



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

December 22, 1999

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Dear Dr. Bergeson and Mr. Quasim:

The U.S. Department of Education's Office of Special Education Programs (OSEP) conducted a review in Washington during the weeks of August 24 and October 5, 1998, for the purpose of assessing compliance in the implementation of the Individuals with Disabilities Education Act (IDEA) and assisting your State in developing strategies to improve results for children with disabilities. The IDEA Amendments of 1997 focus on "access to services" as well as "improving results" for infants, toddlers, children and youth with disabilities. In the same way, OSEP's Continuous Improvement Monitoring Process is designed to focus Federal, State and local resources on improved results for children with disabilities and their families through a working partnership among OSEP, the Washington Office of the Superintendent of Public Instruction (OSPI), the Department of Social and Health Services (DSHS), and parents and advocates in Washington.

In conducting its review of Washington, OSEP applied the standards set forth in the IDEA 97 statute and in the Parts B and C regulations (34 CFR Parts 300 and 303) as they were in effect at the time of the OSEP review. The Part C regulations in effect on October 1998 were those published by the Department on July 30, 1993, as revised by the Technical Amendments published on April 14, 1998. The Part B regulations in effect in October 1998 were those published on September 29, 1992. All citations to 34 CFR Parts 303 and 300 in this report are to the regulations, as published on those dates. On March 12, 1999, the Department published new final Part B regulations and conforming changes to the Part C regulations that took effect on May 11, 1999. In planning and implementing improvement strategies to address the findings in this report, OSPI and DSHS, as applicable, should ensure that all improvement strategies are consistent with the new final regulations.

A critical aspect of the Continuous Improvement Monitoring Process is collaboration between Steering Committees of broad-based constituencies, including representatives from OPSI, DSHS

and OSEP. The Steering Committees assessed the effectiveness of State systems in ensuring improved results for children with disabilities and protection of individual rights. In addition, the Steering Committees will be designing and coordinating implementation of concrete steps for improvement. Please see the Introduction to the report for a more detailed description of this process in Washington, including representation on the Steering Committees.

OSEP's review placed a strong emphasis on those areas that are most closely associated with positive results for children with disabilities. In this review, OSEP clustered the Part B requirements for children aged three through 21 into four major areas: Parent Involvement, Free Appropriate Public Education in the Least Restrictive Environment, Secondary Transition and General Supervision. Part C (services for children aged birth through 2) requirements were clustered into five major areas: Child Find and Public Awareness, Family-Centered Services, Early Intervention Services in Natural Environments, Early Childhood Transition, and General Supervision. Components were identified by OSEP for each major area as a basis to review the State's performance through examination of State and local indicators.

The enclosed Report addresses strengths noted in the State, areas that require corrective action because they represent noncompliance with the requirements of IDEA, and technical assistance regarding improvement for best practice. Enclosed you will find an Executive Summary of the Report, an Introduction including background information, and a description of issues and findings.

OSPI and DSHS have indicated that this Report will be shared with members of the Steering Committees, the State Interagency Coordinating Council, the State Advisory Panel, and the general public. OSEP will work with your Steering Committees to develop corrective actions and improvement strategies to ensure improved results for children with disabilities.

Thank you for the assistance and cooperation provided by your staffs during our review. Throughout the course of the review, Dr. Douglas Gill and Ms. Sandy Loerch were responsive to OSEP's requests for information. They each provided access to necessary documentation that enabled OSEP staff to work in partnership with the Steering Committees to better understand the State's systems for implementing the IDEA. An extraordinary effort was made by State staff to arrange the public input process during the Validation Planning week and, as a result of their efforts, OSEP obtained information from a large number of parents (including underrepresented groups), advocates, service providers, school and agency personnel, school and agency administrators, and special education unit administrators.

Thank you for your continued efforts toward the goal of achieving better results for infants, toddlers, children and youth with disabilities in Washington. Since the enactment of the IDEA and its predecessor the Education of All Handicapped Children Act, one of the basic goals of the law, ensuring that children with disabilities are not excluded from school, has largely been achieved. Today, families can have a positive vision for their child's future.

While schools and agencies have made great progress, significant challenges remain. Now that children with disabilities are receiving services, the critical issue is to place greater emphasis on

attaining better results. To that end, we look forward to working with you in partnership to continue to improve the lives of individuals with disabilities.

Sincerely,

Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosures

cc: Dr. Douglas Gill
Ms. Sandy Loerch

EXECUTIVE SUMMARY **WASHINGTON MONITORING 1998**

The attached report contains the results of the first two steps (Validation Planning and Validation Data Collection) in the Office of Special Education Programs' (OSEP) Continuous Improvement Monitoring of the Individuals with Disabilities Education Act (IDEA), Parts B and C, in the State of Washington during the weeks of August 24 and October 5, 1998. The process is designed to focus resources on improving results for infants, toddlers and children with disabilities and their families through enhanced partnerships between the State agencies, OSEP, parents and advocates. The Validation Planning phase of the monitoring process included a series of public input meetings with guided discussions around core ideas of IDEA and the organization of Steering Committees that provided further comments on the information. As part of the public input process, OSEP and the State made efforts to include multi-cultural and underrepresented populations. The Validation Data Collection phase included interviews with parents, agency administrators, local program and school administrators, service providers, teachers and service coordinators, and reviews of children's records. Information obtained from these data sources was shared in a meeting attended by staff from the Washington Office of the Superintendent of Public Instruction (OSPI), the Department of Social and Health Services (DSHS), parents, advocates, and members of the Steering Committees.

The Report includes a detailed description of the process utilized to collect data, and to determine strengths, areas of non-compliance with IDEA, and suggestions for improved results for children.

Early Intervention Services for Infants and Toddlers with Disabilities: **Part C of IDEA**

A. Strength

OSEP observed the following strengths:

- There is an effective partnership between DSHS and the State Interagency Coordinating Council;
- DSHS program liaisons have increased their participation in State early childhood initiatives;
- Family-centered practices promote parents as team members;
- Early intervention training activities emphasize joint parent and staff participation;
- The State Interagency Coordinating Council participates in "Conversations with Families" throughout the State to identify successes, concerns, and ideas for improvement; and
- Local interagency agreements promote required transition activities.

Areas of Noncompliance

OSEP observed the following areas of non-compliance:

- DSHS' monitoring system is not effective in identifying and correcting deficiencies in local lead agencies and contractors;

- DSHS has not ensured the development of a comprehensive State-wide child find system that is coordinated with other major child-find efforts in the State;
- Service coordination is not consistently provided as required, because service coordinators lack knowledge of all of their responsibilities under Part C, are not assigned to families in a timely manner, and have large caseloads; and
- Shortages of qualified personnel such as occupational therapists, speech therapists, physical therapists and family resource coordinators result in delays in the initiation of services and services not provided in the frequency and intensity specified in IFSPs, and failure to include needed services on IFSPs.

Education of Children and Youth with Disabilities **Part B of IDEA**

A. Strength

OSEP observed the following strengths:

- A financial safety net is part of the State's special education funding formula, designed to ensure that students will not be denied needed services regardless of the district's financial capacity;
- OSPI has developed approaches for securing qualified staff for rural districts, including student loan programs and distance learning which has helped to alleviate personnel shortages in these areas;
- OSPI is upgrading teacher certification requirements, and has developed linkages with institutions of higher education and minimum competencies for paraprofessionals;
- OSPI has developed and disseminated a document entitled "Special Education and the Law: A Legal Guide for Parents and Educators";
- OSPI has partnered with Parents Are Vital in Education to provide joint training for parents, and to develop training materials for use, by parents and staff, throughout the State;
- OSPI's mediation system is viewed by parents as a successful process in which they feel heard and valued;
- A significant percentage of the State's school districts have developed partnerships with industry or started School-to-Work Transition initiatives;
- The Washington State Auditor's Office exercises State oversight of special education through its audit of all school districts that access the Safety Net fund; and
- OSPI operates an impressive data system that produces a vast array of data on special education relative to each local agency within the State.

Areas of Noncompliance

OSEP observed the following areas of non-compliance:

- Students in need of psychological counseling to benefit from special education were not always provided these services through the IEP under the direction and supervision of the public agency at no cost to the parent;

- Shortages of qualified staff in the areas of occupational therapy, physical therapy, and teachers of students with behavior disorders, result in failure to provide services appropriate to the unique needs of a child, and delays in the provision of required services;
- Parents are not included as participants in evaluations;
- Parents are not included on the multidisciplinary team that makes the child's placement decision;
- Students are not, in many cases, invited to IEP meetings for which a purpose is the consideration of needed transition services;
- Public agencies do not invite to IEP meetings representatives of other agencies that are likely to be responsible for providing or paying for needed transition services;
- OSPI does not ensure that youth with disabilities in adult correctional facilities are provided a free appropriate public education;
- OSPI's monitoring activities do not ensure consistent implementation of Part B requirements; and
- OSPI's monitoring system has not incorporated the changes necessary to evaluate compliance with the IDEA Amendments of 1997

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INTRODUCTION

The early intervention and educational needs of children in Washington are diverse. Many different cultures and languages are represented in the child population and there are four Indian Reservations in the State: the Yakima, Colville, Spokane, and Quinault. A significant number of children come from migrant families and many are served in rural settings.

The Washington State Constitution requires that 52% of the State's budget be dedicated to education. The Washington State Legislature adopted the Education Reform Act of 1993 (the Act) to establish common learning goals for all Washington students -- goals intended to raise academic standards and student achievement. The intent of the law is to provide opportunities for all students to become responsible citizens, contribute to their own economic well being and to their families and communities, and enjoy productive and satisfying lives.

