south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

Special Education Programs Newsletter

Volume 2, Issue 2 December 2007

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Directors Notes

By **Ann Larsen**

Hello,
This school year is progressing so quickly that it is hard to believe Christmas is nearly here.

We are coming upon the time when we will be submitting our SPP/APR to OSEP on February 1, 2008. Everyone in our office is busy working on each of their indicators. This process is difficult; however they are doing a wonderful job.

We are also reviewing targets for this submission for Indicator 14. Dr. Greg Cooch has worked diligently on surveying graduates. The taskforce just met to set targets and activities.

Since the last newsletter, I have had surgery. I have recovered quickly and am doing well. I would like to thank those who have shared their cards and support for me and my family. Thank you!

I hope you all have a wonderful Holiday Season. Thank you for all that you do.

~ **Ann Larsen**
Director of Special Education

Department News

IEP Work Shops

IEP workshops have been conducted throughout the state during the months of September and October. Many people attended and participated. The presenters have collected the questions that have been asked during trainings. The questions will eventually be posted on the state website. Currently, the questions are undergoing review and categorization.❖

Comprehensive Plan

It is time to think about updating those district comprehensive plans. We will have the template and a checklist later this winter.
Districts must complete the template and have school board approval. ❖

Battelle Trainings

In September a Battelle Road show was conducted in Rapid City, Aberdeen, and Sioux Falls. The purpose was to train professionals on how to administer and score the Battelle. Riverside has updated the web based scoring. A webinar has been created to update professionals on the use of the website. If you have not participated in the Battelle Webinar, please contact **Elizabeth Gordon** at **773-4698**.❖

Advisory Panel

The Advisory Panel met on October 18th and 19th at Black Hills Children's Home in Rapid City. The panel began the new year with an orientation for new members and discussed many issues, such as the SPP, Determinations, and yearly planning. The next meeting will take place in **Chamberlain** on **January 10 and 11, 2008**. If you have questions concerning the Advisory Panel, please visit our website at: http://doe.sd.gov/oess/specialed/news/Advisory/index.asp or call **Ray Tracy** at **773-3219**.❖

Professional Development Website

The Professional Development Website is still working; at times the site has difficulty, but please keep checking it and using it.❖

Indicator 14 Taskforce

The Indicator 14 Taskforce met at the end of November to set targets and activities. We wish to thank Dr. Greg Cooch and all the taskforce members for participating. ❖

Indicator 7

Elizabeth Gordon attended on Indicator 7 meeting in early December held in Arlington, Virginia. A workgroup has been developed to look at Indicator 7 data in order for targets and activities to be established. ❖

Calendar of Events

Assessment

- **Dakota Step A, Road Show**
  Jan. 14-17, 2008
- **Dakota Step Road Show**
  Feb. 11-15, 2008
- **Dakota Step Testing Window**
  March 31 – April 18, 2008

Statewide Special Education Conference

- **March 16-18, 2008 Pierre**

State Advisory Panel

- **Jan. 10 & 11, 2008**
  Chamberlain
- **April 24 & 25, 2008**
  Sioux Falls
- **June 23 & 24, 2008**
  Pierre

State Performance Plan/Annual Performance Report

- **February 1, 2008**
  Submission Due

Transition News

Youth Leadership Forum

The 10th Annual Youth Leadership Forum for students with disabilities is scheduled for June 15-19, 2008 at Northern State University in Aberdeen. Applications are being accepted through December 20th. For more information and an application, please visit http://tslp.org/YLF.htm❖

Indicator 13

Schools participating in the Indicator 13 Self Assessment process this year have completed training on using the Indicator 13 Checklist to evaluate IEP's for key transition components. The checklist focuses on measurable postsecondary goals, transition assessment, inviting outside agencies when needed, annual goals, courses of study, and transition services. Every current South Dakota Transition IEP should meet these criteria. The Checklist and a TA Guide are available under "Indicator 13" on the State Performance Plan web page. http://doe.sd.gov/oess/specialed/SPP/index.asp❖

Indicator 14

The Post School Outcomes Survey (Indicator 14) for Special Education exiters from 2005-2006 has been completed. Exiters have provided data on their employment and further education status, along with other outcome information. These first-year survey results will become the baseline for South Dakota's State Performance Plan (SPP), and will be submitted to OSEP early next year. District specific and regional data is being prepared and will be shared with the districts after the SPP is submitted.

