education curriculum were identified in 89% of the files reviewed.

Parent attendance at IEP meetings was also observed to be a significant strength. One hundred percent of the IEPs reviewed by the South Valley Special Education unit Self-Assessment team contained evidence of parent participation. Ninety percent (90%) of the parents surveyed reported that they had been asked to participate in the development of their child's IEP.

Of the parents surveyed as a part of the Self-Assessment process, only 3% stated that they were not provided with updates of their child's progress through report cards and parent teacher conferences similar to updates provided to parents of nondisabled students. One hundred percent (100%) of the special educators surveyed, and 92% of the general education teachers, felt the same methods used to inform parents of progress of nondisabled students are used to inform parents of students with disabilities. The South Valley Special Education Unit Self-Assessment Report noted that in 92% of the 448 files reviewed, progress reporting to parents was documented appropriately. The NDDPI Verification Team verified the finding at a 94% compliance level, finding that progress reports and/or indication of planned progress reporting times to the parents was documented appropriately on 17 out of 18 IEP forms.

The adaptations section was complete and tied directly to the PLEP in 94% of the cases. The Special Education Services were documented in 100% of the cases to include the projected date for the beginning of services and the anticipated frequency of services. The duration of services was documented in 89% of the files. Assistive technology devices and services were addressed in 100% of the cases and all applicable files documented the behavioral intervention needs of the child.

An additional area of strength was the consistency with which the *Special Factors (300.346(2))* were addressed in the files for which these factors were applicable. One hundred percent (100%) of the files reviewed addressed behavior in those cases where it impeded learning of the child or others and included behavior interventions, strategies, and supports to address the behavior. In those cases where the language needs of the child impact the provision of FAPE, the variables were addressed in 100% of the cases.

The participation of students in statewide and district wide assessment (300.347) was found to be adequate in all 19 files reviewed, indicating 100% compliance. This validated the South Valley Special Education Unit Self-Assessment teams finding of 85% compliance or higher.

AREAS OF NONCOMPLIANCE

IEP Team Members

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

The South Valley Special Education Unit Self-Assessment Report noted that all required members were documented as present in 85% of the IEPs reviewed, with students aged 14-21 being present in only 28% of the applicable cases. Sixty nine percent (69%) of the students in grades 6-12 reported that they had been invited to attend their IEP meeting. The NDDPI monitors verified this status through the identification of 16 out of 19 IEPs reviewed (84%) that contained the required team members. Students aged 14-21 were present at 44% of the IEPs.

Present Level of Educational Performance

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

Although documenting the students' present levels of educational performance was an overall strength for the South Valley Special Education Unit's teachers, two components were not in compliance. Including information that reflected parent input was found in only 12 out of 19 files, or 63% compliance. Describing patterns of functioning was documented in only 15 out of 19 files, or 79% compliance.

A significant area of weakness relative to documenting the students' PLEP was found in the area of transition planning. The following levels of compliance were identified by the NDDPI Monitoring Team:

<u>Content Area</u>	<u>Files Containing Component</u>	<u>Percentage Compliance</u>
Jobs and job training	4 out of 9	44%
Recreation and leisure	5 out of 9	55%
Home and independent living	5 out of 9	55%
Community participation	4 out of 9	44%
Post-secondary training and learning	3 out of 9	33%
Related services	3 out of 9	33%

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 South Valley Special Education Unit's review indicated that 81% of all IEPs contained annual goals and short-term behavioral objectives that contained all components. The NDDPI Verification Review Team verified this level of compliance (84%) for goals that contained a behavior or skill, a basis in the PLEP, and an intent or purpose. Only 7 out of 19 files, however, contained goals that included a desired ending level of achievement. Fifteen out of nineteen files, or 79%, were rated by the monitors as being reasonable attainable within 1 year. The South Valley Special Education Unit Self-Assessment found that 92% of the annual short-term instructional objectives contained all required components. The NDDPI Verification Review Team, however, found this level of compliance to be lower and identified several areas needing improvement. The instructional objectives that did not meet standards were not individualized (79%), did not contain conditions or circumstances under which the behavior was to be performed (84%), did not contain an evaluation procedure (73%) and were not sequential (63%).