The Act directed the Commission on Student Learning to develop and administer many of the important components of education reform. The Commission is a State agency governed by an 11-member board appointed by the Governor and the State Board of Education. The Commission is charged with developing clear, challenging academic standards; standards-based assessments and other ways of measuring student achievement; and an accountability system to hold schools and school districts responsible for results. The Commission on Student Learning has produced "Fact Sheets" that address issues related to education reform in the State. One "Fact Sheet" that offers guidance on providing students with accommodations in the "Washington State Assessment of Student Learning," confirms the State's commitment to including students with disabilities in its education reform efforts, with the following statement: "All students should have the opportunity to attempt all portions of the assessments; providing students with proper accommodations will make this participation possible for all students." In addition, The Washington State Comprehensive Plan for the Improvement of Student Learning: Opportunities to Learn (Draft-February 1996) identifies five essential areas that promote excellence in schools. The first area consists of programs that address the needs of "key" populations including, among others, students with disabilities. Washington included children with disabilities in all aspects of educational reform even before the IDEA amendments mandated higher expectations for children with disabilities and accountability for their educational results.

Washington State has a basic and special education funding formula that provides financial support to provide a free appropriate public education to children with disabilities in all of its districts. The formula combines a basic education grant, special education grant and Federal funds allotment for a total close to \$8,000 per child with a disability. This is consistent with Washington's constitutional obligation to spend 52% of its budget on education.

Statewide Assessment Program: Washington's accountability system includes two major testing programs: 1) the Washington Assessment of Student Learning (WASL); and 2) the Iowa Tests of Basic Skills and the Iowa Tests of Educational Development (IOWA). Washington is also using a criterion-referenced oral reading assessment in grade two.

The WASL is a standards-based assessment developed by the State that uses selected response and constructed response questions. It emphasizes basic and foundation skills and measures the application of those skills to problem-solving tasks and real world situations through short answer questions, graph drawing, and comparing and contrasting information from multiple texts and short essays. The WASL is administered in grades four, seven, and ten (grades seven and ten are voluntary until the spring of 2001), and the WASL science test in grade eight will be required in the spring of 2001. Successful completion of the high school WASL will eventually become a graduation requirement. ¹ The Iowa Tests of Basic Skills is administered in grades three and eight to assess math and reading, and language arts in grade eight. The Iowa Tests of Educational Development are administered in grade eleven and assess reading and math. The IOWA are norm-referenced tests and school district participation is mandatory. These tests use selected response questions.

Scores from the WASL and IOWA are reported to parents and to the public and provide data on student, classroom, building, district, and State performance. The scores are used to hold schools and districts accountable for progress in reading and mathematics, and for instructional improvement.

IDEA 97 at §300.138 requires that children with disabilities are included in general, State and district-wide assessment programs with appropriate accommodations and modifications in the administration, if necessary. The WASL offers a wide range of testing accommodations to students with disabilities, as determined appropriate by the IEP team. The IOWA offers a more limited range of acceptable accommodations that are available to all students. IEP teams determine whether it is appropriate for individual students with disabilities to take the IOWA.

The Washington Office of Public Instruction (OSPI) is currently requesting proposals for a performance-based Washington Alternate Assessment. A contractor may conduct the initial pilot in the spring of 2000.

Administrative Structures and Children Served

The Department of Social and Health Services (DSHS) was appointed as the lead agency for the implementation of Part C (formerly Part H) of IDEA. The DSHS administers the program through contracts with 39 geographic service areas. Each county or geographic area has one early intervention services lead agency that is chosen at the local level with the support of the County Interagency Coordinating Council. The purpose of the County Interagency Coordinating Council is to advise and assist the early intervention services contractor to implement and maintain a coordinated early intervention system. Each contractor must develop a plan for implementing early intervention services, and develop and implement interagency agreements in their geographic service area. Early Intervention Services contractors vary; eight are Health District/Departments, six are County Human/Social Service Agencies, two are Combined County Health/Human Services, 17 are Non-Profit Agencies, two are Tribes/Tribal Governments, two are Local Education Agencies and one is a State Agency. Implementation varies in each service

¹ Information available from the OSPI website at: www.k12.wa.us

area and is based on local service plans and interagency agreements. The service plans are developed to address the identified unmet needs.

In 1993, Washington provided services to 280 children in the Early Intervention program. In 1996, this number had increased to 2,195. In 1997 this number increased to 2,284, of which 259 children were under the age of one, 763 were between one and two and 1,262 were between two and three.

The early intervention staff in the lead agency is comprised of eleven individuals with a combined Full Time Equivalent of 10.5. Staff members include one director, one program coordinator, one grants management analyst, 4.5 program liaisons, one administrative assistant, and two support staff.

Washington's total Part B 1998 child count for children with disabilities aged three through 21 is 110,612. There are 296 school districts in the State organized into nine Educational Service Districts. The Educational Service Districts provide technical assistance, and some direct services. Washington has 40 special education cooperatives that share resources among school districts such as related services and teachers (for example, a special education teacher may work half time in one school district and half time in another). The five largest school districts in Washington, by Part B child count, are Seattle, Tacoma, Spokane, Kent and Vancouver. In fiscal year 1998, the State flowed through 84% of its Federal Part B dollars to local districts.

The Washington Office of the Superintendent of Public Instruction (OSPI) employs a director of special education and 13 professional special education staff. In addition, there are four support staff for special education in OSPI.

Validation Planning and Data Collection

In preparation for the Validation Planning visit, OSEP reviewed previous Part B monitoring results for Washington. An on-site monitoring review was conducted during the week of January 10, 1994 and the final report was issued on March 15, 1995. Issues identified included general supervision in monitoring and complaint management, due process procedures and procedural safeguards, transition and placement of students in the least restrictive environment. Since this is the initial OSEP monitoring of Part C in Washington, preparation involved review of the State's Part C application, Annual Performance Report, and data reports.

In preparation for the OSEP Validation Planning visit, DSHS decided to utilize its State Interagency Coordinating Council as its Steering Committee and OSPI established a Steering Committee for Part B. Throughout the monitoring process, these groups chose to meet separately.

During the week of August 24, 1998, OSEP and the Steering Committees conducted two public meetings and one satellite hook-up meeting connected to seven Educational Service District sites for Parts C and B across the State to obtain information about issues and concerns about IDEA service delivery. Meetings consisted of six to 30 participants from the following areas: Burien,

Spokane and a Satellite Hook-Up that linked up with Educational Service Districts 105, 112, 113, 114, 123, 171, and 189. Discussions addressed, for Part C, child find and public awareness, family-centered services, early intervention services in natural environments, transition from Part C to other appropriate services, and general supervision of Part C by DSHS. For Part B, discussion centered on the provision of a free appropriate public education to children with disabilities from ages three through 21 in the least restrictive environment, parent involvement in special education decision making, secondary transition for youth with disabilities from school to post-school activities, and general supervision of special education by OSPI. At the end of the week, this information, along with information from OSPI and the public input meetings, was discussed with Part B and Part C Steering Committees to identify specific issues that OSEP could investigate. Recommendations for strategies and sites that would be visited were discussed.

OSEP staff reviewed and analyzed data and documents relevant to meeting the requirements of IDEA. These data and documents included: 1) Citizen Complaint Database; 2) due process hearing database; 3) Office for Civil Rights investigations; 4) Washington Part B State Plan and Part C applications; 5) Washington's IDEA '97 Implementation Plan; 6) Washington Assessment of Student Learning; 7) Washington State Case Study on Special Education Funding Formula; 8) Birth to Three Years Study 95-14; 9) Fifth Annual Report on Special Education Services in Washington State; 10) Safety Net policies and procedures; 11) State budget information; 12) summaries of "Conversations with Families"; 13) Washington Infant and Toddler Early Intervention Program Studies; and 14) Washington Legislative Study of Part C.

OSEP visited the State during the week of October 5, 1998 for the purpose of collecting additional data on the issues identified in Validation Planning. For Part B, OSEP visited preschool programs, elementary, middle and secondary schools in Everett, Spokane, North Kitsap, Federal Way, Seattle, Richland, Yakima and Prosser. For Part C, OSEP visited Snohomish County, Benton and Franklin Counties, King County, Yakima County, Kitsap County, and Pierce County. OSEP presented preliminary results to OSPI and DSHS on Friday, October 5, 1998 and next steps were discussed which would begin the process of improvement planning.

Improvement Planning

In response to this report, OSPI and DSHS will develop an action plan addressing areas requiring improvement as identified in the report. Approximately 60 days after the issuance of this report, OSEP will visit Washington to work with OSPI and DSHS to work toward agreement on the improvement plan. This visit will include providing assistance to the Steering Committees in the identification of strategies for implementation, sources of technical assistance, time lines for completing strategies, and methods for evaluating the success of the improvement plan.

I. PART C: GENERAL SUPERVISION

As the State lead agency, DSHS is responsible for developing and maintaining a statewide comprehensive, coordinated, multidisciplinary, interagency early intervention system. Administration, supervision and monitoring of the early intervention system are essential to ensure that each child and family receives the services needed to enhance the development of infants and toddlers with disabilities and to minimize their potential for developmental delay. Early intervention services are provided by a wide variety of public and private entities. Through supervision and monitoring, the State ensures that all agencies and individuals providing early intervention services meet the requirements of IDEA, whether or not they receive funds under Part C.

While each State must meet its general supervision and administration responsibilities, the State may determine how that will be accomplished. Mechanisms such as interagency agreements and/or contracts with other State-level or private agencies can serve as the vehicle for the lead agency's implementation of its monitoring responsibilities. The State's role in supervision and monitoring includes: (1) identifying areas of implementation that do not comply with Federal requirements; (2) providing assistance in correcting identified problems; and (3) as needed, using enforcement mechanisms to ensure correction of identified problems.

