

Restructuring Iowa's Child Find Process

Introduction

In July, 2007, the Chief Administrators of Iowa's Area Education Agency's charged the AEA Directors of Special Education with developing state-wide Special Education Procedures. Child Find (the process by which students with disabilities are located, evaluated, and identified as needing special education services) is a major component of Special Education Procedures, and has far reaching impact on Iowa's AEAs, local school districts, and the Department of Education. This document provides additional information about the adopted procedures, their impact on various constituencies, and the AEA plans for implementation and communication.

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Overview and the Case for Change

Child Find is an AEA Responsibility

IDEA regulations and Iowa *Rules* require that “all children with disabilities residing in the state, including children with disabilities who are homeless children or are wards of the state and children with disabilities who attend private schools, regardless of the severity of their disability, and who are in need of special education and related services, must be identified, located, and evaluated.” To that end, Iowa’s area education agencies (AEAs) were created by the legislature in order to “provide an effective, efficient, and economical means of identifying and serving children ... who require special education.”

Persistent Problems/ Unresolved Issues

Growing concerns with AEA child find practices have been voiced by a number of stakeholders in recent years. Among the most troublesome are:

- the perception that interventions have been used to delay evaluation and services to students with disabilities
 - comprehensive evaluations have not documented all areas related to the suspected disability
 - the amount of time AEA special education support and related service staff have spent in support of general education, particularly as it pertains to the general education intervention process, has been questioned
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Evaluation Outcomes Not Sufficiently Aligned with Instruction

In addition to procedural concerns, there has also been a growing concern among Iowa educators that the child find and evaluation processes have not led to powerful instruction for students with disabilities as reflected in their Individualized Education Program (IEP) or in student outcomes.

As part of a process of validating concerns with the child find and evaluation system, the Bureau of Student and Family Support Services worked with Iowa State University in a study of the alignment of problem solving components and intervention with student evaluations and subsequent IEP development for eligible individuals. Commonly referred to as the “Capstone Study”, researchers reviewed 194 cases, 18 from each AEA with some additional cases from AEA 11 to include Des Moines Public Schools. All available documentation on students from intervention through IEP development was carefully analyzed. Findings were:

- 38% of cases had all 3 eligibility prongs documented (progress, discrepancy, need)
 - 36% of cases had clear alignment between intervention outcomes and IEP goals and services
 - 3% of interventions identified conditions accelerating learning
 - 92% of interventions were judged “goal not met, explore eligibility”
 - 42% of interventions had general educators as primary implementers, 16% were conducted by speech-language pathologists, 5% were implemented by special educators
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New Child Find Procedures/Processes Developed

Structure

A Child Find work group (subgroup of the state-wide Special Education Procedures effort) was formed and began working in August, 2007, with representation from each of Iowa's Area Education Agencies and the Department of Education. In addition, a Steering Committee was formed to provide oversight, guidance and expand representation to include additional Department of Education staff, professionals with expertise in general education, and local school district personnel.

Desired Outcomes for Iowa's Child Find Process

The desired outcome for a state-wide Child Find process in Iowa is to have sufficient and reliable data on student progress, discrepancy and instructional needs to make sound and timely eligibility decisions which guide special education instructional programs. The following are important objectives in meeting that outcome:

- Child find procedures should be efficient and effective in identifying eligible individuals.
 - The role of "intervention" as an important source of information for decision making is clear.
 - The suspicion of a disability is clear and initiates the request for parental consent for full and individual initial evaluation, in accordance with federal regulations.
 - All areas of suspected disability are evaluated in accordance with the requirements to meet the breath of the mandate for disabilities in the federal law.
 - Evaluations are timely; are not unnecessarily delayed by general education interventions, and are completed within 60 days of receipt of parental consent.
 - Eligibility determination procedures are driven by instructional needs and therefore consider students' response to instruction.
 - Evaluations that include all required performance domains lead to better programming, quality instruction, and improved outcomes for students with disabilities.
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Statewide Special Education Procedures Completed August 2009

In August, 2009, the State AEA Directors of Special Education adopted, by consensus, the State-wide Special Education Procedures Manual, which includes Child Find procedures. The Special Education Procedures Manual will be available on-line and instructions for access will be made available through each AEA. Specific timelines for implementation of the new Child Find procedures will be addressed elsewhere in this document. In addition, over the course of the 2009-2010 school year, additional clarifying procedures will be developed to support the Child Find process.

