

May 27, 2004

Mr. Ken Reed, Chairperson
3202 33rd Avenue NE
Inkster, ND 58244

Dear Mr. Reed:

The North Dakota Department of Public Instruction (NDDPI) Office of Special Education conducted a Verification Review in the Upper Valley Special Education Unit March 23-25, 2004, for the purpose of assessing compliance in the implementation of the Individuals with Disabilities Education Act (IDEA) and assisting the Unit in developing strategies to improve results for children with disabilities. The IDEA Amendments of 1997 focus on “access to services” as well as “improving results for children and youth with disabilities”. In the same way, the Continuous Improvement Monitoring Process implemented by NDDPI is designed to focus federal, state, and local resources on improved results for children with disabilities and their families through a working partnership among NDDPI, the Upper Valley Special Education Unit, parents and stakeholders.

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

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

Thank you for the assistance and cooperation provided by the Upper Valley Special Education staff during our review. Throughout the course of the review, Dena Larson, Director of Special Education, was cooperative and responsive to requests for information and provided assistance to NDDPI personnel. Her office staff was also very helpful to the staff from the NDDPI.

Thank you for the continued efforts toward the goal of achieving better results for children and youth with disabilities in North Dakota. Since the enactment of IDEA and its predecessor, the Education of All Handicapped Children Act, one of the basic goals of the law, ensuring that

children with disabilities are not excluded from school, has largely been achieved. Today, families can have a positive vision for their child's future.

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

Sincerely,

Robert C. Rutten
Director of Special Education

Cc: Dena Larson, Director,
Upper Valley Special Education Unit

Enclosure

EXECUTIVE SUMMARY
UPPER VALLEY SPECIAL EDUCATION UNIT

The attached report contains the 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*, in the Upper Valley Special Education Unit. The process is designed to focus resources on improving results for children with disabilities and their families through enhanced partnerships between the North Dakota Department of Public Instruction (NDDPI), the Upper 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 Upper Valley Special Education Unit is in compliance with federal and state regulations.

The Collaborative Review phase of the monitoring process included the completion of a *Self-Assessment*. The NDDPI commends the Upper Valley Special Education Unit for the well-planned process used to complete the Unit's Self-Assessment. The Steering Committee was comprised of the Unit director, one parent of a child with a disability, one district superintendent, one district principal, one social worker, one regular education teacher, one speech language pathologist, one special education teacher and one Title I teacher. The group members were also able to provide representation of regular education students, and paraprofessionals. The main tasks of the Steering Committee were to develop and review desk audit materials; develop, distribute, and review unit surveys; conduct stakeholder interviews; and to identify areas of needed improvement.

The Upper Valley Special Education Unit identified three major Self-Assessment activities as part of its Collaborative Review. These included:

Surveys that were designed to obtain information from stakeholders. Four separate surveys were administered to students, parents, education personnel, and administrators from the member school districts. The Upper Valley Special Education Unit contracted with the Bureau of Educational Services and Applied Research (BESAR), from the University of North Dakota, to mail the surveys, tabulate responses and generate a final survey report.

1. 175 students (36%) from grades six through twelve were surveyed. The surveys were conducted by Unit social workers, who met with the students, read the survey statements and insured that the students understood the questions. Data from the surveys were analyzed to determine significant strengths and targeted areas of needed improvement.

Parent surveys were conducted through two separate mailings. 173 responses were returned for a total response rate of 40%.

Education staff and administrator surveys were distributed at each school. 265 completed surveys were returned (97% from educators and 7% from administrators).

A member of the Unit Steering Committee also conducted interviews with the following stakeholder agencies: Northwest Human Services Developmental Disabilities and Infant Development, North Valley Vocational School, Grand Forks Social Services, Walsh County Juvenile Court, Vocational Rehabilitation and Walsh County Head Start Program.

2. Initial file reviews were done of 101 special education files (21%) for compliance with the IDEA regulations. The File Review Committee was comprised of 17 local file reviewers. The goal was to identify areas of compliance or noncompliance under the six principles of IDEA. These file reviews were completed prior to the end of the 2002-2003 school year. Results indicated sufficient enough noncompliance, to indicate the need for a second file review, specific to the zero tolerance areas of current assessments, current IEP and necessary consent documentation. The second file review was completed in October 2003. Files from each case manager in the Unit were reviewed. A total of 234 files (48%) were reviewed by unit personnel during the overall Self-Assessment process. Data from the file review was analyzed to determine significant strengths and targeted areas of needed improvement.
3. Data from the Upper Valley Special Education Unit was analyzed to compare the local school districts performance to the statewide average on the *ND Performance Goals & Indicators*. This included: the percentage of students with disabilities who participate in statewide assessments; percentage of students with disabilities proficient in reading/English language arts and math; students educated in the least restrictive environment; drop-out rates; students with disabilities who exit schooling through graduation; students who are employed one year out of school; students who participate in post-secondary education programs; students living in a setting of their choice; and the number of appropriately qualified personnel in the Upper Valley Special Education Unit.