Survey Coordinator Greg Cooch from BHSU indicates that,"… all Special Education staff in South Dakota should be commended for the fantastic work that they have done in preparing students for the adult world!". To further improve survey response rates, he asks that teachers continue to collect multiple and current contact information for students who will exit in 2007-2008, and to also remind students that a surveyor will contact them by mail or phone one year after completion of their schooling.❖

Continued on Page 9

Contacts

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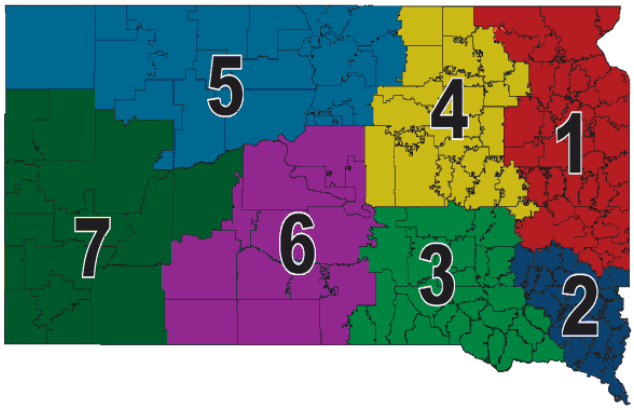


Transition Liaisons

For technical assistance or additional information please contact your regional liaison:

Bev Petersen, South Eastern Region, 367-5330, bev.petersen@state.sd.us

Dan Rounds, Central Region, 224-5336, drounds@tie.net

Dave Halverson, Western Region, 347-4467, dhalverson@bhssc.tie.net

Cindy Kirschman, North Central Region, 626-2398, cindy.kirschman@state.sd.us

Appropriate Team Membership

When conducting an IEP meeting, an important issue arises with schedules. With the consistent challenge of meeting the meeting deadline, parent work schedules and staff schedules it becomes almost impossible to have a meeting.

There are specific regulations and procedures required with the issue of team membership.

IDEA was reauthorized and the final regulations were published on August 14, 2006. Federal regulations clearly state in section 300.321who is required for the IEP team:

IEP Team.

(a) General. The public agency must ensure that the IEP Team for each child with a disability includes—

(1) The parents of the child;

(2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

(3) Not less than one special education teacher of the child, or where appropriate, not less then one special education provider of the child;

(4) A representative of the public agency who--
(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities
(ii) Is knowledgeable about the general education curriculum; and
(iii) Is knowledgeable about the availability of resources of the public agency. ❖

Prior Notice

Prior notice has many implications if not done properly. The reason for using a prior notice is to inform the parents of the district's intended actions and to grant the district permission to carry out those intentions.

In many cases, disputes occur because the prior notice was not completed correctly or completed at all. The state has a recommended form that has all the components as required by federal regulations. Districts may choose to use another form if they wish; however districts must ensure that the form they are using has the required information.

Many questions concerning prior notice are centered on when prior notice is required. According to an OSEP letter (Letter to Ralabate, 2002), it states,

> … IDEA does specifically identify the circumstances under which a school district is required to provide prior notice, which include any district proposal to change the educational placement of a child. Specifically the Act requires that parents of a child with a disability must receive a written notice within a reasonable time before the school district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education (FAPE) to their child.

The Federal Regulations (2006) define prior notice as:

<u>§300.503 Prior notice by the public agency; content of notice.</u>
(a) Notice. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency--
(1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or

(2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

> (b) Content of notice. The notice required under paragraph (a) of this section must include--
>
> > (1) A description of the action proposed or refused by the agency;
> > (2) An explanation of why the agency proposes or refuses to take the action;

(3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
(4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
(5) Sources for parents to contact to obtain assistance in understanding the provisions of this part;
(6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and
(7) A description of other factors that are relevant to the agency's proposal or refusal.

(c) Notice in understandable language. (1) The notice required under paragraph (a) of this section must be--
(i) Written in language understandable to the general public; and
(ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(2) If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure--
(i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
(ii) That the parent understands the content of the notice; and
(iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met.
(Authority: 20 U.S.C. 1415(b) (3) and (4), 1415(c) (1), 1414(b) (1)) ❖

The Three Prongs

When does a student qualify for special education services? This is the primary question for many educators. With eligibility criteria for any of the categories, students must meet this three prong test. Remember, no one person automatically qualifies for special education and related services. This is why.

