



Idaho Department  
of Education

# Special Education Updates

2024 ESEA/IDEA Directors Meeting

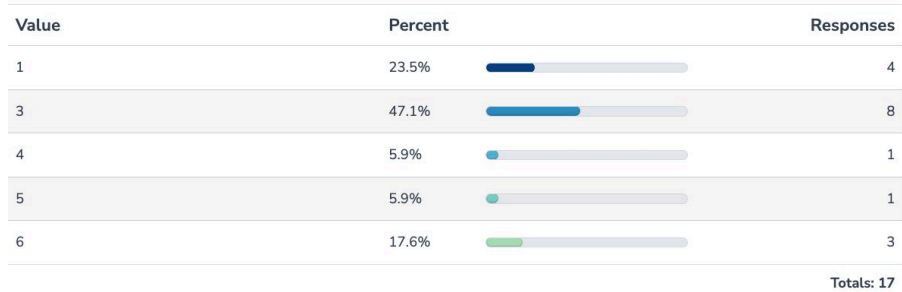


# Agenda:

- **Request for Proposal (RFP) for Optional Statewide e-IEP System Update**
- **Special Education Manual Review Process Update**
- **Idaho Special Education Director Network**
- **Special Needs Services (High-Cost) Fund**
- **Monthly Admin Bulletin**
- **LEA Determinations Revamp**
- **DMS 2.0**
  - **Action Taken**

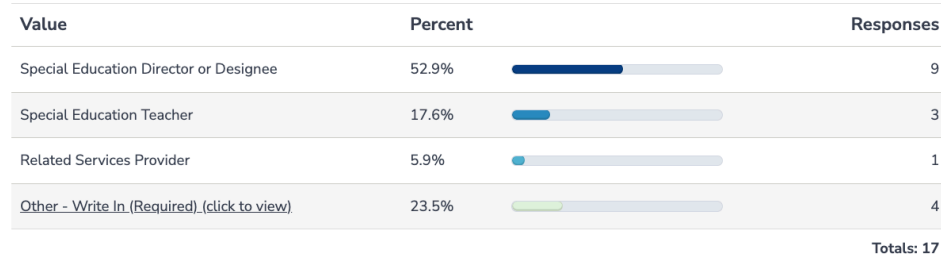
# RFP: Optional Statewide e-IEP System Update

# Request for Proposals (RFP): Optional Statewide IEP System Workgroup Interest Survey Results



Regional Interest

Position Interest



# Request for Proposals (RFP): Optional Statewide IEP System Workgroup Interest Survey Results cont.

Value	Percent	Responses
EdPlan	82.4%	14
Enrich	76.5%	13
Infinite Campus	11.8%	2
Powerschool	41.2%	7
Other - Write In (Required) <a href="#">(click to view)</a>	17.6%	3

## e-IEP System Experience

## Committee Interest

Value	Percent	Responses
Group 1: Subject Matter Expert- to help develop the RFP	17.6%	3
Group 2: Evaluator- to help evaluate the RFPs against an assigned rubric	58.8%	10
NA-Unfortunately, I am unable to commit to either of the RFP work groups.	23.5%	4
		Totals: 17

# Request for Proposals (RFP): SME Workgroup Committee

Subject Matter Experts (SMEs): Assist in writing the RFP

Region 1: Tara Hill, Post Falls

Region 2: N/A

Region 3: Julie Mead, Caldwell SD

Region 3: Camille Hammond, West Ada SD

Region 4: Joy Kane, IESDB

Region 5: N/A

Region 6: Stephanie Linder, Elevate East

Other: Renee Miner, Emily Boles, Idaho SESTA

# Request for Proposals (RFP): Evaluator Workgroup Committee

Evaluator: Assist in scoring the RFP against a rubric

Region 1: Serena Montreuil, Post Falls SD

Region 2: N/A

Region 3: Joey Ward, Idaho Dept. of Corrections


Region 3: Cyndi Cook, Nampa SD

Region 4: N/A

Region 5: Jared Bissen, Gem Prep Charter

Region 6: Julian Duffey, Jefferson SD

Other: Kari Grier, Idaho SESTA

A large, dark blue thought bubble with a white outline, containing the text "The goal is to award the bid to a vendor in March".

