Sean Parnell, Governor
State of Alaska

GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION

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July 26, 2010

Art Arnold
Alaska State Special Education Director
Dept of Education and Early Development
P.O. Box 110500
Juneau, Alaska 99811-0500

Re: Education Committee's Recommendations on EED APR indicators

Dear Mr. Arnold,

As you know, the Governor's Council on Disabilities and Special Education (the Council) is Alaska's Special Education Advisory Panel (SEAP) under the Individuals with Disabilities Education Act (IDEA). The Council would like to recognize the efforts of the Department of Education and Early Development (EED) on their continuing efforts to work with the Council to improve the special education system for children with disabilities.

The Council commends EED for their continued support of the Alaska Transition Outcomes Project which provides an opportunity for youth with disabilities to work with their community to create secondary transition plans. The Council appreciates the annual reports from EED's Parent Satisfaction and Post School Outcomes surveys and the opportunity to offer suggestions for improvement. We applaud EED for including the Council's Education Committee (EC) members in the planning of the Special Education Directors and the Alaska Statewide Special Education conferences. The Council appreciates the opportunity to work collaboratively with EED to work towards developing a four year special education teacher preparation program at the University of Alaska and create e-learning module on the Evaluation Summary and Eligibility Review. We appreciate the opportunity to participate in the Education Summit and be included in the stakeholder group working on disproportionality and increasing the graduation rate.

The Education Committee (EC) of the Council reviewed the indicators from Alaska's Part B State Annual Performance Report (APR) as one of the duties of the SEAP. The EC spent time at each meeting reviewing and understanding these indicators including the State Improvement Activities. The following are the Council's recommendations for State Improvement Activities.

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.
Indicator 2: Percent of youth with IEPs dropping out of high school.

Recommendations: The top educational priority for the Council during 2009-2010 and again this year is to support legislative bills which remove the requirement to pass the High School Graduation Qualifying Exam to graduate from high school with a diploma. The EC also recommends EED consider reducing statewide testing to only those required by the federal government.

The Council feels strongly that accountability is needed to ensure that all students receive the education they deserve. This accountability should not be focused on a high stakes exam in the 10th grade, but on a program that requires 80% of students to have appropriate grade level academic skills by the third grade, similar to the initiative out of Kennewick, Washington. It is much easier to remediate a one year skill gap in 2nd grade than a four year gap in 9th grade. Continuing to have accountability based on a high stakes test in the 10th grade is similar to building a house and not checking the foundation until a week before the final inspection.

EED should continue to support the Alaska Statewide Special Education Conference (ASSEC) and host the Special Education Director's Conference. The EC suggests the following training topics: Highlight districts/schools (Alaskan if possible) who have turned around their graduation/dropout rates, improved their SBA scores, have successful peer mentoring, disability awareness projects, inclusion programs or have successful student lead IEP meetings. One specific program to highlight is the student advisory groups used at the high school in Kodiak. Additional training for all administrators and teachers (especially regular education staff) should include training on: restraint and seclusion, school wide Positive Behavior Support (PBS) implementation, Section 504 of the Rehabilitation Act, implementing a successful Response to Intervention (RTI) program, disability awareness and "people first" language, universal design and specific methods for teaching reading by 3rd grade. Other programs to highlight would be those that successfully assist students in transitioning from middle school to high school.

EED should encourage districts to create an early identification and intervention programs for students who are at risk of dropping out or not graduating. The Council appreciates the chance to participate in EED's Increasing Graduation Rate group.

The EC supports EED's Response to Instruction/Intervention (RTI) initiative but encourages EED to take an active role in ensuring districts choose and implement scientifically based successful reading and behavior programs. The EC recommends EED create a RTI system which includes RTI staff at the state, district and school level to provide technical assistance at each level. This RTI model should include both academic and behavioral interventions. The EC recommends that EED create a RTI coaching system similar to that implemented in North Carolina (as highlighted at the 2008 OSEP Leadership conference). This system uses data driven instruction to improve the performance of both students and teachers. The EC recommends the Alaska State School

for the Deaf and Hard of Hearing (ASSDHH) be a focus of RTI implementation due to the poor SBA proficiency and graduation rate (with a diploma) of ASSDHH students.

EED should expand the duties of the consultants being used for the Moore lawsuit to allow them to work with other districts/schools who have high dropout rates and/or low graduation rates. These experts could also provide training at Alaskan education conferences (including the Special Education Directors and ASSEC).

The EC has a specific recommendation for the Post School Outcomes Survey to add a question that addresses whether a student dropped out and if so why they left school.