Prong 1- Does the child have a diagnosed disability?
After conducting a comprehensive evaluation, the eligibility team will look at the test results and determine under which of the 14 disability categories the student would qualify. The diagnosed disability is based upon the South Dakota eligibility criteria.

Prong 2- Does the diagnosed disability adversely affect the child's educational performance?
The IEP team needs to determine how the skill areas affected by the disability are impacting the child's educational performance. Functional assessment data would be a source of information the team could use to assist in making this determination. A comparison between the child's current skill levels and the skill levels appropriate for their current age/grade level would be one indication of educational impact. State/district wide assessment data, baseline data etc. are also source for determining educational impact.

Prong 3- Does the child require "specially designed instruction" to receive FAPE? Even if a child has a diagnosed disability and the skill areas affected by the disability adversely affect the child's education performance, the child must also meet this final prong. The child must require specially designed instruction to benefit from education (i.e. require an IEP). For example, a child may meet the eligibility criteria for visual impairment. Data may indicate that the impairment impacts educational performance. However, with the provision of assistive technology and large print books, the child is able to successfully function in the general curriculum with their peers; therefore, they would not be eligible for special education since they would not require specially designed instruction (IEP).

Office of Special Education Programs (OSEP) Rolls Out a New Verification Process for States

By Wayne Ball, Program Specialist, TAESE/MPRRC

The Office of Special Education Programs (OSEP) has rolled out its new Verification Process to ensure States are carrying out their responsibilities of implementing the Individuals with Disabilities Education Act (IDEA) 2004. The verification process determines if the State has systems in place to ensure that children with disabilities are receiving the services necessary to promote improved results and outcomes and to see that they are receiving a free appropriate public education (FAPE). OSEP conducts visits to both Part C (birth to three) and Part B (three to 21) programs, each of which has to complete a desk audit and have an on-site visit.

The new Part B verification process focuses on three areas of the law: general supervision, data, and finance. The process is an extension of the new six-year planning process that was introduced in IDEA 2004, called the State Performance Plan (SPP), that helps States focus on those areas most closely related to improved results and outcomes for children with disabilities. The process uses a desk audit that the State completes in each of the three areas listed above to show that they have systems in place to carry out the law and their responsibilities under the law to provide special education in the State. OSEP also gathers additional information on the State such as information they submit in their Annual Performance Report (APR), previous identification and correction of noncompliance in the State, interviews with the State Advisory Panel, and the State's Level of Determination from OSEP.

The verification visit includes an on-site visit to the State with a team from OSEP to verify the information in the desk audit that the State submitted to OSEP. The process focuses on the three areas of general supervision, data, and finance and may include just meeting with the State Special Education Director (Part B) and their staff and/or support personnel to verify the information submitted in the Desk Audit and may include onsite visits to local education programs in the State. At this time, the on-site visits are expected to take four to five days to complete.

The new verification process starts in the fall of 2007 with eight States identified for a visit. Within the Mountain Plains region, New Mexico and Colorado were selected for visits the first year. The new process is very much formulated and guided by OSEP. It is also very focused on the three areas and guided by the questions in the desk audit and critical elements identified by OSEP. It is the intent of OSEP to conduct a verification visit to all States and Territories. The process is also very focused on the State being able to ensure that it collects, reports, and uses accurate and reliable data and that its system of general supervision ensures that States are distributing and tracking funds and verifying the LEA's use of funds for the intent and purposes described in the law as well as to ensure maintenance of effort as required in the law. This is the first time the OSEP verification process has focused on the area of finance.

More information to follow as the system rolls out. ❖

School District Levels of Determination: Frequent Questions/Answers

The following are frequently asked questions and their answers regarding school district special education levels of determination.

1. Q. Are States required to make "Determinations"?

Pursuant to 616(a)(1)(C)(i) and 300.600(a), States are required to make determinations annually under 616(d) on the performance of school districts.

2. Q. Must States use the same four categories that the U.S. Department of Education will use?

Yes; States must use Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention for school districts.

