

ND Special Education Quality Assurance

The process of documenting adherence to the requirements of the Individuals with Disabilities Education Act (IDEA) has gone through a steady evolution in the past decade. The process of State Education Agency (SEA) monitoring in North Dakota in the 1990's was primarily a series of activities conducted by the Department of Public Instruction. Teams of DPI monitors typically went to local special education units across the state over a five year cycle. The special education teams focused on reviews of student files and the security of those files, conducted interviews with education personnel and some students, and obtained parent satisfaction information through surveys.

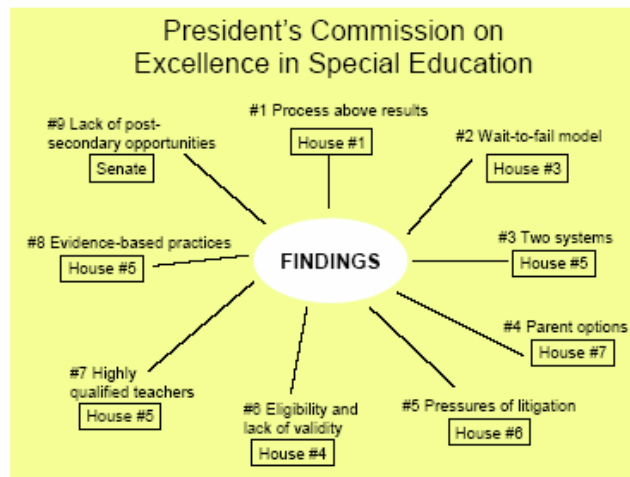
In the late 1990's, the U.S. Department of Education Office of Special Education Programs (OSEP) began changing its monitoring to include self-assessments with stakeholder involvement, increased focus, and an emphasis on continuous improvement. These changes affected the process of IDEA monitoring in North Dakota that was revised in 1999.

Another significant influence on federal monitoring practices was the **Government Performance Results Act (GPRA)**, a law that required agencies to have performance measures and indicators instead of a sole focus on input, or process, measures.

Widely considered to be a powerful influence on later accountability practices was the Thomas B. Fordham Institute's report, "Rethinking Special Education for a New Century." This report recommended sweeping reform of federal special education policy. It was a precursor to the President's Commission on Excellence in Special Education (2001) that identified areas for reform, including a need to focus more attention on achieving positive results for students with disabilities with a lesser emphasis on the process of special education. Almost simultaneously President Bush and Congress enacted the *No Child Left Behind Act* (2001) that dramatically emphasized academic achievement, including the performance of students with disabilities on statewide reading and mathematics assessments, and the public reporting of school district performance.

**Thomas B.
Fordham Institute
Report**

"Rethinking
Special Education
for a New Century"



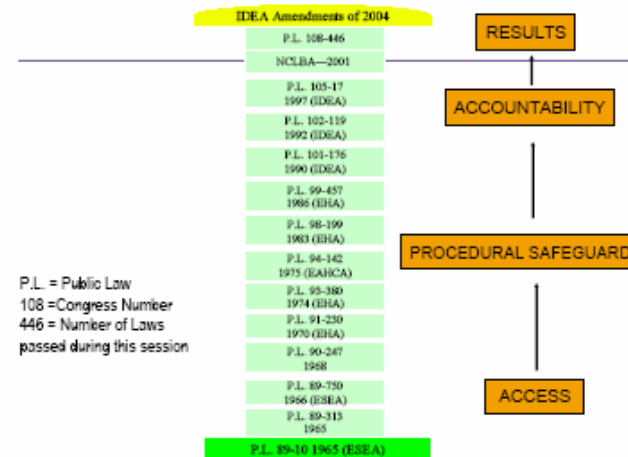
The President's Commission on Excellence in Special Education identified nine problematic areas in special education in the United States.

President's Commission on Excellence in Special Education



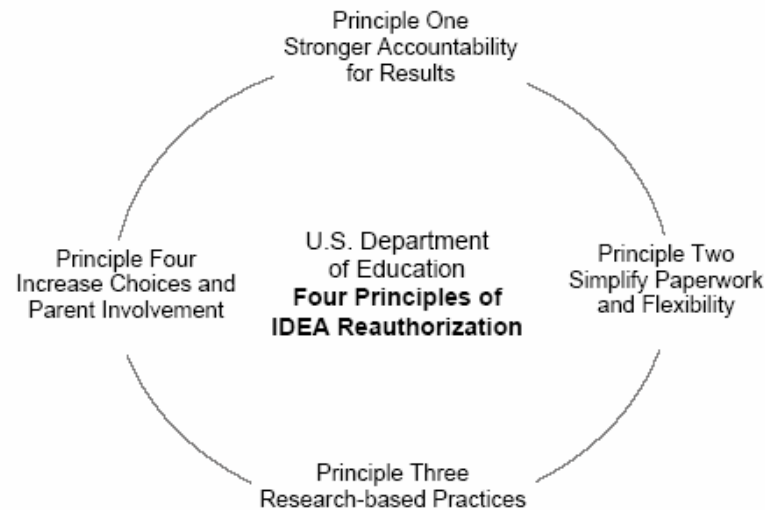
The top recommendation to emerge from the President's Commission on Excellence in Special Education was that there must be a primary focus on results, not process, in special education reform.

