

April 2011

Special Education Update

State Budget Update

The Washington State 2011-13 biennial budget was passed by the House of Representatives on April 4, 2011. The Senate version of the biennial budget was released on April 12. Although there are some similarities with respect to special education in both budgets, there are also some differences. For example, both budgets eliminate the k-4 enhancements, and move final decisions on state safety net applications to August of each year, beginning in 2011. In anticipation of shifting the school based Medicaid Program matching funds from the state to local districts via an intergovernmental transfer in both budgets, there is a projected increase in safety net funding in each year of the upcoming biennium. The intergovernmental transfer or IGT, allows local school districts (rather than the state program) to provide the initial amount of matching funds from which the federal Medicaid reimbursement is calculated.

The primary difference in the proposed budgets relate to adjustments in the amount of BEA funds allocated to districts. Any adjustments to the BEA allocation such as the k-4 enhancements and salary compensation affect special education funding by definition because the BEA allocation is the base number from which the supplemental excess cost allocation for special education is derived. In the House budget, state salaries for certificated staff is frozen as of August 31, 2011. The Senate budget reduces state funding for certificated staff salaries by 3% as of September 1, 2011. The Senate budget also adjusts k-12 enrollment by a daily attendance factor, but special education funding will continue to be allocated with no adjustment in the attendance factor.

The next step in the process is the development of a budget in which differences are reconciled in a biennial budget that can be approved by both houses and submitted to the Governor.

Preliminary Notice – Special Education IDEA Part B Sections 611 and 619 Federal Fund Application

The Special Education IDEA Part B Sections 611 and 619 federal grant application for the 2011-2012 school year will be launched through one stream-lined, iGrants form package in mid-May, pending release of IDEA Part B allocations. Previously there were two separate form packages, the 267 and 265. These will be combined and condensed into one single form package which will consist of the Budget(s); Page 1 – Assurances; Page 2 – Use of Funds; Page 3 – Coordinated Early Intervening Services (CEIS); Page 4 – Child Find/Proportionate Share; Page 5 – General Supervision; and Page 6 – Appendices.

The LEA/ESA will submit their federal fund application by July 1, 2011 in order to request a July 1st spending start date. To request a September 1st spending start date, the LEA/ESA must submit their federal fund application no later than September 1, 2011. Page 3 - CEIS, is due July 1, 2011, regardless of the spending start date, for applicable districts. **Note: During the 2011-12 grant period, there will be a 10% carryover limit for IDEA Part B Sections 611 and 619 Flow-Through grants.** For questions related to budget, assurances, and fiscal requirements, please contact Tara at Tara.Canlett@k12.wa.us. For questions related to CEIS, please contact Leslie at Leslie.Pyper@k12.wa.us and for questions related to general supervision please contact Valerie at Valerie.Arnold@k12.wa.us.

2011-12 iGrants System Launched April 1st

Reminder: The 2011-12 iGrants system was launched April 1st causing the opening menu to be pre-populated with the year 2011-12 each time it is opened. Therefore, when working in any of the 2010-11 form packages, you will need to select the 10-11 fiscal period from the drop-down menu in the upper left hand corner of iGrants each time the iGrants system is opened. This applies to all iGrants launched on April 1, 2011, including those form packages related to special education.

If you have any questions, please contact Tara Canlett at 360-725-6075 or by email at Tara.Canlett@k12.wa.us.

Model State Forms – Revised Forms

The following revised model state forms have been posted to OSPI's website (<http://www.k12.wa.us/SpecialEd/Data/ModelStateForms.aspx>):

1. IEP Form – without Secondary Transition (form 6c) – the Report of Student Progress section on page 4 was revised to align more closely with regulatory language.
2. IEP Form – with Secondary Transition (form 6d) – the Report of Student Progress section on page 6 was revised to align more closely with regulatory language.

If you have any questions, please contact Jennifer Story at 360-725-6075 or by email at Jennifer.Story@k12.wa.us.

Matthew Wacker, ALJ New Office of Administrative Hearings (OAH) Education Coordinator

OAH announced that Matthew Wacker is the new education caseload coordinator. Matt replaces Jan Shave, who left the agency last year. Matt has over 15 years of experience with the agency, which includes past management positions. Please welcome Matthew as the new coordinator.

Preschool LRE Changes and Training Webinar

The Office of Special Education Programs (OSEP) has revised the definitions for some of the early childhood (preschool students ages 3 through 5) least restrictive environment (LRE) settings. These changes will be required when reporting data for the 2011-12 school year. The information has been incorporated in the CEDARS reporting manual for the 2011-12 school year and several technical assistance documents have been created to assist districts. A training webinar will be available by mid-May, check the May Updates for details. The technical assistance documents will be located on the website in both the [Data Management](#) and [Special Education Early Childhood](#) sections.