The ND Department of Public Instruction, Division of Special Education, conducted the Verification Review on March 23-25, 2004. Interviews with school administrators, general educators, special educators, and related service providers were conducted during the Verification Review. The NDDPI wishes to thank Dena Larson for arranging these interviews. Focused special education file reviews were completed by NDDPI monitors following the compliance issues reported by the local Special Education File Review Team in their Self-Assessment Report. Preliminary findings obtained from these data sources was shared in an exit meeting held on March 26th, 2004 that was attended by members of the Upper Valley Special Education staff, a parent and staff from the ND Department of Public Instruction.

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

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

Education of Children and Youth with Disabilities
Part B of IDEA

Strengths

NDDPI observed the following strengths:

- Special education staff are considered to be veterans in their field, dedicated, collaborative and supportive to schools and the needs of students.
- The Special Education Director, Dena Larson, is described as supportive, approachable, accessible, positive, helpful, collaborative, innovative, and knowledgeable about the needs of individual students, and dedicated to the needs of educators, administrators, students, and families.
- The Special Education Unit provides excellent assistance to special educators, reminders of deadlines and expectations, training opportunities, good library resources, and comprehensive ongoing support to Unit staff.
- The Unit provides a systematic mentoring program for new staff that is seen as very helpful and successful.
- The Unit demonstrates good collaboration and an ongoing positive relationship with numerous agencies including Vocational Rehabilitation, Developmental Disabilities, Walsh County Juvenile Court, Infant Development, North Valley Vocational Tech. School, Grand Forks and Walsh County Social Services, and Head Start. Such collaboration is essential to successful transition for students with disabilities at important transitional phases in their lives.
- The Unit provides a wide variety of services for children and is supported with the attitude from the director, that the important thing is “to meet the needs of the children”.
- The Preschool services for students with disabilities are fully integrated with nondisabled peers which provides best practices and enhanced learning opportunities for both groups.
- Collaboration between the Unit special educators and district general educators is seen as generally positive and successful in most schools. Special educators from the Unit feel supported by both the Unit and the schools in which they work.
- The assessment process, including the Student Profile and Integrated Written Assessment Report, for evaluations is particularly strong in the Upper Valley Unit.
- In the IEP process, the Present Level of Educational Performances is well written, as are educational objectives.

- Parents have a generally positive outlook regarding the services that their children are receiving.

Areas of Noncompliance:

The NDDPI identified the following areas of noncompliance:

- Required components of additional procedures for evaluating students with specific learning disabilities were missing from assessment reports.
- Some student files monitored by the NDDPI monitors did not contain current evaluations.
- NDDPI monitors found that some IEPs had not been reviewed within a 12 month time frame.
- NDDPI monitors verified that general education teachers are absent from IEP meetings.
- Some annual goals did not contain all required components, including ending level of performance.
- Positive behavioral supports are not being provided commensurate with the needs of the students.
- Nonacademic and extracurricular activities are not being accessed to the full extent appropriate to the needs of the students.
- Lack of documentation for statement of transition service needs on student IEPs.
- Lack of documentation of parental participation in assessment planning and IEP meetings.
- Procedural safeguard documentation in student files was missing or incomplete for parent prior notice, record locator, record of inspection, and parent consent.
- Parental rights were not included with the parent prior notice in all needed instances.

