



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

July 24, 1996

Honorable Peter McWalters  
Commissioner of Education  
Rhode Island Department of Education  
Shepard Building, Room 500  
255 Westminister Street  
Providence, Rhode Island 02903

Dear Commissioner McWalters:

During the week of January 22, 1996, the Office of Special Education Programs (OSEP), United States Department of Education, conducted an on-site review of the Rhode Island Department of Education's (RIDE's) implementation of Part B of the Individuals with Disabilities Education Act (Part B). The purpose of the review was to determine whether RIDE is meeting its responsibility to ensure that its educational programs for children with disabilities are being administered in a manner consistent with the requirements of Part B. Enclosure A to this letter describes OSEP's monitoring methodology and corrective action procedures; Enclosure B lists several commendable initiatives; and our findings and corrective actions are in Enclosure C.

Our review revealed that the actions RIDE took in response to OSEP's prior monitoring report of March 1992 seem to have been effective in resolving a number of the problems identified in that report. We found no deficiencies in the area of State educational agency review and approval of local educational agency applications. Also, RIDE has improved its procedures for identifying deficiencies by including a method for reaching compliance determinations with regard to each Part B requirement. Although OSEP found that RIDE's procedures were not yet effective in ensuring that public agencies corrected all identified deficiencies, OSEP noted significant improvement in RIDE's methods for conducting timely follow-up reviews and reporting back to local agencies where noncompliance persisted. OSEP was impressed with the substantive progress RIDE had made with its supervision of agency B, an agency where OSEP noted serious noncompliance during its 1992 visit.

We also saw some noteworthy RIDE initiatives for providing special education services to students with disabilities. Although the Report includes findings of deficiency related to

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some of these areas, OSEP comments favorably on initiatives RIDE has taken including: training and technical assistance activities to improve individualized education programs, postsecondary transition and placement in the least restrictive environment; mediation; the complaint management system; the Classroom Alternatives Process; and the CONNECS project for improving programs for students with behavioral problems.

OSEP's monitoring places a strong emphasis on those requirements most closely associated with positive results for students with disabilities. Our monitoring revealed that RIDE has not fully ensured effective provision of services in the following areas: (1) SEA monitoring; (2) individualized education programs; (3) placement in the least restrictive environment; (4) procedural safeguards; (5) free appropriate public education; (6) protection in evaluation procedures; and (7) procedures for evaluating children with specific learning disabilities.

Additionally, we have concerns about special education programs for bilingual students with disabilities. In a parent focus meeting held on January 22, 1996, OSEP was told that many bilingual students with disabilities have only minimal reading and mathematics skills and fail to make progress from year to year. Based on these concerns, OSEP reviewed, in one district, a limited number of files of bilingual students with disabilities and conducted interviews with school staff about programs for those students. OSEP noted that for some of the students whose files it reviewed, IEPs did not change appreciably from year to year even though students failed to progress. As noted in the enclosed report, OSEP noted noncompliance with the requirements for postsecondary transition planning in students' individualized education programs in this district, as well as other districts OSEP visited. Local school district staff confirmed that resources to meet the needs of bilingual students were inadequate. OSEP's expressed these concerns to Mr. Robert M. Pryhoda, Director of RIDE's Office of Special Needs, during the on-site visit.

The preliminary findings of the monitoring team were discussed in a meeting with Mr. Pryhoda on February 2, 1996. OSEP provided additional information to RIDE in telephone conversations and facsimile transmissions during the week of March 4. At this time, RIDE was invited to provide any additional information it wanted OSEP to consider during the development of findings for the compliance report. Additional information was submitted and considered in development of this Report; therefore, the findings included in this Report are final.

In the event RIDE, after consideration of the data in this letter and its enclosures, concludes that evidence of noncompliance is significantly inaccurate and that one or more findings is incorrect, RIDE may request reconsideration of the finding. In such a case, RIDE must submit reasons for its reconsideration request and any supporting documentation within 15 calendar days of receiving this letter. OSEP will review the request and, where appropriate, will issue a letter of response informing RIDE that the finding has been appropriately revised or withdrawn. Requests for reconsideration of a finding will not delay corrective action plan development and implementation timelines for findings not part of the reconsideration request.