Validation Planning and Data Collection

DSHS did not complete a formal statewide self-assessment before OSEP's monitoring activities. At each of the public input meetings that OSEP conducted during the Validation Planning visit, the following question was asked: "Does the State effectively supervise the implementation of the early intervention system?" In response, concerns related to the State's general supervision of early intervention services emerged in public input and Steering Committee meetings conducted during the Validation Planning visit. These concerns included:

- the variability in the accuracy of information and guidance provided by DSHS program liaisons to local agencies and individuals who implement the Part C program;
- lack of consistency in the range of early intervention services and delivery models across the State;
- a need for DSHS to increase collaboration both within DSHS, and with outside agencies;
- difficulty in aligning local, State, and Federal early intervention policy and requirements; and
- excessive paperwork.

To investigate the concerns identified during the Validation Planning process, OSEP collected information from the review of children's records, State contracts and work orders, local self-assessments and action plans, and State and local policies and procedures. OSEP interviewed parents, service providers, family resource coordinators (service coordinators),² local program administrators, county interagency coordinating council members, and State personnel.

²Washington uses the term "family resource coordinator" in place of "service coordinator."

OSEP reviewed and analyzed the data and identified the following strength and area of noncompliance.

A. STRENGTH

State Interagency Coordinating Council

There is an effective partnership between DSHS and the State Interagency Coordinating Council that is based on a commitment to communication. DSHS program liaisons are assigned to facilitate the work of the council by assisting with planning and participating in subcommittee meetings. The subcommittees play a vital role in assisting DSHS in the development and revision of Part C policies by soliciting input from a wide array of interested parties. This results in effective policies that are based on family-centered practices that encourage early intervention services that are responsive to the diverse needs of regions.

B. AREA OF NONCOMPLIANCE

Monitoring to Ensure Consistent Implementation of Part C Requirements

Each State is required, under 34 CFR §303.501, to ensure that all programs and activities used to implement the statewide early intervention system are consistent with Part C of IDEA, regardless of whether the entity receives Part C funds. Each State is required to adopt and use proper methods of administering the program, including: monitoring agencies, institutions and organizations used by the State to provide early intervention services, enforcing obligations imposed on those entities as a result of these regulations, providing technical assistance if necessary, and correcting deficiencies that are identified through monitoring. In addition to the responsibility for general administration, the lead agency must ensure that all policies (e.g., State statutes, regulations, Governor's orders, directives, other written documents that represent the State's position on this program – see 34 CFR §303.19) related to the implementation of Part C are consistent with 34 CFR Part 303.

As discussed below, DSHS has not fulfilled its obligation for the general supervision, administration, and monitoring of programs and activities used by the State, whether or not they receive assistance under Part C, to implement a statewide system of early intervention services. DSHS informed OSEP that it ensures that the requirements of Part C are implemented through a detailed contract process in which each local early intervention contractor submits the following information according to its work order, for DSHS' review: 1) a narrative Early Intervention Services report twice a year that summarizes progress in meeting contract requirements, including all Part C requirements; 2) quarterly submission of monthly data forms to verify the number of referrals and the number of children receiving early intervention services; 3) unduplicated county child count data once a year; and 4) notification of Part C funds expended and obligated, once a year. Contractors are also required to complete, but not submit, a self-assessment. The self-assessment consists of twelve sections that align with Part C requirements and is designed for contractors to ascertain their level of compliance with Part C and additional requirements in the work order. It provides critical information that serves as the baseline for the content of the narrative reports and contains a section for programs to develop an action plan that will assist them in more closely aligning their programs with the requirements of Part C.

DSHS program liaisons enter the data submitted by each contractor on an “Early Intervention Services Report Tool” for analysis of Part C and DSHS contract requirements. Program liaisons report any concerns identified through analysis of the data to the DSHS Program Director, and then address concerns through phone calls and site visits to the contractor. If concerns still remain, DSHS makes a formal request for the DSHS Office of Operations Review to audit the contractor. In 1996, DSHS’ Office of Operations Review found that a contractor was not in compliance with the contract work order or Part C requirements, and ordered the return of \$25,856.77 in misspent Part C funds to DSHS’ Infant and Toddler Early Intervention Program. However, at the time of OSEP’s visit, DSHS had only monitored this one contractor utilizing the program audit process, leaving the other 38 contractors without any formal feedback regarding their compliance with Part C requirements since Part C was fully implemented in Washington in 1993.

OSEP reviewed contracts, work orders and Early Intervention Services Report Tools and found that the Early Intervention Services Report Tools did not report any of the violations of Part C that OSEP identified in the same counties and discusses in other sections of this report.

OSEP reviewed one county’s self-assessment and an action plan in which six out of 129 items were identified as being out of compliance, although none of the noncompliance identified by OSEP in that county had been identified in the self-assessment or the action plan. For example, the contractor’s self-assessment indicated only that the IFSP process was not consistent throughout their geographic area but indicated no other concerns related to IFSPs and their development. OSEP reviewed five IFSPs from this county contractor and found the following deficiencies: 1) three of the five IFSPs reviewed were missing present levels of development; 2) four of the five files were missing evaluation consent; and 3) three of the IFSPs were missing specifics related to early intervention services (frequency, method and funding). Thus, the completion of the self-assessment and required contract reports did not ensure IFSPs that meet the requirements of 34 CFR §303.344.

While the self-assessment and action plan may be valuable components in assisting a contractor to improve compliance, OSEP concludes that without an effective system for independent verification by DSHS, the self-assessment process, in and of itself, has not been effective in ensuring the identification and correction of non-compliance.

However, during the Validation Planning visit, OSEP was informed by DSHS that they were in the process of contracting with the DSHS Office of Operations Review for six comprehensive program audits. In July 1999, DSHS confirmed that, to date, four of the six audits scheduled for this year have been completed. Based on the limited data that OSEP has received from DSHS regarding the program audit process, OSEP cannot determine whether this process will be effective in the timely identification and correction of non-compliance.

II. PART C: CHILD FIND/PUBLIC AWARENESS

The needs of infants and toddlers with disabilities and their families are generally met through a variety of agencies. However, prior to the enactment of Part C of IDEA, there was little coordination or collaboration of service provision, and many families had difficulty locating and obtaining needed services. Searching for resources placed a great strain on families.

With the passage of Part C in 1986, Congress sought to assure that all children needing services would be identified, evaluated, and served, especially those children who are typically underrepresented (e.g., minority, low-income, inner-city, Indian and rural populations) through an interagency, coordinated, multidisciplinary system of early intervention services.

Each State's early intervention system must include child find and public awareness activities that are coordinated and collaborated with all other child find efforts in the State. Part C recognizes the need for early referral and short timelines for evaluation as development occurs at a more rapid rate during the first three years of life than at any other age. Research in early brain development has demonstrated what early interventionists have known for years, that children begin to learn and develop from the moment of birth. Therefore, the facilitation of early learning and the provision of timely early intervention services to infants and toddlers with disabilities is critical.

Validation Planning and Data Collection

As the initial step in the monitoring process, OSEP reviewed Washington's Infant and Toddler Early Intervention Program Study and other data regarding child find and public awareness provided by DSHS. One of the focus questions asked during public input meetings was "Are all infants and toddlers with developmental delays or disabilities identified, evaluated and referred for services?" Concerns expressed across the State revealed that there still is limited awareness of the Part C system. Particular concerns identified by public meeting participants in the public input meetings were a need for:

- program information available to families in more locations, using a variety of formats;
- a need for additional screening opportunities;
- uneven effectiveness in child find and public awareness activities across the State;
- a desire to eliminate the barriers between local programs that delay referrals to Part C;
- early identification and referral by physicians;
- more professionals to evaluate children; and
- increased training for family resource coordinators specific to their responsibilities as service coordinators.

The Part C Steering Committee also had the opportunity to provide input about child find and public awareness successes, concerns and solutions. They too identified concerns about referrals from the medical community. Other concerns identified by the Steering Committee were a need for improved understanding of roles and responsibilities across local programs and a need for improved collaboration across programs at the State level and some local levels.

To investigate the concerns identified during the Validation Planning process, OSEP collected information from the review of children's records, State contracts and work orders, local self-assessments and action plans, and State and local policies and procedures. OSEP interviewed parents, service providers, family resource coordinators, county interagency council members and program administrators.

OSEP reviewed and analyzed the data and identified the following strength, area of noncompliance, and suggestions for improved results for infants, toddlers and their families.

A. STRENGTH

Participation in State Early Childhood Initiatives

In the past year, DSHS Infant Toddler Early Intervention Program liaisons have worked hard to ensure that they are well represented on groups with early childhood initiatives at the State level to promote increased awareness of, and collaboration with, Part C.

B. AREA OF NONCOMPLIANCE

Development of a coordinated, comprehensive, statewide child find system

34 CFR §303.321 requires DSHS, with assistance from the State Interagency Coordinating Council, to develop a comprehensive child find system. DSHS must implement effective procedures to ensure compliance with the State's policies and procedures by all participating public and private program in carrying out child find activities. DSHS must ensure that all infants and toddlers with disabilities are identified, located and evaluated. DSHS must also ensure that the child find system is coordinated with all other major efforts (administered by relevant education, health and social services programs) to locate and identify children, and will not duplicate efforts.

Washington's history of providing early intervention to young children presents challenges to the State in developing an effective, comprehensive child find system for Part C. Both now, and in the past, referrals can be made to a number of different agencies if there are developmental concerns about a child who is under the age of three. These agencies include, but are not limited to, school districts, neuro-developmental centers, developmental centers, preschools, county health and human service agencies, tribal programs and other local and State agencies. Program administrators and service providers told OSEP that when they receive a referral they proceed with evaluations and assessments to meet their own agency's procedures and requirements and do not immediately make the referral for Part C services. There was a wide variation in responses when interviewees were questioned about when a referral is considered a Part C referral.

