

# 2015 Joint Federal Programs Summit

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## Special Education 101 and General Supervision System



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- Agenda
  - Special Education 101
  - General Supervision System



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- Special Education 101
  - **Individuals with Disabilities Education Act (IDEA)**
  - **Individualized Education Program (IEP)**
  - **Referral/Eligibility**
  - **Least Restrictive Environment**
  - **Accommodations**



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- **Individuals with Disabilities Education Act (IDEA)**

- A federal law which created and governs special education.
- Entitles eligible children with disabilities to the specially designed instruction and individualized services and supports they need to benefit from a free public education.



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- The six principles of IDEA include:
  - A Free Appropriate Public Education (FAPE)
  - Appropriate Evaluation
  - An Individualized Education Program (IEP)
  - Least Restrictive Environment (LRE)
  - Parent and Student Participation in Decision Making
  - Procedural Safeguards

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- **Individualized Education Program (IEP)**
  - Addresses the students' unique needs and individual strengths
  - Student specific goals (Academic, life-skills, speech, etc.)
  - Provides students with a disability access to the general education curriculum.
    - Accommodations
    - Supports (Assistive Technology, Personnel)
    - Special Education Services



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- **Referral and Eligibility**

- Request made for evaluation

- Review of Existing Data (RED)

- Determination:

- If the student qualifies for special education services under a disability category;
- The present levels of performance and educational needs of the student; and
- Whether the student needs special education and/or related services.



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- **Referral and Eligibility**

- Eligibility Criteria

1. Student has a disability
2. The disability has an adverse impact on the student's education
3. The student has a need for special education services





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- **Referral and Eligibility**
  - Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS)
  - Student determined eligible
    - + Disability + Need = IEP developed
  - Student determined not eligible
    - + Disability – Need = Consider Section 504 Eligibility
    - - Disability + Need = Consider Educational Needs



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- **Least Restrictive Environment**

(i) To the maximum extent appropriate, children with disabilities are educated with children who are not disabled; and

(ii) special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

34 C.F.R. § 300.114(a).



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- **Least Restrictive Environment**

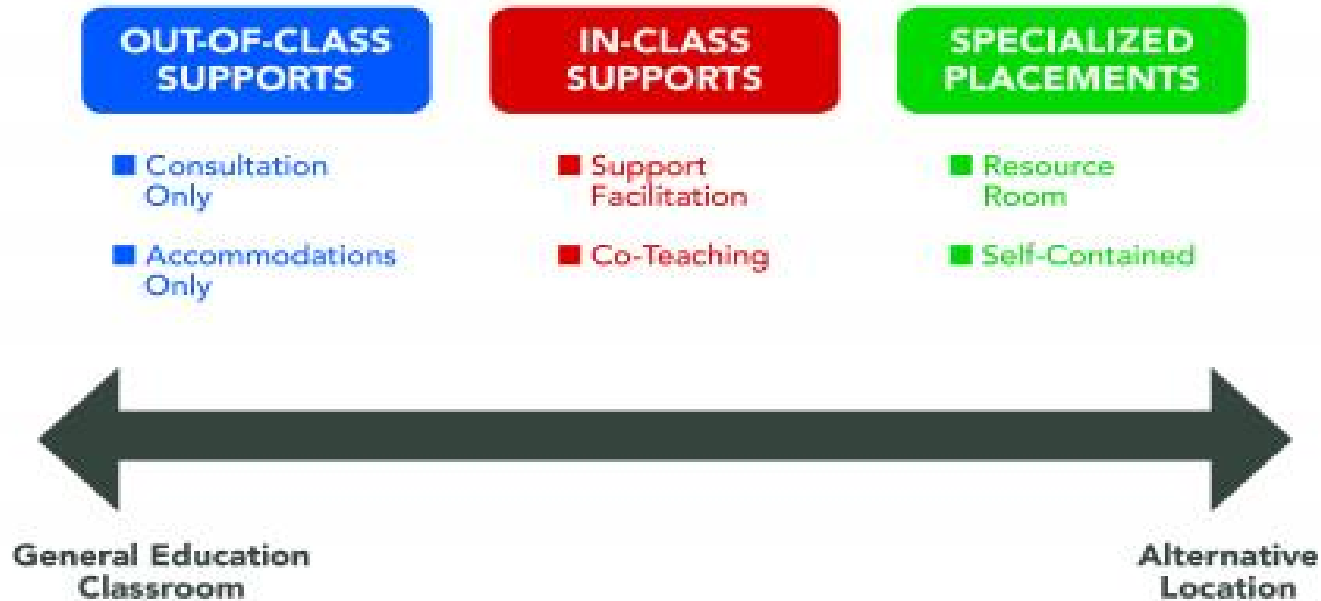
- **LRE decisions are made individually for each student.**

- The LRE is the appropriate balance of settings and services to meet the student's individual needs.
    - The district should have an array of services and a continuum of educational setting options available to meet the individual LRE needs of each student.