3. Q. What will the State Department of Education consider in making the determinations?

The Department could consider all school district information available at the time of the determinations, including the following:

All compliance indicators must be included – Indicators 9, 10, 11, 12, & 13.

Correction of noncompliance identified by SEA monitoring and dispute resolution one year after notice to school district—Indicator 15

Data submitted on time and valid/reliable—Indicator 20.

Audit findings

Additional measures may be used in future years.

4. Q. Is there a deadline for States to make the determinations for their school districts?

There is nothing in the statute or regulations that address a timeline for when States must make determinations regarding the performance of the school districts in their States. However, States need to make the determinations as soon as possible after making their annual report to the public on the performance of each school district. It is important to ensure that school districts have time to improve performance prior to the next reporting to the State by each school district and the State's next determination point. In addition, there may be implications for the State's award of funds to school districts so the State would ideally make its determination before grants are issued or contracts are signed or renewed.

5. Q. Must States report the determinations of each school district to the Department and/or the public?

IDEA does not require States to report to the Department or to the public the determinations the State makes regarding the performance of each school district. States, of course, must inform each school district of the States' determination regarding that school district.

6. Q. Will there be information and resources if our school district is in Levels 2–4?

Yes; the State Department of Education will provide sources of technical assistance to assist in correcting the problem(s) and noncompliance areas.

7. Q. Will there be fiscal requirements available for school districts in Levels 3–4?

The State and school district will be responsible for funding activities to correct their noncompliance issues.

8. Q. Can school districts with similar issues work together and share technical assistance resources?

Yes; that approach is encouraged.

9. Q. How long will school districts have to correct noncompliance areas?

No more than one year from being notified of a noncompliance area.

10. Q. Will a school district's level of determination change if they correct a problem?

No; the school district level of determination will occur annually. So, their level of determination can't change until the next year.

11. Q. Can a school district appeal their level of determination?

In most States, the Department's decision will be final. South Dakota does not have an appeal process.

12. Q. Will the measures to determine the levels change from one year to the next?

Yes; additional indicators from the SPP will gradually be added. OSEP will add indicators to the states' determinations as the states set baselines and targets. South Dakota will follow OSEP procedures.

13. Q. What is the "foundation" for the measures?

Accurate and timely data. Unless the school district is submitting their data on time and it is valid and reliable, all else is suspect.

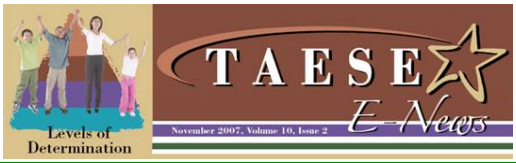
14. Q. Will how the State monitors school districts be impacted by a district's level?

Yes; future on-site monitoring visits will be determined by Data and Performance. The State will put their resources where they are needed most.

15. Q. Where can I get more information?

For more information, contact the State Department of Education, Special Education Programs.❖

This article was used courtesy of Mountain Plains Regional Resource Center's Newsletter



Transition News, Continued….

Catch the Wave

Catch the Wave, a one-day workshop focusing on postsecondary education awareness for students with disabilities, will be held at several campuses this spring. In addition to students considering postsecondary education, teachers who haven't participated at Catch the Wave recently are strongly encouraged to attend.

3/27/08 – Aberdeen, NSU – 9 AM to 4 PM
3/27/08 – Rapid City, SDSM&T and WDTI – 9 AM to 2:30 AM
4/22/08 – Brookings, SDSU – 9 AM to 4 PM

For information or technical assistance on any transition topics, please contact the Transition Services Liaison Project (TSLP) staff in your area, or visit http://tslp.org/liaisons.htm

Web Updates

Advisory Panel
We updated this site with current meeting notices, meeting minutes, by-laws and new members. It can be found on the web at: http://doe.sd.gov/oess/specialed/news/Advisory/index.asp

Data Calendar
This is a calendar of the due dates throughout the year for special education. This calendar is also found on **page 10** of this newsletter. It can be found on the web at: http://doe.sd.gov/oess/specialed/SPP/index.asp

Disproportionality
Districts have been receiving the determination letters concerning disproportionality. To learn more about:

- Determination Levels
- Calculation Sheet

Please go to the web page at: http://doe.sd.gov/oess/specialed/SPP/index.asp

Teacher 411
To look up the certification for specific teachers and administrators you can look at this public website: http://apps.sd.gov/applications/de04public/TeacherLookup/TeacherSearch.aspx

idea.data.org
For information on Special Education data from around the US. Go to this address. https://www.ideadata.org/index.html

