June 2011
Special Education Update

State Budget Update

The 2011 Legislature adjourned on May 25. The final operating budget adopted by the Legislature includes cuts to K-12 education of approximately $1.8 billion for the biennium. These cuts include suspension of I-728 and I-732 ($1.2 billion); elimination of K-4 class size enhancements ($215 million); salary reductions ($179 million, 1.9% for classified and certificated staff and 3% for administrative staff); changes to national board bonuses ($61 million); changes to student assessment moving to one math assessment for the classes of 2013 and 2014, and changing the science requirement to the class of 2015 ($57 million); changes to alternative education programs ($41 million); eliminating Materials, Supplies, and Operating Costs (MSOC) funds related to K-4 ($24 million); food service ($6 million); and changes to Running Start enrollment from 2.0 FTE to 1.2 FTE ($6 million).

There were some budget add-ins which included $33.6 million for k-3 class size reductions in high poverty schools; $25 million to implement a new BEA funding formula based on a prototypical school model; $5 million towards a new transportation allocation; $5 million for all-day kindergarten in high poverty schools; $4 million in match monies for a public/private partnership with Microsoft (IT Academy); $3 million in dropout prevention; and $3 million for the teacher/principal evaluation program. Local Effort Assistance was not cut.

From a special education standpoint, safety net funding will become an annual application process with funds to be awarded in August of each year, and school based Medicaid for eligible students will be available through intergovernmental transfers (this process is not yet fully developed at this time).

Special Education IDEA Part B Sections 611 and 619 Federal Fund Application Released

The Special Education IDEA Part B Sections 611 and 619 federal grant application for the 2011-2012 school year was launched through one stream-lined, iGrants form package on May 16th. Previously there were two separate form packages, the 267 and 265. These have been combined and condensed into one single form package, 267 (497 for ESAs), which consists 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 1 spending start date. LEAs/ESAs that submit after July 1, 2011, will receive the spending start date in which all required components are received, with a final deadline of September 1, 2011 to receive the September 1 spending start date. 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 into the 2012-13 grant period. (2010-11 IDEA Part B regular grants remain at 100% carryover into the 2011-12 grant period.)** 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.

Updating District Contact Information in iGrants

Districts MUST update their contact information in iGrants frequently.

There are two places where districts need to update their contact information.

1. The Required Pages section, District ID tab. This tab includes the district's iGrants Administrator.
2. The Contact tab within each form package.

Click here for the iGrants tutorial on Required Pages.

Safety Net Update

Beginning with the 2010-11 school year awards cycle, the Office of Superintendent of Public Instruction is required to make award determinations for state safety net funding in August of each school year. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual revenue and expenditure data for the current school year at the individual student and district level. Safety net decisions affecting state funding will be verified in time for distribution in the August apportionment cycle. A safety net meeting will be held August 11th and 12th at South Puget Sound Community College Hawk's Prairie in room 118. For questions contact Mary Ellen Parrish at (360) 725-6075 or Maryellen.Parrish@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)
   a. Consideration of special factors was moved to page 2
   b. Added term "in the areas being assessed" to the Purpose statement on the top of page 4
   c. Calculation of LRE minutes for students ages 6 and above was moved from the bottom of the summary of services page to page 8
   d. The early childhood LRE section on page 8 was revised to align with the new LRE calculations for students ages 3 to 5.
   e. Parent consent for initial services was removed from the last page. (Note: model form 3 – "Parent Consent" is still available for use)

2. IEP Form – with Secondary Transition (form 6d)
   a. Consideration of special factors was moved to page 2
   b. Added term "in the areas being assessed" to the Purpose statement on the top of page 6
   c. Calculation of LRE minutes was moved from the bottom of the summary of services page to page 10
   d. Parent consent for initial services was removed from the last page. (Note: model form 3 – "Parent Consent" is still available for use)

If you have questions about the model state forms, please contact Jennifer Story at (360) 725-6075 or by email at Jennifer.Story@k12.wa.us. If you have questions about early childhood LRE, please contact Sheila Ammons at (360) 725-6075 or by email at Sheila.Ammons@k12.wa.us.

Pacific Northwest Institute on Special Education and the Law Conference

The 28th Annual Pacific Northwest Institute on Special Education and the Law, is scheduled for September 26-28, 2011 at the Portland Hilton and Executive Tower, in Portland, Oregon. The conference provides an annual overview of selected legal issues of interest to special education administrators, general education administrators, teachers, parents and advocates.