The goal is to  
award the bid to a  
vendor in March

# Idaho Special Education Manual Review Process

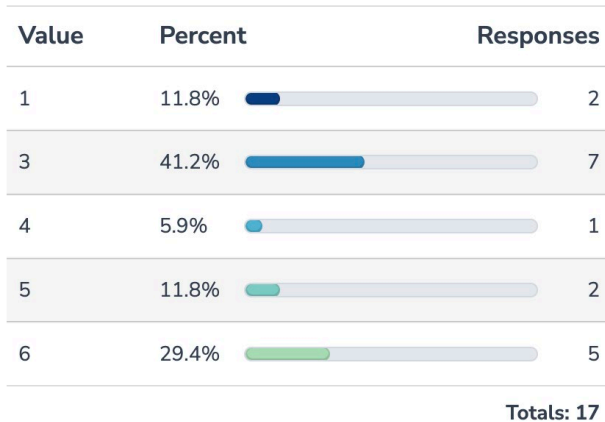


# Idaho Special Education Manual Review Interest

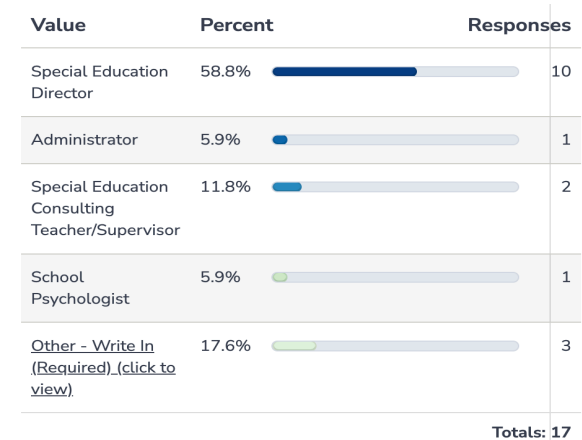
Email & Survey went out on 8/26 and closed on 9/6:

1. To outline the anticipated review schedule
2. To identify those who wish to serve as a Field Expert for specific chapters

**Region Interest**



**Position Interest**



# Idaho Special Education Manual Revision Format

- 3 weeks for Field Expert Committee Meetings to take place and develop a proposed draft
- 1 week for the Department Committee to review the proposed draft
- 1 day for the Department to submit the IT ticket for the identified chapter(s) to be published on the Department website
- 1 day for the Department to confirm that the identified chapter(s) has been published on the Department's website and to send a notification email to Special Education Directors
- The public will then be able to provide informal feedback on the chapter(s) by submitting a response via a JotForm or Alchemer survey for consideration by the Department Committee

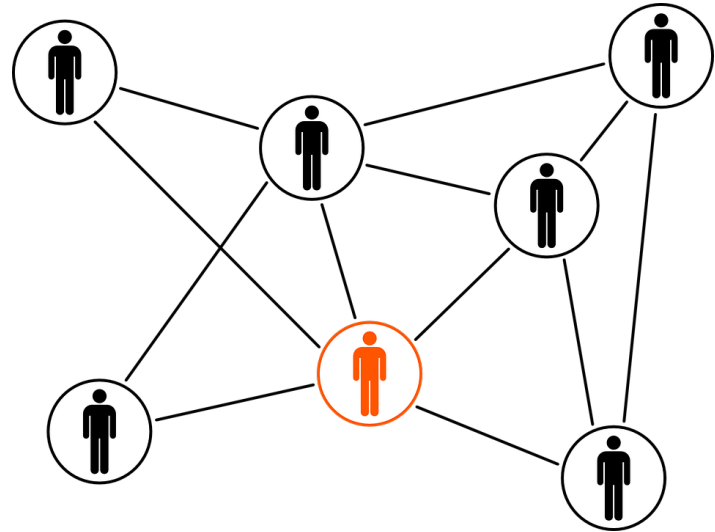
# Idaho Special Education

## Director Network

# Idaho Special Education Director Network (ISDN) Update

## Upcoming work

- Looking into a sponsorship from OSBE
- Drafting ideas for the “Framework”
  - What are some “**content must haves**” in your opinion?
  - Is anyone interested in being a part of the “**Think Tank**” for the Framework?



# Monthly Admin Bulletin



# Monthly Admin Bulletin

To enhance understanding of IDEA and improve support for special education students, we will be sending out a Monthly Administrator Bulletin to Superintendents, and Principals each month.

This bulletin will focus on an important IDEA consideration and direct administrators to SESTA for additional resources and information. It is also intended to provide support for Directors as they advocate for IDEA-specific policies, practices, and procedures within their LEA.

# Special Needs Services

(High-Cost) Fund



# Special Needs Services (High-Costs)

All states are required by federal law to provide educational services to students with disabilities.

States may provide increased funding for the education of these students in a variety of ways.

Some special education funding approaches are based on the percentage of students with disabilities, or with specific disabilities, while others are based on the cost of services or on assumptions about special education prevalence.





# Special Needs Services (High-Cost) Fund-Survey Results

Last year, we conducted a survey to Special Education Director Advisory Committee members and SEAP members to identify interest in a Special Needs Services Fund.

- Over 90% of applicable responders supported the idea of a High-Cost fund.
- There was more support for a State-Funded option.