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New Child Find Procedures/Processes Developed, Continued

How Will the
Major
Changes
Address
Concerns
with Past
Practice?

General Education Interventions Not Required

Concern 1:

Schools, parents, advocacy groups, and others have perceived delays to evaluation and provision of services for students suspected of having a disability while conducting general education interventions.

Response in Procedures:

Written parental consent for a Full and Individual Initial Evaluation will be sought immediately when the public agency (the AEA or the AEA in conjunction with the LEA) suspects that an educational disability may be present.

Concern 2:

The completion of general education interventions have been considered to be a requirement for *suspicion* of a disability prior to seeking parental consent to evaluate, causing unnecessary and indefensible delays in conducting a Full and Individual Initial evaluation and subsequent delivery of services.

Response in Procedures:

A child may be suspected of having a disability, initiating the obligation to seek parental consent for a Full and Individual Initial Evaluation whether general education interventions have been implemented or not. If the team determines that interventions are needed to gather information upon which to base eligibility decisions, and such interventions have not been completed in general education, those activities will be conducted as part of the full and individual initial evaluation by the AEA and LEA working in concert.

Concern 3:

While effective core instruction and supplemental interventions for all students are the responsibility of the general education program, special education instructional and support staff spend a significant proportion of their time supporting general education instruction through the intervention process, and often on an ongoing and regular basis. This results in less time to support special education teachers and students with disabilities on IEPs.

Response in Procedures:

Over the next year, special education support and related service staff will spend an increasing amount of time working on whether suspicion of disability exists, evaluation of all performance domains, and focusing on services to student's with IEPs. As general education personnel increase their capacity to support core instruction and supplemental intervention, support for these activities by special education staff will be gradually reduced.

New Child Find Procedures/Processes Developed, Continued

How Will the Major Changes Address Concerns with Past Practice?

Concern 4:

Lack of clarity regarding the role of intervention and progress monitoring in general education.

Response in Procedures:

Supplemental instruction/intervention has been and will continue to be a preferred means of addressing concerns as they arise with students, especially as they relate to progress and student's needs for enabled learning. Proposed changes to Chapter 41 rules clearly articulate the expectation that the general education program includes the provision of supplemental support for all students who are not meeting standards or expectations, and that standards of data sufficiency are met.

Suspicion of Disability

Concern 5:

Lack of clarity on what constitutes a suspicion of a disability

Response in Procedures:

1. A disability requiring the services of special education is suspected, initiating the need for a Full and Individual Initial Evaluation, when:

- the child's educational performance falls persistently below state approved standards or typical developmental or behavioral expectations for age and grade level; **and**
- the child's educational performance is unique when compared to others in the same setting (i.e., more characteristic of the actual performance of a very small subgroup of peers); **and**
- there are no other more plausible explanations (e.g., lack of appropriate instruction or access, poor attendance, language or cultural differences) to account for the child's educational performance.

2. A disability is suspected, initiating the need for a Full and Individual Initial Evaluation, when:

- the child is affected by a health or physical condition or a functional limitation that adversely affects educational performance (e.g., a progressive condition, a condition strongly associated with adverse effects on developmental progress or educational performance).

3. In rare and unusual cases, a disability is suspected, initiating the need for a Full and Individual Initial Evaluation, when there is:

- a significant status change due to a health or medical condition, injury, etc. (e.g., a traumatic brain injury)
- an obvious and immediate need for service that may exceed the capacity of general education to provide (e.g., progressive loss of sight requiring Braille and orientation and mobility instruction).

