

January 2012 Special Education Update

Legislative Update

The 2012 Legislature opened the 60 day session on January 9. The session began shortly after a decision from the Washington State Supreme Court in *McCleary vs. State* was issued on January 5. In summary, the Supreme Court upheld a 2010 King County Superior Court decision in large part, and ruled that (1) basic education is the state's paramount duty and is underfunded by the Legislature, (2) the prototypical schools model developed in conjunction with the Quality Education Council (QEC) was a viable remedy, if fully funded, and (3) the Supreme Court would retain jurisdiction in the case until 2018, the date in which the prototypical schools model is projected to be fully implemented. This decision is expected to bracket much of the discussion on potential cuts to K-12 funding in the upcoming legislative session.

IDEA Part B Sections 611 and 619 Carryover and Section 619 Supplemental Available

Districts should be aware of two postings to iGrants requiring budget revisions:

- Part B Sections 611 and 619 **carryover** funds have been posted to iGrants Form Package 267. These funds are from unspent flow-through in the prior year and must be obligated by August 31, 2012.
- Part B Section 619 **supplemental** allocations for 2011-12 have also been posted to iGrants Form Package 267. The supplemental allocation was calculated using the flow-through formula. Section 619 preschool funds must be expended in the provision of service to eligible students aged 3 through 5.

In order to access the district's carryover and supplemental allocation, the district is required to submit a budget revision through iGrants Form Package 267. The carryover and supplemental allocations have been inserted into the iGrants system and combined as one carryover amount.

Districts may also need to revise the submitted spending plan in iGrants Form Package 267 on Page 2. If the district's spending plan will change from the original submission, select the "Change Request" on Page 2 and an email will be generated to OSPI staff to unlock the application. Anytime the district submits a request to make changes, the page(s) they wish to be unlocked must be specified in the "Change Request" email.

NOTE: 2011-12 IDEA flow-through grants are limited to 10% carryover into 2012-13.

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

Medicaid

The Health Care Authority (HCA) requested a meeting with OSPI on December 21 notifying us that the Centers for Medicare & Medicaid Services (CMS) plan had been recently approved and that the plan was retroactive for September 1, 2011 forward for submitting school-based Medicaid claims. When we reviewed the approval letter from CMS, we noted that the provider qualifications in Washington had been modified to reflect the presence of higher standards than previously approved by CMS. We also indicated to HCA that we believed the increased provider qualifications identified in the approval would negatively impact school based claims in Washington on behalf of eligible students. Since HCA is apparently planning to be at several ESDs this month, we thought it would be helpful if you were aware that the provider qualifications have changed and these changes will affect school based Medicaid claims. If you have questions regarding these changes, please contact Jim Harvey, Health Care Authority, School Based Health Care Services at (360) 725-1153 or james.harvey@hca.wa.gov. For your information, the web site address for the program is <http://hrsa.dshs.wa.gov/schoolbased/>.

OSPI Staff Updates

Please note that **effective January 16, 2012**, Pam McPartland will assume responsibility for the Non-Public Agency (NPA) approval process and Janice Tornow will assume responsibility for the pre-endorsement waiver approval process in the special education section at OSPI. We appreciate Sheila Ammons' assistance in these areas for the past two years. Questions regarding the NPA process should be directed to Pam and questions regarding pre-endorsement waivers should be directed to Janice at (360) 725-6075.

Updated Program Risk-based Self Assessment Template

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 049-11](#), 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/Risk-based_SelfAssess.xls.

New Professional Development Resource

OSPI has developed an online training module on early literacy and numeracy development in young children, aged three to five. The training module is designed for early childhood special education staff and is available on the OSPI website at <http://www.k12.wa.us/SpecialEd/EarlyChildhood/EarlyLiteracy.aspx>.

Clock hour credits are available from Bates Technical College for completing the training modules. If you have questions about the training modules, please contact Sheila Ammons at (360) 725-6075 or Sheila.ammons@k12.wa.us. Questions about clock hours should be directed to Elaine Kurlinski, Education Training Center Manager at Bates Technical College at (253) 680-7230 or ekurlinski@bates.ctc.edu.

Legal Assistance List for Special Education Due Process Disputes

The Office of Administrative Hearings maintains a list of attorneys, and agencies who have requested that they be included as a resource for parents. The list includes: 1) free or low cost legal service providers; 2) public (not for profit) organizations that assist parents but are not legal service providers; and, 3) attorneys who have experience and/or interest in special education law. This is the most recent list and is available for districts to provide parents upon request. It is also maintained on OSPI's website at: http://www.k12.wa.us/SpecialEd/pubdocs/legal_referral_list.pdf. Please make sure you are providing parents with the most current copy.

Determinations, Non-Compliance, and Significant Disproportionality – Repeat

The IDEA Compliance Package - iGrants Form Package 442 is now available. For school districts that are members of an Educational Service Agency (ESA), the ESA is required to utilize iGrants Form Package 642 on behalf of member districts. Both form packages (442 and 642) contain the following information:

1. The Local Education Agency's (LEA's)/Educational Service Agency's (ESA's) 2010-11 **Determination Level**.
2. The LEA's/ESA's **Significant Disproportionality** designation for 2010-11, if applicable.
3. Formal notification of identified **Non-Compliance**. All issues of non-compliance are required to be corrected by the LEA/ESA **as soon as possible but no later than April 30, 2012**. A summary of the correction must be provided through the IDEA Compliance Package - Form Package 442 (642 for ESAs), pages 4 through 6. Failure to complete corrections in a timely manner will impact the LEA's/ESA's 2011-12 Determination Level (issued November 2012).

