MAY 1 1 2004

Honorable Marilyn Howard
Superintendent of Public Instruction
Idaho Department of Education
Len B. Jordan Office Building
650 West State Street
P.O. Box 83720-0027
Boise, Idaho 83720

Dear Superintendent Howard:

The purpose of this letter is to inform you of the results of the Office of Special Education
Programs' (OSEP) recent verification visit to Idaho. As indicated in my letter to you of January
20, 2004 OSEP is conducting verification visits to a number of States as part of our Continuous
Improvement and Focused Monitoring System (CIFMS) for ensuring compliance and improving
performance with Parts B and C of the Individuals with Disabilities Education Act (IDEA.) We
conducted our visit to Idaho on April 21-23, 2004.

The purpose of our verification reviews of States is to determine how they use their general
supervision, State-reported data collection, and State-wide assessment systems to assess and
improve State performance, and the protection of child and family rights. The purposes of the
verification visits are to: (1) understand how the systems work at the State level; (2) determine
how the State collects and uses data to make monitoring decisions; and (3) determine the extent
to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to the Idaho Department of Education (IDE), OSEP staff met
with Dr. Jana Jones, State Director of Special Education, and members of IDE staff who are
responsible for the State's general supervision activities (including monitoring, mediation,
complaint resolution, and impartial due process hearings), the collection and analysis of State-
reported data and State-wide assessment. Prior to the visit OSEP staff reviewed a number of
documents[1], including the following: (1) Idaho's Part B State Improvement Plan; (2) the State's
Biennial Performance Report for grant years 1999-2000 and 2000-2001; (3) Idaho's Special
Education Manual, 2001; (4) Idaho's School Report Card 2002-03; (5) The 2004 Administrator's
Guide to Idaho Alternate Assessments; (6) 2002-2003 Adequate Yearly Progress Report – State
of Idaho; (7) Idaho's Annual Performance Report – 2004; (8) Serving Exceptional Children, A

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[1] Documents reviewed as part of the Verification Process were not reviewed for legal sufficiency but rather to
inform OSEP's understanding of your State's systems.

Report to the Idaho Legislature January 2004; and (9) other information from the State's website. In addition, OSEP conducted a conference call on April 6, 2004, with a number of Idaho's Special Education Steering Committee members, to hear their perspectives on the strengths and weaknesses of the State's systems for general supervision, data collection, and State-wide assessment. Dr. Jana Jones recommended participants and convened the conference call.

During the visit, OSEP staff also reviewed a number of State documents, including: (1) selected IDE monitoring files for school districts, including monitoring reports and corrective action documents; (2) IDE tracking logs for complaints, mediations, and due process hearings and selected complaint, mediation and due process hearing results; (3) the certification submitted by districts to report enrollment and special education child count summary data; (4) the Cross-Agency Data System; Targeting Relationships to Improve Results (TARTIR) Reports; (5) Alignment of Idaho Academic Standards with the Idaho Alternate Assessment (IAA); (6) Idaho Student Information Management System (ISIMS); (7) IDE Special Education Dispute Resolution System- Cases, Issues and Results Report By District (7/01/02-6/30/03)—a log of all complaint, mediation and hearing cases; (8) the IDE Monitoring Decision Matrix; (9) the IDE Interagency Relationship Survey; (10) the IDE Self-Inventory of Regulatory Compliance (2002-03); (11) IDE Checklist for Special Education File Review; (12) Idaho Training Clearinghouse Annual Training Evaluation Report (2004); (13) a CD containing all materials submitted to OSEP as part of the OSEP on-site visit; and (14) other relevant information submitted by the State.

The information that Dr. Jones and her staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of IDE's systems for general supervision, data collection and reporting, and State-wide assessment.

General Supervision

In looking at the State's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (2) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (3) utilizes guidance, technical assistance, follow-up, and—if necessary—sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

OSEP believes that IDE's systems for general supervision constitute a reasonable approach to the identification and correction of noncompliance; however, OSEP cannot, without also collecting data at the local level, determine whether they are fully effective in identifying and correcting noncompliance.