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New Child Find Procedures/Processes Developed, Continued

How Will the
Major
Changes
Address
Concerns
with Past
Practice?

Comprehensive Evaluations	
Concern 6:	Evaluations of students suspected of having a disability have not considered and documented all performance domains, or evaluated all areas of suspected disability.
Response in Procedures:	<i>Upon suspicion of a disability, the public agency will consider available information on all performance domains used in Iowa (academic, behavior, physical, health, hearing/vision, communication, and adaptive behavior) and determine which of the domains warrant evaluation. The Consent for/Notice of Full and Individual Initial Evaluation form will document areas of concern and any areas where additional assessment information is needed.</i>

Concern 7:	Lack of alignment between evaluation and effective instructional practices described in the IEP
Response in Procedures:	<i>The new Child Find procedures reaffirm the expectation that core and supplemental instruction, evaluation of the suspected disability area and areas related to the disability, IEP goals, and IEP services should demonstrate an alignment and connectivity across time. Additionally, services to students should demonstrate a progressive increase in the intensity of services through core instruction, supplemental interventions, and IEP services.</i>

Impact of New Child Find Procedures on General Education Interventions

Changes in AEA Special Education Staff Involvement in General Education Interventions

The Department of Education and Iowa's AEAs strongly support the provision of supplementary instruction and intervention assistance to all students who may need it as a component of the general education program. Changes in the Child Find process may have a significant impact on general education's responsibility for supplemental instruction/intervention. Proposed rules language (anticipated adoption mid-year, 2009-10) describes the role of AEA special education support and related staff as "occasional and incidental". The state Directors of Special Education, in collaboration with the Department of Education, plan for a careful and gradual transition to such "occasional and incidental" support.

Appropriate use of Special Education Resources Required

Special education support staff involvement in general education activities will be focused on consultation and assistance for teachers who are implementing supplemental instruction for students who may be experiencing difficulty, are at-risk, or are suspected of having a disability, as well as support for special education students in this least restrictive environment.

Planned Transition to Appropriate Support

The state Directors of Special Education and the Department of Education are engaged in collaborative planning to assure that communication is planned and consistent at all levels (DE, AEA, LEA) and within the various stakeholder groups (Internal AEA staff, DE Bureaus, etc.) Timelines for implementation of various components have been established, (refer to page 11 of this document) as well as plans for ongoing support and professional development.

Impact of New Child Find Procedures on AEA Practices

What will be evident in the new Child Find process?

- There will be increased use of data in decision-making about eligibility for special education services.
- All Performance Domains will be considered and documented in the process of seeking parental consent for evaluation.
- Progress, Discrepancy, and Need will be adequately addressed in all Full and Individual Initial Evaluations and eligibility determinations.
- Exclusionary factors will be considered and addressed in all Full and Individual Initial Evaluations and eligibility decisions.
- Evaluations will be functional in nature, and provide information that can be used for instructional decisions.
- There will be clear alignment of core instruction, supplemental intervention, and IEPs for eligible individuals.

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Impact of New Child Find Procedures on AEA Practices, Continued

Role of Special Education Support and Instructional Personnel in the Child Find Process

