Leveraging Special Education Programming: Results and Trends in Monitoring & Complaints

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WASA 2019
Today’s Topics

- Special Education Citizen Complaints
- District Partner Reflections
- Washington Integrated System of Monitoring: Trends and Takeaways
OSPI Vision:
All students prepared for post-secondary pathways, careers, and civic engagement.

OSPI Mission:
Transform K–12 education to a system that is centered on closing opportunity gaps and is characterized by high expectations for all students and educators. We achieve this by developing equity-based policies and supports that empower educators, families, and communities.

OSPI Values:
• Ensuring Equity
• Collaboration and Service
• Achieving Excellence through Continuous Improvement
• Focus on the Whole Child
OSPI Priorities:
Improving Outcomes for Students with Disabilities

Leadership
Support students with disabilities (including increased collaboration and ownership of school administrators and staff) and coordinated efforts with community organizations to improve results and reduce disproportionality.

Growth Mindset
Increased expectations of students with disabilities (e.g., standards, instruction, graduation, assessments, attendance, IEP-related Decisions, and post-school outcomes).

Evidence-Based Practices
Instruction and interventions within an MTSS framework and inclusionary practices leading to increased access and progress in Washington grade-level learning standards.

Professional Development
Joint training for general educators, special educators, paraeducators, administrators, and parents/families (e.g., IEP team members).

Resource Allocation
Braided funding, consolidated grant application, reducing costs for administrative tasks, increasing direct support to students, and data-based decision making.

Recruitment & Retention
Preparation programs for administrators, general educators, special educators, related service providers, and paraeducators focused around instruction and support for students with disabilities.
Special Education Citizen Complaints

- Overview
- Trends
- Examples
- Tips: Prevention & Response
Dispute Resolution Options Under the IDEA

- **Mediation** – Parents and Districts may request mediation to help resolve problems regarding the identification, evaluation, placement, and provision of FAPE.

- **Special Education Citizen Complaint** – Anyone may file a special education citizen complaint, alleging a violation of the IDEA. One-year statute of limitations.

- **Due Process** – Parents or Districts may file a due process complaint to request a due process hearing regarding the identification, evaluation, placement, and provision of FAPE. Two-year statute of limitation (with some exceptions).
Overview of Citizen Complaint Process

1. An organization or individual files a written complaint with OSPI.
   - ‘Individual’ is not limited to the Parent of the Student that is the subject of the complaint. For example, a neighbor of a Student, the parent of a different student, or an employee of the school district can all file a citizen complaint.
   - At the time of filing with OSPI, the Complainant also provides a copy to the District.

2. OSPI reviews the complaint. Then, we either:
   - Ask Complainant for more information and/or clarification;
   - Inform Complainant that the special education Dispute Resolution Team does not handle that particular issue, and provide Complainant with contact information for the relevant agency. Two examples: allegations of professional misconduct, disability discrimination; or,
   - Open complaint.
Overview of Citizen Complaint Process

3. OSPI mails letters to the District and the Parent, stating the issue(s) for investigation.
   ➢ District has 20 calendar days to submit a Response to OSPI.

4. OSPI forwards District’s response to the Parent.
   ➢ Parent has 10 calendar days to submit a Reply to OSPI.

5. OSPI forwards Parent’s Reply to the District.
Overview of Citizen Complaint Process

6. Within 60 calendar days after receipt of a complaint, OSPI issues a decision. Potential result:

- No violation; or,
- Violation. Potential Remedies (Non-Exhaustive List):
  - Written guidance;
  - Training;
  - Require IEP meeting; and/or,
  - Compensatory education.
By the Numbers: Filed and Opened