It is the position of the EC that there should be additional funding for the Alaska Transition Outcomes Project (ATOP) to allow it to be expanded to a regional train-the-trainer program with a central trainer/coordinator for the state. High staff turnover in local school districts, especially in rural and remote regions of Alaska, necessitates ongoing training for this program. ATOP would be an appropriate activity of all high school students especially in rural communities. The EC recommends that all students should have a written graduation/adult life plan starting at age 16.

The EC believes that closer working relationships between school districts and the Division of Vocational Rehabilitation (DVR) would improve the graduation rates for students with disabilities. This would be more practical if schools and DVR could jointly begin working with students at age 16 on actual employment options and experiences. Schools could use DVR services to demonstrate the relevancy of education to future employment opportunities. The EC believes that graduation rates would be improved if schools could engage students in education by clearly showing them how education impacts personal outcomes.

Indicator 3: Participation and performance of children with IEPs on statewide assessments.

Recommendations: The EC recommends EED create a RTI implementation system described above. Early intervention (reading at grade level by the 3rd grade) has been shown to have lasting effects on a student's performance throughout their school career. This would certainly improve the proficiency rate of students with disabilities on statewide assessments.

Indicator 4: Rates of suspension and expulsion for students with IEPS.

Recommendations: The Alaska Mental Health Trust has funded three schoolwide/community Positive Behavior Support (PBS) projects in Alaska. These pilot projects have been implemented jointly by Special Education Service Agency, Center for Human Development and Stone Soup Group. The data from these projects has shown dramatic decrease in behavior related incidents in each of these schools. The EC recommends that these projects be expanded statewide and EED take a leadership role in this expansion. This group should present at both the Special Education Directors

conference and ASSEC as well as at some of the other state education conferences. The EC recommends EED fund additional PBS training for parents through Stone Soup Group. One of the services that the Special Education Service Agency (SESA) provides in rural communities is individual training for school staff supporting students with behavioral challenges. The EC recommends EED increase funding for SESA so students and schools do not have to wait to receive this crucial assistance. The EC is closely following the federal restraint and seclusion bills in Congress and asks EED to be ready to implement these if passed. The EC would like to see the implementation of restraint and seclusion procedures be uniform across the state so that students and parents are know what to expect from every school.

Indicator 5: Percent of children with IEPs aged 6 through 21 served: A) Inside the regular class 80% or more of the day; B) Inside the regular class less than 40% of the day; and C) In separate schools, residential facilities, or homebound/hospital placements.

Recommendations: The Alaska Mental Health Trust has been working for the last five years on an initiative to bring children home from out of state institutions. Hundreds of students with behavioral issues have returned to Alaska. This only highlights the need to expand the schoolwide/community PBS projects and increase the funding for SESA as described above. EED should to take the lead in providing schools with training in Positive Behavior Support and behavior intervention. The Dept of Health and Social Services and Education and Early Development need to work together to assist schools in being prepared for students returning from institutions. Currently students are returning to their communities and show up at school with no advanced notice. The schools rarely receive any information or training from the sending institution on how to support these students to transition back into the public school environment.

The EC recommends EED provide training to regular education and special education teachers on how they can work more cooperatively to increase inclusion of students with disabilities in regular education classrooms. Additional training for all administrators and teachers (especially regular education staff) should include training on: restraint and seclusion, school wide PBS, Section 504 of the Rehabilitation Act, implementing RTI, disability awareness and people first language, universal design and specific methods for teaching reading by 3rd grade. Other states have changed their teacher preparation training programs to be dual certification programs in which all teachers graduate with a dual certificate in regular and special education. The EC recommends Alaska work towards this type of program or create a 4 year special education program (currently it is a 5 year program).

As described above, early intervention (RTI programs) would allow many students with disabilities to spend all (or more) of their day in regular education classrooms with their peers. As mentioned above, state education conferences should highlight districts that have successful programs that promote peer mentoring, disability awareness, inclusion and student lead IEP meetings

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Recommendations: The EC appreciates David Tarcy presenting the results of the Parent Satisfaction Survey and would like to continue to receive an annual update on this survey. The EC has several suggestions regarding this parent survey.

The first suggestion would be to improve the response rate by changing the survey timelines so that it is not sent during the summer. Summer is the worst time to try to reach people in Alaska. The EC also suggests EED consider using Stone Soup Group's Parent Navigators to address any questions or follow up on the survey at the local level. Parents might feel more comfortable talking with a Stone Soup Group parent navigator and it would also introduce parents to this local resource. The EC also suggests having Parent Navigators following up with families by phone if they have not completed the survey. Having the option to complete the survey online might also increase the response rate. Another suggestion to improve the response rate in rural areas is to work with the local tribal entity to either send out the survey or encourage parents to return the survey.