If you have any questions about Determinations or Non-Compliance, contact Jennifer Story at (360) 725-6075 or Jennifer.Story@k12.wa.us. If you need assistance with accessing Form Package 442 (or 642), contact iGrants Customer Support at 1-800-725-4311.

Tips from the Special Education Section: Reminders to the Field

Accommodations – Repeat

Students who are eligible for special education may need accommodations that allow them to participate in state-wide testing and in their general education settings. These accommodations can be provided across settings and in general education classes. IEP teams determine what accommodations are needed as part of the IEP development process. When determining what accommodations a student may need teams should consider the following questions:

What accommodations are needed to allow the student to access his or her general education program?

Often, teams agree to the list of accommodations that parents request. Sometimes, IEPs contain so many accommodations that implementation can be difficult. Teams should look at the accommodations to determine which ones are appropriate for the student. The participation of a general education teacher is critical in assisting the team in determining what accommodations are appropriate, and in determining the settings for particular accommodations.

Are the listed accommodations clear to providers, parents, and students?

When determining accommodations, the team should be clear about the extent of the accommodation. Does preferential seating mean near the front of the class? What does “as needed” mean and who determines who needs it, the provider or the student? If providing extra time for homework assignments, what does that mean? Does it mean to the end of the year, within a week? Is extra time needed for any homework assignment, or is it needed for certain types or lengths of assignments.

Developing accommodations that are appropriate to the student and being specific about the implementation requirements assists all providers to meet their responsibilities for implementing IEPs. Make sure that providers are aware of the accommodations specific to their classroom, and make sure they understand their obligations to implement the IEP. Again, general education teacher involvement in IEP development and their input into the needs of particular students will assist in addressing the accommodations a student needs.

News from Assessment and Research

WAAS: Timeline for WAAS-Portfolio

The data collection timeline for the 2011-2012 WAAS-Portfolio identified windows for collecting student performance inputs, providing a schedule that would aid teachers through the process. The original windows published in the [Teachers' Guide to the WAAS-Portfolio 2011-12](#) are not hard and fast, as the intent behind collecting student data is to have 30 days between each set of submitted data. If teachers in your schools were unable to collect data for their students prior to the recent winter break, please communicate that there is still time to meet the intent of this year's collection process. The critical deadline is the last data point, March 23, so materials can be to our contractor for scoring. With that in mind if a teacher works backward they could have until January 23 to collect the first, or baseline, data point.

If you or your teachers have questions concerning the data collection dates, please send inquiries to WAAS@k12.wa.us or call (360) 725.6089.

WAAS: Accommodation Update

The [2011-2012 Accommodations Guidelines](#) omitted an important reference and inclusion of ‘word processors’. Word processors should have been included in references related to assistive technology (e.g., word prediction, speech-to-text, etc.) and the list of accessible devices. Please communicate that when word processors accommodate students in their instruction and learning they may also be included in documentation for the testing environment, as appropriate. As some specific examples, students may look to have the word processing device available to them to support responses to the writing assessment and the constructed responses to items in other content areas, again keeping in mind the documented need of the individual student.

OSPI will be communicating this important updated information through the Washington Assessment Weekly, the Special Education Director monthly update, and through an errata that will be posted to the accommodations document on the agency website. Any questions on this matter can be directed to either WAAS@k12.wa.us or call (360) 725.6089.

Science Submissions for High School WAAS-Portfolios – Repeat

As a reminder, current state law stipulates that meeting proficiency on a science assessment will be a graduation requirement for all students in the Class of 2015 (students who entered 9th grade in 11-12 school year). 10th grade students need to be assessed in science every year for NCLB. Students eligible for special education who have significant cognitive challenges, and for whom IEP teams have determined that the alternate assessment is appropriate should have a science section included with the 10th grade Portfolio along with other content sections. Since the graduation requirement does not affect students who are in the classes of 2012-14, **students in 11th and 12th grade** who have not reached proficiency in science will not need to include science in their portfolio submissions this coming spring.

Washington English Language Proficiency Assessment - WELPA

Every student in grades K through 12 who has qualified for English Language Development (ELD) services in the State Transitional Bilingual Instructional Program (STBIP) is to take the Washington English Language Proficiency Assessment (WELPA), including students whose families have waived services; Native American students in a Title III program, and students in private schools that accept ELD services.

The annual administration of the Washington English Language Proficiency Assessment (WELPA) is February 6th – March 9th. Title III requires any new English language learner identified before the end of the annual testing window (March 9, 2012) to take the Annual assessment. “If a LEP student is enrolled and present, the student must be assessed.

Accommodations for students participating in the WELPA are identified in the [Washington State’s Accommodation Guidelines](#). As a point of clarification with regard to use of technology and mechanical supports with students requiring accommodations: Using a Word Processor is acceptable in cases where such devices are identified as necessary to support the student in both his or her everyday instruction and assessment taking, and has been readily used in the student’s classroom experience prior to the day of testing. Considerations associated with writing supports (as with transcription, scribing, spell check, etc.) need to be included in the determination to select word processing as an accommodation.

The WELPA is available in Braille and large print form for those students whose IEPs or 504 plans specify these testing formats. They are available for all grade-spans, K–12. Braille kits contain a DFA, CD for Listening Items, accommodated test book and response document, scoring kit, and blank standard form test book and blank answer book. Large Print kits contain an accommodated test book, cue book for grades K - 3, response document and a blank standard form answer book. Proctors use the same DFA and CD for Listening items (optional) as for other students. Accommodated kits are ordered through the district’s Assessment Coordinator.

Any questions regarding the information on participation in this state assessment can be directed to the Bilingual Education Program Office (360) 725-6147 or terrie.beckman@k12.wa.us, or to the WELPA office (360) 725-6338 or WELPA@k12.wa.us.