In one site OSEP visited, referrals arrive at the local lead agency only after the child has an active IFSP. In another site, OSEP was informed that children are evaluated, determined eligible and are receiving services on an IEP before the referral to Part C comes to the local lead agency. OSEP was informed by service providers and family resource coordinators that there is no organized child find system in this local lead agency, and no central phone number to call for

consistent and accurate information about available Part C services. Parents in all sites told OSEP they had to make many calls and sort through conflicting information to find out about Part C services.

The lack of a coordinated child find referral procedures impacts whether all children who are potentially eligible for Part C are identified and evaluated. Because of the lack of a statewide, interagency, coordinated child find system, DSHS is not meeting the requirement that all infants and toddlers are identified, located and evaluated. Effective procedures need to be developed that ensure that the Part C child find system is coordinated with all other major efforts and that participating public and private programs comply with the Part C procedures. In establishing and implementing a coordinated child find system, DSHS must ensure that it is effective in identifying all eligible infants and toddlers and in providing effective service coordination so that families understand the importance and benefits of coordinated Part C services.

Strong leadership from a State's lead agency is necessary to develop and implement a statewide, interagency, coordinated multidisciplinary system of early intervention services, as required by Part C. Effective coordination of agencies around child find activities is necessary to ensure timely identification of eligible children and prompt delivery of coordinated Part C early intervention services which infants and toddlers with disabilities and their families are entitled to receive.

C. SUGGESTIONS FOR IMPROVED RESULTS FOR INFANTS, TODDLERS AND THEIR FAMILIES

1. Increasing the number of children receiving Part C early intervention services

The low percentage of children receiving Part C early intervention services in Washington is of concern. As of the December 1, 1997 count, Washington reported serving only 1% of the birth to three-year-olds in the State. The nationwide average among States in 1997 was 1.7%. This is in contrast to data reported in "The Washington Infant and Toddler Early Intervention Program Study" that 2.1% of birth to three year olds are enrolled in some type of publicly supported early intervention services. Some infants and toddlers receive services through the Department of Health, some through OSPI and still others through the Division of Developmental Disabilities. Although OSEP does not have data on whether all those children are Part C eligible, the disparity in numbers indicates that there is not a coordinated child find effort for Part C. An early intervention system can certainly use a variety of agencies but must ensure a coordinated and collaborative effort.

When compared to the nation-wide average percentage of children served under Part C, the relatively low percentage of families of infants and toddlers with disabilities in the State who are receiving Part C services at this time may be an indicator that the child find and service coordination systems are not effective. We don't know if families have been offered Part C services and declined them, or if they have no awareness of Part C services. It will be important for DSHS to consider those data and their implication in examining and improving the effectiveness of its child find and service coordination programs.

2. Referrals of infants and toddlers by primary referral sources

An area that was identified as a significant concern by the public and the Part C Steering Committee was the timeliness and/or lack of referrals to the Part C system from physicians. OSEP collected and analyzed data related to 34 CFR §303.321(2)(d) which requires that the child find system must include procedures for use by primary referral sources for referring a child to the appropriate public agency within the system. OSEP recognizes that the Lead Agency and State Interagency Coordinating Council are aware of this concern and in the past funded the Medical Home Resource and Training Project which built strong partnerships between Part C providers and medical personnel. During validation data collection OSEP heard that physicians are still cautious about identifying developmental delays in very young children and want to wait until they reach age three to make a referral. OSEP strongly recommends that DSHS collect further data to determine the effectiveness of its efforts to ensure timely referrals by physicians. Ongoing, focused efforts are needed to inform primary referral sources about referral procedures and the benefits of early intervention. Positive changes could lead to earlier identification of infants with developmental delays and increased effective, coordinated early intervention services.

3. Improving relationships between the early intervention system and managed care organizations.

An additional concern identified by the public and the Part C Steering Committee linked to delays in referrals by medical personnel is the increasing impact of managed care. OSEP heard from participants in several locations that physicians don't make referrals because they have been educated by their managed care organizations that early intervention services are not covered under their plans. In two sites OSEP was told by family resource coordinators, interagency representatives, and service providers that managed care has led to a downward trend in referrals. The State Interagency Coordinating Council and DSHS should utilize its existing committee structure to have input into creating solutions for this concern.

III. PART C: EARLY INTERVENTION SERVICES IN NATURAL ENVIRONMENTS

In creating the Part C legislation, Congress recognized the urgent need to ensure that all infants and toddlers with disabilities and their families receive early intervention services according to their individual needs. Three of the principles on which Part C was enacted are: 1) enhancing the child's developmental potential; 2) enhancing the capacity of families to meet the needs of their infant or toddler with disabilities; and 3) improving and expanding existing early intervention services being provided to children with disabilities and their families.

To assist families in this process, Congress also requires that each family be provided with a service coordinator, to act as a single point of contact for the family. The service coordinator's responsibilities include assisting families in understanding and exercising their rights under Part C, arranging for assessments and IFSP meetings, and facilitating the provision of needed services. The service coordinator coordinates required early intervention services, as well as medical and other services the child and the child's family may need. With a single point of contact, families are relieved of the burden of searching for essential services, negotiating with multiple agencies and trying to coordinate their own service needs.

Part C requires the development and implementation of an IFSP for each eligible child. The evaluation, assessment, and IFSP process is designed to ensure that appropriate evaluation and assessments of the unique needs of the child and of the family, related to enhancing the development of their child, are conducted in a timely manner. Parents are active members of the IFSP multidisciplinary team. The team must take into consideration all the information gleaned from the evaluation and child and family assessments in determining the appropriate services to meet the needs.

The IFSP must also include a statement of the natural environments in which early intervention services will be provided for the child. Children with disabilities should receive services in community settings and places where normally developing children would be found, so that they will not be denied opportunities that all children have to be included in all aspects of our society. Since 1991, IDEA has required that infants and toddlers with disabilities receive early intervention services in natural environments. This requirement was further reinforced by the addition of a new requirement in 1997 that early intervention can occur in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily for the infant or toddler in the natural environment. In the event that early intervention cannot be achieved satisfactorily in a natural environment, the IFSP must include a justification of the extent, if any, to which the services will not be provided in a natural environment.

Validation Planning and Data Collection

One of the questions asked during the public input meetings held on August 24-28, 1998, was, "Do all infants and toddlers and their families receive early intervention services in natural environments?" A significant amount of input was received relative to early intervention services in natural environments ranging from requests for a definition of natural environments,

to concerns regarding funding services in natural environments. Related concerns by public input meeting participants were:

- parents may not be adequately informed of the full array of early intervention services and service coordination;
- it is difficult to complete evaluations, develop IFSPs and implement services within 45 day timelines; and
- family resource coordinators need additional training, realistic caseloads, and less paperwork.

The Steering Committee identified the following concerns and barriers related to infants and toddlers receiving early intervention services in natural environments:

- resources (money, time, trained personnel);
- limits on the range of program options and parent choice;
- inconsistent interpretations of the meaning of natural environments for early intervention services; and
- variations in the quality of services across geographic areas.

To investigate the concerns identified during the Validation Planning process, OSEP reviewed the records of children receiving services at the time of OSEP's visit, examined State and local policies and procedures, and conducted interviews of parents, family resource coordinators, county interagency council members, program administrators, State personnel and service providers.

OSEP reviewed and analyzed the data and identified the following areas of noncompliance and area needing improvement.

A. AREAS OF NONCOMPLIANCE

1. Service coordination

34 CFR §303.23(a) and §303.321(e) require that each State ensure that a single service coordinator is available for each eligible child and the child's family upon referral to the public agency and throughout the child's eligibility for services. The service coordinator is responsible for coordinating all services across agency lines and serves as the family's single point of contact. The service coordinator assists the family in obtaining needed early intervention services, facilitates the timely delivery of available services, links the family to other available resources, and continuously reviews appropriate services to benefit the development of each child.

Service coordination is one of the critical elements on which the success of early intervention services in Part C is built. Lack of active, ongoing service coordination results in uncoordinated/duplicative evaluations and assessments, and families are left to identify available service providers and coordinate and monitor the delivery of available services on their own. The family resource coordinator, the term used by the State for "service coordinator" (see footnote 1) serves as the single point of contact between the family and the early intervention system, and provides support by negotiating the identification and evaluation process, assisting in the development and implementation of the IFSP, and facilitating linkages across agency lines.

OSEP found that adequate service coordination is not being implemented consistently across the State.

As discussed below, DSHS has not ensured that each child is provided with a single family resource coordinator who is responsible for the activities specified in Federal regulations. OSEP found through interviews with administrators, parents, local interagency coordinating council members, service providers, and family resource coordinators and documented in record reviews in four of the sites visited, that children and their families were not always provided with a family resource coordinator at the time of referral as required under 34 CFR §303.321. Program administrators in two sites told OSEP that the role of the family resource coordinator is unclear and the value of family resource coordinators to already existing programs is often questioned. In one site, family resource coordinators told OSEP that the first time a family resource coordinator meets with the family is when the IFSP/IEP is written. In some cases family resource coordinators cannot coordinate evaluations and assessments because they get involved “after the fact.”

During the public input meetings and in each site visited by OSEP, service providers, program administrators, county coordinating council members and other interested parties expressed concerns about the lack of adequate numbers and appropriately trained family resource coordinators. OSEP was informed in interviews conducted in all sites, about large caseloads, excessive paperwork requirements and inadequate training which resulted in infants, toddlers and their families not receiving assistance in coordinating the needed appropriate services.

When OSEP interviewed family resource coordinators they indicated a need for more in-depth training about their responsibilities for service coordination. Some family resource coordinators told OSEP that the responsibilities for family resource coordination were added to their other professional duties and they did not have time to provide adequate family resource coordination for children and families. OSEP found that the adequacy of services depends on the knowledge and experience level of the family resource coordinator and that there are differences in the quality of services throughout the State.