Activity	Documentation	<u>Acceptable</u> Role of Sp Ed Staff	<u>Unacceptable</u> Role of Sp Ed Staff
Core Instruction	Required District documentation	<ul style="list-style-type: none"> • Consult, collaborate & brainstorm academic & behavioral program development • Model teach/coach regular education teacher/parent skill groups in GE/home • Conduct observations of individual students for the purpose of assisting general education • Provide information to general education teachers • Assist with universal screenings for instructional purposes* 	<ul style="list-style-type: none"> • Include students in a designated special education instructional group • Serve as General Education Intervention case manager • Collect & organize progress-monitoring data for students in General Education Intervention skill groups • Include non-special education student in a designated special education or non-special education group for diagnostic teaching, instruction and/or progress monitoring
Core Plus Supplemental Interventions	Required District documentation	Same as above	Same as above
Core Plus Intensive Interventions	Required District documentation	Same as above	Same as above
Special Education Full & Individual Initial Evaluation	<ul style="list-style-type: none"> • Disability Suspected form • Consent for/Notice of Full and Individual Initial Evaluation (FIE) • Data Collection • Meeting Notice • Education Evaluation Report (EER) <p>Refer to AEA Special Education Procedures Manual regarding these forms.</p>	<ul style="list-style-type: none"> • Within the 60 calendar day timeline the Sp Ed staff will assume duties consistent with special education FIE, RIOT (Review, Interview, Observe, Test), ICEL (Instruction, Curriculum, Environment, Learner) and I-Plan or other intervention documents (if needed) to collect multi-source data to support possible special education eligibility (disability and need) 	<ul style="list-style-type: none"> • Not have sufficient and reliable data for making decisions on eligibility • Not considering exclusionary factors • Not having data about progress, discrepancy and need in entitlement decisions • Not evaluating all domains for which additional information is needed based on the consent for evaluation • Not using existing information to answer questions where possible and appropriate

*281—41.302(256B,34CFR300) Screening for instructional purposes is not evaluation. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

Timelines for Implementation of State-wide Child Find Procedures

Statewide Child Find Process is Effective Immediately

The Child Find Process is embedded in the state-wide Special Education Procedures Manual, which has been adopted by the Iowa Directors of Special Education by consensus and agreement that they are to be implemented in each AEA effective for the 2009-2010 school year.

Issues requiring an Immediate Response

Three issues of concern related to compliance with IDEA and Iowa Rules of Special Education will be addressed as follows:

- Effective immediately (on or before November 1, 2009), general education interventions will no longer be required prior to a decision to suspect a disability and seek parental consent to conduct a Full and Individual Initial Evaluation.
 - Effective immediately (on or before November 1, 2009), all AEAs will begin using the Disability Suspected form in the manner prescribed in the Special Education Procedures Manual. The public agency will seek parental consent for Full and Individual Initial Evaluation immediately when disability is suspected.
 - Effective immediately, evaluation teams must consider all of the performance domains impacted by the suspected disability when seeking consent for Full and Individual Initial Evaluation and will evaluate all areas of suspected disability during the FIE. Consideration of the performance domains will be documented on the new *Consent for/Notice of Full and Individual Initial Evaluation* form currently available on the Web IEP.
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Transition of Special Education Support for Intervention Activities in General Education

The AEA Directors of Special Education have agreed that all intervention activities started last year and currently being conducted by Special Ed support staff under a general education intervention process (i.e., I-Plans, problem-solving activities) will lead to:

- obtaining consent and conducting a Full and Individual Initial Evaluation; or
- transferring the responsibility for such activities to general education personnel.

The Directors anticipate this to be a phased process with a targeted completion date no later than July 1, 2010.

