March 2011
Special Education Update

State Budget Update

The special education safety net authorized by the Legislature is a combination of supplemental state and federal funding that is conditionally available to school districts. In order to qualify for safety net relief, districts must be able to demonstrate capacity for additional funding and submit properly formulated Individualized Education Programs (IEPs) or other required documentation.

The state supplemental appropriations act (ESHB 1086) was passed by the Legislature on February 18, 2011. Changes enacted in the supplemental budget (Section 505, (8) (g)) now require that OSPI make award determinations for **state** safety net funding in August of each year, beginning in 2011, and be based on an analysis of actual expenditure data from the current school year. Therefore, safety net decisions affecting **state** funding will be verified prior to the August apportionment cycle. However, at this time, any federal IDEA Part B and 619 portions of the safety net awards are available through the regular iGrants process.

Discussions regarding the biennial budget for school years 2011-12 and 2012-13 are still underway. These discussions include many other funding issues affecting special education such as restoration of the school based Medicaid program, adjustments to the basic education allocation, length of school year, levy equalization, etc. Since state funding for special education is an enhancement to the basic education allocation for each school district, all of these discussions could potentially impact future funding amounts.

ARRA Funding Information

Reporting

ARRA Timeline for Form Package 566	Date
Reporting Form Package in iGrants is launched	March 2, 2011
Reporting Form Package due back to OSPI	Close of Business March 10, 2011
OSPI contacts district Superintendent if report has not yet been submitted	March 11, 2011
OSPI reviews and contacts districts with any questions	March 11-27, 2011
OSPI reviews, compiles, and submits data to OFM	March 28, 2011 – April 10, 2011

iGrants form package 566 will be used for this quarterly report. Each grant (e.g. Title I Part A) 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.

Carryover

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.

New Program Risk-based Assessment Template – Repeat

OSPI has developed a template LEAs can use to self-assess selected fiscal factors in their 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.

Other Updates

Notice of Annual State Application for Fiscal Year 2011

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.

Notice of Adopted Rules – Technical Changes

Public Law 111-256 (Oct. 2010) amended the Individuals with Disabilities Education Act (IDEA), and other federal laws, by replacing the term "mental retardation" with "intellectual disability." The definition of the term has not changed. OSPI used expedited rulemaking to make this change in accordance with federal law. We also corrected rules and statutory references in the special education rules. These changes were filed on March 1, 2011 and are effective 31 days later, on April 1, 2011. OSPI will update the Rules for the Provision of Special Education as soon as the rules are effective.

Download:

- Concise Explanatory Statement (Word)
- CR-103 (Rule Making Order) (PDF)
- adopted rules (PDF)

OSEP Memorandum on RTI

On January 21, 2011 OSEP released a memorandum to State Directors of Special Education prohibiting the use of RTI to delay or deny a special education evaluation under IDEA. OSEP continues to support use of RTI strategies to identify and meet the needs of all students, including those with diverse learning needs. However, while data obtained through an RTI process may be used to inform special education eligibility decisions (34 CFR §300.307(a)), regulations allow a parent to request a special education evaluation at any time (34 CFR §300.301(b)). For this reason, RTI strategies may not be used as an excuse to "delay or deny the provision of a full and individual education" (34 CFR §§300.304-300.311). Furthermore, once a referral is made, all required referral and evaluation procedures and timelines must be followed, regardless of whether or not RTI strategies are in place in a student's school. A copy of the complete memorandum is available at:
http://www.peatc.org/news_uploads/381/OSEP%20memo%20on%20RTI%201-21-11.pdf

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

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

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
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.

Non-Public Agency Application Revised February 2011 – Repeat

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.

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.

Tips from the Special Education Section: Reminders to the Field

Ensuring Access to Assistive Technology Devices

Assistive technology devices, like any other piece of equipment, have the potential for needing repairs or replacement. When students require an assistive technology (AT) device, a district is required to provide the device within a reasonable amount of time after implementing the IEP. And, the AT needs to be working properly. Having a plan in place to repair or replace devices will help district staff know how to respond to a broken device, and will let parents know that the district is working towards a solution. Some things to keep in mind:

- When developing a student's IEP, the IEP team should discuss whether a *specific* device is required or a *type* of device is required. If a specific type of device is required, know if it will take more time to repair or replace that device, and consider having a backup up plan in the event the device does not work properly.
- Know who to go to for repairs or replacements. Is there a district nearby that uses a similar or the same device? Is there someone in the area that can make repairs or provide parts? Will you need to go the manufacturer directly?
- Know how much repairs or replacement devices will cost. Talk to your business manager to learn how the purchasing process works in your district, and to make sure that there are funds available for unexpected repair or replacement costs.
- Know how much time it will take to make repairs or replace a device, and keep parents informed. Have an alternative in place for the student for the time it will take to make repairs or replace a device.

The Special Education Technology Center (SETC) is one of OSPI's state needs projects, and assists school districts and parents with the special technology needs of children with disabilities. The SETC can assist you with questions, planning, staff development, and has a lending library available for district use. Information about the SETC can be found on OSPI's website at: http://www.k12.wa.us/SpecialEd/stateneeds/SpecEdTechCtr.aspx.

The University of Washington also provides information and resources through the Washington Assistive Technology Act Program. Please visit their website for more information: http://watap.org/.

ADA Regulations Effective Date

On September 15, 2010, the Department of Justice published final rules addressing government program requirements under Title II of the ADA. March 15, 2011 is the effective date for the revised title II and title III regulations which include requirements addressing service animals. Districts may want to review their current procedures to make sure they are consistent with the changes. Information regarding changes is available on the US Department of Justice website at: http://www.ada.gov/revised_effective_dates-2010.htm.

NEWS FROM ASSESSMENT AND RESEARCH

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

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.