Number of Complaints

<table>
<thead>
<tr>
<th>Year</th>
<th>Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>58</td>
</tr>
<tr>
<td>2009</td>
<td>49</td>
</tr>
<tr>
<td>2010</td>
<td>38</td>
</tr>
<tr>
<td>2011</td>
<td>57</td>
</tr>
<tr>
<td>2012</td>
<td>65</td>
</tr>
<tr>
<td>2013</td>
<td>84</td>
</tr>
<tr>
<td>2014</td>
<td>82</td>
</tr>
<tr>
<td>2015</td>
<td>86</td>
</tr>
<tr>
<td>2016</td>
<td>88</td>
</tr>
<tr>
<td>2017</td>
<td>92</td>
</tr>
<tr>
<td>2018</td>
<td>119</td>
</tr>
<tr>
<td>2019</td>
<td>52</td>
</tr>
</tbody>
</table>
Citizen Complaints by the Numbers

2018
- 119 filed
- 31 withdrawn

Findings:
- 24 for district
- 22 for complainant
- 43 split

2019
- 52 filed
- 13 withdrawn

Findings:
- 5 for district
- 15 for complainant
- 9 split
Decision Example: IEP Implementation

18-102:

- **Allegation:** District did not implement the Student’s IEP while Student was placed at a nonpublic agency (NPA).

- **Finding:** NPA did not implement the Student’s IEP.
  - **Law:** Districts are responsible for ensuring IEP implementation when Student placed at NPA. WAC 392-172A-04085.

- **Remedy:** Compensatory education: ½ of the total time missed—in a one-to-one setting.
  - **Law:** There is no requirement to provide day-for-day compensation for time missed. Generally, services delivered on a one-to-one basis are delivered effectively in less time than if the services were provided in a classroom setting.
Decision Example: Progress Reporting

18-93:

- **Allegation:** District did not provide Parent with progress reporting, as detailed in the Student’s IEP.

- **Finding:** District did not provide data to the Parent on each of the Student’s measurable annual goals; some reports were not timely; some progress reporting was so vague as to not permit the Parent to actually identify what, if any, progress the Student had actually made on his goals.

- **Remedy:** Hold IEP meeting to review progress and either develop a new IEP or amend the old IEP.
Decision Example: Parent Participation

19-17:

- **Allegation**: District did not follow proper procedures for responding to Parent’s request for before school transportation and supervision.

- **Finding**: District followed proper procedures when it: a) convened a properly constituted IEP meeting that included the Parent; b) considered the Student’s needs resulting from the Student’s disability by looking at recent, accurate data on the Student; c) determined that a transition plan at the start of the regular school day was sufficient to address the student’s needs; and d) documented the disagreement with the Parent in a thorough, timely, and clearly-worded prior written notice.

- **Remedy**: None.
Preventing Citizen Complaints

- Timely and thorough communication with the Parent.
- Progress Reporting.
- Facilitated IEP meeting or mediation through Sound Options.
Responding to Citizen Complaints

- If requested, please produce all evaluations and IEPs in effect during the one year prior to the filing of the complaint.
  - In many cases, a Student will have 2 IEPs that were in effect during the one year investigation period. Oftentimes, the evaluation that informed the first of those IEPs took place before the one year investigation window. Districts occasionally forget to produce this earlier evaluation.

- Include a detailed narrative response, wherein you:
  - Deny or admit the allegation(s) made by the Parent;
  - Address any conflicting information or data; and,
  - Propose a remedy or corrective action (if you admit there has been an error or believe that OSPI will find one).

- Organization: Either group like-documents (prior written notices, IEPs, etc.) together or present them in chronological order.
Responding to Citizen Complaints

- Organize emails chronologically and include the email header (sender, recipient, date, time).
- Paginate your response.
- Alphabetize the staff list by last name.
- Include a timeline or chronology of events.
- Redact personally identifiable information for other students.
- In email communications with the assigned investigator, identify the citizen complaint number in the subject line of the email.
Timelines

- They are important.
  - OSPI’s 60 day deadline can only be extended for “exceptional circumstances.” OSEP has found that the following do not constitute “exceptional circumstances” warranting an extension: staff shortages, heavy caseloads, school vacations and breaks.
  - However, the 60 day deadline can be extended if both parties agree, in writing, to pursue mediation through Sound Options.

