

Questions and Answers/May 6, 2009, Webinar

1. I am an SLP with my masters and CCC and will be retiring. I would like to do the two critical shortage years and need to know if I am still considered the highest qualified person over a speech implementer after I am retired.

Answer: An SLP is always considered “more” qualified than an implementer. A school district should only be using the implementer model if they have made a good faith effort to hire an SLP or speech teacher and were unsuccessful and were able to obtain approval from DESE to use the implementer model. With that said, since school districts have to sign contracts, it is only required that this process occur annually, since the district would not be expected to fire the implementer in the middle of the year to hire an SLP.

2. If a parent refers a child for an initial evaluation, does a formal review of existing data need to be completed to determine if the district suspects the child to have a disability or not? The way I understand the standards is a review of existing data is completed when an evaluation is determined necessary. The referral section of the standards mentions the district/agency can determine if there is a reason to suspect a disability or need for evaluation but a review of existing is not mentioned until the Initial Evaluation/Eligibility Determination section. Also, how many people are required to make that decision? It does not state that the decision has to be a group of individuals meeting the requirements of an IEP team.

Answer: No, a formal review does not need to occur. The school district should review existing information to determine if there is a reason to suspect a disability. You are correct – a formal review of existing data is part of the evaluation process and this is distinguishable from the consideration a district makes in response to a referral. There is no specific requirement in terms of number of people involved.

3. It was stated in last month’s webinar that DIBELS would not be considered a district-wide assessment. Could you give some examples of what does constitute district-wide assessment and how to determine if DIBELS (which is administered district-wide in our school) should be on the IEP?

Answer: When I think about what a district-wide assessment is, I look to the statewide assessment (MAP). Is something akin to the MAP being administered district-wide? This is the question that I start with, followed up with: will it require an alternate to be developed? Will it be something that lends itself to accommodations like the MAP? DIBELS is not something you would use accommodations for.....and you certainly would not be developing an alternate for it. Bottom line - I would not view DIBELS as a district-wide assessment. Remember, DIBELS is a curriculum-based measurement. CBM is not to inform instruction – meaning it does not “diagnostically inform instruction.” CBM is an index of student proficiency – it does not tell you what to teach (unlike mastery measurement which specifies what to teach). Hopefully, this makes sense. If not, please call Thea Scott, Assistant Director of our Compliance Section to discuss further.

4. Our district is receiving conflicting reports on using ARRA stimulus funds to reduce the MOE by 50%. Must the MOE reduction meet one or all of the five exceptions listed to reduce MOE

or is this a one-time reduction that is available to all districts? Do you know what the specific reporting requirements are for adjusting the MOE using ARRA stimulus funds?

Answer: Please review the example I sent out via SELS on how to compute the 50% reduction. It would be incorrect to say you are “using ARRA stimulus monies to reduce the MOE by 50%.” Rather, the large increase in IDEA funding you will receive because of the stimulus monies, makes the option allowed under IDEA to reduce effort by 50% - that has ALWAYS existed – a useful option now. The 50% reduction option is UNRELATED to the 5 exceptions to MOE. At the same time, it is NOT a one-time option...it has been available before and will continue to be available, but unless you have a very large increase in IDEA funding again, it will not provide much relief. You will need to carefully track the use of the reduced amount. SELS messages address this, check out the ARRA webpage on DESE’s website or our archived SELS messages on this topic.

5. If a student enrolls in our school for less than a month and then states that they are moving and they request copies of their records but we receive no formal request for records from another enrolling school, are we required to exit that student as a dropout? Does the state count that on our school's dropout rate or would the student have to be enrolled in our school for a stated period of time before they would count as a drop out?

Answer: The new rule under MOSIS is that unless it is a return to regular education exit 01 or a parent withdrew consent for special education student exit 17 that there will not be a separate exit code for special education reported. The state would just use the regular education exit code. There must be a request of records from a new district that has enrolled the student or they must be shown as a drop out. Thus the student would be reported as a drop out.

6. If an ECSE child qualifies for Speech only in preschool and is moving to kindergarten. We would like to evaluate for Language Delays, is it a reevaluation or an additional test added to the initial evaluation?

Answer: If a child is already identified as a student with a disability under IDEA and under an IEP, his/her evaluation for move to kindergarten is a reevaluation.

7. I understand that stimulus money should be used for things we need but cannot afford – accessible buses for a student with a disability, students who use wheelchairs rather than paying parents to transport, Smart Boards for special education rooms, and professional development. Are these things viable items for stimulus money?

Answer: Yes, these are all good examples. Please also see the examples provided in SELS messages regarding the ARRA/Stimulus monies.

8. When a child moves from ECSE to kindergarten with a YCDD diagnoses and turns six during the year, is it a reevaluation or an initial evaluation to determine if he/she qualifies for special education?

Answer: Since the child has already been identified under IDEA as a child with a disability and been served under an IEP, the evaluation is a reevaluation.

9. Who can fulfill the role of "person qualified to administer individual diagnostic examinations of children" for LD eligibility conferences? If a teacher administers the WIAT or other academic testing during the evaluation process, would he/she meet that requirement?

Answer: The district determines this. Usually it is a school psychological examiner or school counselor or a teacher who meets the test publisher's requirements.

10. If the ARRA stimulus money is used to reduce MOE, will the district be required to return to the 08/09 MOE after using the stimulus money to reduce MOE in 09/10 or will the district be allowed to maintain the significantly lower MOE?

Answer: No, you do not return to the "old MOE." The reduced MOE becomes the MOE for future year.

11. Several years ago DESE provided definitions for the various types of service available to students with IEPs. We have not been able to locate that information and have a question about the definition of Modified Regular Education as a service. Is Modified Regular Education service defined as a disabled child in a regular education setting with certified special education staff or can a paraprofessional provide the supports for a modified regular education setting/service? In other words, what is the difference between mainstreaming (regular education) with modifications and accommodations and actually providing modified regular education as a service?

Answer: It sounds like you are talking about the class within a class model. Years ago we did talk in terms of CWC/modified regular education. That language was used more as a transition and now we talk about the percentage of time in regular education. A student who is in the regular education classroom receiving accommodations and modifications from a regular education teacher in that setting is in regular education and all those minutes are regular education. A student who receives services from a certificated special education teacher while in the regular education classroom is receiving special education services in the regular education setting. Please contact our Compliance Section and speak to a compliance supervisor if you would like to discuss.