I thank you for the assistance and cooperation provided during our review and your willingness to meet with the OSEP monitoring team to discuss special education in Rhode Island during the on-site visit. Throughout the course of the monitoring process, Mr. Pryhoda and his staff were responsive to OSEP's requests for information, and provided access to necessary documentation that enabled OSEP staff to acquire an understanding of RIDE's various systems to implement Part B.

Members of OSEP's staff are available to provide technical assistance during any phase of the development and implementation of your corrective action plan. Please let me know if we can be of assistance.

Before the enactment of the Individuals with Disabilities Education Act (IDEA), one million children with disabilities were excluded from school altogether, and another 3.5 million did not receive appropriate programs within the public schools. Because of the IDEA and the joint actions of schools, school districts, State educational agencies and the Department, more than 5.4 million children with disabilities are in school. Thank you for your continued efforts toward the goal of improving education programs for children with disabilities in Rhode Island.

Sincerely,

Thomas Hehir  
Director  
Office of Special Education  
Programs

Enclosures

cc: Mr. Robert M. Pryhoda

## ENCLOSURE A

### OSEP's Monitoring Methodology

Pre-site Preparation OSEP staff began its review of documents related to RIDE's special education program in October 1995. The review included, but was not limited to, RIDE's State Plan, State regulations, interagency agreements and other materials that must comply with the requirements of Part B, such as the complaint management, due process hearing, and State monitoring systems. OSEP also reviewed RIDE's placement data based on the December 1994 child count.

Involvement of Parents and Advocates During the week of October 16, 1995, OSEP held a public meeting in Providence. The purpose of this meeting was to solicit comments from parents, advocacy groups, teachers, administrators and other interested citizens regarding their perceptions of RIDE's compliance with Part B. OSEP met with members of the State Advisory Panel and also participated in an outreach meeting with representatives of advocacy groups. The information obtained from the meetings, as well as from interviews with State officials and a review of State documents assisted OSEP in: (1) identifying the issues raised by consumers and others interested in special education in Rhode Island; (2) selecting monitoring issues (e.g., the provision of related services) to be emphasized while on-site; and (3) selecting the sites to be visited.

During the on-site visit, OSEP conducted a parent focus group meeting in Agency B, at a regular high school with a large Hispanic student enrollment. This meeting provided OSEP staff with information about the unique challenges posed by bilingual students with disabilities.

On-site Data Collection and Findings The OSEP team included Judy Gregorian, Linda Whitsett, Debra Sturdivant and Gregg Corr, the team leader for the visit. Programs involving six local educational agencies were reviewed. Where appropriate, OSEP has included in this letter data collected from those agencies to support or clarify the OSEP findings regarding the sufficiency and effectiveness of RIDE's systems for ensuring compliance with the requirements of Part B. The agency in which the supporting or clarifying data were collected is indicated by a designation such as "Agency A." The agencies that OSEP visited and the designation used to identify those agencies in Enclosure C of

this letter are set forth below:

Agency A: Warwick School District  
Agency B: Providence School District  
Agency C: Jamestown School District  
Agency D: North Kingstown School District  
Agency E: Newport School District  
Agency F: Westerly School District

### **Corrective Action Procedures**

In the interest of developing a mutually agreeable corrective action plan specifically designed to address these findings, OSEP proposes that RIDE representatives discuss with OSEP staff, either in a meeting or telephone conference, the areas of noncompliance identified, the most effective methods for bringing about compliance and improving programs for children with disabilities in the State, and specific corrective actions. We also will invite a representative from Rhode Island's State Advisory Panel to participate in that discussion. RIDE's corrective action plan must be developed within 45 days of receipt of this letter. We will work with your agency in developing this plan. Should we fail to reach agreement within this 45 day period, OSEP will be obliged to develop the corrective action plan.