The Legislative History of Special Education



With the IDEA Amendments of 2004 (P.L. 108-446) there was an alignment of special education with the No Child Left Behind Act and an increased expectation for schools to focus on results.

When the U.S. Department of Education's Office of Special Education Programs approached the reauthorization of IDEA, four principles were identified:



The reauthorization of IDEA by Congress in December, 2004 added a new accountability requirement that each state must have an approved special education state performance plan (SPP). In many ways, this new provision paralleled the accountability requirements for general education previously identified in the *No Child Left Behind Act* three years earlier. This increased alignment between general and special education was referred to as "the marriage of NCLB and IDEA."

The final regulations for IDEA'04 were published in August, 2006 and clarified the requirements for state monitoring, enforcement, and annual reporting. Guidance from OSEP indicates that "the primary focus of the State's monitoring activities must be on:

- *Improving educational results and functional outcomes for all children with disabilities; and*
- *Ensuring that public agencies meet the program requirements under Part B of the Act, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities."*

As a part of its responsibilities under 34 CFR 300.600 (a), the State must use quantifiable indicators and such qualitative indicators as are needed to adequately measure performance in the priority areas identified in 34 CFR 300.600 (d), and the indicators established by the Secretary for the State performance plans.

DPI must monitor the school districts in the state, using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

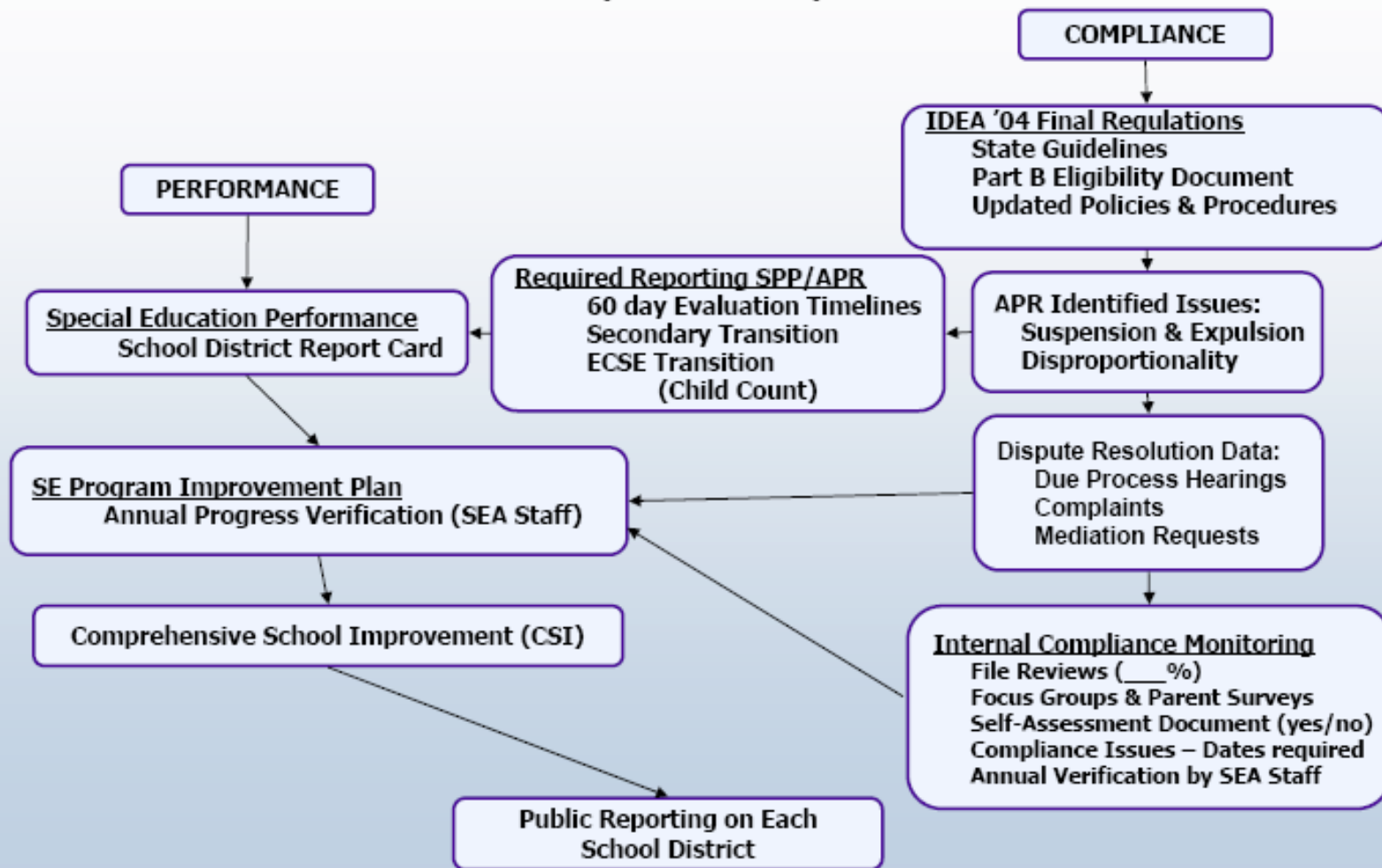
- Provision of a free appropriate public education (FAPE) in the least restrictive environment (LRE);

