

December 2009 Special Education Update

Federal Special Education Child Count/LRE and Personnel Data Reports Due Dates -Repeat

The Special Education Personnel Employed and Needed Data Report is due to Sandy Grummick (sandy.grummick@k12.wa.us) no later than 5:00 pm **December 17, 2009**. This form is an excel template and submission instructions are located at: http://www.k12.wa.us/SpecialEd/forms.aspx#Federal_Data_Collection for downloading. If you do not receive confirmation within three business days, please resubmit or call Sandy Grummick at 360-725-6075.

Child count and least restrictive environment (LRE) data is due on or before 12/31/2009. If you have not received a confirmation that your district's data has been received, then assume it has not. Instructions for submitting this report are located at: <http://www.k12.wa.us/specialed>.

Data are collected on special education students eligible on the date of the federal count. For this year, the federal count date is the first student date in the month of November. For most districts this will occur on November 2, 2009. Student age, LRE and disability category are calculated based on the count date.

Data are to be submitted and validated using CEDARS (<https://eds.ospi.k12.wa.us/Login.aspx>) formerly CSRS. Log in directions are available on the link above. This report must be validated and locked no later than December 31, 2009. Districts staff should have this completed before leaving for Winter Break

Please carefully read the submission instructions before beginning. If you do not have access to CEDARS please contact your District Security Manager and they will setup access privileges for you to complete this submission process.

Safety Net Bulletin 067-09 and State Oversight Committee Meeting Dates and Application Deadlines-updated meeting location information****

Safety Net Bulletin 067-09 was published October 7, 2009 and is located at <http://www.k12.wa.us/BulletinsMemos/Bulletins2009/B067-09.doc>. This bulletin provides instructions for applying for special education safety net funding for the 2009-2010 school year. Safety net funding is available to school districts with a demonstrated need 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
Dec. 18, 2009	High need	Feb. 11-12, 2010	SPSCC, Hawk's Prairie, Room 118
Feb. 19, 2010	Community Impact	Mar. 25-26, 2010	SPSCC, Hawk's Prairie, Room 120
April 2, 2010	High need	June 15-16, 2010	SPSCC, Hawk's Prairie, Room 118
May 4, 2010	Community Impact (Resubmittals Only)	June 15-16, 2010	SPSCC, Hawk's Prairie, Room 118

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

For application forms visit the Safety Net Website: <http://www.k12.wa.us/SpecialEd/SafetyNet.aspx>. Please note that an updated version of the IEP Review Form has been posted.

Driving Directions to Meeting Location: http://www.hawksprairie.org/documents/maphawks_000.pdf

For Safety Net Application information, please contact: Mary Ellen Parrish (maryellen.parrish@k12.wa.us) (360) 725-6075.

PARENTALLY-PLACED PRIVATE SCHOOLS STUDENTS WITH DISABILITIES

OSPI has received several questions regarding proportional share for unilaterally enrolled private school students with disabilities and would like to provide some information and resources in that regard. The U. S. Department of Education, Office of Special Education Programs (OSEP) has provided guidance to states in the form of Q & A documents in 2006, 2007 and 2008. You may access this information at the following websites:

Topic: Children Enrolled by Their Parents in Private Schools (November, 2006)
<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C5%2C>

Q and A: Questions and Answers On Serving Children With Disabilities Placed by Their Parents at Private Schools (January 2007).
<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C1%2C>

Provisions Related to Children with Disabilities Enrolled by their Parents in Private Schools Released in February 2008 by the U.S. Department of Education, this publication discusses IDEA 2004 and the provisions related to children with disabilities enrolled by their parents in private schools.
<http://www.rrfcnetwork.org/images/stories/FRC/IDEA/idea.pdf>

In addition to the information provided by OSEP listed above, OSPI has prepared the following information in a Q & A format that may also be useful to districts.