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 19 files reviewed by NDDPI monitors, 10 files did not have sufficient documentation to confirm that discussions were held to determine the COS, resulting in a 47% compliance level. This was not consistent with the 100% compliance level noted in the South Valley Special Education Unit's Self-Assessment Report. This discrepancy is attributable to the language used on the survey. The South Valley Special Education Unit Self-Assessment team examined only the extent to which the COS documented the participation of the student in general education curriculum. The NDDPI Monitoring team found this component to be at 89% compliance, more consistent with the 100% reported by the South Valley Special Education Unit Self-Assessment team. However, the NDDPI monitoring team examined several additional components to the COS and found that a statement of where each goal/objective will be carried out was found in only 47% of the IEPs. Additional discrepancies were noted in documenting who will carry out each goal/objective (63%), who will monitor progress for each goal/objective (68%), adaptations needed (79%), and providing justification for removal from the general education setting in only 57% of the IEPs.

34 CFR 300.305 Documentation of Nonacademic and Extracurricular activities.

Survey findings from the South Valley Special Education Unit Self-Assessment Report reported that students surveyed agreed they were involved in extracurricular activities in 65% of the cases and had received encouragement to be involved in extracurricular activities in 62% of the cases. Parents agreed that students with disabilities participate in nonacademic and extracurricular activities in 68% of the cases. General education and special education teachers responded that students with disabilities participate in all school activities including trips, clubs, internships, athletics and assemblies in 90% of the cases. Ninety one percent (91%) of the files reviewed by the South Valley Special Education Unit's File Review Team were reported to contain sufficient documentation relating to participation in academic and nonacademic activities. However, these findings were not verified by the NDDPI monitoring team when 47% of the files reviewed contained sufficient documentation of nonacademic and extracurricular activities.

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

Surveys conducted as part of the South Valley Special Education Unit's Self-Assessment process indicated that 70% of the parents surveyed agreed that both they and their child had been involved in planning for transition to post-school experiences. Forty-one percent of general educators 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. Sixty three percent (63%) of the students in grades 9-12 reported they have been involved in planning for transition experiences. File reviews completed by the South Valley Special Education Unit's Self-Assessment team indicated that approximately 50% of the files reviewed were in compliance in areas relating to transition planning. A analysis of the components indicated the following levels of compliance across components: including post-school outcomes (63%), statement of transition needs (65%), statement of needed transition services (54%), and agency coordination and responsibility (54%).

Interviews conducted by the NDDPI staff indicated inconsistencies with the special education teachers on how the transition process is implemented. Questions that were asked pertained to when it is initiated, who is involved, and what components are included. Staff members agreed that other agency representation is inadequate at the meetings. Documentation of components that are reportedly addressed in the South Valley Self-Assessment Report were not adequate in the transition IEPs reviewed by the NDDPI Verification Review Team. Special Education personnel reported that they have received inconsistent training in addressing the transition planning components and that not all staff members felt comfortable in addressing the transition components.

Several critical components were missing in many of the transition IEPs reviewed by the NDDPI Monitoring Team. Documentation of the participation of representatives from other agencies *that are likely to be responsible for providing or paying for transition services* was contained in only 1 out of the 6 applicable files reviewed. Historically, we know that almost all students with disabilities will benefit from some form of agency involvement or intervention following high school. As verified in the Self-Assessment Report, very little information was noted on the prior notice inviting other agency representatives to the IEP meetings, or other steps taken if they did not attend to seek verification of eligibility and services.

The section of the IEP addressing a statement of transition service needs was found to be adequate by the NDDPI monitors in 2 out of the 9 cases for which this standard was applicable, or in 22% of the cases. Five out of nine transition IEPs reviewed did not contain “post school” outcomes, resulting in 55% compliance across transition areas. In those cases where the student did not attend his or her IEP meeting, there was very limited documentation that the student’s preferences or interests were considered or that the IEP was reviewed with the student. The transition goals that were identified included employment opportunities in 33% of the cases, recreation and leisure in 22% of the cases, community participation in 22% of the cases, post secondary learning in 33% of the cases, and independent living in 33% of the cases. A complete course of study through the 12th grade was included in 50% of the applicable files reviewed. The graduation data and course work leading to the post school outcome goals were identified in 50% of the files. None of the transition age IEPs documented other agency participation. It was noted that there was documentation that agencies had been invited to attend the IEP in only 1 out of 6 cases.