UPPER VALLEY SPECIAL EDUCATION UNIT MONITORING REPORT
TABLE OF CONTENTS

Introduction.....	6
Background, Administrative Structures and Children Served	
Verification Review and Data Collection	
Improvement Planning	
I. Zero Reject.....	7
A. Strength	
B. Suggestions for Improvement	
II. Nondiscriminatory Evaluation.....	9
A. Strengths	
B. Areas of Noncompliance	
III. Free Appropriate Public Education.....	11
A. Strengths	
B. Areas of Noncompliance	
C. Suggestions for Improvement	
IV. Least Restrictive Environment.....	15
A. Strength	
B. Suggestions for Improvement	
V. Parent Involvement.....	16
A. Strength	
B. Area of Noncompliance	
C. Suggestion for Improvement	
VI. Procedural Safeguards.....	17
A. Strength	
B. Areas of Noncompliance	
C. Suggestion for Improvement	

INTRODUCTION

Background, Administrative Structures and Children Served: The Upper Valley Special Education Unit is a multidistrict unit comprised of the eleven school districts of Edinburg, Emerado, Fordville, Grafton, Lankin, Larimore, Manvil, Midway, Minto, Nash, and Park River. The Upper Valley Special Education Unit is comprised of one unit director, a business manager, an office assistant, 21 special education instructors, 9.9 FTE speech/language pathologists, 2 social workers, 2.90 preschool instructors, 1 occupational therapist, 1.50 occupational therapist assistants, 1 physical therapist, .60 physical therapist assistants, five paraprofessionals, one certified interpreter, and .40 special projects personnel. The Unit contracts services in audio logy and psychology. There are also four special education instructors and approximately 53 paraprofessional hired by member school districts. The Upper Valley special Education Unit is committed to provide all children with disabilities a free and appropriate public education by offering a full continuum of services in the least restrictive environment. The total average daily membership (ADM) for the member School districts was 3053 (2002-03) with a special education (December 1, 2002) child count of 487 students (15.95 % membership of students receiving special education services). Total state enrollment in special education as of December 1, 2002 was 13.65%.

Verification Review and Data Collection: The Upper Valley Special Education Unit began the Collaborative Review process in October 2002 after attending training provided by the North Dakota Department of Public Instruction (NDDPI). The Upper Valley Self- Assessment process took place over the 2002-2003 school year with additional work in the fall of 2003. The Upper Valley Self-Assessment Report was submitted to NDDPI in January of 2004. The Self-Assessment Report included the Unit demographic information, data and analysis of student record reviews and unit-wide surveys, review of ND Performance Goals and Indicators, and compliance worksheets. Also included in the Unit's Self-Assessment Report were Unit Improvement Strategies.

NDDPI visited schools and personnel in the Upper Valley Special Education Unit on March 23-25, 2004 for the purpose of collecting data to verify information provided through the Collaborative Review process, including requirements under the IDEA Amendments of 1997 and to review compliance to findings from the 1998 Upper Valley Compliance Monitoring Report. NDDPI visited eleven public school buildings (including two Preschools) that receive services from the Upper Valley Special Education Unit. Student record reviews, including Individualized Education Programs (IEPs) and Integrated Written Assessment Reports (IWARs), were conducted at the Unit office. Interviews were conducted with special education staff members responsible for developing and implementing IEPs, general education staff members who teach children with disabilities in their classrooms, related service professionals, and school administrators. Preliminary results and findings were presented at a meeting on March 26, 2004.

The NDDPI commends the director and the staff of the Unit for improvements made following the 1998 Upper Valley Special Education Unit P.L.101-476 Compliance Monitoring Report. The 1998 Report identified 80 corrective actions, on approximately 40 issues, that the NDDPI required in order for the Unit to come into compliance with the mandates of IDEA. Both the Unit's Self-Assessment and the Verification findings of the NDDPI indicate that Upper Valley

Special Education Unit has made substantial gains and improvements in its policies and practices with regard to serving children with disabilities and their families.

Feedback from the Verification Visit and the Unit Self Assessment indicate that overall the staff are well pleased with the accessibility and the support provided by the director and the Unit Office staff. There was unanimous indication that the director is spread too thin and would benefit from additional support, to meet all of the needs of the Unit. Ninety-eight percent of all individuals interviewed indicated a high level of support for the director and the Unit.

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

It should be noted that, as a general rule, noncompliance would be cited when a violation is found in 15% or more of the student files or other data reviewed. However, some violations are considered so serious as to be cited if even one incident is noted. Violations of this nature include, for example: failure to conduct an assessment before placement, lack of evidence of parent consent, or other critical information that must be maintained in a student's file.

Suggested improvements do not require a formal response from the Unit. However, the NDDPI encourages the Upper Valley Special Education Unit to consider the suggestions for further improvement planning as a means of strengthening the system of services for children with disabilities.

Report Organization: The remainder of this report presents information in each of the six areas reflected in the six principles of the Individuals with Disabilities Act (IDEA). These are zero reject, nondiscriminatory evaluation, free appropriate public education, least restrictive environment, parent involvement, and procedural safeguards. Each section describes strengths and concerns identified by the Upper Valley special Education Unit Self Assessment Report, areas of strength identified by the NDDPI Verification Review team through interviews and student files, 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.