- The citizen complaint regulations establish deadlines using “calendar days”— i.e., not “school days.”

- You can always submit your response earlier than the 20 day deadline.
Questions?

Comments?
Shoreline School District
WISM

What we learned from the monitoring process

Amy Vujovich
Director of Student Services
Be prepared!

- Calendar regular times well in advance to collect and complete documents
- Ask questions!
- OSPI staff are very very helpful
- Spend the time to prepare staff
We do things pretty darn well!

- The process forced us to explicitly lay out our processes
- Reaffirming that for the most part, we do most things really well
- There are some things we could do better – and now we are doing so
It’s over – now what?

- Shared the results broadly
- We are using the feedback we received as a part of our ongoing visioning work
- Our future work is more focused
Big picture

- A ton of work
- A positive experience
- Super informative
Questions?  Comments?
Washington Integrated System of Monitoring (WISM)

Trends, Takeaways, and Shifts
Where to Focus First?

Compliance

Outcomes
Annual Performance Report - Compliance compared with Results

2019 Results-Driven Accountability Percentage and Determination

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>74.58%</td>
<td>Needs Assistance</td>
</tr>
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</table>

Results and Compliance Overall Scoring

<table>
<thead>
<tr>
<th></th>
<th>Total Points Available</th>
<th>Points Earned</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Results</td>
<td>24</td>
<td>13</td>
<td>54.17%</td>
</tr>
<tr>
<td>Compliance</td>
<td>20</td>
<td>19</td>
<td>95%</td>
</tr>
</tbody>
</table>

Exiting Data Elements

<table>
<thead>
<tr>
<th>Performance</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of SWDs who Dropped Out</td>
<td>32%</td>
</tr>
<tr>
<td>Percentage of SWDs who Graduated with a Regular High School Diploma</td>
<td>65%</td>
</tr>
</tbody>
</table>
## 2019 Part B Results Matrix

<table>
<thead>
<tr>
<th>Assessment Elements</th>
<th>Reading</th>
<th>Mathematics</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Performance</td>
<td>Score</td>
</tr>
<tr>
<td>4th Grade SWDs Participating in Regular Statewide Assessments</td>
<td>88%</td>
<td>1/2</td>
</tr>
<tr>
<td>8th Grade SWDs Participating in Regular Statewide Assessments</td>
<td>85%</td>
<td>1/2</td>
</tr>
<tr>
<td>4th Grade SWDs Scoring at Basic or Above on the National Assessment of Educational Progress</td>
<td>27%</td>
<td>1/2</td>
</tr>
<tr>
<td>4th Grade SWDs Included in Testing on the National Assessment of Educational Progress</td>
<td>89%</td>
<td>1/1</td>
</tr>
<tr>
<td>8th Grade SWDs Scoring at Basic or Above on the National Assessment of Educational Progress</td>
<td>38%</td>
<td>2/2</td>
</tr>
<tr>
<td>8th Grade SWDs Included in Testing on the National Assessment of Educational Progress</td>
<td>87%</td>
<td>1/1</td>
</tr>
</tbody>
</table>
Student-level File Review Results: Eligibility & Services

- **Sufficient Evals**
  - 2016-17: 94%
  - 2017-18: 96%
  - 2018-19: 97%

- **Eval/IEP Consistency**
  - 2016-17: 99%
  - 2017-18: 99%
  - 2018-19: 97%

- **SDI**
  - 2016-17: 98%
  - 2017-18: 99%
  - 2018-19: 98%

- **Secondary Transition**
  - 2016-17: 85%
  - 2017-18: 76%
  - 2018-19: 88%
Student-level File Review Results: IEP Components