Extended School Year

Interviews conducted with the special education personnel and administrators indicated inconsistent knowledge of the application of the guidelines for determining the need for ESY services. Out of 11 interviews conducted, 7 of the teachers’ responses (47% compliance) were rated as inadequate. There appears to be discrepancies across staff, across age levels, and across school buildings. Teacher responses appeared to indicate that the decision is made based on the category of disability or the severity of disability rather than on an individual basis. A review of the *South Valley Special Education Unit’s Policies and Procedures Manual* indicated that it did not address the necessary parameters for establishing the baseline or need for extended school year services.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Although the South Valley Special Education Unit was observed to be making progress in integrating students with disabilities into the general education programs, only 69% of the general education teachers surveyed reported that they have received adequate training. Included in this item was adequate information, and material and personnel supports that allow them to implement each student’s IEP. Only 67% reported that they have an opportunity to participate in staff development and training activities and 54% reported that they have input into the identification of staff development needs and the planning of training activities related to students with disabilities.

Only 63% of the general education teachers surveyed agreed with the statement “I have high expectations for students with disabilities and expect them to achieve commensurate with their general education peers.” Although 84% of the parents reported that they felt the teachers set challenging goals and have high expectations for their children, only 73% of the students felt that their teachers set challenging goals and had high expectations for them. Paraeducators reported that they have high expectations for students with disabilities and expect them to achieve commensurate with the general education peers in only 46% of the cases. Special Education teachers agree with this statement in 67% of the cases. Guidance Counselors and High School Principals agreed with the statement in 75% of the cases.

It is recommended that the South Valley Special Education Unit expand the unit’s internal monitoring process in the area of IEP review.

Although training for paraeducators using the Minot State Modules is being utilized through an independent study approach, not all paraeducators have completed the necessary training. The paraeducators reported in interviews that the format of the training is not adequate for meeting the needs they encounter in the school districts and does not meet their ongoing professional development needs. Training was requested by the paraeducators in several areas including their roles and responsibilities, communicating with special education and general education teachers, strategies for teaching Math and English, learning strategies, and how to manage the difficult child. This need was also identified in the South Valley Special Education Unit’s Self-Assessment report.

The South Valley Special Education Unit’s Self-Assessment Team identified the need to revise the unit’s policies and procedures manual to include updated policies in the areas of:

- Basic terms for students with disabilities
- Alternate Assessments
- Criteria and Additional Considerations for Specific Learning Disabilities
- English as a Second Language
- Drop-out Policy
- Private Schools
- Behavior Management and Discipline
- Graduation, Grades, Transcripts, and Diplomas
- Surrogate Parent Policy
- Extended School Year Services

This recommendation was validated by the NDDPI Verification Review Team.

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 South Valley Special Education Unit Self-Assessment Report found that 85% of the files reviewed provided a complete and adequate LRE justification statement. During interviews conducted by the NDDPI monitoring team, respondents were asked to “Describe the process for

determining LRE.” Further probes included questions regarding: documentation of LRE decisions, determination of placement and harmful effect, the continuum of educational services available at their school, and the process used to access the general curriculum. Student file reviews included a check of documentation of LRE decisions, discussion of harmful effect and participation in general education.

The summary of survey information included in the South Valley Special Education Unit Self-Assessment Report indicated no concerns with LRE for students served in the South Valley School District. Eighty four percent (84%) of the general educators surveyed agreed that they had meaningful input into the student’s IEP. Ninety four percent (94%) reported ongoing communication with other staff involved. When asked if they had received adequate training, information, and both material and personnel supports that allowed them to implement each student’s IEP, only 69% of the general education teachers agreed with this statement. One hundred percent (100%) of the special education teachers agreed to the statement that they had meaningful input into the development of the student’s IEPs. Sixty-seven percent (67%) reported that the general education staff modifies and adapts the general education curriculum appropriately. During interviews conducted by NDDPI monitors as part of the Verification Review, respondents were asked to describe how the LRE question is addressed.