## **Survey responders supported funding based on:**

- A fixed cost schedule (exceed a specific predetermined dollar figure).
- Exceeding a percentage of total LEA Special Education overall costs.
- Exceeding a percentage of total LEA IDEA grant allocation.
- Exceeding three-times the average per-pupil expenditure for Special Ed.

# Special Needs Services (High-Cost) Fund-Survey Suggestions

Please scan the QR code to help us collect your thoughts and suggestions for our full [Special Needs Services \(High-Cost\) Fund survey](#) that will be sent to:

- Superintendents
- Special Education Directors
- Business/Finance Managers
- Other groups TBD



# LEA Determinations

## Revamp Update

# LEA Determinations Revamp Update



## What have we done so far?

- 1) Reviewed our current process
- 2) Reviewed other SEA's process (Colorado/Virginia)
- 3) Discussed ways to offer a “growth” model scoring system for results areas

# OSEP's Differentiated Monitoring System 2.0

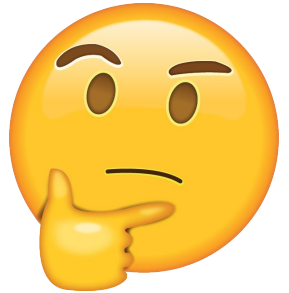
## WHAT DID WE LEARN

# DMS Recap

Idaho's DMS 2.0 on-site audit was conducted from October 23-26, 2023. Although we have not yet received our final report, we are aware of some areas of concern identified by OSEP. We are proactively addressing some of these issues ahead of the official report.

# OSEP's Concerns With our File Review Process

1. Allowing LEAs to preselect files for review
2. The number of files the Department reviews
3. System-level evidence must be from files created after the notification of noncompliance.
4. Pre-Finding Corrections



## Concern #1

# Preselecting Files for Review





# OSEP is Clear on Preselection of Files by the LEA

OSEP argued that allowing LEAs to preselect student files for review allows LEAs to "cherry-pick" their best files. By doing so, the Department is not meeting its general supervision responsibilities under IDEA and ensuring appropriate monitoring, technical assistance (TA), and enforcement regarding local programs.

# Resolution GSFR 2024-2025 & Beyond

**The Department will no longer allow  
LEAs to preselect files.**

**Files will be randomly selected from the LEA's  
November Child Count.**

## Concern #2

# The Number of Files the Department Reviews



## OSEP Comments on the Number of Files Reviewed

OSEP voiced concern that reviewing 2 or 3 student files, regardless of the LEA's Child Count, was not meeting Idaho's general supervision responsibilities under IDEA.

# Idaho Department of Education's Comments on the Number of Files Reviewed

It was the Department's position that because every LEA participates in file review annually, versus the minimum requirement of every 6 years, Idaho's system provides more timely identification of issues. The Department's position was that the GSFR process meets our supervisory requirements and, with the rise in teacher turnover and challenges with teacher preparedness, the Department is better positioned to respond to the needs of our State's LEAs.

## Resolution

**GSFR 2024-2025 ONLY**

**The Department will pause the regular file review process. We will select one file from each LEA and examine one IEP only. This pause allows OSEP to respond with guidance addressing our general supervisory responsibilities formally.**

## Concern #3

# “Subsequent” System-Level Evidence



# OSEP is Clear on System-Level Evidence

OSEP identified that system-level verification or evidence from additional student files that show compliant practices within an LEA must come from student documentation (IEPs and eligibility reports) created subsequent to (AFTER) the issuance of noncompliance notification. This requirement applies to all issues of noncompliance (e.g., Indicator 11, Indicator 12, GSFR, Dispute Resolution CAPs, etc.).



# System-Verification Continued

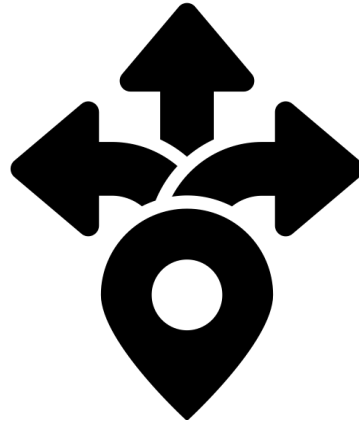
If an LEA is so small that they are unable to produce the required documents to clear system-level verification by the June 30 deadline, ISEE Child Count data will be verified by the Department.

# Resolution GSFR 2024-2025 & Beyond

**System-level verification for GSFR will be confirmed from documents created after the February 14 notification of noncompliance.**

## Concern #4

# Pre-Finding Corrections



# OSEP Defines Pre-Finding Correction

## What is a “pre-finding”?

Pre-finding may occur when the State has exercised due diligence and reached a conclusion in a reasonable amount of time that the LEA has violated an IDEA requirement, but has not yet issued a finding.

