

October 2011 Special Education Update

Legislative Update

The Governor has announced a special session scheduled for November 28. The most current Revenue Forecast will be available by that date and the Legislature can begin the difficult process of adjusting the budget to reflect the prospect of even more cuts to an already pared down version of the state budget. The Legislature faces the daunting task of trying to absorb another \$2 billion in lost revenues. Although there are some Constitutional protections regarding what the state defines as “basic education,” many other areas of K-12 education funding such as levy equalization could be vulnerable. It is also possible that other areas of supplemental funding for K-12 programs historically funded by the Legislature could be in danger of reduction or elimination. Please continue to work with your district colleagues to inform them of the realistic impact on special education of any proposed cuts that are contemplated.

Determinations, Non-Compliance, and Significant Disproportionality (Form Package 442)

On November 1, 2011, iGrants Form Package 442 will be available. The form package will contain the following:

1. The district’s 2010-11 **Determination Level**.
2. Formal notification of the district’s **Significant Disproportionality** designation for 2010-11, if applicable.
3. Formal notification of identified **Non-Compliance**. All issues of non-compliance must be corrected by the district **as soon as possible**, and a summary of the correction provided through form package 442 (pages 4 through 7) no later than April 30, 2012. Failure to complete corrections in a timely manner will impact the district’s 2011-12 Determination Level (issued November 2012).

If you have any questions about Form Package 442, please contact Jennifer Story at (360) 725-6075 or Jennifer.Story@k12.wa.us.

Federal Special Education Data Reporting Requirements

The Office of Superintendent of Public Instruction (OSPI) collects special education data which must be submitted annually to the Office of Special Education Programs (OSEP), U.S. Department of Education.

[Bulletin 070-11](#) informs school districts of all the federally required data that will be collected during the 2011-12 school year. Each collection has a separate set of instructions, data collection forms, and due dates.

This is the only bulletin that will be sent to districts regarding this topic. Approximately one month before each data collection due date, reminders will be sent via e-mail to special education directors along with a link to the appropriate forms and instructions. The data collection instruments are located on the OSPI web site at <http://www.k12.wa.us/SpecialEd/Data/FederalForms.aspx>.

An update has been made to the individual child worksheet of the Child Outcome Summary Form (COSF). The COSF is the required tool used to collect early childhood outcomes data for Indicator 7. Clarification has been added to reflect the date when a child begins to receive preschool special education services. This date is used to determine if a child has received preschool special education services for a minimum of six months, in order to be included in the data collection for Indicator 7. The updated form has been posted to the OSPI website at http://www.k12.wa.us/SpecialEd/pubdocs/forms/Child_Outcomes_Summary_Form.pdf. Questions about the updated COSF form should be directed to Sheila Ammons at (360) 725-6075 or Sheila.Ammons@k12.wa.us.

Graduation and Dropout Data Collection

The 2010-11 Graduation and Dropout Enrollment report (P210) for all schools and districts serving students in any of the grades 7-12 is currently being reviewed and updated by staff in your district. The P210 report is a student level report that summarizes enrollment activity for students during the prior school year. In addition to enrollment and withdrawal status, the report contains demographic information and indicators that identify if students qualify for or are receiving services in specific programs. Special Education is one of these indicators.

This information is used to develop and publish graduation and dropout statistics for each school and district represented. Data is published for All Students and each of the report sub-groups. High School Other Indicator status for Adequate Yearly Progress is determined each year using this data.

We encourage you to work with **the individual(s) in your district who is responsible for this report** to ensure that the appropriate students are identified as receiving Special Education.

Additional information regarding this reporting process can be found in Bulletin B072-11, located at <http://www.k12.wa.us/BulletinsMemos/bulletins2011.aspx>.

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.