<table>
<thead>
<tr>
<th>Component</th>
<th>2016-17</th>
<th>2017-18</th>
<th>2018-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present Levels</td>
<td>97%</td>
<td>98%</td>
<td>96%</td>
</tr>
<tr>
<td>Measurable Goals</td>
<td>70%</td>
<td>80%</td>
<td>85%</td>
</tr>
<tr>
<td>Progress Rept</td>
<td>99%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>State Assmt</td>
<td>99%</td>
<td>99%</td>
<td>99%</td>
</tr>
<tr>
<td>Summary of Services</td>
<td>87%</td>
<td>93%</td>
<td>91%</td>
</tr>
<tr>
<td>LRE Explanation</td>
<td>92%</td>
<td>96%</td>
<td>95%</td>
</tr>
</tbody>
</table>
Student-level File Review Results: Secondary Transition

<table>
<thead>
<tr>
<th>Category</th>
<th>2016-17</th>
<th>2017-18</th>
<th>2018-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total transition compliant</td>
<td>76%</td>
<td>85%</td>
<td>88%</td>
</tr>
<tr>
<td>Transition Assessment</td>
<td>99%</td>
<td>99%</td>
<td>99%</td>
</tr>
<tr>
<td>Postsecondary Goals</td>
<td>85%</td>
<td>86%</td>
<td>93%</td>
</tr>
<tr>
<td>Transition Services</td>
<td>99%</td>
<td>100%</td>
<td>99%</td>
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<tr>
<td>Course of Study</td>
<td>98%</td>
<td>97%</td>
<td>97%</td>
</tr>
<tr>
<td>Student Invite</td>
<td>100%</td>
<td>99%</td>
<td>100%</td>
</tr>
<tr>
<td>Agency Invite</td>
<td>100%</td>
<td>99%</td>
<td>100%</td>
</tr>
</tbody>
</table>
2018-19 Student File Review Trends

Celebrations 🎉
- Evaluation & IEP Consistency
- Provision of SDI & Transition Services
- Presents Level of Academic & Functional Performance
- Progress Reporting – how and when
- Documentation of assessment decisions
- Student invites

Areas for Growth
- Measurable Annual Goals
- Summary of Services (matrix)
- Overall transition components
- Postsecondary Goals
2018-19 Systems-level Review Trends

Celebrations 🎉

- **Data**
  - Data integration systems/programs
  - Timely reporting & corrections

- **Fiscal Accountability**
  - Sp. Ed. Board Policies & Procedures
  - Maintenance of Effort

- **Dispute Resolution**
  - Procedures to respond to decisions

- **Least Restrictive Environment**
  - Meeting targets for Indicator B-5

Areas for Growth

- **Data**
  - Early childhood LRE data reporting

- **Fiscal Accountability**
  - S-275 (Personnel) reporting
  - Time & Effort
  - Capital Assets Policies/Procedures

- **Least Restrictive Environment**
  - Explanation of the extent
  - Total instructional MPW
  - Inconsistencies: services vs IEPs
  - Meeting targets for Indicator B-6
2018-19 Systems-level Trends, continued...

Celebrations 🎉

- **Discipline**
  - Positive Behavioral Interventions and Supports; Restorative Practices
  - Alternatives to suspension
- **Disproportionality**
  - Variety of evaluation tools
  - Staff training in support of ELs
- **Part C to B**
  - Timely transition

Areas for Growth

- **Discipline**
  - Manifestation determination meetings
  - Documentation of services during removal
- **Disproportionality**
  - Use of self-study and systems analysis tools and resources used for ongoing evaluation
- **Part C to B**
  - Evaluation procedures
  - Alignment with state Interagency Agreement
WISM in 2019-20 and Beyond

- Updating criteria used for selection of districts for monitoring activities
- On-site visits statewide based on identified criteria
- Increased coordination with Consolidated Program Review (CPR)
- Desk reviews and district self-assessments on a regional basis – one year after CPR
During monitoring reviews, increased focus on:

- Language access – identification of needs, provision of interpreters when needed, etc.
- Statewide and districtwide assessments – are all assessments, and related accommodations, included in IEPs (including language proficiency exams, kindergarten assessment, etc.).
- Progress monitoring and educational benefit (continued focus).
Self-Review Resource from WestEd

Thank you!

Contact us:
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