2. Identification and Provision of all Needed Services

a. Delay in evaluation and assessment. Each State is required under 34 CFR §§303.321 and 303.322 to ensure that evaluations and assessments are completed and an IFSP meeting is held within 45 days of referral. OSEP found that in four of the sites visited, DSHS did not ensure that sufficient numbers of certified and trained personnel were available to provide timely evaluations and assessments within 45-day timelines. OSEP was told that delays range from 2 weeks to over a month. Specifically, OSEP found personnel shortages of speech therapists, physical therapists, and occupational therapists in three of the sites visited and family resource coordinators throughout the State. DSHS must ensure that adequate personnel are available to provide evaluations and assessments on a timely basis.

b. Denial of needed services. 34 CFR §303.340 requires that IFSPs must be based on results of current evaluations and assessments. DSHS must ensure that adequate personnel are available to

provide individually determined services with the frequency and intensity needed. In two sites, service providers and interagency collaborators told OSEP that IFSP teams do not include all needed services in IFSPs because they know that there are not enough personnel to provide the services. Shortages of providers also result in services written in IFSPs, but not provided with the frequency and intensity needed by children as specified in their IFSPs. One interviewee told OSEP that if all eligible children were identified there would not be enough providers to serve them. Shortages of therapists to provide needed services in IFSPs were more prevalent in rural areas OSEP visited, while shortages of family resource coordinators were more prevalent in urban areas.

IV. PART C: FAMILY-CENTERED SYSTEM OF SERVICES

Research has shown that improved outcomes for young children are most likely to occur when services are based on the premise that parents or primary caregivers are the most important factors influencing a child's development. Family-centered practices are those in which families are involved in all aspects of the decision-making, families' culture and values are respected, and families are provided with accurate and sufficient information to be able to make informed decisions. A family-centered approach keeps the focus on the developmental needs of the child, while including family concerns and needs in the decision-making process. Family-centered practices include establishing trust and rapport with families, and helping families develop skills to best meet their child's needs.

Parents and other family members are recognized as the linchpins of Part C. As such, States must include parents as an integral part of decision-making and service provision, from assessments through development of the IFSP, to transition activities before their child turns three. Parents bring a wealth of knowledge about their own child and family's abilities and dreams for their future, as well as an understanding of the community in which they live.

In 1986, Part C of the IDEA was recognized as the first piece of Federal legislation to specifically focus attention on the needs of the family related to enhancing the development of children with disabilities. In enacting Part C, Congress acknowledged the need to support families and enhance their capacity to meet the needs of their infants and toddlers with disabilities. On the cutting edge of education legislation, Part C challenged systems of care to focus on the family as the unit of services, rather than the child. Viewing the child in the context of her/his family and the family in the context of their community, Congress created certain challenges for States as they designed and implemented a family-centered system of services.

Validation Planning and Data Collection

To obtain data regarding family centered services for this monitoring trip, OSEP reviewed information provided by the State from families through the forum, "Conversations with Families."³ Parents said they would like more information about early intervention services and more integration of resources across systems. They would also like more opportunities for parent training and networking. One set of questions asked during the public input meetings was "Are supports and services family centered?" "Do they result in enhanced child and family outcomes?" Overall responses were very positive, though a few concerns were expressed about parent involvement in a specific part of the State. Participants expressed a need for additional materials in a greater variety of languages and formats linked with an increase of bilingual

³Conversations with Families are held in conjunction with the State Interagency Coordinating Council meetings. The State Interagency Coordinating Council moves the location of their meetings around the State to encourage participation from local parents and providers. The morning of the meeting, parents are invited to engage in a conversation with the State Interagency Coordinating Council to identify successes and concerns.

interpreters who can assist the family in understanding these materials within the context of their culture. Two barriers to achieving family-centered supports and services were identified: limited access to Family Resource Coordinators; and excessive paperwork requirements for parents. There was a significant amount of discussion across the State about family choice as it relates to the natural environments in which early intervention services are provided.

The Part C Steering Committee (The State Interagency Coordinating Council) also provided positive input regarding family and child outcomes being enhanced by family-centered supports and systems of services. They offered to continue to encourage parent input through “Conversations with Families” and utilize their Family Leadership Committee to act on identified issues. OSEP suggested that they pursue providing further technical assistance on Early Intervention Services in Natural Environments due to the significant amount of interest expressed during the public input week.

OSEP reviewed and analyzed the data and identified the following strengths.

A. STRENGTHS

1. Family-centered practices promote parents as team members.

Parents have access to program materials in multiple languages and “family-friendly” language. Early intervention services promote parents as team members and are built around families’ schedules, routines and priorities for their children. IFSP meetings are conducted at home and in the evenings, as needed. Family members, including grandparents, participate in assessment planning and service provision. IFSPs contain everyday or family language in contrast to “professional jargon,” and in many cases include family outcomes in addition to child outcomes. Support groups for fathers and other activities are integrated into service provision in several sites that OSEP visited.

2. Opportunities for parents to participate in training.

Early intervention training activities emphasize joint parent and staff participation in order to increase awareness and implementation of family-centered practices. Videotapes of a parent panel discussing transition are available to parents and teams to prepare them for the transition to special education services in the community. Parents describe positive experiences with the program’s emphasis on parent education activities and events that are tailored to them.

3. “Conversations With Families”

The State Interagency Coordinating Council moves the location of their meetings to various parts of the State to encourage participation from local parents. The morning of the meeting, parents are invited to engage in a “conversation” with the State Interagency Coordinating Council to identify successes and concerns. This information is acted on by various council subcommittees and results in improved policies, procedures and practices.

V. PART C: EARLY CHILDHOOD TRANSITION

Congress included provisions to assure that preschool or other appropriate services would be provided to eligible children leaving early intervention at age three. Transition is a multifaceted process to prepare the child and the child's family to leave early intervention services. Congress recognized the importance of coordination and cooperation between the educational agency and the early intervention system by requiring that a specific set of activities occur as part of a transition plan. Transition activities typically include: 1) identification of steps to be taken to prepare the child for changes in service delivery and to help the child adjust to a new setting; 2) preparation of the family (i.e., discussion, training visitations); and 3) determination of other programs and services for which a child might be eligible. Transition planning for children who may be eligible for Part B preschool services must include scheduling a meeting, with approval of the family, among the lead agency, the educational agency and the family, at least 90 days (with parental permission up to six months) prior to the child's third birthday. Transition of children who are not eligible for special education also includes making reasonable efforts to convene a meeting to assist families in obtaining other appropriate community-based services. For all Part C children, States must review the child's program options for the period from the child's third birthday through the remainder of the school year and must establish a transition plan.

Validation Planning and Data Collection

One of the questions asked during the public input meetings was "By the child's 3rd birthday, does transition planning result in the provision of needed supports and services to a child and the child's family?" Throughout the State, at these meetings, OSEP heard concerns related to the transition of children from Part C to Part B, such as: 1) poor coordination between programs; 2) interruption in services; 3) children put on waiting lists at age three; and 4) service providers not being able to attend transition meetings. In two locations, OSEP heard concerns related to the duplication of evaluations prior to transition and the distress it caused families. Participants in the public input meetings expressed the strong belief that effective interagency agreements at the local level facilitated smooth and timely transitions. Participants suggested that additional training and technical assistance to local school districts might improve the transition process.

The Part C Steering Committee response to transition focused on the positive impact of training for community teams and Local Interagency Agreements in facilitating smooth transitions for children at age 3. Steering committee members recognize that transition is a systemic issue and that there will be continuing needs for policy discussions and training relative to transition.

To investigate the concerns identified during the Validation Planning process, OSEP collected information from the review of children's records, State contracts and work orders, local self assessments and action plans and State and local policies and procedures. OSEP interviewed parents, service providers, family resource coordinators, county interagency council members and program administrators.

OSEP reviewed and analyzed the data and identified the following strength, and suggestions for improved results for infants and toddlers and their families.

A. STRENGTH

Local interagency agreements promote required transition activities

Data collected through interviews and record reviews indicate that local interagency agreements and memoranda of understanding promote smooth and efficient transition from Part C to Part B services, although the process is somewhat variable across school districts. Local partners work hard to build rapport with school districts which results in improved collaboration for transition activities. Transition training provided by DSHS and OSPI program liaisons to local interagency coordinating groups has resulted in improved transition experiences for most children and families. OSEP heard that parents are generally informed when they begin to receive infant/toddler services about the transition that will occur prior to their child's third birthday and indicate a degree of satisfaction with the planning process. Planning is timely and appears to be individualized. There is limited duplication of assessments with Part C programs providing the bulk of the assessment and school districts writing the team summary analyses.

B. SUGGESTIONS FOR IMPROVED RESULTS FOR INFANTS, TODDLERS AND THEIR FAMILIES

1. Local Interagency Agreements

Due to the reported variability of effective interagency agreements, OSEP recommends that DSHS monitor all contractors to ensure that local interagency agreements and other practices ensure the transition activities required in Part C are being implemented.

2. Training

Given the concern that people expressed regarding transition during validation planning public input meetings, and because of ongoing personnel turnover in local interagency coordinating groups, OSEP recommends that DSHS continue to provide ongoing transition training in a partnership with OSPI.