NDDPI monitors reviewed and analyzed data and identified the following areas of strength and noncompliance.

STRENGTHS

The South Valley Special Education Unit has made significant progress in attempting to address the educational needs of young children with disabilities (preschool) in less restrictive learning environments. Young children with disabilities are being given the opportunity to be educated in their home school district or community of residence. In those cases where a more restrictive placement (center-based classroom) in another community is recommended, every attempt is made to include representatives from the school district of residence. The program collaboration with other agencies, the multiple service delivery formats being used, and the inclusion of services for at-risk students demonstrates the school districts commitment to addressing developmentally appropriate preschool curriculum in the least restrictive setting possible.

AREAS OF NONCOMPLIANCE

34 CFR 300.551 (a) Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. (b) The continuum required in paragraph (a) of this section must- (1) Include the alternative placements listed in the definition of special education under 300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and (2) make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class.

The NDDPI Monitoring Team reviewed 19 student files during the Verification Review visit. The IEPs provided sufficient documentation of the justification for the LRE in 68% of the

student files. A review of the child count statistics for the South Valley Special Education Unit indicates that a significantly higher number of students with mental retardation are being educated in neighboring school districts rather than in their home school districts. The results of the interviews with special education personnel indicated that the LRE decision making process for students with mental retardation does not acknowledge a continuum of options. The decision for placement for students with mental retardation was reported to be made based on IQ cut-off scores. This was a consistent finding across all interviews with special education staff.

The NDDPI Monitoring Team identified 16 additional student files for students with mental retardation and reviewed the LRE sections of those IEPs. It was determined that the justification of LRE sections in those IEPs were not adequate. It was not documented that options were discussed. The LRE justification sections were almost identical across all IEPs, indicating that the decision is being made based on a category of student, rather than the unique needs of an individual student. Although attempts were made to justify placement in another school district, rather than the student's home school district, the reasons cited consisted of the need for specified curriculum and the lack of a resource room in the home school district.

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.

NDDPI reviewed and analyzed the data from the file review and determined that the IEP provided sufficient documentation for potential harmful effects in 79% of the initial IEPs reviewed, and in zero percent of the subsequent 16 IEPs reviewed. The IEPs for the 16 students placed out of their neighborhood school consistently reported "No" to the IEP question, "Is there a potential harmful effect to the student with this placement?" This response was used even in those cases where students were being bussed 40 miles to receive their educational services, were in a self-contained classroom for 100% of the school day, and did not have opportunities to participate in other educational and extracurricular activities with students who did not have disabilities. No provisions were made to identify the potential harmful effects of having to be transported or the special transportation needs that would arise if he/she chose to attend activities in either school district.

34 CFR 300.305 Program Options. Each public agency shall take steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the agency, including art, music, instructional arts, consumer and homemaking education, and vocational education.

The file reviews completed by the NDDPI Monitoring Team indicated that only 47% of the IEPs adequately documented program options and nonacademic and extracurricular activities. This did not validate the South Valley Special Education Units findings of 91% compliance.

V. PARENT INVOLVEMENT

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

As part of the file review of the South Valley Special Education Unit Self-Assessment Report, 100% of the files reviewed indicated the parents were present at the IEP meetings. Of the parents surveyed as part of the Self-Assessment Process, 92% reported that they understand what is discussed at the meetings to develop their child's IEP and feel comfortable asking questions and expressing concerns when needed. Ninety-eight percent (98%) of the parents reported feeling welcome in their child's school and treated with respect. Ninety-one percent (91%) reported they were satisfied with the special education program and services provided to their child. When asked if they had been invited to participate in general and special education parent activities, 85% of the parents surveyed agreed with this statement. Based on the analysis of returned parent surveys, the South Valley Special Education Unit appears to be using very effective strategies to make parents feel welcome and active members of the IEP teams for their children.

