

Compliance Training: Balancing Federal and State Compliance with Positive Service Delivery

Tom Bell, Director, Special Education

Beth Shepperd, Assistant Director, Special Education

Barb Walters, Assistant Director, Special Education

Hamilton Southeastern Schools

Goals of Compliance Training

- Understanding balance of compliance and positive service delivery
- Reflection from previous year: The Good, The Bad, and The Ugly
 - Lessons learned
 - Trends seen
 - Areas of strength
 - Areas to improve
- Communication of compliance expectations based on Article 7 and any new legal requirements
- Updates to IIEP
- District-level procedural changes
 - Compliance Manual updated
 - Supporting Document updated
- Update on State and Federal Indicators
- Building Speed of Trust
- Remarkable!: Customer Service

Outcomes from Today's Presentation

- A model of special education compliance training balancing the importance of meeting special education law and quality customer service
- Examples of resources to provide staff to support them in fulfilling daily expectations
- Strategies to incorporate when establishing district goals and initiatives to meet the needs of students
- A model for communicating important district-level initiatives as well as federal and state compliance
- Avenues for creating building-level conversation around special education compliance and quality customer service
- Opportunities to win special prizes
- Ability to request HSE resources

Year in Review: Core Admin Team Preparation and Planning

- Every slide, every topic stems from the following:
 - IEP Review and case conference trends
 - Attending Special Education Legal workshops and conversations with School Counsel
 - District legal trends
 - District initiatives and impact on special education
 - HSE21
 - Dismantling Racism
 - Book Studies
 - Speed of Trust
 - Remarkable!
 - Status on State and Federal compliance indicators
 - Updates to Compliance Manual and Supporting Documents

Implementation

- Schedule training with each building-level team, programs, and staff
 - 21 buildings, 2 Special Education programs, and Special Ed Cabinet = 1 month's time
 - Who is invited?
 - Building administrators – principals, assistant principals, deans, coordinators; counselors; special education teachers; therapists – SLPs, OTs, PTs; school psychologists.
 - Learned importance of meeting within each building, program
 - Creates more impact
 - Personalization
 - Provides opportunity to address specific needs of each building, program
 - Personalized discussion
 - Ability for teams to ask specific questions pertinent to their students, programs

HSE Special Education Compliance

Modeling of Compliance Training

Structure of Training

Section 1: Focus on the Year in Review and importance of positive service delivery



HSE Special Education Compliance: It Starts with You

2015-2016

Presented by:

Tom Bell, Director of Special Services

Beth Shepperd, Assistant Director of Special Services

Dr. Barb Walters, Assistant Director of Special Services

Extend Trust: Demonstrate a propensity to trust. Extend trust abundantly to those who have earned your trust. Don't withhold trust because there is risk involved.

Agenda

HSE Supervision and Specialists

Year in Review and What We Learned

- HSE Litigation
- Disproportionality
- Building Perspective Discussion

Fundamentals of Compliance

- Procedures and Compliance
- Pre-referral process and Evaluations
- IIEP and CC Reminders
- Skyward
- Teacher Evaluation Rubric
- IIEP Reviews
- DOE Indicators
- Seclusion and Restraint
- Procedure Change: HEA 1194
- Additional Reminders

HSE 21: Building Level Discussion

Remarkable!



HSE Special Education Administration Team Supervision

Tom Bell - Director

- AD's SE
- ED Programs
 - FOCUS
- Behavior Specialist
- AT Specialist
- PT's/OT's
- SLP's
- Book Keeper/Secretary

• Special Education Secretary

- Shelly Allman- sallman@hse.k12.in.us

Beth Shepperd - Asst. Dir

- K - 6 Resource
- Special Ed. Reporting
- Intervention Specialist
- FIATS
- Life Skills
- FAP
- Teachers of the D/HH
- EC Coordinator

Barb Walters - Asst. Dir

- 7 - 12 Resource
- School Psychs
- Alt. Residential Apps
- ASD Specialist
 - ASD Support Team
- Transition Specialist
- Teacher of the B/LV
- Teachers of OI
- ECAT

Accessing Resources

- As in the past, if you would like to have a Specialist complete a consultation or observation on a new case, please contact special education administration
- Administrators will need to see what steps have been taken previously and data that has been collected
- It is not the role of the Specialists to determine placement or staffing needs
- If you believe the student may need to participate in FAP or ED, please utilize the FAP and ED Tiers Checklist on pages 68 - 70 of the Compliance Manual.