The conference includes speakers from the northwest region and nationally and allows participants to:

- Learn from special education law experts
- Build professional relationships and network with colleagues
- Stay current on recent legal decisions and interpretations of special education law and litigation
- Expand knowledge of emerging legal issues and trends

Please visit the website, www.uwschoollaw.org, for an agenda and secure online registration.

Questions? Call Mary Jane Shirakawa, (206) 221-3936 or email slawd@u.washington.edu

Special Education and Institutional Education Directory-Updated June 2011

The Special Education and Institutional Education Directory for the 2010-11 school year has been updated. To access the directory, click on the following link: http://www.k12.wa.us/SpecialEd/pubdocs/SpecialEdDirectory.pdf. The directory will now be updated monthly, on the first working day of every month. Changes to the directory should be submitted to speced@k12.wa.us throughout the year.

ARRA Reporting – Repeat

Timeline	Date
Reporting Form Package in iGrants is launched	June 1, 2011
Reporting Form Package due back to OSPI	**Close of Business June 09, 2011**
OSPI contacts district Superintendent if report has not yet been submitted	June 13, 2011
OSPI reviews and contacts districts with any questions	June 13-17, 2011
OSPI reviews, compiles, and submits data	June 20, 2011 – July 10, 2011

iGrants form package 577 will be used for this quarterly report. Each grant will have a separate reporting page. OSPI will again be pre-populating the majority of the data required to be reported from the information we have available through our own internal systems, in order to minimize the amount of information the district needs to provide. This data will be displayed for you to review.

2010-11 IDEA Part B Regular and ARRA Grant Balances – Repeat

On May 2, 2011, letters were mailed to the superintendents of all LEAs/ESAs stating the IDEA Part B Regular and ARRA grant balances as of 4/25/11 for the 2010-11 grant period. The purpose of the letter is to provide an update on the funding available and to reiterate the importance of using these funds to maintain and invest in quality education for the students in the LEA/ESA. To ensure that all IDEA funds are obligated and liquidated in a timely manner before expiration, we encourage you to commit IDEA funds before the close of the grant period, and avoid any potential recovery of unspent funds. As a reminder to Safety Net applicant districts, when determining capacity for funding, all IDEA funds are considered as available revenue. If you have any questions, please contact Tara Canlett at (360) 725-6075 or by email at Tara.Canlett@k12.wa.us.

End of Year Federal Special Education Data Reports – Repeat

End of year special education data reports are due soon. All of the excel templates can be downloaded from our Web site at http://www.k12.wa.us/SpecialEd/Data/FederalForms.aspx. The instructions and due dates are also located at the link referenced above. Do not modify these forms. These forms must be downloaded before opening them up over the Internet otherwise your data will not be saved. Please email all completed forms to specialeddata@k12.wa.us. As forms are received and verified, a confirmation email will be sent back to the email address submitting the form either acknowledging receipt of data or asking for corrections. If you do not receive an email within 3 business days assume that your data was not received and either resend or call Sandy Grummick or Amber O'Donnell at (360) 725-6075. **If you have no students eligible for a particular report, you may send an email stating that and be specific as to which report(s) you are referring for documentation purposes.**

Special Education Students Suspended/Expelled DUE ON OR BEFORE JUNE 30, 2011 (aka: the Discipline Data Report) - This is **not** part of the Safe and Civil Schools EDS submission; you must submit the special education data separately. This is a 7-page form with many checks and balances built in. There are tabs along the bottom of this excel document. Click on the tabs to navigate between the forms. If your copy does not have any tabs, please click your minimize/maximize button located at the top right-hand corner of the screen of that document. Tabs should appear at this time. If you have no students who meet the criteria of this data collection you may send an email stating that, or on page 1 of this document, there is a drop box that can be used to indicate no students to report. For questions contact John Bresko at (360) 725-6075.

Child Outcomes Summary Form (COSF) DUE ON OR BEFORE JULY 15, 2011 - Any new entry data or exit data should be submitted. If you have no new data you may just email stating no students to report for the Early Childhood Outcomes report. For questions contact Sheila Ammons at (360) 725-6075.