IDE informed OSEP that it designed its general supervision systems to ensure both compliance and improved results for students with disabilities. OSEP learned from interviewing IDE staff and consultants, including members of the Steering Committee, and reviewing IDE's monitoring materials and monitoring files, that IDE implements a five-year monitoring cycle for each local education agency (LEA). As documented by the IDE schedule of monitoring visits and monitoring files, IDE conducts an on-site monitoring review of each of the 114 LEAs and the Department of Correction Division of Juvenile Corrections at least once every five years, and visits agencies with persistent noncompliance more often to provide technical assistance and to collect data to determine correction of noncompliance. (Idaho has 16 charter schools, each charter school is a school in the LEA in which it is located.) It was evident from OSEP's interviews with several monitoring staff that IDE provides substantial training to the personnel that conduct monitoring reviews, and works to ensure reliability across all IDE monitoring teams. (All monitoring staff are State employees.) In a review of IDE's monitoring files and the summary of IDE findings, OSEP learned that IDE is making findings of noncompliance regarding a broad array of Part B requirements.

As documented in IDE's monitoring materials and evidenced in its monitoring files (including IDE monitoring reports of LEAs), IDE requires LEAs to conduct a Self-Evaluation to identify noncompliance within their own schools.[2] After reviewing the LEA's Self-Evaluation, IDE makes its own independent determination of noncompliance. According to the materials that IDE submitted during the OSEP visit, the IDE monitoring team reviews the Self-Evaluation and determines the intensity of the IDE monitoring visit and the role of the IDE team based on the quality of the Self-Evaluation and the data in the Idaho Monitoring Decision Matrix.[3] The IDE team then makes the on-site visit with an established focus, reviewing and validating the Self-Evaluation and performing additional investigative tasks to assist the LEA in an accurate assessment of the current status of policies, programs and practices. The IDE on-site team also reviews randomly selected student records and interviews a range of individuals involved in developing and implementing the selected students' IEPs to determine compliance, noncompliance, and promising practices. At the conclusion of the review, IDE presents its findings of compliance and noncompliance and the LEA prepares a Plan for Improving Results to address all findings of noncompliance and areas for improvement. If IDE finds evidence of noncompliance involving a specific student, IDE requires the LEA to convene a meeting of the student's IEP team and correct the noncompliance immediately.

IDE Regional and Headquarters staff use a scoring rubric to review the Self-Evaluation and the Plan for Improving Results. The rubric includes items such as the quality of the data and the participation of stakeholders (including parent surveys) in the development of the Self-Evaluation and the Plan for Improving Results.

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[2] The Self-Evaluation includes a review and analysis of local policies, programs and practices along with an examination of performance goals and indicators. The Self-Evaluation uses this data to identify strengths and needs.
[3] The Idaho Monitoring Decision Matrix is a tool used by IDE to group local school districts into one of four categories (1. High Resources/Low Needs, 2. High Resources/High Needs, 3. Low Resources, Low Needs, 4. Low Resources/High Needs.) The criteria for each quadrant is based on funding, child count verification results, dispute data, special education identification average, LRE settings, graduation rate, dropout rate, fully certified staff and teacher class size.

When IDE conducts the on-site monitoring visit, IDE analyzes the results of the Idaho Aggregate Parent Response Report. The Report is prepared by a trained team of parents who randomly select and contact 10% of the parents of students with disabilities. IDE requires the LEA to inform all parents that the State parent team is available for discussions about the LEA's implementation of IDEA. All parents who indicate they want to meet with the parent team are interviewed in addition to those parents randomly selected. Additionally, IDE works with the Idaho Parents Unlimited (IPUL) to secure input from parents in the LEA.

It was evident from IDE's monitoring materials and monitoring files, as well as interviews with IDE staff, that IDE uses data from several different sources to help focus its on-site data collection in each LEA. For example, prior to conducting the onsite visit to an LEA, IDE prepares an annual data analysis for the LEA (placement, child count, disproportionality, training and personnel, early childhood and secondary transition processes, and prior monitoring, complaint, and due process findings.)