The EC would like to see the data broken down by urban and rural for each question. This data could then be used to provide specific training to districts if needed. The final suggestion is to use the information from this survey to direct trainings at the Special Education Directors conference and ASSEC as well as projects with Stone Soup Group.

Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Recommendations: The EC recommends EED should continue to intervene with districts at the "at risk for disproportionality" level since the level for significant disproportionality is high. The EC suggests training for both regular and special education teachers on eligibility determinations. The EC felt it was especially important for teachers and evaluators to understand how culture could affect the assessment results. EC members shared incidents of students being found eligible for special education due to cultural issues instead of disability needs as well as students with disabilities not being found eligible for special education when they needed services.

The EC recommends training for all education professionals on Section 504 of the Rehabilitation Act and how to create support plans for students under this act, especially after looking at the results of the Council's survey on 504. The EC felt that disproportionality issues were often increased by high turnover rates especially for rural staff. The EC recommends the new teacher/administrator programs work to find mentors in similar communities so they can provide mentoring with respect to cultural issues.

The EC encourages EED to support any teacher preparation training that would encourage Alaskans to become special education professionals, such as the Preparing Rural Inclusive Special Educators (PRISE) program out of the Northern Arizona University which is supported with a federal grant.

Indicator 11: Percent of children who were evaluated within 45 school days of receiving parental consent for initial evaluation

Recommendations: The EC commends EED for creating an online training module on how to complete an Evaluation Summary and Eligibility Review (ESER) meeting. This will be helpful for staff, especially in rural areas where turnover is high.

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study.

Recommendations: The EC believes that school districts and the Division of Vocational Rehabilitation (DVR) should be working cooperatively to create transition plans and employment opportunities for students with disabilities. This would be more practical if schools and DVR could jointly begin working with students at age 16 on actual employment experiences. Schools and DVR staff should work together to determine a student's aptitudes and interests. Districts should be strongly encouraged to use the Work Keys assessment as part of the evaluation process to determine a student's aptitudes and work skills.

The EC would like to see a plan to expand the Alaska Transition Outcomes Project (ATOP) to create a regional train-the-trainer program with a central trainer/coordinator for the state. High staff turnover in local school districts, especially in rural and remote regions of Alaska, necessitates ongoing training opportunities. Students should begin attending ATOP transition camps at age 16 in order to create an appropriate transition plan. Students could then attend transition camps each year to update their transition plan and change as needed. Transition camps could also be used to provide parent and community training on transition. EED should provide the self determination comic books and curriculum to be used at transition camps.

EED should encourage districts to have students lead their own IEP meetings (at least by the age of 16). Kodiak school district should present at the Special Education Directors conference and at ASSEC on their program to have student lead IEP meetings.

Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A) Enrolled in higher education within one year of leaving high school; B) Enrolled in higher education or competitively employed within one year of leaving high school; C) Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

Recommendations: The EC appreciates the presentation by David Tarcy on the results of the Post School Outcomes survey and would like to continue to receive an annual update on this survey. The EC has several suggestions regarding this parent survey.

The EC would like to see the data broken down by urban and rural for each question. This data could then be used to provide specific training to districts if needed. The data should also have a separate category for subsistence activities. The EC would like to see a question added to the survey as to whether students have a GED. They would also like to see this survey done in cooperation with DJJ and DOC to see if any of the former students are incarcerated and include this data in the survey. The EC suggests EED add additional questions to the survey to determine if these students are currently on SSI in order to provide additional information on why some students may not be working fulltime. The EC suggests adding a question to the survey about why a student left school (if they did not graduate with a diploma or age out). The EC would like to see this survey expanded to include data for students 3 and 5 years after graduation. The final suggestion is to use the information from this survey to direct trainings at the Special Education Directors conference and ASSEC.

Indicator 15: General supervision system identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

Recommendations: The EC would like for the Council to receive copies of all district monitoring reports. They feel these reports should be presented at the local school board after the monitoring visit is complete. They also suggest EED post the monitoring reports online so parents and community members would have access to these reports.

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline.

Recommendations: The EC strongly recommends EED create a uniform process for all investigations and a format for all complaint reports. The EC feels this will lead to a more uniform investigation process and clearer investigation reports. EC members report that investigations vary depending on who the investigator is. The EC also suggests a longer (40 hours) training for new complaint investigators.

Indicator 17 Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline.