In order to begin immediate correction of deficient practices, RIDE must undertake the following general corrective actions:

1. RIDE must issue a memorandum to all agencies advising them of OSEP's findings of deficiency. The memorandum must direct agencies to review their respective practices in regard to each of the deficiencies identified by OSEP in order to determine if they have proceeded in a manner similar to the agencies in which OSEP found deficiencies. Should these agencies determine that their current practice is inconsistent with the requirements identified in RIDE's memorandum, they must discontinue the current practice and implement procedures that are consistent with Part B. This memorandum must be submitted to OSEP within 30 days of the issuance of this letter. Within 15 days of OSEP's approval of the memorandum, it must be issued to all agencies throughout the State providing special education or related services to students with disabilities.

2. RIDE must issue a memorandum to those agencies in which OSEP found deficient practices, as identified in Enclosure C of this letter, requiring those agencies immediately to discontinue the deficient practice(s) and submit documentation to RIDE that the changes necessary to comply with Part B requirements have

been implemented. This memorandum must be submitted to OSEP within 30 days of the issuance of this letter. Within 15 days of OSEP's approval of the memorandum, it must be issued to those public agencies in which OSEP found deficient practices. RIDE must send to OSEP verification that all corrective actions have been completed by these public agencies.

ENCLOSURE B

INITIATIVES

1. **IEP and Least Restrictive Environment:**

RIDE developed an extensive IEP manual entitled, Individually Designed Education for Students with Disabilities: Purpose, Process and Relationship to Least Restrictive Environment. A draft of the manual was reviewed by the field, edited by RIDE and then widely disseminated across the State. The manual was the text for RIDE's Statewide IEP/least restrictive environment trainings. At the preservice level, colleges are incorporating elements of the training and using the IEP manual.

RIDE has conducted extensive IEP/least restrictive environment training focusing on creating inclusionary schools through the use of co-teaching and collaborative teaching. The training participants included special educators and regular educators such as teachers and principals. The trainers included professional educators and parents of children with disabilities.

Since 1992, RIDE has invited school districts to compete for inclusion grants for planning, professional development and implementation of inclusive schools.

2. **Postsecondary Transition:** RIDE has undertaken a number of activities related to the area of transition services.

Along with several other agencies and programs, RIDE developed a **Transition Services Manual** and provided copies to every district. During the on-site visit, OSEP received positive comments about this manual from local district staff. RIDE has also conducted a series of training sessions on transition plan development. About 400 participants representing each district were involved.

Currently, RIDE is involved in the development of a new multi-agency cooperative agreement to specify agency responsibilities. The agreement will include the following Departments: Human Services (Office of Rehabilitation Services), Mental Health, Retardation and Hospitals (Divisions of Developmental Disabilities and Mental Health), Children, Youth and Families (Mental Health Services), Elementary and Secondary Education (Special Education and Vocational and Technical

Education),  
Employment and  
Training (Human  
Resource Investment  
Council).

RIDE has established five Transition Centers across Rhode Island in the four Collaboratives plus Providence. These Centers are a source of information dissemination, in-service training and technical assistance for high school teachers, parents and disabled students sixteen years or older. RIDE provides funding for a transition coordinator in each of the five Transition Centers.

3. **Mediation:** For the last four years, RIDE has made mediation available to resolve issues between parents and local school districts. Of the 77 requests for mediation in 1995, 40 resulted in agreements.

4. **Complaint Management System:** OSEP noted that during calendar year 1995, RIDE investigated and resolved all but three of its 37 complaints within 60 days. Timelines for the three complaints that exceeded 60 days were extended due to extraordinary circumstances with regard to those complaints.

5. **School Support System:** This year, RIDE is conducting a feasibility study, funded by OSEP, designed to determine whether or not a monitoring system can be developed that will assess a local school district's compliance with regulatory requirements, but also the extent to which students are benefitting from special education. Also, the study will evaluate the feasibility of including, as a part of monitoring, a mechanism for identifying needs and providing technical assistance to local districts with a focus on systemic change.

6. **Classroom Alternatives Process/Classroom Alternatives Support Team (CAP/CAST):** The Classroom Alternatives Process is a system for providing support to regular classroom teachers as they develop alternatives for students experiencing learning or behavioral difficulties. Classroom Alternatives Support Teams within each school join in the problem-solving efforts. Although the team is primarily composed of regular education staff, special education staff provide support as needed. By directly assisting the regular classroom teacher, this process is expected to yield more appropriate referrals to special education and eliminate unnecessary referrals.