Procedures are in place for the identification of students with disabilities ages 3-21. As reported through the Upper Valley Special Education Unit Eligibility Document, the Upper Valley

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

In surveys conducted as part of the Self-Assessment process, general and special education personnel 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. Educator responses to the survey indicated that 66% of all special and general education personnel agreed that there were sufficient pre-referral interventions in place. Parents, when surveyed as part of the Self-Assessment process, indicated 71% agreement that other options within general education were tried or considered before their child was referred for special education.

During the interviews that NDDPI conducted as part of the Verification Review, respondents were asked to “Describe the Building Level Support team (BLST) activities in your school”. Further probes included questions regarding: sufficient pre-referral interventions; support services to maintain at-risk students in the general education program; and improvement of the process. Results of the interviews indicated that staff felt that Building Level Support Teams were established and working well in most schools, however, there was concern for the success of such teams at the middle school and secondary levels. It is recommended that the BLST process be assessed at the Middle School and High School Levels, and that regular education staff in all necessary buildings be given the necessary instruction and support to practice the BLST concept, so that the needs of at risk students (who may or may not require future support from special education) will be met.

IDEA Part B Child Find obligations extend until students graduate from high school. Therefore it is the responsibility of the special education administrative unit to promote effective strategies to identify any school-age child who has a disability and may require special education and related services. This includes students who are at risk for dropping out of school. As part of the Performance Goal and Indicators section of the Unit’s Self-Assessment Report, data was gathered relating to the percentage of students with disabilities who drop out of school and graduated with a diploma. Comparison of data from the 2001-02 school year and the 2002-03 school year, indicate that student drop-out rate in the Upper Valley Special Education Unit is comparable or below statewide average for the last two years, and that students graduating with diplomas is above the statewide average for the same time period.

As stated in the Unit’s Eligibility Document, “The Upper Valley Special Education Unit has established screening and identification procedures for secondary level students who may have dropped out or for other reasons have not received an adequate education program. Suspension and expulsion rates can be indicators of potential dropouts. Administrators, teachers, and guidance counselors are encouraged to refer any students who have dropped out or are at risk of dropping out of school. Services include a referral process for potential dropouts, a letter of assistance for re-admittance to school, evaluations, alternative programming, and referrals to other agencies when appropriate. An outcome of this activity is to identify students who may

have disabilities and provide the appropriate supports for them”. The Upper Valley Special Education Unit Policy and Procedure Handbook contain policies and procedures relating to suspension and expulsion of students with disabilities. All local school districts have policies in their student handbooks identifying suspension and expulsion procedures for all students. Data obtained in the Unit Self Assessment indicate that in a review of 91 files, no evidence was found relating to long-term suspension and expulsion.

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

STRENGTHS

Child Find

CFR 300.125 The Upper Valley Child Find procedures are comprehensive and there is extensive and ongoing collaboration with partner agencies that the Unit works with to meet the potential identification needs. This would not be possible without strong and cooperative leadership at the Unit level. Upper Valley’s Drop Out Intervention program is comprehensive and the rate of drop out is below the state average. The Unit’s Policies and Procedures Manual and all local member school districts have policies for suspension and expulsion of all students, including those with disabilities.

SUGGESTIONS FOR IMPROVEMENT

The pre-referral to special education services is identified through the unit Self-Assessment surveys as effective in only 66% of educator’s responses and 71% of parent’s responses. The NDDPI interviews indicated that while pre-referral appears to be successful at the elementary level, it drops significantly at the middle school and high school levels. Identifying the needs of students who may have learning difficulties is an important step in future educational success. The individual school’s Building Level Support Team is an integral part of meeting these needs. The NDDPI strongly recommends that each individual school review their BLST process to identify where there may be room for improvement. Once identified, local administration should take a lead role in ensuring that pre-referral activities are occurring, in a systematic fashion, in order to meet the needs of all individual students.

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 during the Units Self Assessment indicated that 3 out of 18 items measured met compliance standards. Areas identified by the Upper Valley Unit as not meeting a minimum of 85% compliance are as follows: Parent Prior Notices for evaluations were found in 81% of files; evaluation team members included parents in 68% of files; files included IWARs in

71% of cases; and evaluation requirements for specific learning disabilities were below 71% collectively. Others are noted in additional sections of this report. The NDDPI team identified the following as strengths and areas of noncompliance.