SLD Manual

OSPI has revised the SLD Manual to update the list of tests and subtests (Appendix B) for determining SLD eligibility. As examples, the Differential Ability Scales (DAS) and the Kaufman Test of educational Achievement/Normative Update (K-TEA/NU) were not included in the prior version of the SLD Manual. The Wechsler Adult Intelligence Scale-IV (WAIS-IV) was also added to this revision. The Reynolds Intellectual Assessment Scales (RIAS) entry was modified to include required core subtests. The entries for the Process Assessment of the Lerner-II (PAL-II) and the Wechsler Individual Achievement Test-III (WIAT-III) were modified to include all clusters and core subtests. Text was also added to Appendix B to guide the practitioner in administering the tests, selection and use of tests not listed in the SLD Manual and the use of supplemental subtests.

The updated SLD Manual is posted on our website at: <http://www.k12.wa.us/SpecialEd/publications.aspx>. If you have questions or comments about this guide, contact David Anderson at 360 725-6075 or david.anderson@k12.wa.us.

ARRA Funding Information

Carryover – Repeat

On March 8, 2011 the Office of Special Education Programs, United States Department of Education sent OSPI the following information in an email:

“As you know, the period of availability for Individuals with Disabilities Education Act funds made available under the American Recovery and Reinvestment Act of 2009 (IDEA ARRA) is drawing to a close. All IDEA ARRA funds must be obligated by September 30, 2011 and liquidated by December 31, 2011. As of February 18, 2011, more than \$4.3 billion, or 36%, of the total appropriated IDEA ARRA funds have not been drawn down. I am writing to ask for your help to ensure that the IDEA ARRA funds in your State are timely obligated.”

Districts that have received a grant number for ARRA carryover funds can view their monthly grant balances by going to Report 1191FG located at: <http://www.k12.wa.us/SAFS/reports.asp>. Districts that have not yet submitted a budget for ARRA carryover funds via the iGrants system (form package 487) can view their ARRA carryover allocation amount(s) by clicking on the following link: [IDEA Carryover 2009-10](#).

Other Updates

Notice of Annual State Application for Fiscal Year 2011 – Repeat

OSPI amended its annual state application under Part B of the Individuals with Disabilities Education Act for Federal Fiscal Year 2011. This application is now available for public comment. Please submit your comments in writing to speced@k12.wa.us, fax to 360-586-0247 or mail to the Special Education Office, OSPI, PO Box 47200, Olympia, WA 98504-7200 and refer to the Annual State Special Education Application.

This application is broken into the following sections: Section I contains the submission statement. Section II contains assurances related to policies and procedures required by Part B of the IDEA. Section III is a description of the use of funds under Part B of IDEA 2004. Section IV describes State Administration.

To review the application: <http://www.k12.wa.us/SpecialEd/regulations.aspx>.

Correction of Identified Non-Compliance 2010-11 (Form Package 442) – Repeat

This is a reminder that districts with identified non-compliance (as indicated in yellow on the Non-Compliance Worksheet found on page 3 of iGrants Form Package 442) should be correcting that non-compliance and summarizing the corrections in Form Package 442. This form package is due **as soon as possible but no later than April 30th, 2011**.

Please remember that in order for Form Package 442 to be considered completed, the district must officially submit the package by pressing the red “Req OSPI Review” button. **Failure to correct non-compliance in a timely manner will impact the district’s determination level (to be issued November 2011)**.

After districts have submitted their summaries (Form Package 442), staff from the district’s local ESD will conduct verification activities. The ESD will then add a summary of these activities to the district’s Form Package 442 (due to OSPI no later than July 31st, 2011). If you have any questions about Form Package 442, please contact Jennifer Story at: (360) 725-6075 or Jennifer.Story@k12.wa.us.

Safety Net Bulletin 011-11 – Repeat

Safety Net [Bulletin 011-11](#) was published March 14, 2011. This bulletin provides updated information regarding changes to the special education safety net funding enacted in Engrossed Substitute House Bill 1086, FY 2011 Supplemental Operating Budget, passed on February 18, 2011.

Safety Net Bulletin 072-10 and State Oversight Committee Meeting Dates and Application Deadlines – Repeat

Safety Net [Bulletin 072-10](#) was published October 1, 2010. This bulletin provides instructions for applying for special education safety net funding for the 2010-2011 school year. Safety net funding is available to school districts with a demonstrated capacity for special education funding in excess of state and federal funding otherwise provided.

| Deadline for Receipt of Application at OSPI | Type of Application | Oversight Committee Meeting Date | Meeting Location |
|--|----------------------------|---|---|
| April 1, 2011 | High Need Individuals | June 15–16, 2011 | SPSCC, Room 118, Lacey WA., Hawk’s Prairie) |

| | | | |
|-------------|---|------------------|---|
| May 6, 2011 | Community Impact (Resubmittals Only) | June 15–16, 2011 | SPSCC, Room 118, Lacey WA., (Hawk's Prairie) |
|-------------|---|------------------|---|

Applications must be received at OSPI by 5 p.m. on the deadline date. Faxed and emailed submissions will not be accepted.