Special Education:

Year in Review and What we Learned



HSE Litigation and You:

- 6 Due process hearings filed last school year:
 - 3 at the secondary level
 - 3 at the elementary level
- 2 Tort Claims: Suing the school district due to injury/neglect
- No teacher, IA, and/or Administrator is immune from litigation. It is not a question of if...but when!
- The key is the relationship being built with each student and family, and taking proactive steps.

Demonstrate Respect: Genuinely care for others. Show you care. Respect the dignity of every person and every role. Treat everyone with respect, especially those who can't do anything for you. Show kindness in the little things. Don't fake caring. Don't attempt to be "efficient" with people.

Disproportionality

- Suspension/Expulsion – African American Students
 - Corrected data due to errors in reporting ISS
 - Need to revisit practices when addressing behaviors/discipline concerns
 - Behavior plans
 - Alternative approaches to suspensions/expulsions
- Identification of African American students – CD and ED
 - CEIS funds – 15% of federal grant targeted for early intervening services
 - Action Plan
 - RtI and PBIS: Building Capacity
 - Eligibility checklists for all areas
 - Move-in Students
 - New Form to document record review by psychologist or SLP
 - Contact Director/Assistant Director if African-American, identified as CD and ED
 - Pre-referral process/checklist must be completed with psychologist present before generating referral

What we've learned:

- Be compliant
- Follow all procedures outline in compliance manual
- It's personal...
 - Building relationships with students/families- establish trust
 - Looking through a new lens
 - Know your student's story
 - Check your emotions
 - Look for Systematic Racism
 - Evaluate our current systems to develop anti-racist systems
 - New approaches - Focus on PBIS
 - ISS for Special Education students requires services

Confront Reality: Take issues head on, even the "undiscussables." Acknowledge the unsaid. Address the tough stuff directly.

Building Perspective: Discussion

- What did you learn?
- What can you learn?
- What can be done differently?

Get Better: Continuously improve. Increase your capabilities. Be a constant learner. Develop feedback systems- both formal and informal. Act upon the feedback you receive. Don't consider yourself above feedback. Don't assume your knowledge and skills will be sufficient for tomorrow's challenges.

Recap: Year in Review and What we Learned

- Key Points
 - Weaving Speed of Trust and Remarkable! Quotes into training presentation based on topics
 - Building discussion is where the growth occurs
 - Sets stage for the Nuts and Bolts of compliance
 - Why we do what we do...
- Questions?

Structure of Training

Section 1: Focus on the Year in Review and importance of positive service delivery

Section 2: Focus on Policy and Procedural Compliance

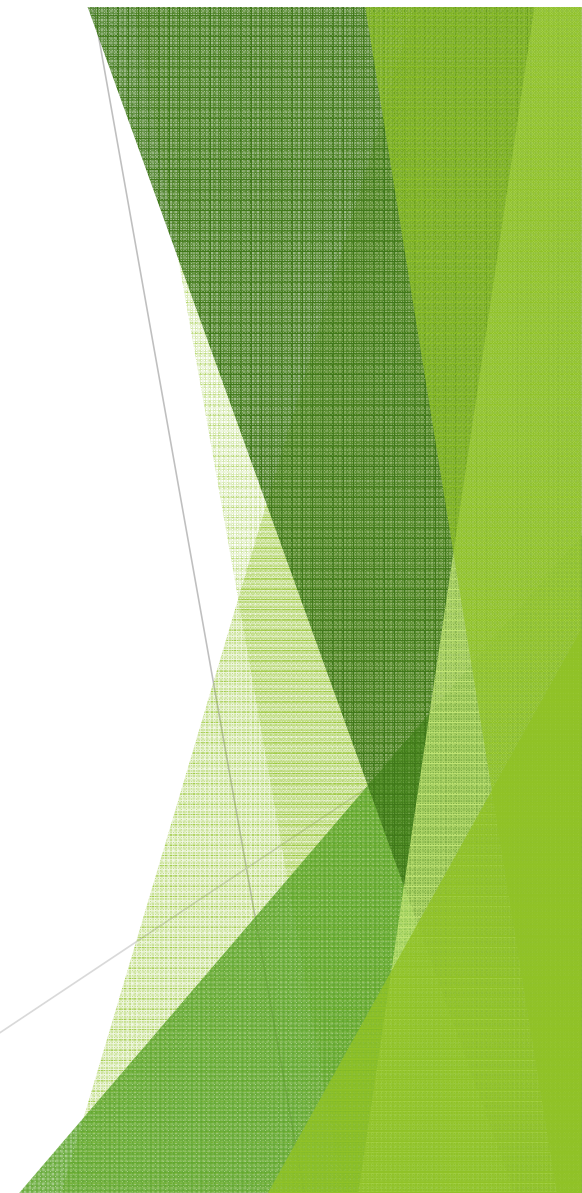
Special Education:

Fundamentals of Compliance



Special Education Procedures and Compliance Manual

- Revised over the summer and contains new procedures and documents
 - Updated version has been provided to each of you
 - Please refer to the manual throughout the training
- It is imperative that HSE staff understands and follows the procedures in place to ensure compliance with Article 7
- Please refer to documents when questions arise as a first step. The manual is set up as a checklist to help ensure all steps are taken.
- The supporting document pairs HSE procedures and expectations with the Indiana IEP program



Move-in Students

- Follow Move-in procedures to ensure compliance (pg. 86-87)
- The PAR or designee must obtain the following information for the school psychologist, or SLP if SI/LI only, to review and complete the HSE Move-In Record Review Form:
 - Current IEP including FBA/BIP, if appropriate
 - Most recent educational evaluation
 - Any other evaluations (speech/language, OT, etc.)
 - Medical documentation, if appropriate
 - Any other relevant information
- Contact Director/Assistant Director if student is African-American and identified as CD and ED
- Move-in students within district still require a CC (may utilize revision without meeting).
- If you have a student move-in from within the state of Indiana, email to Beth/Barb the student's name, STN, DOB, and the previous district. A transfer of documents will be made.
- Eligibility may also need to be entered so include the eligibility areas and date of the last CC as well.

HSE's Obligation for Child Find

- Child Find: Identification of students with special needs
 - Child Find is the process locating, identifying, and evaluating individuals with suspected disabilities who may need special education services, regardless of the severity of their disabilities. HSE schools provide a Free Appropriate Public Education to any child who qualifies as having a disability, in accordance with federal and state laws. HSE schools are responsible for locating all children ages 3, but less than 22 years of age with a suspected disability who reside within the boundaries of our district. With early identification and intervention, frustration and academic failure can be prevented in turn creating a positive learning experience for students. Response to Instruction (RtI) and Positive Behavior Intervention Supports (PBIS) are essential components to HSE's Child Find process by identifying students in need of interventions through screening assessments and monitoring their progress in response to the targeted interventions implemented. In addition, HSE's evaluation referral procedures provide the framework to refer students with suspected disabilities for evaluation.
- Response to Instruction
- Positive Behavior Intervention Supports
- Communication: Building Newsletter, HSE Website, Student Handbook
- It is HSE's responsibility to identify and provide appropriate services to students with disabilities.

Pre-Referral Process

- Emphasizing RtI, PBIS, and building-based committees
 - Utilize the PBIS FBA/BIP
- Essential piece prior to making referral, particularly in response to disproportionality
 - School psychologists, SLPs must be included in process prior to referral
- Utilize pre-referral checklist (pg. 10) prior to referral while consulting with school psychologist
 - This includes private school referrals for evaluations as well as speech
- Medical Diagnosis: Must be documented before the referral to consider OHI
- Assurances Form: (pg.11) Important to consider before referral and determining eligibility
- Think the process through: What are we really dealing with and does it make sense to move forward with the referral
 - Contact the Director/Assistant Director when considering a referral of an African American student under either CD or ED
- Pre-referral Process is outlined in the Compliance Manual (pgs. 9 - 11)

