Accountability at all Levels—Student–State–School

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The evolution of special education has been interesting to observe. We have left behind a period in the 1970s and 1980s when we were just securing physical access for students with disabilities. In the 1980s and 1990s, schools were concerned with paperwork and procedural safeguards. **Today, special education is experiencing a period of accountability at the State and school district levels.**

The Individuals with Disabilities Education Act includes provisions for identifying, assessing, and serving the educational needs of children with disabilities. **The most important provision and accountability mechanism for the student is the "Individualized Education Program,"** or IEP. Each child whose disability affects his/her educational performance must have an IEP. The IEP serves as the blueprint that guides day-to-day instruction, support, and related services. The IEP states what services will be needed. The IEP also provides a structure that outlines how specially designed instruction is to be provided and how the IEP goals are related to the general education curriculum.

In short, the IEP is more than just a document necessary for federal and State compliance. **The IEP is a process** that provides a system for determining how needs will be met and documents the decisions made. The IEP process serves to enhance communication among parents and educators. It is an opportunity for everyone concerned about the child to meet together, set goals, and resolve differences. The IEP provides parents, teachers, and other service providers a means for writing a mutually agreed upon educational plan for the student.

The IEP serves as a communication vehicle among the parents, educators, the child, and other services providers. The IEP process allows parents and educators an opportunity to resolve conflicts. If a solution agreeable to both parties is not reached, parents are then guaranteed due process rights. In addition, the IEP is the document that sets forth in writing the resources committed for the child. The IEP is also a management tool for ensuring that the child is provided with special education and related services appropriate to his or her needs. The IEP serves as a compliance monitoring document.

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It may be reviewed by State and federal officials to determine whether the child is receiving the free appropriate public education agreed upon by the school and parent(s). Finally, the IEP is a tool that aids in evaluating the child's

progress toward his or her annual goals.

IDEA 2004 extended accountability at the State and school district levels. There is an important new requirement for State Education Agencies called the **State Performance Plan (SPP)**. Each State was required to develop and submit an SPP by December 2005. The SPP provides a strategic framework for the State to improve certain areas of special education should improve services to infants, toddlers, and children with disabilities.

IDEA 2004 is the latest revision to federal special education law. There were several new additions to the law that should enhance positive results for students with disabilities.

The Part B SPP is made up of 20 performance indicators or areas that States need to collect data to determine their level of performance, set targets for improvement, and develop improvement strategies to improve State performance for students with disabilities. Part C has 14 indicators for infants and toddlers. Data is collected from school districts and early childhood programs and each year the State submits an **Annual Performance Report (APR)** that reports progress to the U.S. Department of Education on the 20 indicators. **Think of the SPP as the State's IEP and the APR as the annual review of the SPP.** The SPP is a six-year IEP for the State that improves accountability in special education and improves outcomes for students with disabilities. The U.S. Department of Education requests States to get broad public input on the development and implementation of the SPP.

20 Indicators in the SPP

Indicator 1 — Improving graduation rates for students with disabilities

Indicator 2 — Decreasing dropout rates for students with disabilities

Indicator 3 — Ensuring all students with disabilities participate in statewide or alternate assessments

Indicator 4 — Reducing suspension and expulsion rates for students with disabilities

Indicator 5 — Providing services for students with disabilities in the least restrictive environment.

Indicator 6 — Providing preschool children with disabilities services in the least restrictive environment

Indicator 7 — Improving cognitive and social outcomes for preschool children with disabilities

Indicator 8 — Improving parent involvement in their child's special education program

Indicator 9 — Reducing disproportionality of cultural groups in special education

Indicator 10 — Reducing the number of students from other cultures in certain disability categories

Indicator 11 — Improving efforts to locate, evaluate, and serve students with disabilities

Indicator 12 —Ensuring a smoother transition from preschool programs to school-based programs

Indicator 13 — Improving transition services for students with disabilities at the secondary level, i.e., 16+ years

Indicator 14 — Improving the outcomes for students moving from secondary to postsecondary activities

Indicator 15 — Making sure school districts correct noncompliance areas in the special education program within one year

Indicator 16 — Ensuring complaints filed by parents and other agencies are completed in a 60-day period

Indicator 17 — Ensuring due process hearings are completed in a 45-day period

Indicator 18 — Increasing the use of resolution sessions to resolve due process hearings

Indicator 19 — Increasing the use of mediation to resolve differences with the school

Indicator 20 — Making sure the data used by the State is valid, reliable, and accurate

Finally, IDEA 2004 requires the U.S. Department of Education to rate States according to their performance. IDEA 616(a)(1)(c)(i) and CFR 300.600(a) address the requirement for the U.S. Department of Education to place each State in one of **four levels of determination** based on information provided in the SPP through monitoring visits and other public information:

- Meets Requirements
- Needs Assistance
- Needs Intervention
- Needs Substantial Intervention

States are required to make determinations annual for their school district and early education programs. Most States make these determinations based upon the following criteria:

- Performance on certain SPP indicators
- Nature and length of time regarding any noncompliance
- Data—timely, reliable, and valid

Determination and Enforcement

Based upon the information provided in the State's APR, monitoring visits, and other information, each State and school district will be placed in one of the following determinations; each level has certain enforcement consequences.

Level 1-Meets Requirements

The State and/or school district demonstrates the following:

- Substantial compliance on all compliance indicators
- Data is timely, valid, and reliable.
- Timely corrects noncompliance.

Level 2–Needs Assistance

For two consecutive years, the State school district early childhood program does not demonstrate substantial compliance on one or more of the compliance indicators.

- One or more indicators does not have reliable data.
- Does not demonstrate timely correction of noncompliance.

Enforcement Activities

- Advise the State/school district early childhood program of sources of technical assistance.
- Direct use of State level/school district early childhood program level funds to correct problem.

- Identify State/school district early childhood program as high risk.

Level 3-Needs Intervention

Means that the State/school district early childhood program has not demonstrated the following for three consecutive years:

- Substantial compliance on one or more of the compliance indicators
- One or more indicators without reliable data
- Correction of noncompliance

Possible Enforcement Activities

- Any from Needs Assistance level
- Prepare corrective action plan.
- Compliance agreement
- Withhold a percentage of federal funds.

Level 4-Needs Substantial Intervention

Means that the State/school district early childhood program has failed to substantially comply, and those actions affect the core requirements of the program and services to children with disabilities. The State/school district early childhood program has informed the Department it is unwilling to comply.

Enforcement Activities

- Any mentioned in levels 2–3
- Recover funds.
- Withhold further payments.
- Refer to Inspector General or enforcement action.

Stakeholder Involvement

It is important for the State to **include stakeholder involvement in the levels of determination process.** Most States will use their State Special Education Advisory Panels and/or Interagency Coordinating Councils (Part C).

Be a partner with the State in understanding and providing suggestions to improve data systems and performance on each of the 20 indicators. Remember, each time the performance improves, infants', toddlers', and children's results increase.