STRENGTHS:

Evaluation Procedures

34 CFR 300.532 states that in evaluating a child with a disability, the evaluation must be sufficiently comprehensive to identify all of the child's special education and related service needs. The Upper Valley Special Education Unit Handbook states that the Unit has adopted the state recommended Student Profile form to provide a comprehensive picture of the child which assists in identifying patterns of current student functioning and provides areas where further information is needed. Of the files reviewed for a Student profile, 88% had an appropriately completed Student Profile. Furthermore, in interviews conducted with special education staff, 100 % of the educators could describe the process. The use of Student Profiles as part of the evaluation process is strong in the Unit and should continue to be practiced in a like manner.

Integrated Written Assessment Report

34 CFR 300.534a states that as part of the assessment process, the multidisciplinary team completes an Integrated Written Assessment Report (IWAR). The IWAR integrates findings from all sources to assure that all current and relevant data have been gathered and reviewed to make disability determination decisions. IWARs were found in 100% of files reviewed by the NDDPI. In addition to this, when asked where the statement of an existing disability should be documented, 100% of staff responded correctly that it would be found in the IWAR. The IWARs were generally well written, understandable to parents, and in an integrated fashion.

Determination of No Additional Evaluation Data Needed

34 CFR 300.533(d) describes the requirements when the team determines that no additional assessment data is needed to determine whether the child continues to be a child with a disability. As part of the interview process, special educators were asked to describe in detail the process used when a team determines that no additional assessment information is needed. Approximately 94% of the professionals interviewed provided a thorough description of this process. The current Unit's Assessment Summary form (IWAR) contains the appropriate statement regarding the Determination of No Further Assessment Needed. The Units Self Assessment indicated that the Unit was at 76% compliance in this area. NDDPI staff found the Unit to be at 94% compliance. The improvement may have been due to training that the Unit provided in the interim.

AREAS OF NONCOMPLIANCE:

Additional Requirements for Evaluating Children with Specific Learning Disabilities

34 CFR 300.540-300.543 describe the additional requirements the district must follow when evaluating a child with specific learning disabilities (SLD). The Unit's Self Assessment indicated data from 44% to 67% on nine required components of evaluating students with SLD. NDDPI staff verified the same SLD evaluation findings to be between 56% and 75%, which is well below the acceptable level. The NDDPI recommends that all requirements for the evaluation of

students with specific learning disabilities are identified, reviewed with appropriate staff, and monitored by the Unit on an annual basis.

Re-Evaluation Within Three-Year Period

34 CFR 300.536 (b) states that a child be reevaluated at least once every three years. While the Unit Self Assessment indicated that evaluations were current in 99% of files, the NDDPI file reviews identified that three-year re-evaluations were done, on or before the three-year deadline, in 64% of files reviewed. When asked in interviews about the timeliness of evaluations, staff indicated that outside psychological evaluations were often the cause of delays.

III. FREE APPROPRIATE PUBLIC EDUCATION

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

File reviews conducted by the Upper Valley Self Assessment indicated that IEPs were completed within 12 months in 73% of cases. NDDPI verified this finding in 75% of file reviews. Interviews conducted with Upper Valley staff indicated 100% staff understanding of the mandate of reviewing the IEP every year. Participation of all required team members at an IEP, was identified by the Unit Self Assessment, as 66% compliant. Those interviewed by the NDDPI, indicated full understanding of required participants (100%), however, identified middle and high school general education teachers were present in only 79% of cases. Characteristics of Services were identified or met requirements in 81% of files reviewed. Parent Prior Notices for IEPs were found in 76% of cases. Progress reports to parents were found in 83% of files. Positive behavioral interventions and strategies were identified in 71% of files. Seventy-eight percent of files contained least restrictive environment documentation of team discussions. Needed assistive technology was addressed in 82% of files

Staff Surveys conducted by the Upper Valley unit and completed by general and special educators indicated a high level of concern for adequate training and interventions for student with behavioral concerns. Staff indicated that behavioral problems are on the rise and that they do not feel adequately prepared to manage them. The Self Assessment indicated that 71% of staff felt adequately prepared, whereas, the NDDPI findings were that 36% of staff feel prepared for the behavioral needs identified.

Upper Valley staff also noted concerns with time constraints to complete necessary paperwork, to attend necessary meetings, and lack of prep time in their daily schedules. Staff identified the need for adequate curriculum and materials to meet the needs of students who have limited English proficiency. Thirty-two percent of educators and 53% of administrators identified inadequate services and materials for this population with growing concern for the migrant students.