Save the Date for the Infant and Early Childhood Conference May 4-6 in Tacoma – Repeat

The 31st annual Infant and Early Childhood Conference will be held on May 4-6, 2011 at the Greater Tacoma Convention and Trade Center. There are 12 full-day preconference sessions and 115 breakout sessions scheduled for this year's conference. Registration for the conference is now open at www.ieccwa.org. Districts are encouraged to sign up early for best selection of conference sessions. Scholarships are available for parents, family members, foster parents and relative caregivers with children ages three to six with disabilities. Families interested in applying for a scholarship will register for both the conference and scholarship on the conference website. Contact Sheila Ammons at Sheila.Ammons@k12.wa.us or (360) 725-6075 with questions.

Save the Date for the WASA/OSPI Special Education Administrators Conference – August 4th & 5th in Tacoma

The Special Education Administrators conference will be held August 4 and 5, 2011 at the Hotel Murano in Tacoma, Washington. This workshop provides a variety of speakers and includes concurrent and clinic sessions. Features include updates on fiscal issues, program review, dispute resolution, program improvement, assessment, data submission requirements and many more topics of interest to new and veteran administrators. Presentations will cover the federal, state and local perspectives. Time for networking and sharing of ideas will make this institute a valuable opportunity for all participants. Registration information will be posted soon.

Tips from the Special Education Section: Reminders to the Field

Progress Reporting

IEP teams must address how a district will measure a student's progress towards meeting annual goals and when the district will provide periodic reports on the progress the student is making towards meeting his or her annual goals. Many districts provide progress reporting at the same time the district issues progress and grade reports to all students. However, the general education progress report, or report card alone, is not a progress report that describes the progress a student is making towards an annual goal. Progress reporting is an important component that informs parents and IEP teams whether an IEP may need to be adjusted prior to the annual date to address lack of expected progress, or to address more than expected progress.

At the IEP team meeting:

- For each goal, determine when the district will provide progress reporting and what the district is using to measure progress. Document this in the IEP.
- ✓ Make sure that the periodic reporting is no less frequent than identified in your district's procedures.

After the IEP meeting:

- Use the data and methods described in the IEP provide progress reporting to address how the student is or is not making progress.
- Keep the data that is used to address progress.
- Make sure that progress reporting occurs consistent with the frequency described in the IEP.

Using progress reporting in the manner it is intended can resolve future disputes over the provision of special education services to address annual goals, and the appropriateness of the services.

Resolution Meetings for Due Process Hearing Requests

When parents request a due process hearing, districts must have a meeting scheduled within fifteen days of receiving the parent's notice of a hearing request. When the due process hearing request involves discipline, the timeline for

the resolution meeting is seven days from the district's receipt of the request. OSEP has been very clear that the initial meeting must meet the timeline, even if the parent has indicated they cannot or will not participate within that time frame. Districts do not have to convene the resolution meeting if: 1) the parents and district have a written agreement to waive the resolution meeting; or 2) the parents and district have agreed in writing to mediate. This is important because meeting timelines for convening resolution meetings is one of the compliance indicators and can affect a district's determination regarding timely compliance.

OSEP states that the district should schedule and convene the meeting within the fifteen day (or seven day for discipline) timeframe. For non-discipline related hearing requests, the district can schedule a second meeting or continue to try to resolve the issues identified in the due process request within the 30 day time frame.

Districts should take the following steps when the district receives the parent's due process hearing request:

- Check the calendar so that you can determine meetings dates within the time frame.
- Identify which team members will attend the resolution meeting and identify potential dates.
- Notify the parents of potential dates and invite them to the resolution meeting. (You may not have an attorney present at this meeting unless the parent is inviting an attorney to the meeting.)
- Notify the ALJ assigned to your case of the resolution meeting date.
- Notify the ALJ assigned to your case if you and the parents have a written agreement to waive the resolution meeting or a have written agreement to mediate. Waiving the resolution meeting affects the timelines for the beginning of the 45 day hearing.
- If the parents will not participate in the resolution agreement (and there is no agreement to waive the resolution meeting) notify the ALJ. This also can affect the timeline for the beginning of the 45 day hearing.
- Notify the ALJ if after the resolution meeting (or mediation) the parties cannot reach agreement. This also can affect the timeline for the beginning of the 45 day hearing.
- Finally, if the parties do reach a written agreement through the resolution process, notify the ALJ that the dismissal is based on a written resolution agreement.