7. **CONNecs (Coordinating Natural Networks for Effective Collegial Support):** In the spring of 1993, RIDE created CONNECS, a Statewide professional and program development initiative designed to build the capacity of schools to address the emotional, behavioral and social needs of all students, particularly those with special behavioral needs. Through CONNECS, partnerships are formed among schools, families, organizations and the community for creating safe, respectful and effective climates for teaching and learning. Within the context of the school setting, professional development opportunities such as collaboration, peer consultation, mentoring, coaching and resource exchange are made available.

8. **Rhode Island Technical Assistance Project (RITAP):** This project focuses its services on technical assistance and support to State and local educational agencies in an effort to promote excellence in education for all students. It provides a mechanism for interagency collaboration at the local, regional and State levels to develop, implement and evaluate services for students with disabilities. Staff members at RITAP provide technical assistance in areas such as: transition services, assistive technology, instructional modifications, coordination of services, and training for administrators and policy makers.

9. **Children's Mental Health Services:** RIDE has collaborated with the Department of Children, Youth and Families to create the Training and Technical Assistance Task Force to enhance the capacity of local communities to provide comprehensive education, mental health, recreation and family support for children at risk of out-of-home placement.

10. **Traumatic Brain Injury Center:** In collaboration with the Department of Health, RIDE established the Traumatic Brain Injury Center to offer assistance and training to local education agency personnel in the identification, evaluation and educational implications of this disability for IEP planning.

11. **Comprehensive System for Personnel Development Advisory Committee:** This committee includes participants from every Rhode Island institution of higher education that prepares special education and related service providers. These advisory committee members play an important role in addressing current and projected special education and related service personnel needs.

ENCLOSURE C

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p><b>I. MONITORING: IDENTIFICATION AND CORRECTION OF DEFICIENCIES</b> 20 U.S.C. 1232d(b)(3)(A) and (E). See also 34 CFR 80.40</p> <p>RIDE is responsible for the adoption and use of proper methods to monitor public agencies responsible for carrying out educational programs for students with disabilities, and for adoption and use of proper methods for the correction of deficiencies identified through monitoring.</p>	<p>RIDE did not adopt and implement a method for identifying and correcting deficiencies with special education programs operated at the Adult Correctional Institute. The special education program at the Adult Correctional Institute serves 28 - 31 youth with disabilities. Services are provided by staff certified to teach special education.</p> <p>OSEP learned through an interview with a staff member from RIDE's Office of Equity and Access responsible for monitoring State-operated and private programs that his office did not monitor the Adult Correctional Institute to ensure that all applicable special education requirements are met at that facility. Also, OSEP was told by a staff member responsible for the monitoring unit with the Office of Special Needs that although it conducts compliance reviews for every local educational agency in the State, it does not monitor special education programs at the Adult Correctional Institute. This information was confirmed by the Director of the Office of Special Needs.</p>	<p>RIDE's system of monitoring will include the identification and correction of deficiencies in meeting Part B requirements in special education programs at the Adult Correctional Institute.</p>
	<p>Although RIDE had a method for monitoring each applicable Federal requirement, OSEP identified deficiencies that RIDE had not identified in its most recent visits to local agencies. In addition, OSEP determined that deficiencies RIDE had previously identified through its monitoring had not been corrected. In some cases, RIDE's documentation indicated inaccurately that those deficiencies had been corrected by public agencies. In other cases, RIDE's documentation indicated that identified deficiencies had not been fully corrected, even where one or more program years had elapsed since the public agency was notified of the deficiency.</p> <p>More specific information about the effectiveness of RIDE's system to identify and correct deficiencies is included below in all of the content area sections of this enclosure.</p>	<p>In light of OSEP's findings, RIDE must analyze its system for identifying and correcting deficiencies to determine factors limiting the effectiveness of that system. Based on this analysis, RIDE must propose modifications that will result in a monitoring system that identifies and ensures correction of all Part B requirements.</p>
<p><b>II. LEAST RESTRICTIVE ENVIRONMENT</b></p>	<p>RIDE did not ensure: (1) that to the maximum extent appropriate, students with disabilities are educated with students who are not disabled; (2) that the decision to remove students with</p>	<p>RIDE procedures will ensure that public agencies ensure that to the maximum extent appropriate,</p>

<sup>1</sup> Agency B's placement data is based on teacher assignment, rather than on the point on the continuum where a student is served. Therefore, the district did not have available the numbers of students served at the various points on the continuum of alternative placements. However, a central administrator for public agency B estimated that about 25 percent of students with disabilities were removed from the regular classroom less than 20 percent of the school day.