Timeline for Initial Evaluation/Part C to Part B Transition DUE ON OR BEFORE JULY 15, 2011 - These two collections are combined into one template. There are tabs along the bottom of this excel document. Click on the tabs to navigate between the forms. If your copy does not have any tabs, please click your minimize/maximize button located at the top right-hand corner of the screen of that document. Tabs should appear at this time. Some of the fields in this template auto-calculate and you cannot enter data into them. If the document asks you to unprotect it, you are on one of those fields. The information will calculate once you move to the next field or after pushing the 'Enter' button. For questions contact a member of the Program Review team at (360) 725-6075.

These forms must be submitted via email to specialeddata@k12.wa.us on or before the due date. Submission of late or inaccurate data will impact the district's Fall 2011 determination level. Please refer to http://www.k12.wa.us/SpecialEd/Data/FederalForms.aspx for the complete submission schedule.

Non-Public Agency (NPA) Applications are Past Due – Repeat

Currently approved Non-Public Agencies (NPAs) were required to submit annual review or three year renewal applications to OSPI by May 1. Districts are encouraged to verify the status of all NPAs they currently contract with on the OSPI Web site at http://www.k12.wa.us/SpecialEd/NonPublicAgency.aspx. NPAs that have not submitted the required application materials for the 2011-2012 school year are at risk of not being approved as NPAs for next school year. Please follow-up as appropriate, and contact Sheila Ammons at Sheila.Ammons@k12.wa.us or (360) 725-6075 with questions.

Private School Q & A – Repeat

The Office of Special Education and Rehabilitative Services (OSERS) revised their Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools document April 2011. Some of the new questions reflect recent policy letters that have been issued, while others address common questions that OSEP receives. New topics include:

- Location of Services and Transportation—addressing how an LEA determines where equitable services are provided and whether transportation is required.
- Property, Equipment, and Supplies—addressing whether Part B funds for equitable services may be used to place equipment and supplies in a private school or be used for repairs, minor remodeling, or construction of private school facilities.
- Out-of-State Children with Disabilities—addressing the responsibility for determining and paying for services provided to out-of-State parentally placed private school children with disabilities.
- Home-Schooled Children with Disabilities—addressing child find and services for children with disabilities who are home-schooled.
- Children in For-Profit Private Schools—addressing whether children enrolled in a for-profit private school are counted in determining the proportionate share and whether they are eligible to receive equitable services.

In addition to these new topics, questions have been added to address the consultation process, response to intervention (RTI), the process for developing a services plan, the difference between a services plan and an individualized education program (IEP), child find, and child count.

Early Childhood LRE Changes and Training Webinar – Repeat

The Office of Special Education Programs (OSEP) has revised the definitions for some of the early childhood (students ages 3 through 5) least restrictive environment (LRE) settings. These changes are 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 is available. The technical assistance documents along with the actual webinar are located on the Web site in both the Data Management and Special Education Early Childhood sections.

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

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

Initial Consent for Special Education Services

Districts know they must receive a parent's informed written consent before the district may begin providing a student with special education services. However, trying to obtain parent consent at an IEP meeting becomes difficult when parents do not agree with the IEP, or if the parent disagrees with proposed placement options after the IEP meeting. Consider the regulatory language regarding obtaining parent consent for initial services at WAC 392-172A-03000(d):

> If the parent of the student refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the school district:
>
> - Will not be considered to be in violation of the requirement to make available FAPE to the student for the failure to provide the student with the special education and related services for which the school district requests consent; and
> - Is not required to convene an IEP team meeting or develop an IEP.

Given this language, consider whether the evaluation group should address and obtain parent consent at the eligibility meeting. If done prior to IEP development this may assist both district staff and parents in understanding that informed consent is for the purpose of receiving special education services, and is not an agreement or disagreement about particular services, the delivery of services, or the IEP team's decisions about placement.

Department of Education Issues Guidance on Rights of Students with Disabilities when Educational Institutions Use Technology

On May 26, 2011, the U.S. Department of Education's Office for Civil Rights (OCR) issued guidance through Dear Colleague Letters to elementary and secondary schools and institutions of higher education along with a Frequently Asked Questions document on the legal obligation to provide students with disabilities an equal opportunity to enjoy the benefits of technology. This guidance is a critical step in the Department's ongoing efforts to ensure that students with disabilities receive equal access to the educational benefits and services provided by their schools, colleges and universities. All students, including those with disabilities, must have the tools needed to obtain a world-class education that prepares them for success in college and careers.