# OSEP's Required Actions if a State Allows for Pre-finding Corrections

If the State is able to verify prior to issuing a finding that an LEA or EIS program or provider:

(1) is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance with the relevant IDEA requirements) based on a review of updated data such as data subsequently collected through monitoring or the State's data system (systemic compliance); and

# OSEP's Required Actions if a State Allows for Pre-finding Corrections continued

(2) if applicable, **has corrected each individual case of child-specific noncompliance**, unless the child is no longer within the jurisdiction of the LEA or EIS program or provider, and no outstanding corrective action exists under a State complaint or due process hearing decision for the child (child-specific compliance) (see Question B-10), then this would be considered “pre-finding correction.” A State may not use this flexibility to allow its LEAs or EIS programs or providers an indiscriminate amount of time, generally within **three months**, to correct any noncompliance prior to a finding being issued.

## What Does it Mean?

For Idaho, pre-finding corrections would be the window in January when we allowed LEAs to provide supporting evidence that might clear *compliance concerns*. With the issuance of [OSEP QA 23-01](#), States were given clear requirements for how to address pre-finding corrections.

# The Department's Thoughts on Pre-Finding Corrections

The GSEFR pre-finding requirements outlined in OSEP QA 23-01 are the same requirements/processes Idaho enforces when an LEA is issued official noncompliance. Those requirements entail:

- Correcting IDEA violations in the student file
- Providing system-level verification from 2 additional student files which show compliant practices.



# The Department's Thoughts on Pre-Finding Corrections continued

- OSEP allows 3 months for this verification process which would extend the GSFR processes resulting in GSFR beginning in September through the end of the school year (June 30).
- System-level verification must be verified from files created after the LEA was informed of the compliance concern.
  - If no new documents created (subsequent) it requires the Department to review LEA's policies, practices and procedures.

# Additional Thoughts

- The GSFR Pre-finding processes differ from GSFR official noncompliance in that Technical Assistance (TA) is not required. The Department believes the TA component of the GSFR noncompliance process is critical for improvement within the LEA.
- Data and reporting challenges for the Department with CTT functionality and SPP/APR reporting.

*\*Most States don't allow for pre-finding corrections.*

# Resolution

## GSFR 2024-2025 & Beyond

**The Department will not allow for the upload of newly created documents addressing compliance concerns or prefinding corrections.**

*This means that only existing documentation can be uploaded to address compliance concerns.*

# OSEP's Concerns With IDAPA 08.02.03.109.02.a

- **The State's Exception Rule - IDAPA 08.02.03.109.02.a**

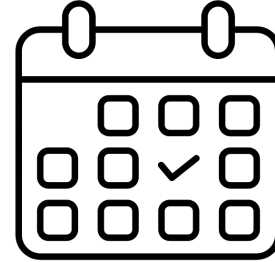
The total timeline from the date of receipt of written parental consent for an initial evaluation to the date of determination of eligibility for special education and

related services must not exceed sixty (60) calendar days, **excluding periods**

**when regular school is not in session for five (5) or more consecutive school days.**



# Definition



**Indicator 11-** (Child Find, 60-day Timeline)  
 IDEA Regulations 34 CFR § 300.301(c)(1) -  
 Percent of children with parental consent to  
 evaluate, who were evaluated, and eligibility  
 determined within 60 days.

# OSEP's Feedback on Idaho's Exception Rule



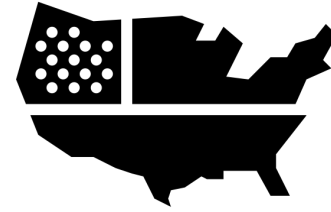
- Q&A Provision of Service IDEA Part-B 09-28-20
  - Question #5
- Cumberland County Schools Exceptional Children's Programs Executive Director Ruben A. Reyes

**2 guiding documents have OSEP in conflict on final decision but asked that we look at data and possibility that we are delaying FAPE.**

# State Exception (SE) Rule Data

School Year	Number of Initials Conducted	Number using SE Rule	Percentage of Initials using SE
2022-2023	7242	1136	15.7%
2021-2022	6837	882	13%
2020-2021*	6826	1115	16.3%

# Our Neighboring States



- Montana – 60 Calendar Days
- Wyoming – 60 Calendar Days
- Colorado – 60 Calendar Days
- Nevada – 45 **School Days**
- Utah – 45 **School Days**
- Washington – 35 **School Days**



# Resolution



## Removal of the State's Exception Rule

*Idaho Code 08.02.03.109.03*

*LEAs will have 60 calendar days from the date of consent (when the LEA is in receipt of the consent) to evaluate and determine eligibility.*

***This rule will go into affect July 2025***