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<p>A. RIDE is responsible for ensuring that (1) to the maximum extent appropriate, students with disabilities are educated with students who are not disabled; and the decision to remove students with disabilities from the regular education classroom is based on a determination that, due to the nature or severity of the disability, the student's education in regular classes cannot be achieved satisfactorily, even with the use of supplementary aids and services [ 300.550(b)]; and (2) each public agency ensures that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services [ 300.551(a)].</p>	<p>disabilities from the regular education classroom is based on a determination that, due to the nature or severity of the disability, the student's education in regular classes cannot not be achieved satisfactorily, even with the use of supplementary aids and services; and (3) that a full continuum of alternative placements is available to meet the needs of students with disabilities.</p> <p>Teachers and a building level administrator in public agency B told OSEP that, at their school, full-time regular education placement (i.e., special education instruction pursuant to an IEP, without removal to a special education setting) was not a continuum option for any students with disabilities. At public agency D, three teachers told OSEP that full-time regular education was not a continuum option for any of the students with disabilities attending the school that OSEP visited. Administrators and teachers at agency E told OSEP that currently, full-time regular education placement was not an option in the district. One administrator told OSEP that the public agency was planning to begin limited usage of regular education placement during the 1996-97 school year.</p> <p>The administrators and teachers in agencies B, D and E further reported that there were few attempts made to modify the instruction or curriculum provided in regular education classes to accommodate students with disabilities. The reasons given for not considering or providing opportunities for these students on an individual basis to receive their education in the regular education classroom were: (1) a lack of necessary training for both regular and special education teachers; (2) a lack of receptiveness among regular education staff; (3) conflicts between the regular class schedule and special education services schedule; and (4) a shortage of personnel necessary to ensure that supplementary services are available in the regular classroom setting.</p> <p>The administrators and teachers in agencies B, D and E confirmed that there were students from all three public agencies who could be served in regular education classes without removal if this placement option were available.</p>	<p>all students with disabilities are educated with students who are not disabled; and the decision to remove students with disabilities from the regular education classroom is based on a determination that, due to the nature or severity of the disability, the student's education in regular classes cannot not be achieved satisfactorily, even with the use of supplementary aids and services. Also, RIDE will ensure that full-time placement in regular education classes with special education instruction provided pursuant to an IEP is offered by public agencies as a placement option on the continuum of alternative placements.</p>
<p>II. LEAST RESTRICTIVE ENVIRONMENT (cont'd)</p>	<p><b>RIDE monitoring:</b> RIDE monitored agency B in January 1992 and made findings similar to those made above by OSEP. In 1993 and 1994 follow-up reports, RIDE indicates progress in correcting the finding of noncompliance, but had not closed out the deficiency. RIDE made a finding in Agency D in March 1993. The follow-up report, issued one year later, indicated progress, but required additional inservice training. RIDE's 1990 report to agency E</p>	<p>See I. MONITORING</p>