Special Education Procedures

- Please refer to the manual when completing evaluations:
- Initial evaluation:
 - Parent-initiated referral for student not in RTI process
 - School-initiated referral for student not in RTI process
 - School-initiated referral for a student in the RTI process who has
 - completed the RTI process
 - CCC to utilize the eligibility checklists to determine eligibility (pg.25 - 41)
- Private School Evaluations:
 - Sara Senese will be the SLP who will complete INITIAL private school evaluations - homeschooled students will stay with their home school
 - Katy Haley will be the psychologist who will complete ALL private school evaluations
 - Please include Sara and Katy on the email to referral coordinator if you generate consent for a private school student
 - Be sure to follow the pre-referral process and include Sara and Katy in the process.
- Move-in students under an evaluation
- Re-evaluations - there must be a purpose for the re-evaluation. The focus of a re-evaluation should be to determine eligibility or guide instruction. Utilize the 7 Most Common Concerns or Questions Related to Reevaluations flowchart (pg. 45).

Special Education Procedures Cont.

- KG age eligible students who are referred after April 1st, will be evaluated by their home school.
- If the school is the entity requesting the evaluation, be sure the IIEP system reflects the same.
- FBA and AT Evaluations: Only the necessary team members should be included. For example, a school psych may not be involved in an AT evaluation. Be sure IIEP and the email sent to the referral coordinator reflects the appropriate personnel.
- ASD referrals: Please consult with the school psych and OT to determine if the OT needs to be directly involved and included on the referral
- OT/PT Evaluations - A doctor/physician referral is still required in order to request a PT evaluation.

Discussion

What behaviors would you address through an FBA/BIP?

Listen First: Listen before you speak. Understand. Diagnose. Listen with your ears...and your eyes and heart. Don't assume you know what matters most to others. Don't presume you have all the answers - or all the questions.



Why was the discussion focused on FBA/BIP?

- Area of need in district
 - Disproportionality
 - Focus during litigation
- Best practice = Solid behavior plans
 - Direct avenue to “Look through a new lens”
 - Identify systematic racism or cultural factors influencing student performance
- Gives the opportunity to discuss upcoming trainings
- Creates transition to next section of Nuts and Bolts with Compliance
- Questions?

Structure of Training

Section 1: Focus on the Year in Review and importance of positive service delivery

Section 2: Focus on Policy and Procedural Compliance

Section 3: Additional Reminders and Legal Updates

FBA/BIP Procedures

- Any behavior that interferes with learning of self or others
- FBA is a process to help support the student
 - Looking through a new lens
 - Know your student's story
 - Check your emotions
 - Look for systematic racism or cultural factors influencing behavior
- Importance at secondary level
- Preventative to discipline
- HSE expectation to conduct FBA if student reaches 5 days OSS
- Important to update and make sure current information is within the FBA
- Referral for reevaluation when new behaviors arise, or continue with limited response to current BIP. The FBA/BIP should be reviewed and address potential cultural differences that contribute to perceived behavior difficulties.
- Refresher trainings to be provided this year through Dr. Greg Eaken. Dates to follow.

AT Evaluations and 1:1 Devices

- As grade levels move to 1:1 devices, there will be a shift in focus regarding AT evaluations
 - Less evaluations to determine hardware/device to meet student needs
 - More focus on software/apps to ensure students can access curriculum to meet needs



Processing of Evaluations

Once the parent signs the Notice of Evaluation, the TOR/PAR must:

- Enter the date in the Parental Consent Contacts section under Evaluation Process in IIEP. This date starts the timeframe for the 20 or 50 day due date.
 - Monthly checks will be completed by the special education office to ensure this step is completed
- Complete the HSE REFERRAL FORM and:
 - PAR/TOR should email the HSE REFERRAL FORM to referralcoordinator@hse.k12.in.us
 - The Referral Form has been updated
 - CC on the email only the appropriate team members
 - The referral coordinator will reply to the team and notify them of the compliance deadline
 - Self-check to be sure this date and the date provided in IIEP are the same.
 - The conference should be scheduled once that compliance deadline is provided in order to ensure the conference is held within the deadline and all reports can be provided to the parents 5 school days in advance
 - The PAR must mail the Notices at least 7 school days prior to the CCC meeting