VI. PART B: FREE APPROPRIATE PUBLIC EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT

The provision of a free appropriate public education in the least restrictive environment is the foundation of IDEA. The provisions of the statute and regulations (evaluation, IEP, parent and student involvement, transition, participation in large-scale assessment, eligibility and placement decisions, service provision, etc.) exist to achieve this single purpose. It means that children with disabilities receive educational services at no cost to their parents, and that the services provided meet their unique learning needs. These services are provided, to the maximum extent appropriate, with children who do not have disabilities and, unless their IEP requires some other arrangement, in the school they would attend if they did not have a disability. Any removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The IDEA '97 Committee Reports of the Senate Committee on Labor and Human Resources and the House of Representatives Committee on Education and the Workforce emphasized that too many students with disabilities are failing courses and dropping out of school. Those Reports noted that almost twice as many children with disabilities drop out as compared to children without disabilities. They expressed a further concern about the continued inappropriate placement of children from minority backgrounds and children with limited English proficiency in special education. The Committees stated their intention that “once a child has been identified as being eligible for special education, the connection between special education and related services and the child’s opportunity to experience and benefit from the general education curriculum should be strengthened. The majority of children identified as eligible for special education and related services are capable of participating in the general education curriculum to varying degrees with some adaptations and modifications. This provision is intended to ensure that children’s special education and related services are in addition to and are affected by the general education curriculum, not separate from it.”

Validation Planning and Data Collection

OSEP’s 1995 monitoring report included findings that OSPI did not exercise its general supervisory authority in a manner that ensured that school-aged individuals with disabilities confined in juvenile detention facilities, were identified, located and evaluated and provided a free appropriate public education. OSEP required OSPI to develop procedures for monitoring its juvenile detention facilities to ensure that all school-aged individuals with disabilities are identified, located and evaluated and provided a free appropriate public education.

In addition, in the 1995 monitoring report, OSEP found that OSPI did not ensure that: 1) the educational placement of each child was based on the child’s IEP, but that both initial and subsequent placement determinations were made by the multidisciplinary team prior to the development of the child’s IEP; and 2) children with disabilities were educated with or participated with nondisabled students to the maximum extent appropriate, including in nonacademic and extracurricular programs and services; and 3) children with disabilities had

available to them the variety of educational programs and services available to nondisabled children.

OSPI declined to complete a formal self-assessment. OSPI did, however, in conjunction with OSEP, engage in a data collection process that included addressing a series of questions related to the provision of a free appropriate public education, including, “Do students with disabilities receive special education and related services that promote a high quality education?” OSPI also participated with OSEP in collecting data through public input focused discussion meetings with parents and stakeholders, a meeting with the Steering Committee, and a series of interviews with OSPI staff. OSEP’s analysis of information from OSPI and data gathered from the parent and stakeholder focus groups, the meeting with the Steering Committee and interviews with OSPI staff, suggested that the following areas be examined in more detail in OSEP’s onsite review:

Shortage of and Variability in the Provision of Services across Districts

- Availability of psychological counseling and behavioral support services
- Availability and provision of related services
- Services for students with low incidence disabilities
- Appropriateness of services for Limited English Proficient students placed in lower level classes
- Timeliness of provision of services to children transitioning from Part C to Part B services
- Services to American Indian children
- Variability in skills of general and special education teachers, related services personnel and administrators
- Functioning of the Comprehensive System of Personnel Development
- Training and supply of interpreters for the deaf
- Availability of evaluation personnel
- Availability of orientation and mobility staff
- Recruitment and retention of instructional and related services staff in rural and remote areas

Funding

- Number of students for whom the State Education Agency will provide special education funding
- Availability of funding determining service provision

Access to General Education

- Provision of support services in general education based on district availability and funding capacity rather than individual student needs
- Eligibility of children if performing on grade level
- Schools’ willingness to modify or adjust the general curriculum
- Understanding by school personnel of specially designed curriculum versus accommodations
- Participation of special education staff in general education curriculum design

Placement in the Least Restrictive Environment

- Secondary students required to take a “pull-out” class regardless of need

- Availability of options in general education with supports for students in self-contained classes
- Center-based approaches based on disability
- Availability of access to general education classes and to general curriculum for students with behavioral disorders

To investigate the concerns identified by the Steering Committee and public input participants during the Validation Planning process, OSEP collected information from the review of children's records and State and local policies and procedures, and interviews of State personnel, local program and school administrators, teachers and other service providers, and parents.

OSEP reviewed and analyzed the data and identified the following strengths and areas of noncompliance, and a suggestion for improved results for children with disabilities.

A. STRENGTHS

1. Safety Net funding

A financial safety net was created as part of a 1995 revision in the State special education funding formula. The purpose of the safety net is to ensure that all eligible children and youth with disabilities receive a free appropriate public education by providing additional State funds for: (1) students who require high cost services (e.g., a student who needs placement in a residential treatment center or needs an expensive assistive technology device); (2) students with special characteristics and costs (e.g., financial support to districts with an overrepresentation of deaf blind students); and (3) districts that receive less State special education revenue than in the previous year.

2. Adequately staffing rural districts

Washington State is comprised of 296 school districts, many of which are extremely rural and isolated. Consistent with national data relative to rural districts, Washington has been challenged to ensure an adequate supply of qualified staff to provide a free appropriate public education in rural districts. OSPI has developed a number of unique approaches to secure qualified staff in rural areas including: (1) providing student loans, with preferences provided to those students from culturally and linguistically diverse backgrounds, with a "forgiveness" clause so that when students agree to provide services in rural areas their loans are reduced/forgiven; (2) implementing a sophisticated distance learning program, focusing on inservice and preservice training, that is accessible to staff and community members in every district in the State; and (3) initiating a "grow your own" program whereby university students are encouraged to enroll in special education teacher preparation programs. This program has helped to alleviate rural shortages, which has enhanced the districts' ability to provide a free appropriate public education.

3. Teacher and paraprofessional certification

OSPI is in the process of upgrading special education teacher certification requirements. Prospective teachers will be required to take twenty-one additional credit hours and will also be required to complete a practicum that previously had not been required. In addition, linkages

have been established with Boise State University in Idaho and Portland State University in Oregon to increase the number of staff qualified to work with students with low incidence disabilities. OSPI has developed paraprofessional minimum competencies that are in the process of being field-tested. When finalized, OSPI intends to include the competencies in the State education regulations.

4. Guidance for parents and educators

OSPI has developed and disseminated a document entitled “Special Education and the Law: A Legal Guide for Parents and Educators” that includes extensive information regarding provision of services in the least restrictive environment.

B. AREAS OF NONCOMPLIANCE

1. Services not provided to meet the needs of children

Public agencies must provide to students with disabilities any related services, including psychological counseling, that they need to benefit from special education (34 CFR §§300.300 and 300.16).

OSEP found in three of the eight districts visited that students in need of psychological counseling were frequently referred to community agencies for psychological services and that the provision of psychological counseling services was generally not included in students’ IEPs, or made available based on individual need, even if those services were needed to enable the child to benefit from special education. Under Part B, the school district may provide services indirectly by contracting with another public or private agency, or through other arrangements; but the services must be at no cost to the parents and the school district remains responsible for ensuring that the IEP services are provided in a manner that appropriately meets the student’s needs as specified in the IEP. Specifically, OSEP found that: 1) psychological counseling services provided by an outside agency were rarely integrated into the students’ IEPs; 2) parents were at times required to pay for psychological counseling services determined necessary by the IEP team for their children to benefit from special education; 3) psychological counseling services were not available to students at the high school level regardless of need; and 4) the type and amount of psychological counseling services were limited based on a student’s category of disability.

In one district, students with severe behavior disorders in elementary and middle schools received a comprehensive program that included, when appropriate, psychological counseling. When students moved to the high school there was no program for students with severe behavior disorders or services available to meet the needs specified in their IEPs. The director of special education stated that she was just made aware that comprehensive programs and services designed to meet the unique needs of students with severe behavior disorders were unavailable in the high school. Staff at the high school, including the principal, stated that neither the comprehensive behavioral programs nor the psychological counseling services were provided when students arrived from the middle school with IEPs that stipulated these needs and that eventually the IEP was revised to delete those services because they were not available regardless of whether the child continued to need them. School-based staff further stated that the district

was unwilling to pay for students to attend a regional Education Service District operated program for students with severe behavior disorders where students would receive the necessary services.

According to the director of special education, principal, school psychologist and special education teachers, the impact of these practices in this district included: (1) a high dropout rate for students with severe behavior disorders; (2) a disproportionate referral rate of high school students with severe behavior disorders to alternative programs; (3) a high rate of students with severe behavior disorders being placed on modified schedules with less than a full school day because of a lack of service availability; and (4) a high turnover rate of special education teachers in the high school due to disruptive students who are not receiving services to address their disruptive behaviors. The staff interviewed by OSEP confirmed that students who were receiving instructional and psychological counseling support at the elementary and middle school level were being successfully maintained in these environments.

In a second district, staff informed OSEP that psychological counseling as a related service was only available on a limited basis due to staff shortages, and that needed psychological counseling services are frequently not included on students' IEPs even if a student with a disability needs them to benefit from special education. For example, the school psychologist stated that students identified as learning disabled may only receive psychological counseling services on a consultative basis, regardless of need. The high school counselor and principal stated that students who need psychological counseling as a related service are generally referred to community mental health agencies and that the services are not included in the students' IEPs. Special education teachers stated that "mental health services" are not an area that educators want to "take on" and therefore psychological counseling is rarely included in students' IEPs regardless of need. The high school special education department chair and the high school counselor stated that parents do not know their rights so they do not insist that psychological counseling services be included in IEPs. Of the 218 students with disabilities at the high school, none have psychological counseling in their IEPs. They further stated that a similar situation exists in the district's other high schools.

In a third district, school-based staff stated that, in most cases, psychological counseling is not provided as a related service regardless of need for the service to benefit from special education, and that when students require psychological counseling, their parents are referred to private and community agencies. If obtained, the services are not IEP-driven. The director of special education stated that there were no district guidelines relative to referring students to community-based agencies in terms of ensuring that services a student needs as a component of a free appropriate public education, including those provided by an outside agency, are incorporated in the students' IEPs. Administrators stressed that, due to the failure to pass a local levy, the district was under severe financial constraints and that this impacted on their ability to provide psychological counseling services.