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
	identified no deficiencies for this requirement.	
<p><b>B. RIDE is responsible for ensuring that the educational placement of each child with a disability is based on the student's IEP as required by 300.552(a)(2).</b></p>	<p>RIDE did not ensure that the educational placement of each child with a disability is based on the student's IEP as required by 300.552(a)(2).</p> <p>Administrators and teachers in public agencies B, D and E reported to OSEP that the determination regarding both the initial and subsequent placement for students with disabilities (including those students from public agency C who attend high school in public agency D), is made prior to the development of a student's IEP by the multidisciplinary team. These same administrators and teachers told OSEP that the multidisciplinary team first makes determinations regarding eligibility, placement (including the amount of time in special and regular education), and services. After these determinations are made, an IEP team develops the goals and objectives and completes the IEP. If the IEP team does not agree with the multidisciplinary team's placement determination, they must send it back to the multidisciplinary team for reconsideration; the IEP team cannot overrule the multidisciplinary team decision.</p> <p>An administrator and teachers in public agency C clarified for OSEP that the multidisciplinary team makes decisions for more restrictive placements, such as a self-contained class or an out-of-district placement. In some cases, the IEP team can make decisions for changes of placement when a student is moving to a less restrictive environment.</p>	<p>RIDE will ensure that public agencies make placement decisions for each student with a disability based on the student's IEP.</p>
	<p><b>RIDE monitoring:</b> When RIDE monitored agencies B (1992) and E (1990), it did not find that agencies made placement decisions prior to the development of IEPs. RIDE did identify this deficiency at agency D in 1993, and a continuing deficiency in a follow-up report issued a year later. Additional corrective action was required, but RIDE had not closed this finding at the time of OSEP's visit.</p>	<p>See I. MONITORING</p>

<sup>2</sup> In its 1992 report to RIDE, OSEP found that local school staff were interpreting RIDE regulations to mean that placement decisions were made by a multidisciplinary team, or by a special education director prior to the development of an IEP. As a part of its corrective action process, RIDE amended its regulations to clarify that placements are based on IEPs and made by a group of persons meeting the requirements of 300.533(a)(3).

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p>C. RIDE is responsible for ensuring that public agencies determine placements at least annually as required by 300.552(a)(1).</p>	<p>RIDE did not ensure that public agencies determine placements at least annually. Teachers in public agencies B, D, and E reported to OSEP that during annual reviews of IEPs, alternative placement options for students with disabilities (including those students from public agency C who attend high school in public agency D) were not discussed. OSEP was told by teachers that placement for students with disabilities is determined by the multidisciplinary team at the time of initial placement into the special education program and thereafter at three year intervals coinciding with the time of the student's reevaluation, unless special circumstances arise indicating that a change may be needed.</p>	<p>RIDE will ensure that public agencies determine placements at least annually for all students with disabilities.</p>
	<p><b>RIDE monitoring:</b> RIDE made no findings for this requirement in its most recent reports to agencies B, D and E.</p>	<p>See I. MONITORING</p>
<p>D. RIDE is responsible for ensuring that in providing or arranging for the provision of nonacademic and extracurricular activities and services, each public agency ensures that students with disabilities participate with nondisabled children in those activities and services to the maximum extent appropriate to the needs of the child. 300.553.</p>	<p>RIDE did not ensure that each public agency ensures that students with disabilities participate with nondisabled children in extracurricular and nonacademic activities to the maximum extent appropriate. Administrators from public agencies B, D, and E reported that there are few or no opportunities available for students with disabilities who are served in separate schools in out-of-district placements to participate with nondisabled students in nonacademic and extracurricular activities. Because of the lack of such opportunities, agencies did not make individual determinations about the extent to which participation with nondisabled students in nonacademic and extracurricular activities was appropriate.</p>	<p>RIDE will ensure that public agencies, in providing or arranging for the provision of nonacademic and extracurricular activities and services, ensure that students with disabilities participate with nondisabled children in those activities and services to the maximum extent appropriate to the needs of the child.</p>
	<p><b>RIDE monitoring:</b> When RIDE monitored agency B (1992) it cited the agency for its failure to document that least restrictive environment requirements were met when determining out-of-district placements. Progress was noted in a subsequent follow-up report. No findings were made by RIDE at either agency D nor E.</p>	<p>See I. MONITORING</p>

