

# SPP Indicator 11 Webinar



**The webinar will begin  
momentarily**

The presentation can be accessed via:  
<http://www.isbe.net/spec-ed/> under  
“What’s New”



# SPP Indicator 11 Webinar



Illinois State Board of Education

December 5, 2014

# Topics Today

- Indicator 11 measurement
- Regulations related to Indicator 11
- Exceptions to the Indicator 11 timeline
- Indicator 11 delays leading to a finding of noncompliance
- Questions to consider for meeting the Indicator 11 timeline

# Findings of Noncompliance

- States must make findings of noncompliance when LEAs do not reach the measurable and rigorous targets of either 100% or 0% for SPP compliance indicators (when noncompliance is identified through the State's data systems)
  - Indicator 11 must be met at 100%
- Noncompliance must be corrected w/in 12 months of identification
  - No later than 11/14/15

# Indicator 11 Measurement in Illinois

- The percentage of children with *initial* parental consent to evaluate, who were evaluated *and* had eligibility determined within 60 school days
  - A school day = a pupil attendance day based on the evaluating LEA's official calendar submitted annually to ISBE.
  - The evaluating LEA = the resident LEA of the student at the time of the initial eligibility determination, unless the student has been parentally placed in a nonpublic school.

# Data Used for Indicator 11

- Identified through State's Data System
  - Funding and Child Tracking System (FACTS)
    - Final 2013-2014 school year data
    - Submitted by June 30, 2014
    - Opportunities to update throughout the school year through optional and required transmissions

# Regulations-Federal

- Federal

- 34 CFR 300.301

- The initial evaluation must be conducted within 60 days of receiving parental consent for the evaluation

OR

- If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe

# Regulations-State

- State

- **23 IAC 226.110(d)**

- Upon completion of the assessments identified, but no later than **60 school days** following the date of written consent from the parent to perform the needed assessments, the determination of eligibility shall be made and the IEP meeting shall be completed.

- **105 ISC 5/14-8.02(b)**

- Above language plus: In those instances when written parental consent is obtained with fewer than 60 pupil attendance days left in the school year, the eligibility determination shall be made and the IEP meeting shall be completed prior to the 1st day of the following school year.



# Acceptable Timeline Exceptions

- **Code 01** (Parent failure or refusal to produce child for evaluation caused a delay in the eligibility determination timeline)
- **Code 02** (The child enrolled in district after parental consent was received in another district, but before eligibility could be determined)
- **Code 07** (Eligibility determination delayed due to the parent's unavailability and/or inability to attend the initial eligibility determination meeting when all eligibility assessments were completed within the 60 school day timeline)
- **Code 09** (Timeline properly extended in accordance with 34 CFR §300.309(c), where the evaluation timeline is extended by mutual written agreement of the child's parents and a group of qualified professionals in the determination of a specific learning disability (SLD)).

# Delays Resulting in a Finding of Noncompliance

- ***Code 03*** (Lack of personnel resources)
- ***Code 04*** (Not timely)
- ***Code 05*** (Summer issues)
- ***Code 06*** (Hearing/Vision/Medical)
- ***Code 08*** (Changes to official calendar)
  - After May 1st this will result in an error (update official calendar and change reason code in FACTS before final FACTS transmission – June 30th )

# Questions to Consider for Meeting the Timeline

- **Code 01** (Parent failure or refusal to produce child for evaluation caused a delay in the eligibility determination timeline)
  - Did you contact the parent through various means to encourage the parent to make the child available for the evaluation process?
  - Did you explain to the parents that, according to State and Federal law, the evaluation and meeting to determine eligibility must be held within 60 days of the initial consent?
- **Code 02** (The child enrolled in district after parental consent was received in another district, but before eligibility could be determined)
  - Do you have procedures to address new or transfer students who are in the process of an evaluation from a previous district?
  - Did you expedite the evaluation process when the child was enrolled in your district?

# Questions to Consider for Meeting the Timeline

- *Code 03* (Lack of personnel resources)
  - Did you look at adjusting school personnel and/or responsibilities in order to conduct the evaluations in a timely manner?
  - Did you seek avenues to contract with outside evaluators? Did you look to neighboring public school districts, private contractors and nearby nonpublic special education programs that may be able to assist in evaluations?
  - Did you contact the Illinois Resource Center as a referral source for evaluators proficient in other languages?
  - Have you developed a list of possible outside evaluators to be contacted when the amount of evaluations to be performed is greater than normal?
  - Did you consider allowing the parents to seek outside evaluations that would be reimbursed by the district?