Surveys further indicated that 68% of staff have high expectations for students with disabilities, while 81% of parents surveyed and 84% of administrators surveyed indicated high expectations. Eighty percent of staff and 88% of parents indicated that the needs of students were being met in special education. When asked whether they believed students were getting the related services identified on the IEP, 80% of staff and 88% of parents responded positively. When asked if students were getting needed adaptive equipment, 76% of staff and 74% of parents indicated that they thought that this was happening. Seventy-two percent of staff indicated that they feel they have adequate training to meet the needs of students. When asked if they understood the decision making process behind Extended School Year, 64% of staff and 86% of parents indicated that they did. The summary of survey information included in the Self-Assessment showed that 72% of the general and special educators agreed that they received adequate information, training, materials, and personnel supports to implement each student's IEP. Eighty-two percent of the education staff surveyed stated that general education staff modify and adapt general education curriculum to meet the needs of students with disabilities in their classes.

Results of student surveys from the Upper Valley Self-Assessment indicate that 67% of students feel they are involved in school activities, including extracurricular activities. Seventeen percent feel that they are discouraged from participating in activities. Seventy-four percent of high school students feel prepared to do well after graduation. Seventy-two percent of transition age students (14-21) indicated that they have been invited to their IEPs, 69% feel that they understand what is being discussed at their IEPs, and 60% feel comfortable asking questions during their IEPs. When asked if they feel that they are receiving necessary accommodations listed in their IEPs, 82% indicated that they believed that they did. The summary of survey information included in the Self-Assessment showed that 72% of the general and special educators agreed that they received adequate information, training, materials, and personnel supports to implement each student's IEP. Eighty-two percent of the education staff surveyed stated that general education staff modify and adapt general education curriculum to meet the needs of students with disabilities in their classes.

During interviews conducted by NDDPI as part of the Verification Review, respondents were asked to describe the IEP development process, including specific questions related to: IEP team members; present levels of educational performance; development of annual goals and objectives; progress reports for parents; student involvement in extracurricular activities; participation in statewide assessments; transition process; characteristics of services; intervention and strategies used to support students with emotional, behavioral or discipline problems; and the process for determining extended school year services for students. Student files were reviewed by NDDPI monitors regarding the IEP components indicated above.

NDDPI monitors reviewed and analyzed the data from the Unit Self Assessment, surveys, and information gathered in the Verification Visit. The NDDPI staff identified the following strengths, areas of noncompliance, and suggestions for improvement.

STRENGTHS

Present Level of Educational Performance

NDDPI monitors noted exceptionally well-written and comprehensive Present Levels of Educational Performance.

Progress Reports

Progress reporting to parents was well written and found in 100% of the files reviewed by the NDDPI. Interviews conducted by NDDPI regarding progress reports indicated that 100% of educators understand the Unit protocol for these reports. The form used for Progress reports, however, is not consistent throughout the Unit.

Short-term objectives

Short-term objectives are generally well written. NDDPI identified 94% of objectives reviewed met criteria.

Adaptation of educational services

Adaptation sections of the IEPs were generally comprehensive

Participation in statewide assessments

The percentage of students participating in state-wide assessments has improved each year. The Upper Valley Self Assessment identified areas of improvement to continue to focus on regarding student performance levels in English/reading /language arts and mathematics.

AREAS OF NONCOMPLIANCE

Annual IEPs

34 CFR 300.343 requires that IEPs be reviewed at least every twelve months. Upper Valley data indicate that some IEPs are delayed. There were also numerous IEPs where the meeting date was the same three to four years in a row. This may be due to the computer program.

Required Team Members

34 CFR 300.344 identifies the team members required at an IEP meeting. Data indicates that not all necessary team members are in attendance at all times. This is especially true at the middle and high school levels.

Annual Goals

34 CFR 300.347 requires that goals be measurable and include short-term objectives intended to meet the child's educational needs that result from the child's disability. NDDPI monitors identified IEP annual goals that did not contain the required components. Fifty percent of the annual goals lacked an ending level of performance making it impossible to know when the goals have been met.

Positive Behavioral Interventions and Program Modification

CFR 300.346 (i) and (d) (1) (2) require that "the regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of:

- (1) Appropriate positive interventions and strategies for the child; and
- (2) Supplementary aids and services, program modifications or supports from school personnel that will be provided for the child consistent with the IEP.