Indicator 8 Parent Survey
To better understand the cut scores and targets established for this indicator go this site: http://doe.sd.gov/oess/specialed/SPP/Ind8SDcutscorePartBSurvey1.pdf

Indicator 14 Follow-up Survey.
Appendix B is the follow-up survey used by BHSU for Indicator 14. This survey gathers information one year after students who have exited from special education services. http://doe.sd.gov/oess/specialed/SPP/AppendixB.pdf

FERPA Guides
Parents
http://doe.sd.gov/oess/specialed/forms/pdf/FERPA/FERPA%20-%20Parents'%20Guide.pdf

Elementary and Secondary Schools
http://doe.sd.gov/oess/specialed/forms/pdf/FERPA/FERPA%20-%20Elementary%20and%20Secondary.pdf

College and University
http://doe.sd.gov/oess/specialed/forms/pdf/FERPA/FERPA%20-%20Colleges%20and%20Universities.pdf

Emergency Management
http://doe.sd.gov/oess/specialed/forms/word/FERPAResourcesPage.doc

DakotaLink
DakotaLink has just posted a new page that allows anyone the ability to search for low cost items, to donate, sell, or give away items. With the try-before-you-buy option, anyone can try out equipment for two weeks without obligation. For more information go to: https://www.sd.at4all.com/welcome.aspx

Also visit the **DakotaLink Website** at: http://www.dakotalink.tie.net/content/default.htm

Our Web Page

http://doe.sd.gov/oess/specialed/index.asp

Mountain Plains Regional Resource Center

A U.S Department of Education, Office of Special Education Programs funded project that helps build the capacity of State Education Agencies and Lead Agencies in improving programs and services for infants, toddlers, children and youth with disabilities. The MPRRC is the technical assistance division of the Center for Persons with Disabilities at Utah State University.

http://www.rrfcnetwork.org/mprrc

Data Calendar

Ongoing Collection Throughout the Year:

- Battelle (Indicator 7)
- Suspension/Expulsion (Indicator 4)
- Initial Evaluation (Indicator 11)
- Child count (Indicator 5, 6, 9, 10)
- Parental Survey Distribution (Indicator 8)
- Exit Survey (Indicator 14)
- Transition self-assessment (district specific) (Indicator 13)
- Completion of General Supervision (IPPR) issues within one year (Indicator 15)

Specific Deadlines for Submitting Information

June 30th

- ☑ Flow Through Application
- ☑ Suspension/Expulsion (618) Collection throughout year (Indicator 4)
- ☑ Exit Survey – Appendix A (Indicator 14)

August 1

- ☑ Initial Evaluation Spreadsheet (Indicator 11)
- ☑ Battelle pre and post test scores (Indicator 7)

September

- ☑ PIIP Plans due – September 1 or next business day
- ☑ Verify Disproportionality data sent by SEP office
- ☑ Verify SPP data for Indicators 4, 5, 6, 11, 15
- ☑ Prepare for Fall Enrollment Collection (Indicators 1, 2, 3, 9, 10)

October

- ☑ Run a fall enrollment report by race and keep on file (Indicator 9 and 10)
- ☑ Verify SPP data for Indicator 1, 2, 12, 13
- ☑ Entering information for child count collection in December
- ☑ Personnel Record Form collected through PRF system (Federal Report)

November

- ☑ Run a preliminary Child count
- ☑ Review preliminary child count and begin verification of data

December Child Count

- ☑ **Child Count is collected by data collections on Dec 1** (Indicators 5, 6, 8, 9, 10)
- ☑ **Child Count sign off sheet**

January

- ☑ Final verification of SPP data
- ☑ Dakota Step A Road Show

February

- ☑ Reporting of district level SPP data by indicator
- ☑ Dakota Step Road Show

March

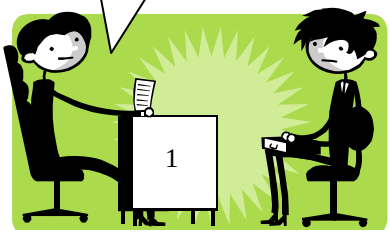
April

- ☑ Districts participating in Transition Self-Assessment monitoring checklist – April 1 (Indicator 13)
- ☑ All parent involvement survey should have been distribute (Indicator 8)

Note: Number in parenthesis is the indicator the data is being collected.