PARENTALLY-PLACED PRIVATE SCHOOLS STUDENTS WITH DISABILITIES

1. Define parentally placed private school students with disabilities.

Parentally-placed private school students with disabilities means students eligible for special education services under IDEA who are voluntarily enrolled by their parents in private, including religious, non-profit elementary or secondary schools. In this state an elementary or secondary private school is a conducting programs consisting of kindergarten and at least grade one, or any combination of grades one through twelve.

The provisions **do not apply** to students determined eligible for special education who are:

- a. placed in a private school by a school district or other public agency;
- b. **placed in a private school by a parent and part-time enrolled in the school district** to receive special education services via an IEP;
- c. students in home-based instruction programs under RCW 28A.225.010;and
- d. students who are attending a private preschool, even if that private preschool is located in a private school that also serves students kindergarten through grade 12.

2. What constitutes a “private school” in Washington for the purposes of carrying out the IDEA requirements for parentally placed private school children?

Washington regulations (WAC 180-90) state that a “private school” is a non-public school conducting a program consisting of kindergarten and at least grade one or any of all grades one through twelve meeting standards of health, safety, and education. Approval is granted by the State Board of Education upon completion of the application for approval and recommendation by the Assistant Superintendent of Student Support.

Private schools must be approved, non-profit elementary and secondary private schools. A directory of approved private schools may be found at the following link on the OSPI website: <http://www.k12.wa.us/PrivateEd/PrivateSchools/ApprovedPrivateSchools.aspx>. Contact the OSPI Private Education Office at 360-725-6433 or privateschools@k12.wa.us to determine the non-profit status of a private school.

3. What is the intent of the regulations regarding students placed in private schools by parents?

The intent of the regulations is to provide eligible students who are enrolled by their parents in private schools, the opportunity for equitable participation in the receipt of special education services. The obligation of local education agencies (LEAs) to children with disabilities enrolled by their parents in private elementary schools and secondary schools located within their district boundaries changed on July 1, 2005, the effective date of these provisions in the *Individuals with Disabilities Education Improvement Act of 2004* (Act). After timely and meaningful consultation with private school representatives, and representatives of parents of private school students, districts must conduct a thorough and complete child find process to determine the number of parentally placed children with disabilities attending private schools *located in the LEA* [emphasis added]. In addition, the districts must have a consultation process to address how proportional share is determined and how decisions will be made to determine what services will be provided, who will receive services, and where those services will be provided.

4. May districts provide special education or related services funded with federal IDEA funds to students on the site of religiously affiliated schools?

Yes. Effective November 2, 2009, districts may use federal proportional share funds to provide special education services on site of religious schools for students unilaterally enrolled by their parents in private schools. The determination of who will receive services using a service plan, what services will be provided and where those services will be provided is a district determination, based on the consultation process described above.

5. Are there situations in which children with disabilities, aged three through five are considered parentally placed?

Washington State's definition of an elementary school **does not include preschool** children. Under Washington state regulations, students enrolled in **kindergarten** in a private school that meets the definition of elementary school **are** considered to be parentally placed private school children (WAC 392-172A-04015). **Evaluation of preschool students continues to be the responsibility of the LEA where the preschool student resides.**

6. Explain which local educational agency (LEA) is responsible for providing services to parentally placed children?

Responsibility for equitable participation is assigned to the local educational agency (LEA) where the private school is located.

2009-10 Potential Medicaid Eligible Student Worksheet

The 2009-10 Potential Medicaid Eligible Student Worksheet document with instructions has been posted to our website, located at www.k12.wa.us/specialed/medicaid.aspx.

The worksheet which is due January 25th, 2010 should be submitted to medicaidreports@k12.wa.us.

**Please review the instruction page and worksheet as we have made changes/additions to both.

If you have any questions, please contact Rebecca Kirby at 360-725-6075 or rebecca.kirby@k12.wa.us.

FROM OUTSIDE OSPI:

University of Washington - DO-IT Now Accepting Applications for 2010 DO-IT Scholars Program!

Please contact the DO-IT office with any questions regarding the following information at <http://www.washington.edu/doi/Programs/scholar.html> or 206-685-3648.