Data found in survey results indicate that behavioral supports are not being provided commensurate with the needs of the students. Teachers interviewed by NDDPI monitors do not feel that they have had adequate training to meet the needs of students either behaviorally, or in providing necessary modifications and adaptations in daily curriculum.

Transition

34 CFR 300.347(7)(b)(1) states that for each student with a disability beginning at age 14 a statement of transition service needs must be developed. The purpose of this requirement is to identify courses that will lead to graduation and post schools outcomes. This requirement specifies that all anticipated coursework for the remaining high school grades be identified as thoroughly as possible to assist in determining if the coursework will lead to the determined post school outcomes. Four files were reviewed for this requirement. In two of the four transition files reviewed, this section was either not found or completed incorrectly.

Through interviews conducted by the NDDPI, staff indicated understanding of transition requirements in 78% of cases. In addition to this, staff identified that services are not available for all transition age students at Midway school. The extreme isolation puts the school and the students at a disadvantage as a full continuum of transition services are not available at this time.

SUGGESTIONS FOR IMPROVEMENT

Curriculum and Materials for students with Limited English Proficiency (LEP)

A high level of concern was voiced by staff regarding the needs of students with LEP or those who are from migrant families. The NDDPI recommends that the Unit conduct a needs assessment regarding services and supports needed to assist educators in meeting the needs of migrant and LEP students and follow up with subsequent training and materials.

Modifications and Adaptations

In interviews conducted by the NDDPI monitors, staff members stated the need for improvement in efforts to modify and adapt the general curriculum to meet the needs of children with a disability. It is recommended that the Unit provide guidance and support in this area. The Unit should provide further support and training to all teachers in the Unit, including and especially to general educators, on daily accommodations needed in the classroom for students with disabilities. Further training should occur regarding testing accommodations and the need for documentation of those accommodations in the IEP.

Nonacademic and Extracurricular Activities

34 CFR 300.306 and 300.553 requires that children with disabilities are provided nonacademic and extracurricular services and activities in the manner necessary to afford an equal opportunity for participation in those services and activities. As stated in the NDDPI *Guidelines: Individualized Education Program Planning Process*, the deliberation of the team, including current options discussed and new options to be developed, must be documented. Student survey findings from the Upper Valley Self-Assessment Report reported that 69% agreed with the

statement that they have received encouragement to be involved in extracurricular activities. Eighty percent of the files reviewed by the NDDPI contained sufficient documentation relating to participation in academic and nonacademic activities. Verification interviews indicated that in many cases, participation in extracurricular activities is not “pushed”, or that participation is dependent on grades, or can be “lost due to behavioral choices”, or that kids have been “kicked out” of these programs.

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

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.

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

As indicated in the Upper Valley Self-Assessment Report, 78% of the files reviewed provided a complete Least Restrictive Environment (LRE) justification statement. NDDPI found sufficient LRE justification statements in 85% of files reviewed. As stated in the Unit’s Self-Assessment Report, “the team feels that all students with disabilities within Upper Valley Special Education unit are integrated with their peers to the greatest extent possible. This includes children in both Grafton and Emerado Preschool programs. Data from the past four years (2000-2003) indicate that an average of 83% of student with disabilities (ages 6-21) are served primarily in the regular classroom setting.

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

STRENGTH

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

or “special education strategist” credentials, which enhances the opportunity to provide comprehensive services. The Unit participates in a regional grant (BEST Project), which provides support for low incidence disability areas. Nine positions in the Unit hold one special education credential. All but one position has supervision within the same building from a qualified staff member. The Unit has identified the need to insure the consistency with which the staff and qualified person collaborate. The NDDPI supports this and recommends that time be scheduled on a weekly basis to insure that this occurs, unless and until all staff are fully qualified.

The number of students receiving services in integrated settings at ages 3-5 is higher than the statewide average. These findings have been consistent for the past four years.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

The overall findings from surveys conducted in the Unit Self Assessment indicated that 53% of students felt that they were involved in community activities. One of the main outcomes of the education process is to prepare individuals to have the skills needed to live, work, and play in the real world. Community participation is a critical part of that. The Unit should investigate possible ways of insuring better participation in all areas of the community for students with disabilities. This is especially true for students who are approaching secondary transition ages.

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 Upper Valley Self-Assessment Report, 68% of the files reviewed indicated that parents were involved in the assessment meetings. NDDPI verifies the Upper Valley findings as 64% of files reviewed indicate documentation of parental participation. It is possible that the participation is occurring and not being documented as well as it should be. Parental participation in the IEP is identified at only 84%. This may also be due to lack of documentation. While parents may be present at the meeting, as indicated by the attendance list, there is often no clear evidence of parental participation in the meeting discussions.

