

February 2011 Special Education Update

Non-Public Agency Application Revised February 2011

OSPI revised the Non-Public Agency (NPA) application publication. Included in the revisions, OSPI:

- Emphasized timelines for submission of application renewals.
- Clarified the references to regulations were current.
- Clarified requirements for initial and renewal processes; including the timelines for fiscal audits, and adjusted the application accordingly.
- Reminded NPA in-state applicants that they must be approved as a private school if providing services to students attending grades K-12, unless the educational component is in a hospital or treatment facility.
- Clarified processes for out-of-state applicants.
- Updated the assurances page in the application.

The NPA application is available on the OSPI website at <http://www.k12.wa.us/SpecialEd/NonPublicAgency.aspx>. **Please destroy any earlier versions and use the current application dated February 2011.** As a reminder, all NPA annual reviews and three year renewal applications are due to OSPI on or before May 1 of each year. If an NPA is required to reapply for continuing approval, and you are the district responsible for submitting the application, make sure that you are arranging the on-site visit with the NPA and that the NPA has completed all components of the application before the May 1 deadline. Failure to submit NPA review and renewal applications by May 1 may result in removal of the NPA from the approved list. Please contact Sheila Ammons at Sheila.Ammons@k12.wa.us or (360) 725-6075 if you have questions about changes to the application or changes to the process.

Technical Assistance Paper (TAP) 2

OSPI revised TAP 2 *Discipline Requirements for Students who receive Special Education Services*. The TAP is posted on our website at: <http://www.k12.wa.us/SpecialEd/publications.aspx>. Please feel free to share this information with staff and parents. If you have questions or comments about this TAP, you can contact Pamela McPartland at (360) 725-6075 or at pamela.mcpartland@k12.wa.us.

New Program Risk-based Assessment Template – Repeat

OSPI has developed a template LEAs can use to self-assess selected fiscal factors in the special education program. This tool is designed similar to an actuary table in that the intent is to compare LEA data to statewide average data. The template auto-populates with LEA specific data when the county/district number is entered in cell B-4. Using the guidance provided in OMB Circular A-133, federal and state regulations and OSPI's [Use of Funds Bulletin 047-10](#), the LEA can use this template/tool to self-assess potential areas of fiscal risk. LEAs are not required to utilize the template at this time, but will hopefully find it helpful in preventing potential areas of fiscal risk related to the provision of special education and related services. The template is located on the [special education finance and grants](#) web page in the quick links box, or it can be downloaded at http://www.k12.wa.us/SpecialEd/Finance-Grants/pubdocs/SpEd_ProgRiskBasedSelfAssess.xls.

IDEA-B and Section 619 Flow-Through Carryover Amounts Posted – Repeat

The Special Education federal carryover dollars from 2009-10 have been posted to iGrants Form Package 267 for IDEA-B and Section 619.

To expend these funds, you will need to submit a budget revision via iGrants to include these dollars on this year's grant. Click on the following link for district carryover allocations: [IDEA Carryover 2009-10](#). If you need assistance with creating a budget revision or if you have any questions, please contact Tara Canlett at tara.canlett@k12.wa.us or (360) 725-6075.

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
February 18, 2011	Community Impact	March 24–25, 2011	SPSCC, Room 118, Lacey WA., (Hawk’s Prairie)
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.

Tips from the Special Education Section: Reminders to the Field

Completing Annual IEPs

Meeting annual IEP timelines is important. Equally important is parent participation in the IEP team process. For a majority of IEP team meetings, the annual meeting is the one time all team members meet with the parent. It is an opportunity for all team members to provide input. OSPI receives questions about requirements for completing annual IEPs when parents disagree with the IEP. Here are the following suggestions:

What to do:

- Schedule the meeting in advance of the annual due date, especially when the team is aware that there may be disagreements.
- Ensure that all team members can attend, and that the meeting is scheduled at a mutually agreeable time and place with the parent. If after scheduling a meeting, a team member cannot attend, be sure to follow the procedures for excusal, or if there is not consent/agreement by the parent and district, then reschedule the meeting. If the district cannot convince the parent to participate, either personally or by other means, and it has documented its efforts to obtain participation, the district can hold the meeting.
- If after the meeting, there are still areas on the IEP needing to be addressed, schedule another meeting.
- If after the meeting or meetings, the district believes it has offered FAPE, prepare the prior written notice to be provided to the parent, including proposals and refusals, and state the date the IEP will be implemented.