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## CONTINUUM OF STUDENT NEEDS



Oklahoma State Department of Education



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- **Least Restrictive Environment**

- Educational Setting

- Regular Classes (**full time**)
  - special education and related services for less than 21% of the day
- Special Class (**part-time**)
  - special education and related services for 21 to 60 % of the day.
- Special Class (**full time**)
  - special education for more than 60% of the day.
- Home bound services
- Instruction in other settings
  - Hospital, institutions or residential facilities
  - Special Schools



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- **Least Restrictive Environment**

- Types of Services

- Monitoring

- The special education teacher monitors the child in general education classroom.

- Consultation

- The special education teachers meets with the regular education teacher on a regular basis.

- Collaborative Teaching

- Co-teaching. Two teachers of equal licensure provide instruction.

- Direct Instruction

- The special Education teacher provides direct instruction



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- **Accommodations**

- practices and procedures that provide equitable access during instruction and assessment for students with disabilities
- intended to reduce or even eliminate the effects of a student's disability
- **do not** reduce learning expectations
- must be consistent for classroom instruction, classroom assessments, district-wide assessments, and statewide assessments



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- **Accommodations**

- Accommodations vs Modifications

- Accommodations- do NOT reduce learning expectations, but rather provide a student with access to the general curriculum and assessments.
- Modifications- change, lower, or reduce learning expectations. In addition, they increase the gap between achievement of students with disabilities and expectations for proficiency at grade-level.





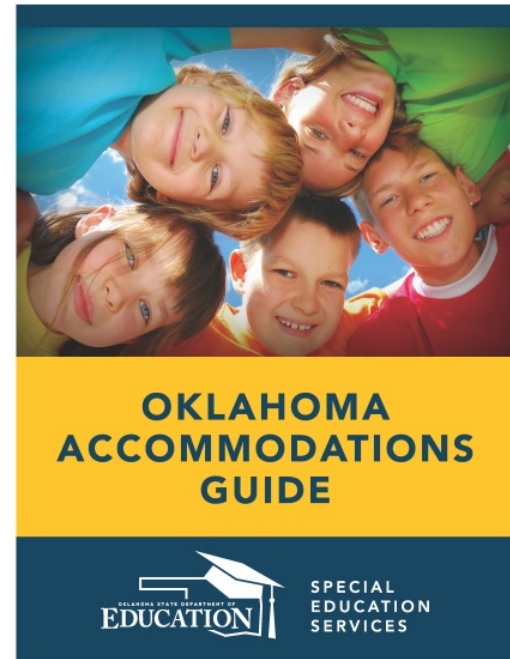
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- **Accommodations**

- Practices and procedures in the areas of:

- Presentation
- Response
- Setting
- Timing/Scheduling

- Provide equitable access during instruction and assessments for students with disabilities.



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- General Supervision System
  - Main Purpose: Monitor the implementation of the Individuals with Disabilities Education Act (IDEA)
  - The Office of Special Education Programs (OSEP) at the U.S. Department of Education monitors how Parts B and C of the IDEA are implemented by States. Each State must supervise the implementation of Part B of the IDEA by local educational agencies (LEAs), and of Part C by early intervention services (EIS) programs.



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- IDEA Part B Requirements

- 1) Section 616(a)(1)

- i. Monitor the implementation of Part B of IDEA

- a) Oversight of the responsibility for general supervision by the states

- b) Review of the State Performance Plans (SPP)

- ii. Enforce this part in accordance with 616(e)

- iii. Requirements of states

- a) Monitor implementation of this part by local educational agencies

- b) Enforce Part B/Part C in accordance with 616(a)(3) and 616(e)