Information Regarding Upcoming WAAS Portfolio Trainings for Teachers and Administrators for 2011-12

Teacher Training: The link below provides information regarding upcoming WAAS portfolio training opportunities for 2011-12. As you will recall, changes to the WAAS portfolio system were proposed by a statewide taskforce in 2010, and the passage of ESHB 1519 in 2011. These changes were intended to more closely align the alternate assessment system, including expanded extensions, with the Individualized Education Programs (IEPs) for students with significant cognitive challenges. The work of the taskforce culminated with an approach that was presented at the WASA/OSPI Administrators Conference in August. The Washington Education Association (WEA) has worked closely with OSPI Research and Assessment and Special Education, and is offering a series of trainings available to teachers during October and November. We want district administrators to also be aware of the dates, and availability of the training. Please see the attached link for more information.

http://www.washingtonea.org/index.php?option=com_content&view=article&id=3004:2011-12-waas-portfolio-training&catid=180

For questions or more information, contact Mark Anderson at manderson@washingtonea.org or (253) 765-7066 (toll-free (800) 622-3393, Ext. 7066); or Shirley Jeffrey at sjeffrey@washingtonea.org or (253) 765-7073 (toll-free (800) 622-3393, Ext. 7073).

District Special Education Administrator and Assessment Coordinator Training: A two-part K-20 webinar is scheduled for special education directors, district assessment coordinators (DACs), principals and other administrators regarding the 2011-12 WAAS portfolio. These webinars will provide administrators and DACs with a thorough overview of the administration of the WAAS Portfolio and are scheduled on:

Monday, October 31, 2011 from 1:30 pm – 3:00 pm: Overview of the 2011-12 WAAS Portfolio Teachers' Guide and Extensions

Tuesday, November 1, 2011 from 9:00 am – 10:30 am: 2011-12 WAAS Portfolio Resources: Extensions, Forms, Data Collection Options and Support

For questions or more information, contact the Assessment Office at WAAS@k12.wa.us or (360) 725-6089, or the Special Education office at speced@k12.wa.us or (360) 725-6075.

IDEA Part B and C Regulations – Updated

On September 6, 2011, the Department of Education released a notice of proposed rulemaking (NPRM) to amend the IDEA Part B regulations. Changes are being proposed to the regulations regarding when a State or local educational agency seeks to use a child's or parent's public benefits or insurance (e.g., Medicaid) to pay for Part B services. These proposed amendments to the Part B regulations would ensure the protection of the rights of parents and children and ensure that children with disabilities receive FAPE while addressing concerns raised by state educational agencies and local educational agencies regarding the burdens imposed by the current regulation. The NPRM was published in the Federal Register on September 28, 2011 – the same date as the Part C Regulations. **Comments are due no later than December 12, 2011.** The Federal Register notice can be viewed at the following link: <http://www.gpo.gov/fdsys/pkg/FR-2011-09-28/pdf/2011-22784.pdf>.

On September 6, 2011, the U.S. Department of Education also released the final regulations for the early intervention program under Part C of the Individuals with Disabilities Education Act (IDEA). These final regulations will help improve services and outcomes for America's infants and toddlers with disabilities and their families.'

The official versions of both documents can be found at: <http://www2.ed.gov/about/offices/list/osers/news.html>

OSPI Presentations - WASA Conference

The OSPI presentations from the August 2011 WASA Conference have been added to the OSPI website. The presentations can be found at <http://www.k12.wa.us/SpecialEd/present.aspx>.

2010-11 Special Education IDEA Part B Regular and ARRA Grants - Final Electronic Expenditure Data Due Date

The final electronic expenditure data due date for 2010-11 Federal Special Education IDEA Part B regular and ARRA grants is **November 17, 2011**. This is the final date to enter expenditures and draw down funds for 2010-11 IDEA grants. Please refer to OSPI Bulletin [B054-10 - Grant Award Reporting and Processes for FY 2010-11](#) or OSPI Memorandum [M036-11 - Grant Carryover for ARRA Grants Ending 9/30/11](#) for additional information.