More information on resolution meetings, and forms for use to document waivers and agreements are on OSPI's website in the dispute resolution section. [Information on Resolution Sessions](#).

NEWS FROM ASSESSMENT AND RESEARCH

MSP/HSPE/EOC/WAAS: Science Assessment Options for Students Receiving Special Education Services

When choosing the appropriate assessment options in grades 3-8 and 10, the HSPE/MSP with or without accommodations, HSPE/MSP Basic or the WAAS-Portfolio, the Individualized Education Program (IEP) team decides what issues play into a student's ability to demonstrate grade level mastery of specific content area learning. Whether a student should be provided access to an assessment option should be determined both on the availability of applicable accommodations and on judgment associated with the other issues that could impact a student's ability to perform at grade-level. The same process must also be used by IEP teams when deciding the appropriate assessment options for students in 11th and 12th grades who need to fulfill their assessment **graduation** requirements and who are not being assessed with the WAAS-Portfolio, but rather are assessed with the HSPE/MSP with or without accommodations, HSPE/MSP-Basic, the Collection of Evidence (COE), the Developmentally Appropriate Proficiency Exam (DAPE) or the Locally Determined Assessment (LDA).

For several years, state policy associated with access to assessment options for students receiving special education services has been predicated on a student receiving services associated with a particular content area. For reading, writing and mathematics, there is evidence to the effect of specific disabilities linked to these subject matter constructs, but this is not the case with science. With science, impacts on performance are due to disabilities linked to the other learning constructs (i.e., reading, writing, mathematics).

To that extent, the state offers the following additional information to assist IEP teams in determining appropriate assessment choices for students:

- If a student has documented need of supports in reading, writing or mathematics, applicable and appropriate accommodations listed in the state's guidelines will be allowed to assist the student no matter the content area being assessed.
- If a student has documented need of supports in reading, writing or mathematics, and the IEP team has determined that for graduation purposes, an assessment option such as the COE with or without accommodations is appropriate for the student in those content areas, then the IEP team can recommend the same assessment option for science.
- If a student has documented need of supports in reading, writing or mathematics, and the IEP team has determined that for graduation purposes, an assessment option such as the Basic or DAPE is appropriate for the student in those content areas, then the IEP team can recommend the same assessment option, if available, for science.

We encourage IEP teams to be prudent with their decisions and not to expect less from students who could use specifically tailored combinations of accommodations to help them overcome their challenges with accessing the assessment content. To provide further guidance in making assessment determinations for students, the following links may also prove of assistance:

- [Washington States Accommodation Guidelines for Statewide Assessments](#)
- [HSPE/MSP Basic Overview](#)
- [How Students in Special Education Participate in State Testing](#)
- [IEP Team Decision-Making Guidelines Regarding Student Participation in Statewide Assessments](#)

IEP teams have knowledge of their students and are best positioned to know what assessment options are most appropriate. Team members understand the student's challenges and know the student's abilities and skills to determine appropriate assessment choices. Because of this knowledge, the state has always stipulated that the ultimate decision about student assessment options lies with the IEP team.

Accommodations Manual Errata

There are corrections to the Washington State Accommodations Guidelines for Statewide Assessment. Corrections have been made to the scribing, translated presentations and dictionary/thesaurus sections. The errata sheet and corrected version the Accommodation Guidelines can be found on the WAAS-Special Education Web site <http://www.k12.wa.us/assessment/AlternativeAssessment/Accommodations.aspx>.

Math End-of-Course Exams (EOC): Updated Frequently Asked Questions – Repeat

Districts and parents continue to have questions about the participation of students eligible for special education and the end-of-course (EOC) exams. The EOC for high school math will begin in spring 2011 as required by state law [RCW 28A.655.066](#). These EOC exams will replace the math [High School Proficiency Exam](#) and be given within the last three weeks of the school year. The end-of-course exams, based on the revised [K-12 Mathematics Learning Standards](#), are available in algebra 1/integrated mathematics 1 and geometry/integrated mathematics 2. These "end-of-course" exams will be given to students in grades 7-12 who are taking those respective classes. In addition, there are EOC make up exams for students who are required to take the statewide assessment, but who are not enrolled in algebra 1/integrated mathematics 1 or geometry/integrated mathematics 2.

OSPI has updated the frequently asked questions which were originally developed in response to a webinar on this topic held on September 30, 2010. The FAQ contains questions specific to students eligible for special education. You may access the document here: http://www.k12.wa.us/TestAdministration/Trainings/pubdocs/FAQ_EOC.pdf. Please review the entire document, so that you are familiar with all of the requirements.