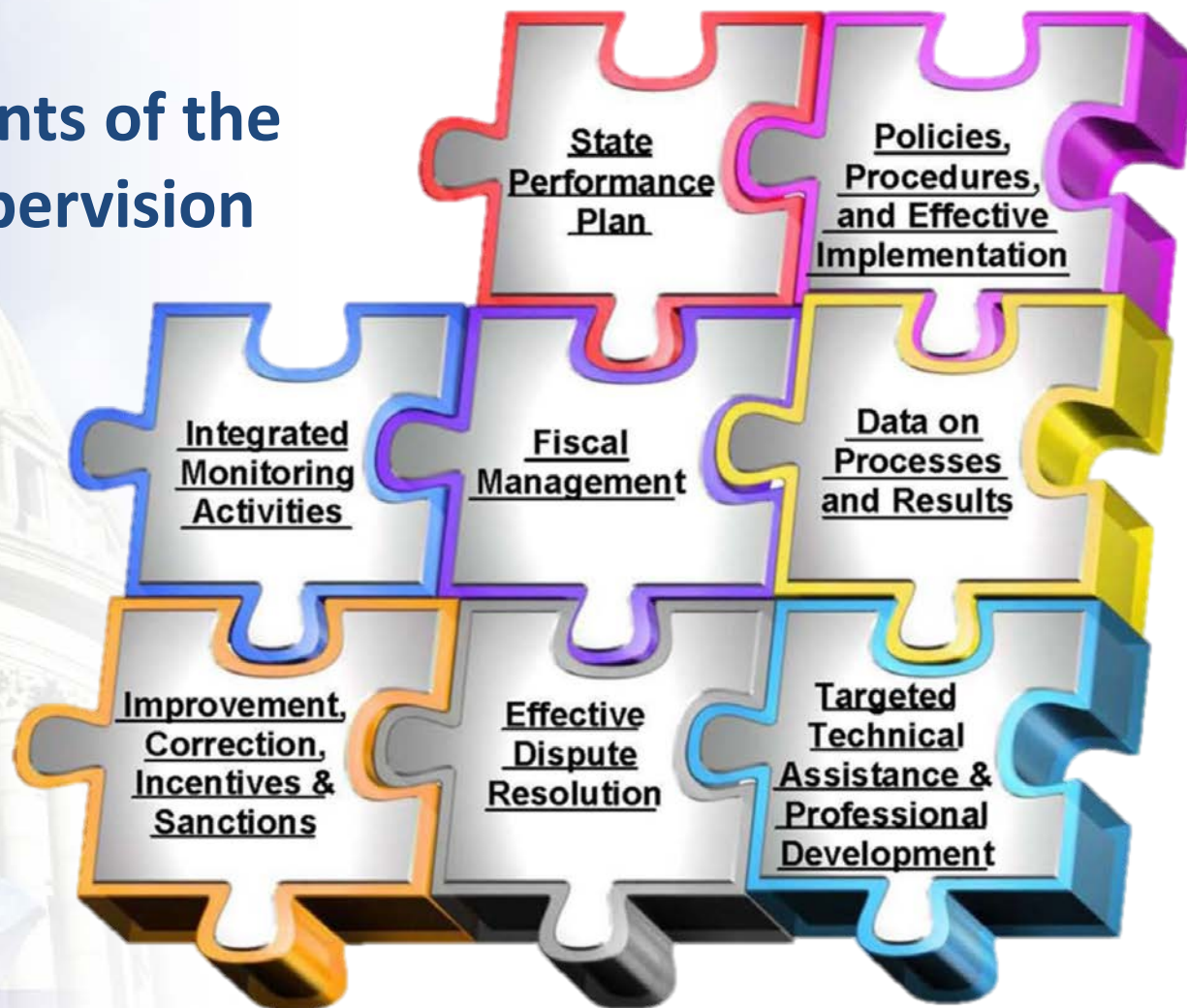
- c) Section 642 makes most of the provisions of 616 applicable to Part C

- iv. The implementation of the state's system of general supervision is an important component of OSEP's verification visits and state determinations



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## 8 Components of the General Supervision System



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- **State Performance Plan**

- When the IDEA was reauthorized in 2004, the law was amended to require that each State develop a State Performance Plan (SPP).
- The SPP helps the State evaluate its efforts in implementing the requirements and purposes of the IDEA, and describes how it will improve its implementation over a period of six years.
- For Part B, the SPP includes baseline data, measurable and rigorous targets, and improvement activities for 20 indicators such as graduation rate, dropout rate, participation and performance on assessments, meeting evaluation timelines, and ensuring that complaints and hearings are resolved within required timelines.