OSEP obtained information in the same three districts regarding service availability to meet the needs of students with behavioral needs. School-based staff in one of those three districts stated that no psychological counseling was available to support students in the high school regardless

of need. If a student needed psychological counseling he/she was required to go to the district's alternative school without consideration as to whether education in the regular classroom and school could be satisfactorily achieved with the provision of psychological counseling services and other appropriate supplementary aids and services. In another of these districts, the special education director stated that there was a process in place to ensure that students receive psychological counseling services. However, school-based staff who participated in IEP meetings stated that the service was not available and the middle school principal stated that even if a student was determined to be in need of psychological counseling services to benefit from special education, he was referred to a community agency and placed on a waiting list. In the third district, school-based staff, including the school psychologist, stated that students who need in-depth psychological counseling are generally referred to community agencies where parents are responsible for scheduling and payment. In a few very severe cases, the district has assumed fiscal responsibility for placement in a day treatment center. Neither the high school principal, assistant principal or the special education teacher was aware if psychological counseling was available as a related service to benefit from special education.

2. Adequate supply of qualified personnel to provide a free appropriate public education

34 CFR §300.300 requires that a free appropriate public education be made available to all children with disabilities. In addition, 34 CFR §300.380(a)(2), formerly 34 CFR §300.381, requires that each State ensure an adequate supply of qualified personnel, including special education and related services personnel, necessary to carry out the purposes of IDEA.

OSEP found, in all of the districts visited, that personnel shortages were negatively affecting the ability of the districts to provide a free appropriate public education to children with disabilities. Staff in seven districts stated that there was a shortage of teachers qualified to serve eligible students with severe behavior disorders. Staff in four districts informed OSEP of shortages in the availability of physical therapists and occupational therapists. Special education teachers, related services providers, school-based administrators and directors of special education informed OSEP that these shortages resulted in: 1) failure to provide needed special education and related services to students with behavioral needs; 2) failure to provide students with severe behavior disorders access to the general curriculum due to lack of behavioral supports (see previous finding regarding psychological counseling); 3) delays in the provision of required services; 4) the provision of poor quality services since services are provided by unqualified and/or untrained staff; 5) having to discontinue direct services when students need to be evaluated; and 6) only providing services on a consultative basis in order to "stretch" staff availability, regardless of students' needs.

In six of the eight districts visited, students' opportunities to participate and progress in the regular classroom was limited because of insufficient personnel and resources to provide appropriate support for children with disabilities in regular classrooms. Teachers and administrators reported to OSEP that, because of inadequate numbers of qualified personnel, provision of services full-time in the regular classroom was rarely the placement option provided by the IEP team.

VII. PART B: PARENT INVOLVEMENT

A purpose of the IDEA Amendments of 1997 is to expand and promote opportunities for parents and school personnel to work in new partnerships at the State and local levels. Parents must now have an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of their child, and the provision of a free appropriate public education to their child. Parental involvement has long been recognized as an important indicator of a school's success and parent involvement has positive effects on children's attitudes and social behavior. Partnerships positively impact achievement, improve parents' attitudes toward the school, and benefit school personnel as well.

Validation Planning and Data Collection

In its 1995 monitoring report, OSEP commended OSPI on its "proactive interest in meeting the needs of its diverse ethnic populations, through implementation of..." three parent conferences during the 1992-93 school year, two of which targeted Spanish speaking families, and English and Spanish translations of a Guide to Special Education in Washington and OSPI's parents' rights notice.

To obtain data regarding parent involvement for this monitoring trip, OSEP used information from a review of citizen complaints, written and telephonic concerns expressed to OSEP over the last three years, and information provided by the Steering Committee, on which there are parent representatives from Washington's Parent Training and Information Center, Parents are Vital in Education. In addition, OSEP reviewed the Parent Satisfaction Survey (Survey) published in April 1995. Survey results showed that 70% of the parents who responded were satisfied with their children's special education services. One of the questions asked during the public input meetings, August 24-28, 1998, was "Are parents involved in the education of their child with a disability?"

The following are concerns identified through the Validation Planning process:

- parents access to training and information;
- staff time to "truly" involve parents;
- involvement of parents who are not assertive;
- convenience of meeting times for parents;
- culture, language, and socio-economic status related to parent access;
- educator attitudes about parents' level of knowledge and expertise; and
- access to language, childcare, and facilities.

To investigate the issues identified through the validation planning process, OSEP collected data from local school districts across Washington relative to the involvement of parents in the special education decision-making process and the training of parents and staff. Information was also gathered from responses at two parent focus groups during the Validation Data Collection week. One group was held with parents of preschool children with disabilities, the other was with Spanish speaking farm worker families who have children with disabilities. Analysis of the data

collected resulted in identification of the following strength, areas of noncompliance, and suggestions for improved results for children with disabilities.

A. STRENGTHS

1. Joint Training with Parent Group

OSPI and Parents are Vital in Education, Washington's Parent Training and Information center, held joint training for parents and professionals on the new IDEA Amendments of 1997 requirements subsequent to the Implementation Planning visit, held in November 1997. Also, OSPI and Parents are Vital in Education jointly developed training materials for use throughout the State for parents and personnel.

2. Successful Mediation System

Most parents involved in Parents are Vital in Education, as well as others who provided public input, view Washington State's mediation system as a successful process for conflict resolution. Parents report that they feel heard and valued as partners in mediation.

B. AREAS OF NONCOMPLIANCE

1. Parents not included in the group that reviews existing data to determine what other information is required.

Section 614(c) requires that the IEP team review existing evaluation data on the child and on the basis of that review, and parental input, identify what additional data, if any are needed to determine whether a child has a particular category of disability, or in the case of reevaluation, continues to have such a disability.

OSEP found that in all of the eight districts visited, parents did not have the opportunity to participate as part of the group that reviews existing data as part of initial evaluation or reevaluation of their child. This information was obtained through file reviews and interviews with special education directors, principals, vice principals, special education teachers, psychologists and other related service personnel. At least two of these professionals in each district confirmed this information.

2. Parents not included in the group that makes the child's placement decision

OSEP found that parents are not included on the multidisciplinary team that makes the child's placement decision as required at section 614(f). OSEP also found that, in seven of the eight districts visited, parents were not invited to attend the meetings where evaluations are discussed.

C. SUGGESTION FOR IMPROVED RESULTS FOR CHILDREN

OSEP made the following observation about improving results for children with disabilities through parent involvement.

Increase parental understanding of parents' rights

OSPI is encouraged to determine the extent and nature of needed training to ensure parents can exercise appropriately their rights under Part B. Although printed information is available

regarding parents' rights and procedural safeguards, parents who attended OSEP's parent meetings demonstrated a lack of understanding of their rights, and were unaware of training in this area. Parents and staff interviewed by OSEP said that they needed training regarding parent participation on the evaluation team. Training also appeared to be needed for parents, especially language minority parents, so that they can exercise their due process rights and make active and informed decisions for their child with a disability.

VIII. PART B: SECONDARY TRANSITION

The National Longitudinal Transition Study states that the rate of competitive employment for youth with disabilities out of school for three to five years was 57 percent, compared to an employment rate of 69 percent for youth in the general population. The Study identifies several factors that were associated with post-school success in obtaining employment and earning higher wages for youth with disabilities. These include completing high school, spending more time in regular education, and taking vocational education in secondary school. The Study also shows that post-school success is associated with youth who had a transition plan in high school that specifies an outcome, such as employment, as a goal. The secondary transition requirements of IDEA focus on the active involvement of students in transition planning, consideration of students' preferences and interests by the IEP team, and the reflection, in the IEP, of a coordinated set of activities within an outcome-oriented process which promotes movement from school to post-school activities. Through parent and student involvement, along with the involvement of all agencies that can provide transition services, student needs can be appropriately identified and services provided that best meet those needs.

Validation Planning and Data Collection

OSEP's 1995 monitoring report noted findings of noncompliance related to transition. Specifically identified was OSPI's failure to ensure that, when one of the purposes of the meeting was the consideration of transition services: 1) students, ages 16 and older, were invited to the IEP meetings; 2) public agencies had a method to ensure that a representative of any other agency that is likely to be responsible for providing or paying for transition services is invited, and if an agency representative is unable to attend, other steps are taken to obtain the participation of the required agency in the planning of transition services; and 3) the consideration of transition services was included in the information in the agency's notice for IEP meetings. OSEP also found that the statement of needed transition services in the IEPs did not contain all of the required elements under 34 CFR § 300.347(b), formerly 34 CFR §300.346(b).

One of the focus questions asked during the public input meetings was: "Do students with disabilities, ages 14 and older, receive instruction and coordinated services that facilitate successful transition from school to work or from school to post-secondary education?" Responses indicated that transition services continue to need improvement. Some parents expressed concerns that there is a lack of quality vocational education programs and courses. Other parents reported that vocational training options were limited to the students with disabilities who were working towards their diploma or that there was a lack of interagency coordination. Parents also expressed concern that students were not adequately prepared for post-secondary activities and independent living. At the end of the Validation Planning week, after discussing information obtained through the public input process with the Steering Committee, OSEP identified the following concerns/issues for investigation:

- Facilitation of community and agency linkages;
- Appropriate transition goals, services and activities addressed in IEPs;
- Sufficient numbers of adequately trained personnel;

- Transition plans that address all required areas; and
- Transition plans address the individual needs of all categories of students.