IDEA Part B Application and Funding for 2011-12 – Repeat

Districts should be aware of the following important dates and conditions affecting IDEA Part B funding and the application process.

Submitted IDEA Part B application with all required reports ON OR BEFORE July 1, 2011 at 5:00pm:

- Districts that submitted their 2011-12 IDEA Part B application, budget matrices and Assurances through iGrants (form package 267) and all required reports (including, but not limited to, a hard copy of your signed Assurances) **by 5:00pm on July 1, 2011**, may claim reimbursement for costs incurred from July 1, 2011.

Submitted IDEA Part B application with all required reports AFTER July 1, 2011 at 5:00pm:

- Districts that submitted their 2011-12 IDEA Part B application, budget matrices and Assurances through iGrants (form package 267) and all required reports (including, but not limited to, a hard copy of your signed Assurances) **after 5:00pm on July 1, 2011**, may claim reimbursement for costs incurred on or after the date all required information is received.
- To receive reimbursement for costs incurred from July 1, 2011, the district must submit a request through the iGrants system by inserting a note** (see sample below) on the Notes tab of the district's IDEA Part B form package 267. Otherwise the district will only receive reimbursement for costs incurred on or after the date all required information was received.

Submitted IDEA Part B application WITHOUT ALL REQUIRED REPORTS:

- Districts that submitted their 2011-12 IDEA Part B application and budget matrices through iGrants (form package 267), but have outstanding required information due to the Special Education office, will not receive budget approval to spend or claim IDEA funds. Check the Notes tab in form package 267 to see the required information that is needed. (This could be a hard copy of your signed Assurances, additional CEIS information, etc.)

- After budget approval is received, districts may claim reimbursement for costs incurred on or after the date all required information was received at OSPI.
- To receive reimbursement for costs incurred from July 1, 2011, the district must submit a request through the iGrants system by inserting a note** (see sample below) on the Notes tab of the district's IDEA Part B form package 267. Otherwise the district will only receive reimbursement for costs incurred on or after the date all required information was received.

*Note to all districts:

- **The final deadline to submit form package 267 for 2011-12 funding was September 1, 2011.** If the LEA does not plan to apply for IDEA Part B Sections 611 and 619 funds, notify Tara Canlett at tara.canlett@k12.wa.us to request the letter indicating that the LEA is not submitting the LEA Application. The district will need to sign this letter and send back via fax or mail. Waiver of funding does not relieve the LEA of the federal and state requirements and its obligations under 34 CFR and WAC 392-172A.
- Districts may receive a "HOLD on Funds" if any of the pages in form package 267 have not received final approval 30 days after receiving feedback from OSPI.
- 2010-11 regular IDEA grants have 100% carryover into 2011-12. The budget revision deadline was August 31, 2011 with a final draw down deadline of November 17, 2011.
2011-12 IDEA grants are limited to a 10% carryover into 2012-13.

**Sample note to request reimbursement for costs incurred from July 1, 2011 (this note must be inserted on the Notes tab of the district's IDEA Part B form package, 267):

EXAMPLE: "Please allow my district to submit a reimbursement request for start-up activities occurring between July 1, 2011 and September 1, 2011.

27-2 \$1,000

27-3 \$500

27-4 \$250"

If you have any questions regarding the IDEA grant **process**, please contact Tara Canlett at 360-725-6075 or by email at tara.canlett@k12.wa.us. Questions regarding application **content** should be directed to your reviewer.

Post-School Survey (Indicator 14) Timeline – Reminder – Repeat

The online post-school survey data collection period for the 2010 leavers (students who graduated/dropped out in 2009-10) opened June 1, 2011, and must be completed **no later than November 1, 2011**. Timeliness with this report will impact the district's determination level to be issued November 1, 2012. Please contact the Center for Change in Transition Services (CCTS) at (206) 296-6494 or ccts@seattleu.edu if you have questions about the survey.

