

To: NDSEC District Superintendents
CC: NDSEC & District Special Education Coordinators
From: Dr. Rita Stevenson
Date: 10/11/06
Re: NDSEC ISBE Compliance Review - Corrective Action

On December 7 through 9, 2004, staff members of the Illinois State Board of Education and four peer monitors conducted an on-site review of North DuPage Special Education Cooperative (NDSEC) and its eight member districts as part of a Special Education Compliance Review of programs and related services.

The following data was reviewed and analyzed:

- 2002 - 2003 Funding and Child Tracking System (FACTS) Data
- 2003 Illinois Special Education Profile
- Age Range and Class Size Deviation Requests
- All standardized forms used in NDSEC
- Prior compliance review reports
- General background information pertaining to NDSEC and its member districts
- Special Education Complaint Investigation files
- Due Process files
- Assessment data
- Mediation files
- Parent surveys
- Public Forum comments and surveys
- 2003 School Report Cards for the member districts
- Self-studies completed by the joint agreement and each member district
- Special education personnel information for the 2004- 2005 school year
- Staff interviews and surveys
- Student file reviews
- Classroom observations

A public forum was convened on the evening of December 7, 2004 with approximately fifteen (15) people in attendance. Surveys were also available for the audience. They were given the opportunity to share comments and concerns regarding special education service delivery throughout NDSEC. Monitoring activities also included mailed surveys, student file review, child count audit, and building visits and interviews with general and special education staff.

The purpose of this memo is to provide guidance and resources relevant to the findings of this compliance visit, as well as, to document the corrective action that will be taken by NDSEC. The information that follows is intended to reinforce the requirements of IDEA, review the implications at the local level, and offer technical assistance to enhance NDSEC's capacity to effectively fulfill those requirements.

Because it is imperative all stakeholders receive consistent information regarding required special education compliance , please disseminate copies of this memorandum to all of your administrators, general and special education staff, and related service providers. In addition, it is recommended that the implications of this procedural guidance be discussed with your administrative staff. This memorandum will also be available on the NDSEC website at www.ndsec.org.

Thank you for your consistent support and collaboration as we move to improve services and outcomes for students with disabilities in the North DuPage Special Education Cooperative. Should you have any questions regarding this memorandum, or any other issue, please contact Dr. Rita Stevenson, Executive Director of North DuPage Special Education Cooperative, at 630-894-0490.

RS:HH

Enc: Final monitoring visit report in its entirety

ISBE Comprehensive Special Education Compliance Review

North DuPage Special Education Cooperative

December 2004

FINDINGS

(Received August 2006)

FINDINGS

The Illinois State Board of Education (ISBE) issued its monitoring findings in the August 9, 2006, document entitled “Special Education Compliance Monitoring Review of North DuPage Special Education Cooperative (NDSEC)”. The ISBE report contained the following findings of noncompliance with applicable state and federal education requirements:

Finding # 1) IEP Team (23 IAC 226.210): “The composition of team members and other individuals in the IEP team meeting shall conform to the requirements of this Section.” The IEP team shall include

- a) The child’s parents
- b) One regular education teacher
- c) One special education teacher
- d) Representative of the local school district

It was noted that general educators are not in attendance at eligibility and/or IEP meetings. As stated in 34 CFR 300.344(a)(2), the presence of at least one regular education teacher is required if the child is, or may be participating in the regular education environment.

Finding #2) Determination of Placement (23 IAC 226.240 (c)(2), (c) (4), and (c) (6):

(c) The placement determination shall provide the least restrictive environment for the child....(2) Special education classes, separate schooling, or other removal of children with disabilities from the regular education environment shall occur only if 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... (4) Unless the IEP requires some other arrangement, a child shall be educated in the school he or she would attend if not disabled... (6) A child shall not be removed from an age-appropriate regular classroom solely because of needed modifications in the general curriculum.

It was noted that the files reviewed did not include reasons for the removal of students from the general education setting.

Finding # 3) IEP Team (23 IAC 226.210) (j) (2): “(j) Participation of Student (2) the district shall invite the student when the purpose of the meeting is to plan for transition services needed by the student. The notice to the student shall conform to the requirements of Section 226.520(b) (8) of this Part. If the student does not attend, the district shall take other steps to ensure the student’s preferences and interests are considered.”

It was noted that students (14 years and older) were not consistently invited to attend the IEP meetings when the purpose of the meeting was transition planning. Nor was transition planning consistently identified as a meeting purpose on the written notification.

Finding #4) Content of the IEP ((23 IAC 226.230(a) (8): “the projected beginning date for services and modifications described in subsection (a) (7) of this Section: the amount, frequency, location, and duration of each of the services and modification.”

It was noted that the location of services was not indicated. The duration of services was sometimes documented as “one year”, rather than being stated in month/day/year as required.

Finding # 5) Documentation of Needed Assessments (23 IAC 226.120(h): “The IEP Team shall document its evaluation decisions, the basis for the determination made in each domain, and its decisions under subsections (d) and (f) of this Section. This information shall be provided to parents in the form of a written notice in accordance of Section 226. 520 of this Part.

It was noted that some files reviewed did not include ISBE 34-57B which must be completed to document discussion of assessments that are to be completed prior to conducting an evaluation (domain discussions). This discussion must occur prior to obtaining parental consent for an evaluation.