To investigate the concerns identified during the Validation Planning process, OSEP collected information from the review of student's records and State and local policies and procedures, and interviews of State personnel, local program administrators, teachers and parents. OSEP reviewed and analyzed the data and identified the following strengths and areas needing improvement.

A. STRENGTH

Partnerships with industry and School-to-Work Initiatives

About 200 of the State's 296 school districts have established partnerships with industry or started School-to-Work Transition initiatives, a potential source for services for students with disabilities. Local involvement in School-to-Work Transition is voluntary. During the 1996-97 and 1997-98 school years, these districts received more than \$8.2 million in State and Federal funds to help them get started. One of the requirements for funding is that all students, regardless of need, have access to the program. The goal is to have these initiatives in place in all schools Statewide by the year 2000.

B. AREA OF NONCOMPLIANCE

Participants in IEP meetings for purpose of considering transition services
34 CFR §300.344 (b), formerly §300.344(c), requires that, if a purpose of the meeting is the consideration of transition services for a student, the public agency shall invite the student and a representative of any other agency that is likely to be responsible for providing or paying for transition services. If the student does not attend the meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered. Also, if an agency invited to send a representative to a meeting does not attend, the public agency shall take other steps to obtain the participation of the other agency in the planning of any transition services.

OSEP found that in seven of the eight school districts where OSEP reviewed middle and high school programs, students in many cases were not invited to attend meetings where transition would be considered. Further, there was no procedure for determining whether an outside agency would be likely to be responsible for providing or paying for transition services for a particular student. Special educators and other personnel interviewed reported that outside agencies generally did not get involved until graduation. No IEPs reviewed reflected participation of outside agency personnel nor did notices include information to show that they were invited. OSEP found no other methods used to obtain agency participation in transition planning.

IX. PART B: GENERAL SUPERVISION

IDEA assigns responsibility to State education agencies for ensuring that its requirements are met and that all educational programs for children with disabilities, including all such programs administered by any other State or local agency, are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities and that these programs meet the educational standards of the State educational agency. State support and involvement at the local level are critical to the successful implementation of the provisions of IDEA. To carry out their responsibilities, States provide dispute resolution mechanisms (mediation, complaint resolution and due process), monitor the implementation of State and Federal statutes and regulations, establish standards for personnel development and certification as well as educational programs, and provide technical assistance and training across the State. Effective general supervision promotes positive student outcomes by promoting appropriate educational services to children with disabilities, ensuring the successful and timely correction of identified deficiencies, and providing personnel who work with children with disabilities the knowledge, skills and abilities necessary to carry out their assigned responsibilities.

Validation Planning and Data Collection

OSEP found in its previous monitoring visit of OSPI in January 1994, that OSPI did not exercise its general supervisory responsibility in a manner that ensured that: 1) all school-aged individuals with disabilities, including those that were incarcerated, were identified, located and evaluated and provided free appropriate public education; 2) complaint management procedures were implemented to ensure that within 60 days after a complaint was filed, requirements under 34 CFR §300.661 were met; 3) due process hearings were conducted consistent with requirements of Part B, a final decision was reached within 45 days, the hearing decision was implemented, and the results of the hearing were made available to the Advisory Council and to the general public; and 4) effective methods were adopted and used to monitor public agencies responsible for carrying out special education programs and for ensuring correction of deficiencies in program operations that are identified through monitoring.

OSEP also found OSPI's monitoring system, conducted through nine Educational Service Districts, to be ineffective in identifying and correcting areas of noncompliance in local educational agencies. OSPI subsequently revised its monitoring system to address OSEP's findings by centralizing its monitoring system and revising its procedures to address the areas found to be noncompliant.

To obtain data regarding OSPI's oversight over educational programs for children with disabilities across the State including the effectiveness of the revised monitoring system, OSEP used information from the review of citizen complaints, concerns expressed to OSEP over the last three years, and information from interviews with OSPI staff and the contractor who designs and implements OSPI's monitoring procedures, and information provided by the Steering Committee. One of the questions asked during the public input meetings, August 24-28, 1998, was "Are there any administrative barriers to providing appropriate services to students with disabilities?"

Responses to this question indicated public perceptions that:

- special education and general education were not perceived as working together on school reform issues;
- variability exists between districts in implementing the law;
- there is a need for more qualified personnel at State and district levels;
- coordination and cooperation is lacking between other agencies;
- consistency of information about Federal requirements is lacking; and
- procedural elements and paperwork burdens prevent the optimal delivery of services.

To investigate the issues identified through the validation planning process, OSEP collected data from local school districts across Washington and obtained information at the State educational agency relative to the OSPI's responsibility to ensure that all education programs for children with disabilities meet Part B requirements and State education standards. Analysis of the data collected resulted in identification of the following strengths and areas requiring improvement.

A. STRENGTHS

1. Safety Net Fund

Washington established a fund, called the Safety Net which school districts may access to offset extraordinarily high special education costs. The Washington State Auditor's Office exercises State oversight of special education through its audit of all school districts that access this fund. During the 1995-96 fiscal year the State Auditor's Office conducted reviews of 19 school districts. The State audit's scope includes reviewing the school districts for efficiency and effectiveness by not only ensuring compliance with State and Federal special education requirements, but determining the efficiency of the use of State funds, and the appropriateness of services to children with disabilities through evaluating the link between student evaluations, IEP development, services provided, and the qualifications of school staff. OSEP believes this process has been effective in evaluating the results for children with disabilities. The effectiveness of this process will be further improved if its focus is expanded to all school districts, not just those utilizing the Safety Net, and if it is coordinated with OSPI's Special Education Section's Compliance Verification System.

2. Data collection system

OSPI has an impressive data collection system that is able to produce a vast array of data on special education relative to each local agency within the State. OSPI currently uses this system to collect data by district in the following areas: child count; placement in the least restrictive environment; personnel shortages; compliance review issues; and complaint and due process hearing issues. OSPI has used these data to develop district profiles in order to customize training activities for districts, as well as other uses. Projected future uses include tracking of performance indicators for children with disabilities such as graduation rates and participation in and performance on the Statewide assessment. This system has the potential for systems' analysis and development and improvement of programs for children with disabilities across the State.

B. AREAS OF NONCOMPLIANCE

1. Ensure that school-aged incarcerated individuals with disabilities are identified and served.

Under Part B, OSPI is responsible for ensuring that all eligible school-aged individuals with disabilities, including those who are incarcerated, are identified, located and evaluated, and with some limited exceptions are provided a free appropriate public education. See 34 CFR §300.2(b)(1)(iv), formerly, §§300.2(b)(4), 300.122, and §300.125, formerly, §300.128. Further, Washington's State constitution guarantees access to basic education for all individuals ages three through 21.

OSPI does not ensure that youth with disabilities in adult correctional facilities are provided a free appropriate public education. OSPI administrators reported that OSPI provides no supervision over educational programs for individuals with disabilities incarcerated in adult correctional facilities. They stated that incarcerated individuals, including individuals with disabilities, are not allowed by law to receive basic educational services including special education.³

2. Monitoring system effectiveness

OSPI's monitoring system is not effective in identifying and correcting some systemic noncompliance in the districts it evaluates because the monitoring system focuses on procedures over practice.

OSPI uses a checklist to evaluate procedural compliance with State and Federal requirements. For example, the Source Book, OSPI's monitoring manual, contains such statements as "the notice to evaluate was present," "the consent for initial evaluation was present," or "the decision about extended school year services was documented on the current IEP." OSPI personnel informed OSEP that interviews with local agency personnel were limited and that the focus was a check on the understanding of procedures and verification of the services specified on the IEP. OSPI's monitoring procedures did not, for example, include procedures for determining if services were individually determined and that the students were placed in the least restrictive environment. Corrective actions in the local agencies OSPI visited focused on correcting the records of only students whose files OSPI reviewed and inservice training for local agency personnel on procedural requirements when issues were identified. Verification that corrections were made simply involves verifying that training occurred and that specific records are corrected, not verification that the deficiencies are corrected in practice. Based on the fact that OSEP found local agencies that were not providing required services that result in positive results for children with disabilities, OSEP finds that OSPI does not have a monitoring system that is effective in identifying and correcting deficiencies in programs for children with

³ On October 9, 1998, in Turnstall v. Bergeson the Washington Superior Court found that the State's constitution places a duty on the State to provide educational opportunities to inmates of the adult Department of Corrections facilities who are under the age of 22. The decision has been appealed to the Supreme Court of Washington, and a stay of the trial court's procedures to enforce its order pending appeal was granted on December 14, 1998.

disabilities. The following are examples of systemic deficiencies that OSEP identified in previous sections of this Report that OSPI did not find in their review of the same districts:

- Related services, especially psychological counseling, to enable students to benefit from special education are not provided under the direction and supervision of the public agency and without cost to the parent
- Lack of sufficient numbers of qualified personnel and resources are contributing to failures to provide appropriate services, and failures to appropriately integrate children with disabilities into general education; and
- Planning by IEP committees for students 14 and older does not include all of the required participants.

3. Effective methods for evaluating compliance with the IDEA Amendments of 1997

OSPI is responsible for the adoption and use of effective methods to monitor public agencies responsible for carrying out special education programs and for ensuring correction of deficiencies in program operations that are identified through monitoring. See 20 U.S.C. §1232d(b)(3)(A) and (E).

OPSI's monitoring system has not incorporated the changes necessary to evaluate compliance with the requirements in the IDEA Amendments of 1997. Furthermore, OSPI did not inform local education agencies of the necessity to immediately comply with the applicable requirements added by the Amendments to IDEA 1997 until January 7, 1998. OSEP found in reviewing OSPI's monitoring documents that none of the changes in IDEA 1997 had been incorporated into its reviews. Interviews with SEA personnel confirmed that elements reflecting the amendments to IDEA 1997 had not been included in its monitoring procedures.