Resolution Sessions – Due Process – New Tracking Form – Repeat

When parents file a request for a due process hearing, districts are required to hold a resolution session with the parent to try and resolve the issues identified in the due process hearing request. Resolution sessions must be scheduled and held within 15 days of the date the district received the parent's request, or within 7 days of the request if the hearing is expedited, unless parties agree to waive the resolution session or agree to participate in mediation. OSPI has developed an information sheet and Resolution Session Forms to assist you in this process. You will find this document, called "Information and Forms on Resolution Sessions" on OSPI's dispute resolution web site at: <http://www.k12.wa.us/SpecialEd/DisputeResolution/DueProcess.aspx>, in the Quick Links box.

When OSPI receives notice of a parent's due process hearing request, OSPI will send the district's special education director an email detailing the requirement to hold a resolution session, unless the parties agree in writing to participate in mediation or waive the resolution session. Additionally, the district will be required to complete and return a Resolution Session Tracking Form to Think Le, Think.Le@k12.wa.us at OSPI. If you have any questions contact Pam McPartland at (360) 725-6075 or Pamela.McPartland@k12.wa.us.

Tips from the Special Education Section: Reminders to the Field

Information on Part Time Enrollment

We receive many calls from parents and districts with questions about part-time enrollment. The regulations addressing part-time enrollment are available at [WAC 392-134](#). Districts are encouraged to familiarize themselves with these regulations. Based on the regulations, parents who have enrolled their child in a private school, or who are homeschooling their child are **entitled** to enroll to take any course, receive any ancillary service, and take or receive any combination of courses and ancillary services which is made available by a public school to full-time students who are residents of the district. When the student is enrolled in a private school, the ability to part-time enroll is for any course, ancillary service, or activity not offered in the private school. Districts may also choose to allow part-time enrollment of non-resident students by following the non-resident attendance laws (Choice).

The following are questions we have received:

If a parent wishes to part-time enroll their child for only one of the services available to them, don't they have to access all of the special education services or provide us with a revocation of special education services?

No. Under the part-time enrollment rules, a parent is entitled to enroll the student to take **any** course, receive any ancillary service or a combination of courses or services. Again, when the student is enrolled in a private school, the student can enroll in courses or receive ancillary services not offered by the private school. Districts should describe in the IEP the services the student would receive if full time enrolled, and then address the special education services, including any supplemental supports and accommodations the student will receive during his or her part-time attendance.

What is the difference between part-time enrollment and services to private school students using proportional share?

When a student is part-time enrolled, the services to be delivered are described in the student's IEP. Those courses and services are provided on the public school grounds, or a site under the control of the public school. Transportation to the public school is not required, unless it is needed as a related service. Districts may not require unilaterally enrolled private school students to part-time enroll to receive special education services. Part-time enrollment is at the election of a parent.

When a student will be receiving equitable services under IDEA's unilateral enrollment proportional share process, the services or other supports are described in a services plan. Services may occur at the site of the public or private school, depending upon the decisions made about the location of services through the consultation process. The district must provide transportation, if the student needs to be transported to participate in the proportional share services. The cost of transportation may be included in calculating whether the district is meeting its proportional share costs.

Can a parent use part-time enrollment to change his or her Least Restrictive Environment (LRE)?

No. The part-time enrollment provisions do not change the determination of LRE.

A final note: Do not confuse a student who is homeschooled with a student who is participating in an alternative education program. Some district alternative programs are provided to parents who have been providing home school services to students. When a student is attending a district's alternative program, the student may be once again full-time enrolled in a district. It is critical that district alternative education program administrators coordinate with their district special education administrators.

News from Assessment and Research

WAAS: Portfolio Update for 2011-2012

Please visit <http://www.k12.wa.us/Assessment/AlternativeAssessment/Portfolio.aspx> to view all updated 2011-12 WAAS-Portfolio materials.

Questions? Contact the Alternate Assessment Hotline at 360-725-6089.