As explained by IDE staff and confirmed by OSEP's review of monitoring files, IDE's monitoring reports direct the LEA to submit documentation of correction of child-specific (non-systemic) noncompliance as soon as possible after the on-site visit and require documentation of correction of systemic noncompliance within one year. As part of the correction process, IDE requires LEAs to make any changes to the procedures in the LEA Plan for Improving Results as are necessary to achieve systemic correction. If correction is not demonstrated within the timeline, IDE delays or places special conditions on both State and Federal IDEA Part B funds. IDE provided documentation of the substantial technical assistance that it provides to LEAs to ensure effective correction of noncompliance. IDE's monitoring files showed that it is successful in ensuring correction of noncompliance within one year or less. IDE provides customized training after the on-site monitoring visits. The training is determined by the LEA's Plan for Improving Results. IDE selects the training participants based on the identified needs in the Plan for Improving Results. The State requires the LEA to participate in the State's training when the IDE staff identifies specific needs in the LEA.

IDE staff discussed two projects of the State Improvement Grant (1999-2003.) The first project established the Idaho Training Clearinghouse (ITC). All IDE training is posted on the University of Idaho website. Participants in the training program complete an evaluation and results of the evaluation are analyzed to form the foundation for future training programs. Future ITC opportunities will be organized around topics such as secondary transition, racial and ethnic disproportionality in special education, reading and math interventions, early childhood transition and issues that arise out of systemic dispute findings. The second project established the Longitudinal Post School Outcome Survey. The survey analyzes the post-school experiences of the Class of 2000 and beyond. The analysis includes the students' post-school services received by the Division of Vocational Rehabilitation, an IDE division.

OSEP learned, through its review of IDE's complaint logs and interviews with IDE staff responsible for resolving complaints, that IDE issues written decisions on Part B complaints within 60 calendar days from its receipt of the complaint, unless the timeline is extended due to exceptional circumstances that exist with regard to a particular complaint, consistent with 34

CFR §300.661(a) and (b)(1). OSEP also reviewed three years of IDE documentation that demonstrated complaints are resolved within the 60-day timeline.

OSEP also learned, through its review of IDE's due process hearing logs and from interviews with IDE staff who track complaint, mediation and due process hearing timelines, that all timelines are met and that, specifically, decisions on due process hearings are issued within 45 calendar days from IDE's receipt of the hearing request, unless the hearing officer grants a specific extension of the timeline at the request of a party, consistent with 34 CFR §300.511(a) and (c). Additionally, IDE provides training and technical assistance at least biennially for all hearing officers and more often, as needed. The staff of the IPUL Parent Center and IDE conduct joint training for parents to assist parents in understanding mediation, complaint and due process hearing procedures.

OSEP learned through interviews with IDE staff and from its review of IDE documents such as monitoring reports, due process hearing decisions, the IDE Plan for Improving Results, and 618 and State-wide assessment data about the State's use of multiple sources of data to revise the improvement planning process and the monitoring process. For example, using data from these sources, IDE creates an analysis of monitoring findings across the State and conducts a longitudinal analysis within each LEA. The State uses these analyses to target improvement strategies for the State and respective LEAs.

IDE identified two challenges related to the State's ability to administer IDEA. First, while, IDE has the authority to withhold State and Federal funding when an LEA does not submit the Self-Evaluation, the IDE Monitoring Task Force is meeting in May 2004 to suggest revisions to the administrative code to give IDE a wider range of sanctions that IDE can exercise to ensure IDEA compliance. The second challenge addresses the complexities of monitoring the provision of special education and related services at virtual charter schools. The State is working with OSEP to address this challenge.

Collection of data under section 618 of the IDEA

In looking at the State's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; and (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies and (4) has identified barriers, (e.g., limitations on authority, sufficient staff or other resources, etc.) that impede the State's ability to accurately, reliably collect and report data under section 618. OSEP believes that that IDE's system for collecting and reporting data is reasonably calculated to ensure the accuracy of the data that IDE reports to OSEP under section 618.