As stated in the South Valley Special Education Unit's IDEA-B Application, the unit's *Family Educator Enhancement Team (FEET)* provides opportunities throughout the year for parental involvement.

Student file reviews completed by the NDDPI monitoring team included a specific question regarding parent participation in the evaluation and IEP process. Although the parents were present and participated in the meetings 100% of the time, only 63% of the IEPs written as a result of those meetings documented the parent input. One hundred percent (100%) of the assessment planning meetings were attended by parents and documentation of the input of the parents into the assessment planning sessions was evident in 89% of the assessment planning meetings and 88% of the meetings to write the integrated assessment results summary.

The NDDPI team verified that the parent was present at assessment meetings and verified documentation of their participation in the discussions in the majority of the files reviewed. Staff interviewed indicated that parents are invited to participate from the referral phase through the evaluation process and indicated that parents are active members of the IEP teams.

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

STRENGTHS

The South Valley Special Education Unit has demonstrated a strong commitment to involving parents in the educational process for their child(ren). One hundred percent of the IEPs and assessment plans indicated parent attendance. Parents report feeling very comfortable in visiting the school and discussing education issues relevant to their child(ren) with school personnel.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

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

VI. PROCEDURAL SAFEGUARDS

Procedural safeguards 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 South Valley Special Education Unit Self-Assessment team monitored 448 student files and determined that the unit was at 100% compliance in the nine targeted areas including:

- File found in a secure location.
- Limited Access Notice was posted.
- Record of Inspection was in the file.
- Record of Inspection completed correctly.
- Record locators are in place.
- File contained information for this child only.

Each of the remaining three standards were determined to be in compliance based on 1 record review per standard.

- Private school representative attended IEP meeting.
- Services provided are comparable to services in the public school.
- Independent evaluation information is considered and included in the integrated written assessment summary.

Nineteen files were reviewed during the NDDPI Verification Review site-visit. Additionally, special education staff were interviewed for their knowledge of the procedural safeguards, process for assuring compliance, and the procedures that are followed.

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

AREAS OF NONCOMPLIANCE

Prior Written Notice

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

The South Valley Special Education Unit Self-Assessment Report indicated inconsistencies in documentation of the parent prior notice in student files. This included parent prior notice for assessment in 69% of the cases and for the IEP meetings in 78% of the cases. Ninety seven percent (97%) of the parents surveyed felt they had received a written notice, in their preferred language, to attend planning meetings for their child and had also received written explanation of their rights as a parent of a child with a disability.

Student file reviews completed by NDDPI monitors during the Verification Review Process validated these findings. *Prior Written Notice* for the assessment meeting was found in 65% of the files and the *Parent Prior Notice* for the most recent IEP meeting, in 76% of the files.

Record Locator

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

The *Record of Inspection* form was contained in 100% of the files reviewed. The *Record Locator* form was completed correctly in only 72% of the files (13 out of 18). Careful examination of *34 CFR 300.565* reveals that the standard is applicable to all education records, not just special education records. This would imply that the record locator form be placed in the students *cumulative file* in the school district, rather than, or in addition to, the student's special education record. Several of the record locator forms were in the cumulative files but were not filled out correctly, or contained outdated information.

Parental Consent

34 CFR 300.505 ensures that written parental consent is obtained prior to conducting an initial evaluation or reevaluation; and initial provision of special education and related services to a child with a disability. Consent for initial evaluation may not be construed as consent for initial placement.

The South Valley Special Education Unit Self-Assessment Report indicated that 82% of the files reviewed contained parent consent for evaluations. The NDDPI Verification Review team validated these findings. Of the 18 files reviewed for initial evaluations, 83% contained a parent consent for the initial evaluation. Of the 7 files reviewed that contained a reevaluation, 57% contained a parent consent for a reevaluation.

Records on more than one child

34 CFR 300.564 states that if any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

The NDDPI Verification Review team found 2 files out of 18 that contained the records on more than one child.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

It is recommended that the South Valley Special Education Unit expand the current internal monitoring system in the area of procedural safeguards to include a focused examination of the records for all students receiving special education services for the parent prior notice forms and the record locator forms.