During interviews conducted by NDDPI monitors, school personnel were asked to “Describe the extent to which parents are involved in parent meetings and unit trainings”. Responses indicate that there are no active parent groups and that staff is not aware of parent training opportunities. The Unit Director also indicated that the local Family Education Enhancement Team (FEET) has been inactive.

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

STRENGTHS

Parent surveys indicate that parents feel welcome in their children's schools and feel that they are important members of the team process. They further indicate a high level of satisfaction with the progress reports they receive concerning the level of progress their children are making.

AREA OF NONCOMPLIANCE

Parent Participation at IEP and Assessment meetings

34 CFR 300. 345 Documentation of parental Participation in the IEP and Assessment process was found in 64-68% of Assessment meetings and in 84% of IEP Meetings. It is necessary to provide some documentation of discussion where parents provided input in order to fully meet this requirement.

SUGGESTIONS FOR IMPROVEMENT

The NDDPI recommends that the Upper Valley Special Education Unit conduct a needs assessment which researches ways to improve parental participation in meetings and trainings that would further provide them with opportunities for involvement and access to information relevant to special education.

VI. PROCEDURAL SAFEGUARDS

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

Both the Upper Valleys Self Assessment and the NDDPI Verification Visit reviewed procedural safeguards including Record Locator, Record of Inspection, Parent Prior Written Notice, Parent Rights, Parental Consent for evaluation and placement in special education, transition procedural safeguards, and transfer of rights at the age of 18. The following strengths, areas of noncompliance and suggested areas of improvement were identified.

STRENGTHS

Parent Prior Notice

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

provision of FAPE to the child. The Upper Valley Self-Assessment findings indicated that 81% of the files reviewed did contain the Parent Prior Written Notice for assessment meetings and 76% contained the Parent Prior Written Notice for IEP meetings. During interviews conducted by the NDDPI, 100% of staff responded correctly when asked the question, “when do you send Parent Prior Written Notices to parents?” File reviews conducted by NDDPI found that 100% of Parent Prior Written Notices for both the latest IEP and the latest assessment were found. The practice of using the Prior Written Notice is a strength for the Unit.

AREAS OF NONCOMPLIANCE

Record Locator

Eighty percent of the files reviewed by the Unit’s file review teams had a Record Locator form. NDDPI found a Record Locator or the form was completed incorrectly in 62% of the files.

Record of Inspection

Record of Inspection was found or completed incorrectly in 74% of files. In one instance, the individual who had signed the Record of Inspection had used her last initial rather than full last name. Full names are required in student documents.

Prior Written Notice Form

34 CFR 300.503

The Unit’s Prior Written Notice to Parents form does not include the required elements of: why the action was proposed/rejected; options considered; why action was rejected; and each evaluation procedure. The Unit should revise the form to include all requirements from IDEA and subsequent training should occur to focus on the requirement to complete all sections of the prior notice form appropriately. The Units Self Assessment identified that transition was the purpose for the proposed meeting in 36% of files reviewed and that the student was invited to the transition IEP in 53% of files reviewed. NDDPI identified that transition was listed as the purpose of the meeting in 50% of files reviewed.

Parental Consent for Evaluation / Placement in special education services

34 CFR 300.505 Parental consent is required in 100% of cases.

The Unit Self Evaluation indicated that Consent for evaluation was found in 82% of files reviewed and that evaluation occurred prior to placement in 84% of files. NDDPI found that Consent for Initial Placement was not found in one file and that Consent for reevaluation was not found in two other files and a third file indicated that the parent had not “checked the box” indicating approval or disapproval. Another file indicated the parent signature, but the parent had checked “no” for permission to evaluate, however the evaluation was completed. When NDDPI monitors brought this to the Unit Director’s attention, follow up indicated that the parent had marked the wrong box by mistake.

Parent Rights

34 CFR 300.504 indicates that the Notice of *Procedural Safeguards in Special Education for Children and Parents* must be given to parents upon referral to special education; for each IEP meeting; for each assessment meeting; for any changes in placement; and when requested.

The NDDPI file review indicated that in 56% of files there was evidence that Parental Rights brochure was given to parents with the Parent Prior Notice. There is a line on the Parent Prior Notice that indicates that the Parent Rights brochure is included with the notice. Several parents have identified this as a need through phone conversations with NDDPI staff as well.

SUGGESTION FOR IMPROVED RESULTS FOR CHILDREN

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