IDE staff explained that Idaho uses the Idaho Special Education Student Enrollment System, a separate data system for students with disabilities. State staff in the Bureau of Special Education manage the system. In addition, the 618 data manager in special education works collaboratively with the Idaho Federal Common Core Data Representative (a liaison to the U.S. Department of Education) and demonstrated a thorough understanding of the 618 data collection system. Of the 114 LEAs in Idaho, 112 submit child count data to IDE electronically and two rural districts submit their data manually in written form. IDE conducts a verification of child count data as part of its monitoring reviews. IDE analyzes the student exit data for each LEA to assist LEAs in improving student retention and post-school outcomes such as employment and postsecondary education. In addition, IDE monitoring teams review the accuracy of placement information in the IEPs for students whose files they review. OSEP found that the Special Education staff members perform complex edit checks. The staff also perform a manual review of LEA data across multiple years to detect anomalies. The Idaho Department of Correction, Division of Juvenile Corrections submits data to the 618 data manager using the Child Count Special Education Student Enrollment System. The data verification process includes a desk audit at the State level, correction of inaccuracies, and a certification of the data's accuracy signed by the LEA superintendent or the local special education director. In addition, IDE staff provide technical assistance for data entry staff at the Department of Correction and in each LEA to ensure accurate data gathering and submission. IDE explained that the State verifies December 1 child count data using two mechanisms. The first is the child count data verification system that includes the date of the IEP meeting, the date of the three-year reevaluation, disability category, attendance data, and IEP goals and benchmarks aligned with the general education curriculum. The second mechanism is the State's review of a random sample of IEPS examined during the State's on-site monitoring visit.

IDE is in the process of developing the Idaho State Information Management System (ISIMS), a new electronic student data system for all students in Idaho public schools. The new system will enable IDE to more fully analyze exit data such as graduation rates, diploma acquisition, and dropout rates among the 114 LEAs. IDE's analyses are used in developing technical assistance programs customized for each of the LEAs and are based on data results. OSEP encourages IDE to carefully consider the design of the new data system to ensure continued compliance with IDEA data reporting requirements.

IDE staff reported that the State tracks Part B eligible children and youth by using the Targeting Relationships to Improve Results Report (TARTIR), the State's interagency data system for IDE, the Department of Health and Welfare, and the Bureau of Vocational Rehabilitation. In addition to providing an analysis of State-wide data, the State interagency data system has the capacity to analyze interagency data by local school district, by legislative district, by region, as well as analyze aggregated data at the State level. OSEP also learned that the Bureau of Special Education collects discipline data regarding suspensions and expulsions from each LEA, as noted in the general supervision section of this report, during the State's on-site monitoring visits, the State process includes interviews with parents to gather information about the perception of parents and the local practices regarding the LEA's use of disciplinary tools such as suspension and expulsion. At the time of the OSEP visit, the IDE Bureau of Safe and Drug-Free Schools and the Bureau of Special Education each operated a state system to collect

suspension and expulsion data. The State plans to integrate these two data collection systems within the next several years.

OSEP learned that the State collects 618 personnel data through the Idaho Basic Education Data System (IBEDS). The special education data personnel enter the data into the system. The IDE data manager conducts training for data entry personnel. The data manager also is the recipient of the LEAs encrypted data files. The data manager imports the data into the Special Education Student Enrollment System. The data is tested for reliability by grade, and by all other data fields. The tests also include an audit for year-to-year changes in the LEA's special education database. The 618 data from an LEA are used to form the basis of the LEA's Self-Evaluation. The Self-Evaluation is used by the State to guide the State's on-site monitoring visit in the year following the completion of the Self-Evaluation.

State-wide Assessment

In looking at the State's system for State-wide assessment, OSEP collected information regarding a number of elements, including whether the State: (1) establishes procedures for Statewide assessment that meet the participation, alternate assessment, and reporting requirements of Part B, including ensuring the participation of all students, including students with disabilities, and the provision of appropriate accommodations; (2) provides clear guidance and training to public agencies regarding those procedures and requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with those requirements. In order to better understand your system for State-wide assessment, OSEP also discussed with your staff how the alternate assessment is aligned with grade-appropriate content standards.

OSEP has determined, through its review of the State's written procedures for State-wide assessments and the State's reports to the public and the Secretary on the participation and performance of children with disabilities on such assessments, that those procedures, as written, and those reports are consistent with Part B requirements. OSEP cannot, however, without also collecting data at the local level, determine whether all public agencies in the State implement the State's procedures in a manner that is consistent with Part B.