The University of Washington's DO-IT Scholars program is now accepting applications from high school sophomores and juniors with disabilities who are interested in preparing for college and challenging careers (Washington residents only).

DO-IT, which stands for Disabilities, Opportunities, Internetworking, and Technology, introduces high school students with disabilities to technology, peer support, and work-based learning in an effort to help them be successful in a college environment. Participants are loaned laptop computers, software, and adaptive technology for long-term use in their homes and at school or work. That enables them to network online with peers, DO-IT staff, and DO-IT Mentors- many of whom are working professionals with disabilities.

The students also attend summer study sessions at the University of Washington. They learn about college selection, career options, technology, and self-advocacy. Living in dorms and navigating the campus helps them get an early taste of college life.

"Some young people with disabilities have expectations that are lower than they need to be", states Sheryl Burgstahler, founder and director of DO-IT. "We try to change that. Our focus is on the use of empowering technology and teaching students the skills they need to succeed in challenging careers".

Approximately 15-20 students are selected each year. For this unique program, DO-IT is seeking students who: are sophomores or juniors in high school, have an aptitude and interest in attending college, have a significant disability, and want to meet other college-bound students with disabilities.

Students are encouraged to apply by January 10, 2010. Applications are accepted after that time until all openings are filled. For more information or to request application materials, contact the DO-IT office at 206-685-3648 (V/TTY), or download forms at <http://www.washington.edu/doi/Programs/scholar.html>.

Questions and Answers on Serving Children with Disabilities Eligible for Transportation - November 2009

Regulations for Part B of the Individuals with Disabilities Education Act (IDEA) were published in the Federal Register on August 14, 2006, and became effective on October 13, 2006. Additional regulations were published on December 1, 2008 and became effective on December 31, 2008. Since publication of the regulations, the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education (Department) has received requests for clarification of some of these regulations. This is one of a series of question and answer (Q&A) documents prepared by OSERS to address some of the most important issues raised by requests for clarification on a variety of high-interest topics. Each Q&A document will be updated to add new questions and answers as important issues arise or to amend existing questions and answers as needed.

OSERS issues this Q&A document to provide State educational agencies (SEAs), local educational agencies (LEAs), parents, advocacy organizations, and other interested parties with information regarding the requirements for serving children with disabilities eligible for transportation. This Q&A document represents the Department's current thinking on this topic. It does not create or confer any rights for or on any person. This guidance does not impose any requirements beyond those required under applicable law and regulations.

The IDEA and its implementing regulations continue to address the transportation needs of children with disabilities. Transportation is a related service as defined by 34 CFR §300.34(c)(16) of the IDEA regulations and

can include travel to and from school and between schools; travel in and around school buildings; and specialized equipment such as special or adapted buses, lifts, and ramps. A child's individualized education program (IEP) Team is responsible for determining both if transportation is required to assist a child with a disability to benefit from special education and related services, and how the transportation services should be implemented. The IDEA and the implementing regulations also include travel training in the definition of special education. Travel training is instruction that enables children with disabilities to develop an awareness of the environment in which they live, and to learn the skills necessary to move effectively and safely from place to place within that environment. Both transportation and travel training are important services IEP Teams should continue to consider when they plan for a child's postsecondary transition needs.

Generally, the questions, and corresponding answers, presented in this Q&A document required interpretation of the IDEA and its implementing regulations and the answers are not simply a restatement of the statutory or regulatory requirements. The responses presented in this document generally are informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented and are not legally binding. The Q&As in this document are not intended to be a replacement for careful study of the IDEA and its implementing regulations. The IDEA, its implementing regulations, and other important documents related to the IDEA and the regulations are found at <http://idea.ed.gov>.

If you are interested in commenting on this guidance, please email your comments to OSERSguidancecomments@ed.gov and include Transportation in the subject of your email or write us at the following address: Patricia Guard, U.S. Department of Education, Potomac Center Plaza, 550 12th Street, SW, room 4108, Washington, DC 20202.

For further information, go to: <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C12%2C>.