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- **Annual Performance Report**

- The IDEA also requires each State to report annually to the U.S. Secretary of Education on the progress it has made that year in meeting the measurable and rigorous targets established in its six-year SPP. This is known as the Annual Performance Report (APR).
- After reviewing each State's APR and assessing its progress, the Secretary is required to issue an annual determination letter—essentially, a report card—which documents the State's overall progress in meeting the requirements of the IDEA.



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- **Policies, Procedures, and Effective Implementation**
  - States are required to have policies and procedures that are aligned with the IDEA 34 CFR § 300.100.
  - LEAs are required annually to complete Local Education Agency Agreement for Special Education in Oklahoma:
    - Ensures all eligible students in the LEA will have access to a free and appropriate public education (FAPE) (34 CFR § 300.17).
  - In addition, LEAs are required to submit Local Education Agency Assurances:
    - Demonstrate that the LEA understands their responsibilities under the IDEA.



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- **Policies, Procedures, and Effective Implementation**
  - The OSDE-SES develops policies and procedures by utilizing an IDEA B State Advisory Panel.
  - The IDEA B State Advisory Panel for Special Education serves as an advisory group to the OSDE-SES on issues related to special education and related services for students with disabilities (34 CFR § 300.167).



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- **Integrated Monitoring Activities**

- In accordance with the Individuals with Disabilities Education Act (IDEA), the OSDE-SES must employ general supervision activities that include monitoring of local educational agencies (LEAs) with a particular emphasis on improving educational results and functional outcomes for all students with disabilities while ensuring that LEAs meet the requirements of the IDEA Part B. The OSDE-SES implements procedures for monitoring activities in accordance with the IDEA Part B, federal regulation 34 CFR § 300.600 State monitoring and enforcement.



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- **Fiscal Management**

- IDEA funds are provided for the excess cost of special education and related services for students with disabilities. IDEA funds are intended to supplement and not supplant state, local or other federal funds.
- Funds are awarded to the OSDE by the United States Department of Education (USDE), Office of Special Education Programs (OSEP), to "flow-through" to the LEA contingent upon an LEA's application for Part B funds.



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- **Data on Processes and Results**

- As a part of a state's general supervision responsibilities, data are used for decision making about program management and improvement. This process includes:

- Data collection and verification,
    - Data examination and analysis,
    - Public reporting of data,
    - Status determination, and
    - Improvement activities.



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- **Improvement, Correction, Incentives and Sanctions**
  - Improvement and Corrections
    - If the State issues a finding of noncompliance for an LEA then the LEA must correct the noncompliance, as soon as possible, but no later than one year from the date of notification. The LEA must identify the root cause of the area(s) of noncompliance and may be required to develop a Corrective Action Plan (CAP) or an Improvement Plan based on their compliance review determination.



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- **Improvement, Correction, Incentives and Sanctions**
  - Improvement Plan
    - LEAs with identified areas of noncompliance are required to develop a written plan addressing the areas of noncompliance and include improvement strategies to ensure correction.
    - Includes methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation.
  - Corrective Action Plan (CAP)
    - Corrective Action Plans are developed in collaboration with the OSDE-SES and will require the LEA to take action specific to a particular area of non-compliance.



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- **Effective Dispute Resolution**

- Several mechanisms are available through the Oklahoma State Department of Education (OSDE) to assist in resolving disputes. These processes are:

Individualized  
Education Program  
(IEP) Facilitation

Mediation

Formal Complaints

Due Process  
Hearings

Facilitated  
Resolution  
Sessions

Expedited Due  
Process Hearings



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- **Effective Dispute Resolution**

- The Special Education Resolution Center (SERC) manages the special education due process hearing system for the State of Oklahoma.
- At no cost to either party, SERC provides highly trained mediators to assist with disputes which may develop at any time during the relationship of the parties over special education issues.
- Additionally, SERC also provides highly trained facilitators during required resolution sessions of due process. SERC provides stakeholder training that supports mutual collaboration.
- Additional information on SERC can be located at:  
[http://www.ok.gov/abletech/Special\\_Education\\_Resolution\\_Center/](http://www.ok.gov/abletech/Special_Education_Resolution_Center/).



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- **Targeted Technical Assistance and Professional Development**

- Technical Assistance is designed to link directly to indicators in the State Performance Plan/Annual Performance Report (SPP/APR) and to improve the level of compliance in Oklahoma LEAs.
  - This may include a purposeful and planned series of activities that result in changes to policy, program, or operations that support increased capacity at the state/system/school levels.
- Professional development (PD) ranges from a basic level of providing general information to targeted and intensive PD, which is focused on data driven school improvement in LEAs, schools and classrooms.





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