What not to do:

- Do not call the parent a day or two before the annual due date, to inform them that their only option is to meet right away, and that the meeting will go forward without their participation.
- Do not call the parent a day or two prior to the meeting to inform them that not all team members can attend, but that the case manager will be sure that everybody signs the IEP.
- Do not ask the parent to review and sign the IEP without a meeting with assurances that the “entire” team will meet later.
- Do not tell a parent that without their signature noting their participation, the district cannot provide the student with services.

Following these tips will assist in ensuring that all team members have participated in revising the annual IEP. When disputes do arise, make sure parents understand the formal dispute resolution options and the informal option of IEP team meeting facilitation.

Revocation of Consent for Continued Services

Parents have the right to revoke consent for continued special education. However several issues have come up that call into question the voluntary nature of some parent revocations. When a parent revokes consent for special education, that revocation is voluntary. After a district receives a written revocation, they must provide the parent with a prior written notice. The purpose of prior written notice is to explain the effects of a revocation, and to set a future end date for services, so that a parent understands the implications of revocation and can change their decision, prior to the date services will stop.

Sometimes parents may be applying for other programs within the district, or for acceptance in another district. In addition to non-resident transfers from one district to another, other district programs include: alternative programs, homeschool retrieval programs, and online programs. Personnel responsible for talking to parents may not suggest, or imply, that a parent can not apply to these other programs due to eligibility for special education services. They may not require revocation as a condition of acceptance into a program. Nor can they suggest that it would be easier if parents would just revoke consent for special education, to make the application process faster and more likely to result in acceptance. Districts need to make sure that anyone responsible for processing or acting on applications are aware of both special education rules regarding revocation and prohibitions against discrimination under Section 504 of the Rehabilitation Act, and other federal and state non-discrimination issues.

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

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.

NEWS FROM ASSESSMENT AND RESEARCH

Math End-of-Course Exams: Questions and Answers For Student's Eligible For Special Education – Repeat

Numerous questions have come up regarding 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.

On September 30, 2010, the OSPI's Assessment Section held a webinar to address the end of course requirements for math. OSPI also developed a question and answer document that contains a section regarding EOC requirements and students eligible for special education. The relevant section is posted below in the section titled [End of Course Math Question and Answers for Students Eligible for Special Education](#). The power point and complete question and answer document is available at: <http://www.k12.wa.us/Mathematics/End-of-CourseExams.aspx>.

This is the excerpt from the question and answer document listed above addressing students who are eligible for special education:

Do students in special education programs need to pass the EOCs?

- For the Classes of 2013 and beyond, eligible students must earn either a Certificate of Academic Achievement (CAA) or a Certificate of Individual Achievement (CIA), as one of the requirements for earning a high school diploma.
- To earn a CAA, an eligible student takes all required course work and earns a proficient score for math EOCs, required science (EOC), and HSPE in reading and writing.
- To be eligible for a CIA, IEP teams for students with significant cognitive disabilities may determine that it is appropriate for a student to take the state alternate assessment using the WAAS-Portfolio.

How do students in special education programs meet math graduation and other course requirements?

- For students who will not be assessed using the WAAS-Portfolio, the students must take the high school assessments required for AYP, either with or without accommodations.
- For math, it is anticipated that the EOC for Algebra 1 will be approved by the US Department of Education as the high school exam for math.
- If students do not meet proficiency, IEP teams may consider whether it is appropriate for the student to continue to take high school assessments to meet proficiency or whether, because of the student's disability, the student may earn a CIA by using other measures.
- Other measures for earning a CIA include:
 - Achieving a score of Basic (Level 2) on the HSPE for reading and writing, the EOC exam for algebra 1/integrated I and science;
 - Taking and passing a Developmentally Appropriate Proficiency Exam (DAPE) at the elementary or middle school level, in one or more areas;
 - Use of the locally determined assessment (LDA) options in one or more areas; or
 - Use of the WAAS-Portfolio

What if the high school course requirements are not appropriate for a student, because of limitations of the student as a result of his or her disability?

- The state board regulation at [WAC 180-51-115](#) allows districts to adopt policies and develop procedures that would allow for special accommodations for individual students, exemption from any course or graduation requirement if the requirement impedes the student's progress toward graduation and there is a direct relationship between the failure to meet the requirement and the student's limitation.
- Teams may also determine that it is appropriate for the student to attend school up to age 21.