Failure to Meet Evaluation Timeline

- Indicator 11 measures our compliance with meeting deadlines for initial evaluations
- If the case conference is not held within the 20 or 50 day timeline, the school psychologist or speech therapist will complete the Indicator 11: Initial Evaluation Compliance form and bring it to the case conference.
- School psychologist or SLP will notify Barb Walters and send her the Non-Compliance form
- Only one reason for non-compliance should be checked
- The margin for error is VERY small when dealing with evaluation timelines
- Double check referral due date with that generated in IIEP after parental consent date entered
 - Beware when snow days occur, double check new dates when updated dates sent out

Outside Evaluations and IEE

- If receive request for an IEE, please contact Tom Bell immediately
- If a family has an outside evaluation completed, the school must use the results as part of the data considered in decision making/programming at a CC.
- A Notice of Evaluation will need to be generated
- The School Psychologist will review the outside evaluation and determine what assessments HSE will complete
 - If HSE has not previously assessed the same areas, we would strongly encourage the MD team to assess these areas.
 - At a minimum, if the team decides no additional formal testing is needed, the school psychologist must observe the student.
- If the school team makes eligibility changes based on the outside evaluation, it must be understood that the school team agrees with the entire evaluation

*CAUTION: Additional data is needed for school to refuse recommendations. We have to have data to support our recommendations.

IIEP and CC Reminders

- Proactively schedule case conferences when concerns
- Be sure to check ACR dates within the previous IEP at the start of the year to ensure compliance. Look at the IEP Begin and End dates along with the dates on the Provisions.
 - IEP Begin dates will remain the same when you Revise a CC. Be sure to update the dates in goals under Progress Monitoring when you Revise an IEP.
- Anytime you access an IEP to complete an ACR or Revise CC, you need to select the reset option. This has to be done at least a day in advance.
 - HSE requirement to clear out previous present levels at each ACR, and ensure up to date, detailed data is included regarding student's current level of performance
 - HSE requirement to review and change annual goals in response to progress made (data driven)
 - Clear out all notes for ACR and Revision CC's.
 - Revision outside of meeting - Ensure changes are reflected in notes and present levels is reflective of change. PAR should be present.
- Hold pre-conference staffings, including Gen Ed teachers, for more involved cases to ensure everyone is on the same page

IIEP and CC Reminders cont.

- When a child is made Ineligible, the IEP can now be finalized.
- Services should be written/calculated as weekly or monthly rather than daily
- Note taker should use the HSE checklist and take notes in text boxes
- Minutes on LRE page are being calculated. Be sure to check that the most appropriate LRE is selected. ED teachers should follow the guidance sent out from Kelli regarding ED Levels.
- Parental right should only be provided at ACR's, Initial Case Conferences, Manifestation Determination, or Move-in CC's from out of state.
- Written verification that parents received parental rights.
 - If signing early implementation, also sign regarding parental rights
 - Otherwise, utilize Parental Acknowledgment of the Notice of Procedural Safeguards form to obtain signature (pg. 8)
- New to IIEP - Enter date parent received proposed, finalized IEP
 - Establishes 10 day timeline for acceptance in IIEP

Skyward Student Information Sheet

- Why is this form so critical?
 - Our funding depends on it
 - DOE-SE, DOE-EV, DOE-TR
 - Must be completed after every conference (Annual or Revise)
 - Designees must enter information as they are received and not hold them and do all at once
 - Be sure to complete all fields, including OT/PT
- * Please be sure that the schedule the student attends on a daily basis is appropriately reflected in Skyward

Skyward Student Information Sheet for Virtual School Students

- All private school students are entered in the virtual school:
- After FAPE is offered, complete Skyward Student Information Sheet to withdraw student from HSE school, give to building designee
- Complete Skyward Student Information Sheet for Virtual School Student and email to Shelly Allman
- For private school students who need an initial evaluation:
 - Email Beth/Barb for STN providing Name, DOB, Address, Ethnicity, and home language
 - We will provide STN to you and CC Shelly to enter information into Skyward Virtual School
 - After your conference, complete the Skyward Student Information Virtual School Sheet and email to Shelly.
- ▶ If any student withdraws from the private school placement, update Skyward Virtual Form for Shelly noting the reason for termination. If the student is returning to HSE schools, a Skyward Student Information form should be completed.
- ▶ Katy Haley will be the school psych for ALL private school evals
- ▶ Sara Senese will be the SLP for all private school INITIAL evals.