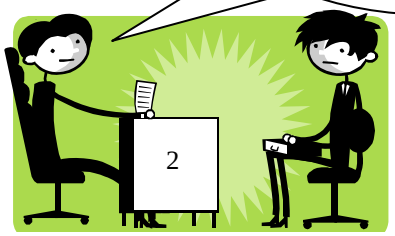
11 Things Not to Say in an IEP Meeting and Why Not

Let's get started! We only have 30 minutes for each IEP meeting.



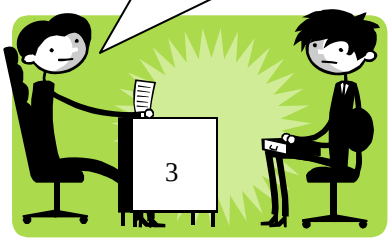
Why Not: It is not possible to predict how long a meeting may require. It will take time to prepare an appropriate and individualized document.

Tim's teachers could not be here today. It is not their day to participate in IEP meetings.



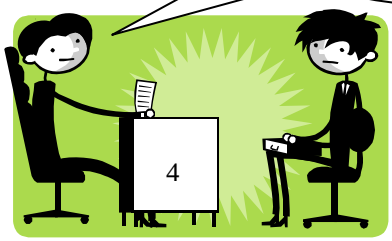
Why Not: An IEP team must include the parent, at least one general education teacher, one special education teacher and a district representative who delegates district resources.

We did not indicate physical therapy as a related service. We only have only one PT in the district. Maybe next year or another student no longer requires services.



Why Not: Services provided to the child address all of their special education and related service needs.

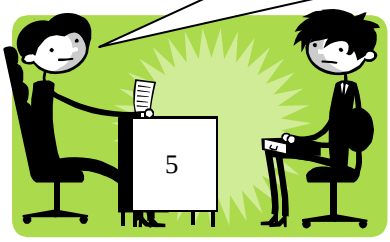
I do not think Tim should attend the meeting. He is not old enough.



Why Not: a child with a disability should attend the IEP meeting if the parent decides that it is appropriate for the child to attend. Their participation would be helpful in developing the IEP or it may directly benefit the child.

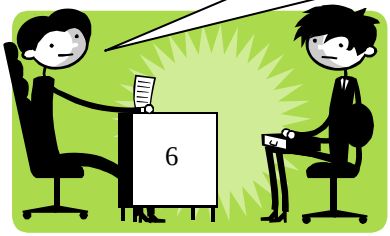
§300.321(a) *the public agency must ensure that the IEP Team for each child with a disability includes-*
(7) *whenever appropriate, the child with a disability.*

General education curriculum is for most kids, but not special education students.



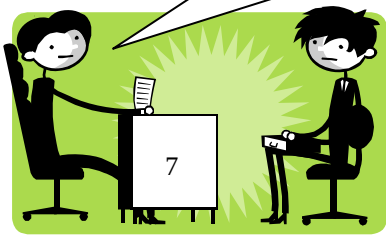
Why Not: The IEP for each child with a disability (including children who are educated in separate classrooms and schools) must address how the child will be involved and progress in the general curriculum.

Since Tim qualifies for services, he will automatically go to Mrs. Smith's classroom.



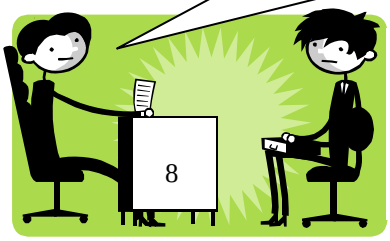
Why Not:
"The services and placement needed by each child with a disability to receive FAPE (a free and appropriate public education) must be based on the child's unique needs and not on the child's disability."

Welcome Mr. and Mrs. Jones. This meeting will not take much time. We have already written the IEP and all you have to do is sign it.