This guidance provides information to schools about their responsibilities under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act. The guidance supplements a June 2010 letter issued jointly by OCR and the Civil Rights Division of the U.S. Department of Justice. The June letter explains that technological devices must be accessible to students with disabilities, including students who are blind or have low vision, unless the benefits of the technology are provided equally through other means. Today's guidance highlights what educational institutions need to know and take into consideration in order to ensure that students with disabilities enjoy equal access when information and resources are provided through technology.

"Technology can be a critical investment in enhancing educational opportunities for all students," said Russlynn Ali, assistant secretary for civil rights. "The Department is firmly committed to ensuring that schools provide students with disabilities equal access to the benefits of technological advances."

The guidance is part of a larger effort by the Department and Obama administration to better serve the needs of people with disabilities. Last month, U.S. Secretary of Education Arne Duncan joined Kareem Dale, associate director for the White House Office of Public Engagement and special assistant to the President for disability policy, for a conference call with stakeholders to talk about some of the Department's efforts. During the call, Duncan discussed the Department's commitment to maintaining accountability in No Child Left Behind for all subgroups, including students with disabilities, and highlighted the Department's proposal to increase funding for students with disabilities in the fiscal year 2012 budget. Ali will also join Dale for a stakeholder conference call where she will discuss today's guidance and address the Department's work to ensure that all schools are fulfilling their responsibilities under the federal disability laws that OCR enforces.

To read the Dear Colleague Letter to elementary and secondary schools, see http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201105-ese.html.
To read the Dear Colleague Letter to institutions of higher education, see http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201105-pse.html.
The FAQ is available at http://www2.ed.gov/about/offices/list/ocr/docs/dcl-ebook-faq-201105.html.
To read the June 29, 2010 letter, see http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100629.html .

NEWS FROM ASSESSMENT AND RESEARCH

A Message from Randy Dorn

It is with pleasure that we announce the appointment of Robin Munson as Assistant Superintendent for Assessment and Student Information, effective July 1, 2011. Robin is currently serving as Director of Student Information, a role that she has filled capably for the past four and one-half years. Before that she served as Executive Director of Research and Evaluation for Tacoma Public Schools, and has prior experience in a variety of educational positions connected to assessment and data. She completed her baccalaureate and masters degrees at the University of Washington, and holds a Ph.D in Educational Psychology from Stanford University.

Alternate Assessment Specialist

Judy Kraft, Alternate Assessment Specialist, has accepted a new position; her last day with OSPI was May 31, 2011. Judy spent the last 4-1/2 years transitioning the assessment system for significantly cognitively challenged students through varying approval processes both internally and with US Department of Education. Judy shepherded the state through the last five cycles of the WAAS-Portfolio assessment, a program that has seen improvement each year in the manner in which the assessment is administered and the methods used in assisting teachers engage the process.

The Alternate Assessment Specialist position will be posted in the near future.

WAAS: Reporting Enhancements for WAAS-Portfolio Shipment of Reports and Rosters

Measured Progress has enhanced the sorting and packaging process procedures for Spring 2011 WAAS-Portfolio reports and rosters. Reporting documents will be processed for shipment by shrink wrapping reports at a school level and applying slip sheets (colored paper) between grade levels. This will help to eliminate the individual student level packaging of reports.

HSPE/WAAS: Information on August 2011 High School Proficiency Exam

Special Education and Section 504: Testing accommodations, as needed, must be provided to students receiving special education services and students on a 504 plan who are taking the August assessments. District assessment coordinators will need to determine which students require accommodations and consult with special education staff to determine what accommodations are needed for individual students and how the accommodations will be provided.

Only the writing and reading HSPE assessments will be administered during the August test administration window. As a result, students in grades 10, 11 and 12 taking a "HSPE-Basic" (HSPE-BA) using Level 2 meeting proficiency, will be able to participate in the August Administration. Testing opportunities will be available in November for students receiving special education services with IEPs indicating that the student should take the Developmentally Appropriate Proficiency Exam (WAAS-DAPE). This option is available for students in grades 11 and 12.

MISC: FERPA Proposed Changes

The U.S. Department of Education released the new proposed amendments to regulations for the Family Educational Rights and Privacy Act (FERPA). The proposed amendments can be viewed at this website: http://www.federalregister.gov/articles/2011/04/08/2011-8205/family-educational-rights-and-privacy.