Teacher Evaluation Rubric

- IIEP Reviews (completed by Barb, Beth, Peg, or Kelli) will be a part of the evaluation process to provide building administrations with information specific to special education compliance
 - Peg will complete for all EC
 - Kelli will complete for FOCUS and ED
 - Beth will complete for K - 6
 - Barb will complete for 7 - 12
- *At least one* IEP review will be completed for every teacher and therapist. Administration will decide if additional reviews are necessary. If employees are new to HSE this year, two IEP review's will be completed.

Update on Indicators

- Indicator 8: Parent Survey
 - Must be provided to parents after each ACR
 - Link within IIEP at this time on the Create IEP page.
 - Can be completed at school following conference, or link can be emailed to parent
 - Paper copies can be requested from DOE (cfurbee@doe.in.gov)
- Indicator 11: Initial Evaluations
 - Shelly Allman will do monthly checks to ensure the parental consent date is being entered into IIEP

Practice Accountability: Hold yourself accountable first. Hold others accountable second. Take responsibility for results, good or bad.

Update on Indicators cont.

- Indicator 13: Transition IEP's - Monitored this year
 - Refer to the Transition IEP section (pg. 78 - 82)
 - Areas to improve per IEP reviews:
 - Post-secondary goals must be measurable, and occur after the student graduates.
 - Post-secondary goals must be derived from the transition assessment findings summarized in the IEP.
 - Transition services must target student's ability to improve skills to facilitate transition to post-school; should not be the same for every student on caseload; services provided by Transition Specialist must be reflected and align with assessment summary.
 - Parent survey needs to be included in the first Transition IEP; some parent input each year.
 - A new assessment must be completed each year.
 - Chrissy Pogue can not be listed as the Transition Agency Representative
 - Additional Building Level training will be provided

Seclusion and Restraint

- Any incident of seclusion and/or restraint must be documented via a time-out/restraint log
 - Data should include the student, incident, length of time-out or restraint, and communication to parent
- Lock vs. Latch
 - Doors should never lock
 - Students must be under constant supervision
- Any types of seclusion and restraint should adhere to the policies and procedures or Crisis Prevention Intervention



Procedure Change

- HEA 1194 - New law - Effective July 1, 2015:
 - During the ACR when the student is in 8th grade, the CCC must discuss with the parent and student, if appropriate, the types of diplomas available; course requirements for each type of diploma; and employment and career options for the student and the type of academic, technical, or vocational preparation necessary to achieve the employment or career.
 - Beginning in 9th grade, in addition to the ACR, TOR's must communicate at least one (1) time each grading period with the student's parent concerning the student's progress toward the selected diploma. If the parent requests a meeting with the TOR to discuss the student's progress, the teacher must meet with the parent in a timely manner. This meeting does not need to be a case conference, unless specifically requested as such by the parent.
 - HSE recommends this meeting to be coordinated with the student's guidance counselor.
 - Reporting on progress towards selected diploma should be coordinated through progress monitoring reports sent home each nine weeks.

Additional Reminders and Information

- Safe Schools -please be sure their needs of students with special needs are taken into consideration when developing building plans.
- Special Education Library
 - Information and placement tests included in the special education library are located on the Intranet
- HSE ASD Support Team
 - When in need of support, contact your building designee
- Billing for Medicaid Eligible Students
 - Form Must be printed separately
 - Only needs to be signed one time for any eligible student
- Section 504
- Please read through the Case Conference Procedures (pgs. 73 - 77) and TOR responsibilities (pgs. 6 - 7)
- Consent is needed in order to video tape or photograph students.
- Confidentiality with e-mails

Additional Reminders and Information cont.

- All Gen Ed teachers need to complete the Specific Disability training located on the intranet or Blackboard if they are:
 - New to having students with special needs in their classroom or
 - If they have not completed this training in the past
 - Written verification of completion should be provided to the building administrator
- All IA's need to complete the IA training located on the intranet. This training incorporates the IA training and the Specific Disability Training.
 - Written verification of completion should be provided to the building administrator
- IA's should not attend Case Conferences
- Affordable Health Care Act: Impact on IA schedule

Structure of Training

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Section 2: Focus on Policy and Procedural Compliance