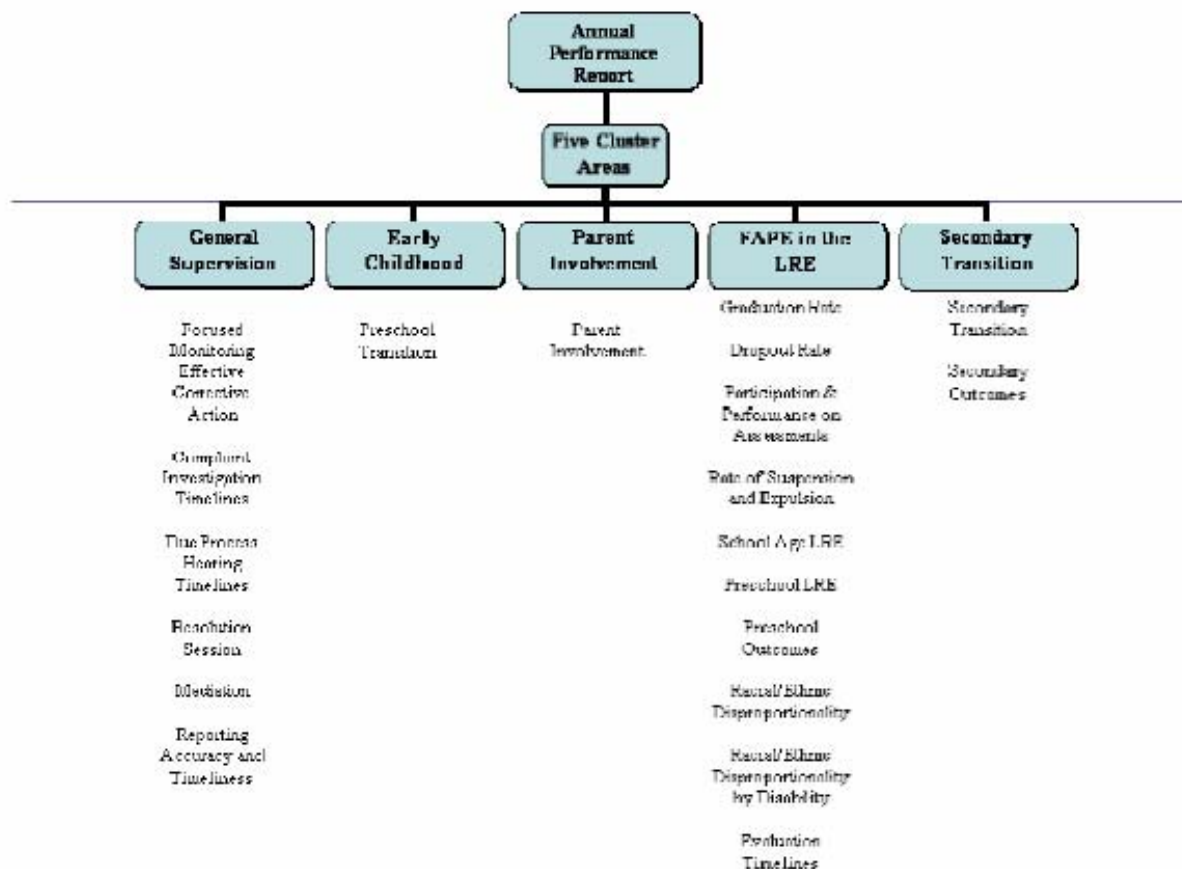
- State exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in 34 CFR 300.43 and in 20 U.S.C. 1437 (a) (9);
- Disproportionate representation of racial and ethnic groups in special education and related services to the extent the representation is the result of inappropriate identification.

**North Dakota Department of Public Instruction's Model
for Measuring Performance and Ensuring Compliance with the IDEA**

The implementation of laws and regulations for federal education programs in this era clearly requires a dual focus on performance and compliance. Both the No Child Left Behind Act and IDEA'04 have public accountability and reporting aspects at the local school district level. In order to meet the monitoring and enforcement requirements of IDEA'04, the North Dakota Department of Public Instruction has adopted a model that addresses both the performance and compliance provisions. The interplay between performance and compliance is illustrated in the following diagram and represents our attempt to communicate expectations for local administrators and DPI personnel:

ND Special Education State Performance Plan and Annual Performance Report General Supervision Requirements





This chart illustrates the 20 indicators that must have statewide data in ND's special education annual performance report (APR).