Recommendations: The EC reviewed the average amount of time to complete due process hearings for the last 5 years and found that the average amount of time to complete a hearing doubled during the 2008-2009 school year (8.1 months). The EC recommends EED track the reasons for each extension of time beyond the 45 day limit. The EC would like EED to enforce the 45 day time limit with stricter guidelines and enforcement measures. The EC recommends due process hearings only be extended beyond the 45 day limit for reasons related to the child and prohibit extensions for lack of availability of attorney schedules. If one of the reasons for delay is the hearing officer's schedule, the EC recommends hiring additional hearing officers.

EED should create a uniform format for all hearing decisions. After reviewing the hearing decisions from 2008-2009, it was clear to EC members that some decisions were well written and others were confusing.

The EC recommends EED to require districts to provide EED with the decisions of all due process hearings that are appealed to state or federal court. These decisions should also be posted on the EED website alongside the due process hearing decisions. The EC also recommends that all due process hearing decisions be posted online. After a review of the 2008-2009 decisions it was clear that not all the pertinent orders were posted online.

The EC suggests EED create a process to evaluate hearing officers. EED should gather data on which hearing officers decisions are overturned by state or federal courts and use this information as part of an evaluation process for hearing officers. The EC also recommends having the attorneys and parents participate in a confidential online survey by EED to evaluate the performance of the hearing officer. This survey should be completed before the hearing officer's decision is rendered. Other information to be used to evaluate hearing officers should be the amount of time to complete a hearing, whether decisions are issued in a timely manner, whether decisions are clear and understandable.

The EC recommends that new hearing officers receive 40 hours of training. The annual training for hearing officers should include information on how to better manage hearings to decrease the amount of time to complete the hearing as well as keep the focus on the needs of the child. The EC heard from parents involved in hearings that often the focus of the hearing is on the attorneys arguing with each other and not on the needs of the child.

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

Recommendations: The EC heard from parents who were involved in resolution sessions. These parents seemed to feel that the resolution sessions were not effective. The EC recommends a topic for a keynote at the Special Education Directors conference be on ways to create an effective resolution session. This keynote presentation should point

out the cost of Alaskan due process hearings and encourage districts to save time and money by using resolution or mediation. Time should also be given to the mediators to encourage the use of mediation. If EED can identify an Alaskan district that has a successful resolution session program, they should present a break out session at the Special Education Director's conference. EED should encourage parents to seek out an advocate as part of EED's response when a due process hearing is filed.

Indicator 19: Percent of mediations held that resulted in mediation agreements.

Recommendations: The EC was disappointed in the low numbers of mediations in the last year. EED should encourage districts to use mediation. EED should assist the mediators in meeting with advocates from Stone Soup Group, Alaska Youth and Family Network and Disability Law Center of Alaska to encourage parents to use mediation as a first step in resolving disputes with schools.

The mediators should also present at the principal and superintendent conferences. Our rural EC members told us that the principal and superintendent in small districts is often the person who makes a decision whether to participate in mediation. This presentation should include costs of due process hearings in Alaska and encouragement to use mediation to resolve disputes.

EED should work with the EC and the mediators to create a parent guide to mediation that could be sent to parents if they request a due process hearing or a state complaint.

The EC would like to see EED encourage Stone Soup Group set up a regional parent-to-parent advocate training program so there would be enough advocates to attend IEP meetings and mediations with parents. EED should pay the travel costs of advocates to attend mediations with parents. EED should assist Stone Soup Group in providing training for parents in rural areas on mediation as an option for dispute resolution.

Indicator 20: State reported data is timely and accurate.

Recommendations: The EC commends Sharon Fishel and Karen Lipson on completing the APR in an accurate and timely manner!!!

Unmet Needs/Underserved Groups/Misc

The Council and the EC have received information on several groups that have unmet needs or are underserved by the special education system in Alaska. These groups include students at the Alaska State School for the Deaf and Hard of Hearing, students living in remote areas of Alaska, students with Fetal Alcohol Spectrum Disorder, students incarcerated in adult correction facilities and students with disabilities who are eligible under Section 504 of the Rehabilitation Act. The EC also encourages EED to look at the funding structure for SESA who provides training to teachers who serves students with disabilities in rural Alaska.

Thank you for the many chances you provide for EC members to be involved in changes in Alaska's special education system. The Council looks forward to working with the EED staff to implement these recommendations. Please let us know if you have any questions about these recommendations for State Improvement Activities.

Respectfully,

Donna Swihart
Council Chair

Julie Broyles
Education Committee Chair

Cc: EED Commissioner Larry LeDoux

Creating Change That Improves the Lives of People with Disabilities