IDE staff described diagnostic and assessment resources in Idaho. The Idaho Reading Indicator, a reading diagnostic tool, is administered in grades K- 3. The Idaho Reading Initiative is administered in English and Spanish and is used by teachers to individualize instruction. Idaho administers the Idaho Standards Achievement Tests in the content areas of math and reading to measure student and school performance.[4] The assessments are administered in grades four, eight and ten. In School Year 2003-2004 Idaho is also adding for the first time assessments in math and reading in grades three and seven. Each of the assessments has an alternate assessment for students with disabilities. In the future the Class of 2006 will be required to pass a State-wide assessment in order to graduate. As evidenced by reporting documents that IDE submitted in March 2004 and during the verification visit, IDE reports to the public on the performance of children with disabilities on the State-wide regular and alternate assessments with the same frequency and in the same detail as it reports on the performance of nondisabled children.

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[4] These assessments comprise the State's No Child Left Behind Accountability Program.

IDE staff informed OSEP that when IDE reviewed State-wide assessment results in 2002-03, IDE found that some students with disabilities had not been designated during testing as a student with a disability. To address this issue, IDE informed OSEP that State assessment and special education personnel provided extensive training and guidance to LEA special education and assessment personnel regarding how to correctly code the participation and performance of students with disabilities. IDE informed OSEP that it requires each LEA to account specifically for each child with a disability to ensure that he or she has participated in either the State-wide regular or alternate assessment. IDE requires LEAs that failed to correctly code the participation of students with disabilities or failed to include students with disabilities in the regular or alternate assessment program to amend the LEA's Plan for Improving Results to ensure compliance with State-wide assessment requirements. Further, IDE staff reported that in 2003 IDE changed the State-wide assessment performance scoring and reporting procedures for students with disabilities who take the alternate assessment. In 2004 the State issued *The 2004 Administrator's Guide to the Idaho Alternate Assessments in Reading, Language Arts and Mathematics*, a revised guide for administrators to use when administering, scoring and reporting the results of the alternate assessment. A review of IDE monitoring files showed that IDE monitors LEAs for compliance with IDEA requirements regarding State-wide assessment and provides improvement strategies for LEAs when necessary. The State also monitors the implementation of district-wide assessment programs. If a local district implements a district-wide assessment program, the district-wide program must meet the State regulations for State-wide assessments.

IDE informed OSEP about the State's efforts to reduce the achievement gap between students with disabilities and nondisabled students on State-wide assessments. Based on student performance results, IDE staff provides customized technical assistance activities and materials in order to increase the achievement of students with disabilities. The process includes coordinating reading interventions with the Reading First Initiative and the Open Book Initiative. Math interventions are also coordinated with the Math and Science Partnership. IDE provided OSEP with Idaho's guidance and training materials designed to increase the performance of students with disabilities on State-wide regular and alternate assessments.

The State identified several challenges in implementing an effective State-wide assessment system. First, LEAs have failed to use consistent coding for all students with disabilities. The State addressed this challenge by revising the data field codes and providing State training for data entry personnel (all personnel participated in the mandated training.) and the quality of the data has improved. The second challenge identified by the State is the need to expand professional development opportunities for regular and special education teachers, especially training in the instruction related to the State-wide assessment content areas. Third, IDE staff and the director of the IPUL Center identified the challenge of increasing the performance of students with disabilities on State-wide assessments. The State Legislature is considering expanding the State-wide assessment program to require an additional high school assessment in order to graduate with a high school diploma. IDE staff and the director of the IPUL Center said many parents and educators are concerned that some students with disabilities will perceive the increased graduation requirement as "an insurmountable obstacle," will become discouraged, and will drop out of school. State staff plan to work closely with teachers, guidance counselors and

parents of middle and high school students with disabilities to address this concern through the IDEA secondary transition process.

Thank you and Dr. West, Deputy Superintendent, for joining us during the verification visit on April 21. We also appreciate the support and assistance provided by your staff during our visit. We look forward to our continued collaboration with Idaho to support your work to improve results for children with disabilities and their families.

Sincerely,

Stephanie Smith Lee
Director
Office of Special Education Programs

cc: Dr. Jana Jones