# Questions to Consider for Meeting the Timeline

- *Code 04* (Not timely)
  - Have you conducted training for special education personnel, professional and support, to emphasize the importance of the 60 school day timeline for evaluations?
  - Do you have a process to notify administration and staff when evaluations are due each year?
  - Do you have a database system that will track the evaluation process to ensure timeliness?

# Questions to Consider for Meeting the Timeline

- *Code 05* (Summer issues)
  - Do your practices reflect the law that requires eligibility determinations to be made prior to the first day of the school year, when a student was referred for an evaluation with fewer than 60 school days left in the previous school year?
  - Are you willing to provide compensation to personnel for time used during the summer?
  - Did you prepare early enough in the school year to address evaluations during the summer?

# Questions to Consider for Meeting the Timeline

- **Code 06** (Hearing/Vision/Medical)
  - Did you employ or contract with personnel proficient in assessing students with hearing, vision or medical needs?
  - Did you attempt to assist the parent in obtaining whatever equipment might have been necessary for the child to complete the evaluation?
  - If equipment or services could not be made available, did you consider completing the evaluation for the student anyway? If/when the appropriate equipment or services became available, providing an updated report?
  - Did you use Code 01 for students who were unavailable for evaluation due to severe illness?

# Questions to Consider for Meeting the Timeline

- *Code 07* (Parent unavailability)
  - Did you offer to provide transportation or childcare if that was the impediment?
  - Did you offer to hold the meeting at a time more convenient for the parent?
  - Did you offer other methods to ensure parent participation, including individual or conference telephone calls or video conferencing?
  - Did you explain to the parents that, according to State and Federal law, the meeting must be held within 60 days of the initial consent?



# Questions to Consider for Meeting the Timeline

- *Code 08* (Changes to official calendar)
  - Have you identified and provided training to personnel responsible for submitting calendar corrections?
  - Have you made changes to the official school calendar in IWAS before the final June 30th FACTS transmission? More information regarding the calendar reporting to ISBE can be found at;  
[http://www.isbe.net/funding/html/school\\_calendar.htm](http://www.isbe.net/funding/html/school_calendar.htm)

# Questions to Consider for Meeting the Timeline

- **Code 09** (Timeline properly extended in accordance with 34 CFR §300.309(c), where the evaluation timeline is extended by mutual written agreement of the child's parents and a group of qualified professionals in the determination of a specific learning disability (SLD).
  - Is there a written agreement to extend the timeline by both the child's parent and school professionals?
  - Is the timeline being extended to determine how the child responds to scientific, research-based interventions which must be used to determine SLD eligibility?

# Resources

- Special Education FACTS Approval Procedures/Instructions  
[http://www.isbe.net/funding/pdf/34-30\\_spec\\_facts.pdf](http://www.isbe.net/funding/pdf/34-30_spec_facts.pdf)
- State Performance Plan Indicator 11 Resource Guide  
[http://www.isbe.net/spec-ed/pdfs/indicator\\_11\\_res\\_guide.pdf](http://www.isbe.net/spec-ed/pdfs/indicator_11_res_guide.pdf)
- Planning Calendar for Illinois Special Education Directors  
[http://www.isbe.net/spec-ed/word/planning\\_calendar\\_11-12.pdf](http://www.isbe.net/spec-ed/word/planning_calendar_11-12.pdf)

# Next Steps

- **Written statement of assurance to ISBE**
  - On district letterhead, with signature of Superintendent or Director of Special Education.
  - Statement explaining how/what the district is going to do in order to correctly implement the regulations, or what the district has changed in order to do so.
  - LEA is correctly implementing 34 CFR 300.301(c)(1), 105 ILCS 5/14-8.02(b) and 23 IAC 226.110(d)
  - Can email, fax or mail to Larry Fairbanks
    - [lfairban@isbe.net](mailto:lfairban@isbe.net)
    - 217-782-5589
    - ISBE, 100 North First Street, Springfield, IL 62777
- **Deadline is March 1, 2015**
- **ISBE data pulls to verify correction**

# Questions?

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