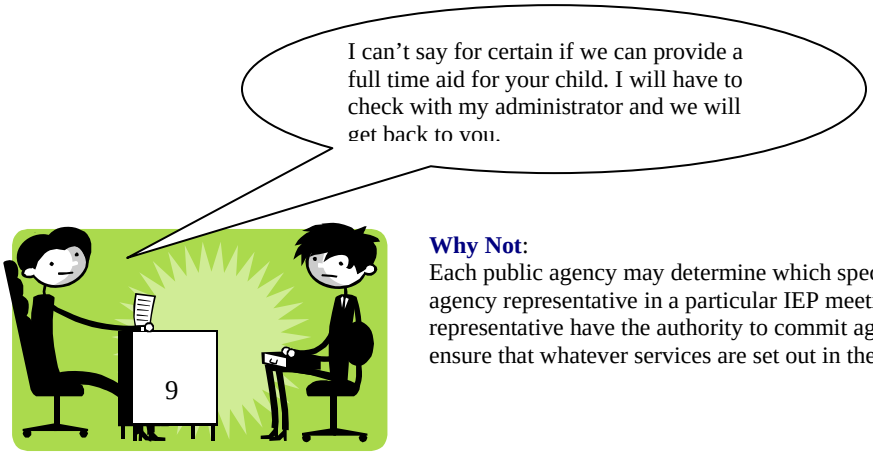


Why Not:
It is important that parents are provided a full opportunity to express their views and participate fully in the IEP meeting, including the development of the IEP. Agency staff may come to an IEP meeting prepared with evaluation findings and proposed recommendations regarding IEP content, but the agency must make it clear to parents at the outset of the meeting that the services proposed by the agency are only recommendations for review and discussion with the parents

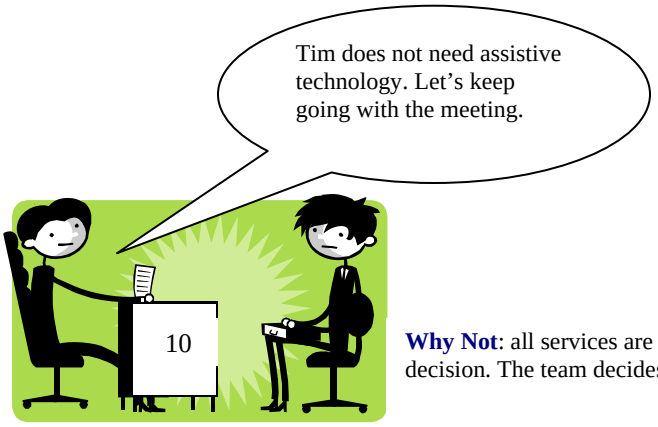
We can provide these modifications in Paul's special education classes, but it is too much for our general education teachers to do.



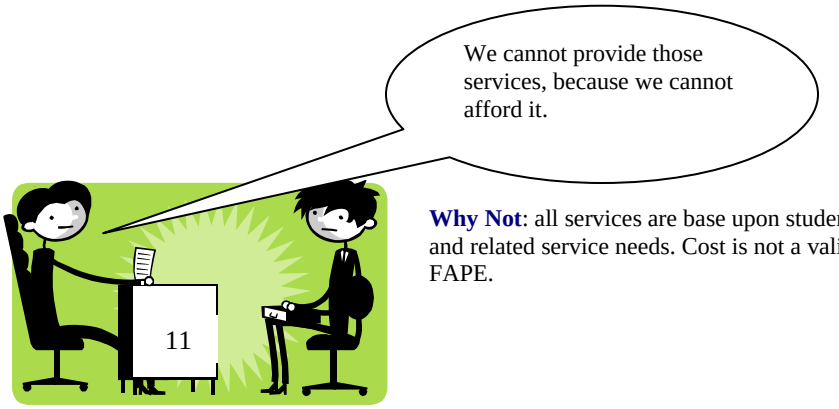
Why Not:
Every individual involved in providing services to the student should know and understand his or her responsibilities for carrying out the IEP. This will help insure that the student receives the services that have been planned, including the specific modifications and accommodations that the IEP Team has identified as necessary.



Why Not:
Each public agency may determine which specific staff member will serve as the agency representative in a particular IEP meeting. It is important that the agency representative have the authority to commit agency resources and be able to ensure that whatever services are set out in the IEP will actually be provided.



Why Not: all services are base upon student needs. This is a team decision. The team decides services not one individual.



Why Not: all services are base upon student special education and related service needs. Cost is not a valid reason to deny FAPE.