Section 3: Additional Reminders and Legal Updates

Section 4: HSE21 and Special Education

- Special education does not function independent of general education
- District initiatives and impact on special education
- Create the common vision

HSE21 and Special Education

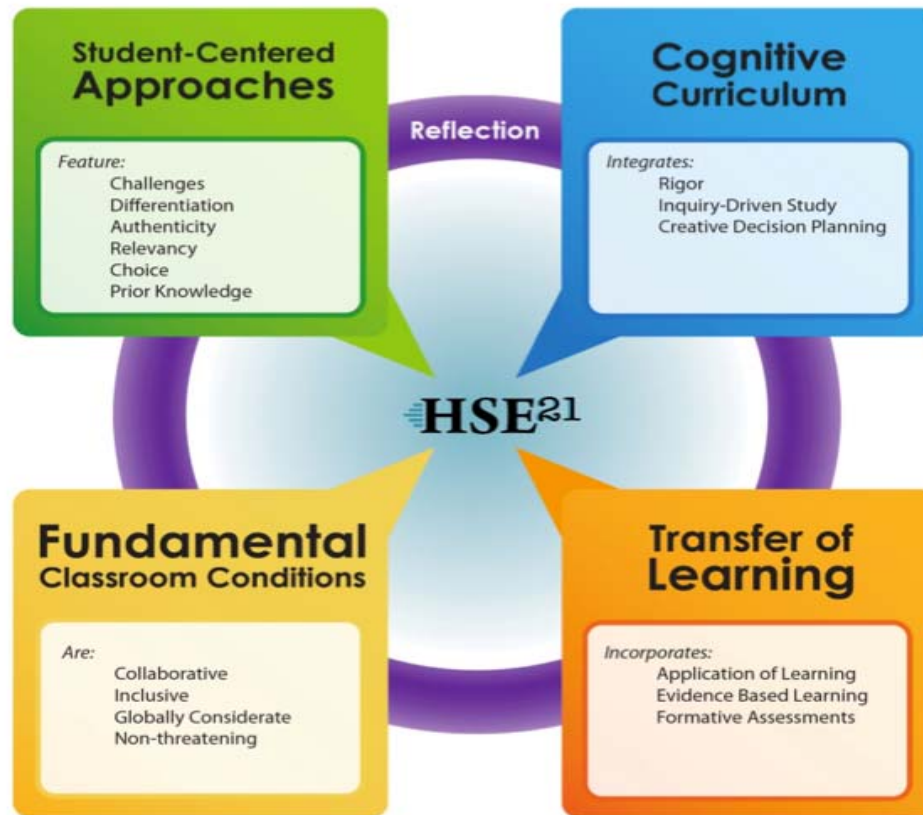


HSE21: What is it?

The mission of HSE21 is to equip students with the content knowledge, unique skills, and new literacies they will need to contribute positively in their communities and succeed in the 21st-century global economy.



HSE21 cont.



HSE21: Best Practice is NOT a Single Program or Practice

More of this...

- Student-centered
- Choice
- Differentiation
- Inquiry
- Authenticity
- Formative Assessments
- Global
- Cross-content Connections

Less of this...

- Teacher-directed
- Lock-step Teaching
- Whole group
- Fact memorization
- “Doing School”
- Single-format tests
- “Bubble”
- Single Content Application

HSE21 and Special Education: Discussion

- As the general education classroom shifts to HSE21, how does special education services and support shift with it?
 - Inquiry-based learning
 - Differentiation
 - Application
 - Rethinking how we do things - support within the classroom - teachers and students; structure of services
 - Process vs. Product

*Deliver results: Establish a track record of results. Get the right things done.
Make things happen.*

Remarkable!

- Redistricting
- Positive Transitions
- Great start to the school year
- I-Read preliminary results = 98%, remaining 2% had good cause exemption
- Dr. Bourff, Superintendent
- Dr. Combs, Assistant Superintendent, and a complete Curriculum Team
- Opening of CCA's, FCJH, and HIJH

When trust is built, Remarkable things happen

Questions?



Structure of Training

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Section 4: HSE21 and Special Education

The HSE Compliance Training Model provide the platform to communicate critical information as well as the opportunity to focus on trust and positive service delivery

Questions?

Thanks for attending our session. Please contact Barb with any questions or requests at bwalters@hse.k12.in.us