Key Areas of Proposed Change (summarized by the Council of Chief State School Officers

State and local data systems

The proposed regulations would broaden access to data by:

- Broadening the categories of individuals/entities that may receive data for evaluation/audit purposes.
- Authorizing disclosures from postsecondary institutions to K-12 officials/data systems for the purposes of evaluating/auditing K-12 programs.
- Broadly defining education programs under the law's evaluation/audit provisions.
- Authorizing state or local agency disclosures for research studies.

New Privacy Safeguards.

The proposed regulations would balance the provisions for expanded access, described above, with new provisions to protect the privacy of student records, including:

- Reasonable methods to ensure compliance.
- Written agreements with authorized representatives.
- Debarring access for violations.
- Expanded jurisdiction for investigations and enforcement.

Other proposed provisions:

The proposed regulations include other provisions, all regarding directory information:

- Student ID numbers as directory information.
- No opt out for student IDs/badges.
- Limited recipients/purposes for directory information disclosures.

Locally Determined Assessment

The current procedures guiding the Locally Determined Assessment (LDA) are for districts to administer commercially available assessments (e.g., Woodcock-Johnson) to students receiving special education services as an alternative to fulfilling graduation requirements in reading, writing and mathematics. Specifically, the procedures identify particular versions of the designated assessments for use with students, for example, the KTEA-II, Woodcock-Johnson-III or WIAT-II in mathematics. The underlying foundation of the LDA is the established grade equivalency score set for each test or subtest in the specific content area assessed and not the specific test version. As such, OSPI will accept more current versions of the prescribed test types – KTEA, WIAT or Woodcock-Johnson – in the applicable content area; use of an earlier version than is listed in the procedures and forms will not be accepted.

As a reminder, the LDA option is available for students receiving special education services to fulfill high school graduation requirements if they are not able to meet the high school assessment requirements with the High School Proficiency Exam (HSPE)EOC with or without accommodations or through one of the other state-approved alternatives. Scores from an LDA are to be submitted during the student's 12th-grade year after at least one unsuccessful attempt at the HSPE/EOC if the student's IEP team determines that the LDA is the appropriate assessment for the student to demonstrate the requisite skills and knowledge to graduate. Scores can also be submitted for 11th or 12th-grade students who transfer from out of state or from a private or home-school environment.

2011 COMBINED SUMMER INSTITUTE
"Creating Possibilities… Building Futures"
July 11-14, 2011 – Yakima Convention Center
www.ncesd.org/csi

OSPI is sponsoring the 11th Combined Summer Institute which provides training in serving children who are autistic; blind/visually impaired; deaf/hard-or-hearing; and multiply disabled. This conference uses evidence-based practices to give participants practical applications for serving children and youth who have difficulty with behavior, communication, and processing information.

There are 4 days of training strands in Assistive Technology, Autism, Blind/VI, Deaf/HH, Educational Interpreting, and Multiple Disabilities. This is a chance for your special education team to get in-depth training and develop an action plan for a particular student or classroom or building.
Some highlights are:

- skill development training in educational interpreting and braille literacy
- AT programs- Boardmaker, Clicker 5, Classroom Suite, etc. - will be demonstrated and practiced!
- Behavioral strategies for children and youth with self-injurious behavior
- Communication for non-verbal students
- Planning "systems or schedules" for autism and multiply disabilities
- Social skills development strategies
- And so much more….

Don't miss this great opportunity for staff development! ***ARRA approved!***
To register, go to www.ncesd.org/csi . Cost for all 4 days including breakfast and lunch is $315. Parent scholarships are available. Reduced price for students is $200. For further information, contact Jackie Messer at 509.665.2630.

Traumatic Brain Injury training will be held at CSI for 1.5 days, July 13 and 14.
"BrainSTARS: Strategies for Teams and Re-education of Students with Brain Injury" will provide participants with information about setting up a team to support the students with brain injury and providing effective and appropriate interventions. Dr. Jeanne Dise-Lewis, author of the BrainSTARS manual, will be the presenter.

Registration is separate! Cost for the training is $125, plus $60 for the training manual. Go to www.ncesd.org/csi and scroll down to Traumatic Brain Injury training only and click!
Let your nurses, teachers, OT, PT, counselors, and coaches know about this excellent opportunity!