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p>III. FREE APPROPRIATE PUBLIC EDUCATION</p> <p>A. RIDE is responsible for ensuring that a free appropriate public education is made available to all children with disabilities. RIDE must ensure that each student with a disability receives the type and duration of related services that are required to assist the student to benefit from special education.</p> <p>300.300, 300.8(d), and 300.16.</p>	<p>RIDE has not fully ensured that public agencies provide special education and related services based on the student's unique needs as specified by an IEP. Administrators, teachers, and related service providers from agencies B and D stated that students are not provided with related services for the amount of time and duration specified in the IEP.</p> <p>A building administrator and a special education administrator in agency B told OSEP that during this school year, 16 students did not receive speech and language services for two months and 13 students had not yet received occupational therapy services because the public agency did not have sufficient personnel to deliver those services. (An agency B administrator stated that the agency plans to provide compensatory services to these students over the summer.)</p> <p>A teacher in agency D reported that one of her students was supposed to receive counseling services two months prior to OSEP's visit but had not yet received the service due to a personnel shortage. Another teacher told OSEP that one of her students had not been receiving services specified on the IEP, including adaptive physical education, occupational therapy and physical therapy because of the agency's inability to locate staff to provide those services.</p>	<p>RIDE will ensure that public agencies ensure that students with disabilities are provided services as specified in their IEPs for the amount of time specified in the IEP including the projected dates for the initiation of services and the anticipated duration of services.</p>
	<p><b>RIDE monitoring:</b> RIDE made no findings related to these requirements when it monitored agencies B and D.</p>	<p>See I. MONITORING</p>

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p><b>B. RIDE is responsible for ensuring that the need for extended school year services is considered for all children with disabilities and those services are provided, if necessary to ensure the child receives a free appropriate public education. 300.300</b></p>	<p><b>Background:</b> When OSEP monitored RIDE in 1991, RIDE had recently responded to OSEP concerns by amending its regulations at VI 1.2 to require public agencies to consider and make available extended school year services for all children with disabilities who may need them. Previously this regulation provided that the length of the school year for students with disabilities would be the same as that for the nondisabled students (180 days), with the following exceptions: students with severe and profound retardation, and students with multiple disabilities (physical or sensorial impairments in combination with other severe disabilities), were eligible for a 230 day school year. Also at the time of this visit, RIDE had just changed its monitoring standard to be consistent with the revised regulation.</p> <p><b>Finding:</b> Despite these corrections, OSEP finds that RIDE has not fully ensured that public agencies consider the need for extended school year services, if necessary, to ensure children receive a free appropriate public education.</p> <p>Special education teachers and administrators in agencies A, B, C, D, and E stated that eligibility for extended school year services was determined on a categorical basis. A building administrator in agency A stated that extended school year is only available to 230-day students (students with severe disabilities) and students with mental retardation. Teachers in agency B told OSEP that extended school year services are not available to students with learning disabilities who are served in resource classes, and that it is just now being considered for students with learning disabilities who are being served in self-contained classes. In agencies D and E, teachers of students with learning disabilities who are served in resource or self-contained classes stated that the need for extended school year services has never been discussed at the high school serving agencies E and D because it is a "180-day" school. A teacher and administrator in agency E stated that only "230-day" students, students with behavior disorders, and preschoolers were eligible for extended school year services. A special education administrator in agency E confirmed that there is no extended school year policy in the agency and that teachers lack understanding of how the need for extended school year services is determined.</p>	<p>RIDE will ensure that public agencies provide students with disabilities with extended school year services, if necessary, to ensure provision of a free appropriate public education.</p>
	<p><b>RIDE monitoring:</b> RIDE did not make findings at any of the above agencies where OSEP found deficiencies.</p>	<p>See I. MONITORING</p>

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p><b>IV. PROTECTION IN EVALUATION PROCEDURES: REEVALUATION</b></p> <p>RIDE is responsible for ensuring that local educational agencies conduct an evaluation of each child with a disability at least every three years. Such evaluations must be based on procedures that meet the requirements of 300.532. 300.534(b).</p>	<p>RIDE did not ensure that each public agency conducted an evaluation of every child with a disability every three years, based on procedures that meet the requirements of 300.532. OSEP reviewed student files from six agencies and found that some student reevaluations were from one month to five years overdue. Agency D provided OSEP with a list of students whose reevaluations were overdue. OSEP reviewed data for 77 of the students on the list: 10 were two to three years overdue, 19 were one to two years overdue and 48 were a year or less overdue. A special education administrator in agency E told OSEP that evaluations were seriously delayed. Of 251 reevaluations, 151 were overdue, some by as much as five years. The administrator explained that the backlog was partially attributable to the shortage of psychological services in the district. In an interview with OSEP, a special education administrator in agency F stated that the agency was having difficulty providing timely comprehensive reevaluations because the demand for new evaluations has grown placing a strain on resources. Eighty-seven reevaluations were overdue. Two evaluations were between one and two years overdue, while the remaining 85 were less than one year overdue.</p>	<p>RIDE must demonstrate that its procedures have ensured that an evaluation of the child based on procedures that meet the requirements of 300.532 is conducted every three years.</p>
	<p><b>RIDE monitoring:</b> RIDE did not find overdue triennial evaluations when it monitored agency D. At agency F, it identified deficiencies in a 1995 report that were not due to be fully corrected at the time of OSEP's visit.</p>	<p>See I. MONITORING</p>
<p><b>V. INDIVIDUALIZED EDUCATION PROGRAMS (including transition requirements)</b></p> <p><b>A. RIDE must ensure that public agencies develop individualized education programs (IEPs) for each child with a disability that include the following content:</b></p> <p><b>1. Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved.</b> 300.346(5).</p>	<p>OSEP found that of the 51 IEPs reviewed, some short term objectives did not include objective criteria (20 of 51), evaluation schedules (38 of 51) and procedures (14 of 51). The deficiencies with criteria and schedules were found in all of the public agencies. The deficiencies with procedures were found in public agencies A, B, D, E and F.</p>	<p>RIDE will ensure that each public agency, when developing an IEP, includes appropriate objective criteria and evaluation procedures and schedules for determining on at least an annual basis, whether the short term instructional objectives are being achieved.</p>
	<p><b>RIDE monitoring:</b> RIDE made a finding that IEPs developed by agency A (1994) did not include objective criteria, schedules and procedures for all short term objectives. Follow-up documentation indicated that inservice training had been provided and forms revised. At agency D, RIDE's 1994 documentation showed that a 1993 deficiency for this requirement had been corrected. No findings were made at agencies B, E or F.</p>	<p>See I. MONITORING</p>

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p>2. Beginning no later than age 16 (and at a younger age, if determined appropriate), a statement of the needed transition services as defined in 300.18. If the IEP team determines that services are not needed in one or more of the areas specified in 300.18(b)(2)(i) through(b)(2)(iii), the IEP must include a statement to that effect and the basis upon which the determination was made. 300.346(b)(1) and (2).</p>	<p>Of the 13 records reviewed for students who were 16 years or older in agencies B, C and D, OSEP found two IEPs that did not contain a statement of needed transition services and six IEPs that did not address all the areas specified in 300.18 (instruction, community experiences and the development of employment and other post-school living objectives). In those instances where one or more of the content areas were omitted, the IEPs did not include a statement that the services were not needed and the basis upon which the determination was made. Four of the deficient IEPs had transition areas checked indicating a need for transition services; however, no transition statements were written to address those areas. One service provider and one local school administrator said more training on transition was needed.</p>	<p>RIDE will ensure that each public agency, beginning no later than age 16 (and at a younger age, if determined appropriate), develops an IEP for each student which includes a statement of needed transition services as defined in 300.18; and in those instances where one or more content areas are omitted, the IEP must include a statement to that effect and the basis upon which the determination was made.</p>
	<p><b>RIDE monitoring:</b> RIDE made findings at agencies B (1992) and D (1993), and follow-up documentation indicated that problems persisted and that further correction was necessary. No findings were made at agency C.</p>	<p>See I. MONITORING</p>
<p><b>VII. DUE PROCESS AND PROCEDURAL SAFEGUARDS</b></p> <p>RIDE must ensure that public agencies provide notice required by 300.504(a) that includes: a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected. 300.505(a)(2).</p>	<p>RIDE did not ensure that public agencies consistently included in written notices required by 300.504(a) all of the components required under 300.505(a)(2).</p> <p>At none of the public agencies visited by OSEP did those completed placement notices or change of placement notices reviewed by OSEP contain descriptions of the options considered and the reasons why those options were rejected.</p>	<p>RIDE will ensure that each public agency, when providing written prior notice under 300.505(a)(2), will include a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected.</p>
	<p><b>RIDE monitoring:</b> RIDE did not make findings regarding the content of notice at any of the agencies where OSEP identified deficiencies.</p>	<p>See I. MONITORING</p>