Questions and Answers

Questions...	Answers...
<p>Is it true that general education interventions are not required prior to suspecting disability?</p>	<p>Yes. Supplemental instruction and interventions are a part of the general education program. Whether a school provides such supplemental instruction or not, if the child is persistently below standards and expectations, unusual or unique compared to peers, and has been in school, is not from a culturally diverse background, or does not have second language concerns, then disability should be suspected and consent for full and individual initial evaluation must be sought. (See Procedures Manual for additional guidance).</p>
<p>Is it true that AEA staff is not required to conduct general education interventions?</p>	<p>General educators in consultation with AEA staff conduct general education interventions. If there are no progress data from supplemental instruction in general education that meets the required standards and disability is suspected, then any needed intervention data would be developed by AEA support and related service staff in concert with general education staff. This information would be gathered during the 60 evaluation period after consent is signed.</p>
<p>Is it correct to say AEA staff is no longer engaged in general education interventions?</p>	<p>No. If a child is not suspected of having a disability, AEA staff may engage in general education interventions as a consultative support for planning and implementation as long as general educators have the primary implementation role and responsibility for progress monitoring. There may also be occasions where AEA staff provide modeling and demonstration. The key is that AEA support staff involvement is essentially occasional and incidental. In other words it is not regularly scheduled or planned, on-going, or done by AEA staff alone. In addition, AEA staff involvement in general education would be focused on students that are struggling and/or may be considered for suspicion of having a disability.</p> <p>If the child is suspected of having a disability and there are insufficient data for addressing progress, discrepancy, and educational need, then intervention in concert with general educators may need to be developed as part of the FIE. In this case the AEA staff would take a primary role in determining requirements for intervention design, implementation, and monitoring.</p>
<p>Won't the number of referrals rise when we evaluate students based on suspicion of a disability?</p>	<p>It is probable that more students could be evaluated as a result of a suspected disability. It is important to remember that evaluations are being done as a requirement of IDEA when a disability is suspected. This does not mean the child is automatically eligible for special education as a result. The purpose of the full and individual initial evaluation is two-fold. First, the evaluation will determine the educational interventions required to resolve the presenting problem, behavior of concern, or suspected disability, including whether the educational interventions are special education (exceeds capacity of general education resources alone). Second, the evaluation will determine if the individual is eligible for special education. In Iowa, an individual is eligible for special education when there is a disability (determined by assessing rate of educational progress and discrepancy from expectation) and, an instructional need that can only be met through the use of special education resources.</p>

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Questions and Answers, Continued

<p>Won't the number of students in special education rise as a result of increased evaluations for special education?</p>	<p>We don't know. It is possible that the evaluation will reveal the general education intervention required to resolve the presenting problem, behavior of concern, or suspected disability. It is critical to remember that just because a student is suspected of having a disability and receives a full and individual initial evaluation does not mean that the student must be found to be eligible and in need of special education. The standards for entitlement have not been reduced and the reasons for exclusionary consideration are strengthened. It will likely be the case that more students will be evaluated and found to be not eligible by virtue of not meeting the entitlement criteria or because of exclusionary factors.</p> <p>Conversely, if we have been missing students with disabilities because we have not suspected a student has a disability in a timely manner, there may be more students found to be eligible for and in need of special education because of our increased number of evaluations.</p>
<p>Have we lowered the standard for entitlement by saying general education interventions are the primary responsibility of general education and special education staff will only be involved in occasional and incidental ways?</p>	<p>No. The changing relationship of special education staff in general education interventions does not change the standards for special education eligibility and need. It may mean that information needed for making an eligibility decision will need to be gathered during the evaluation process. But, ultimately, the data needed for eligibility decisions will still need to be collected and documented with a high level of rigor and adherence to eligibility standards.</p>
<p>Have we lowered the standard for general education interventions?</p>	<p>The new special education child find procedures do not address the general education intervention standards because general education interventions are the primary responsibility of general education. In the circumstances where a general education intervention has not been completed and information from intervention results are needed for eligibility decisions, the requirements for analyzing problems, designing matched interventions, implementation, and monitoring of outcomes have not changed and will be as critical as ever in making sound data-based decisions.</p>
<p>Have entitlement standards changed?</p>	<p>No. Eligibility and need for special education must still be documented for each child. The essential components of eligibility decisions (progress, discrepancy, and need for specially designed instruction) have not substantively changed and must still meet high standards.</p>
<p>Can we require general education to do interventions to a higher standard in order to help with the increased number of evaluations?</p>	<p>No. As part of special education child find practices, general education interventions are not the direct purview or responsibility of special education support staff. As a result, special education support staff does not have any authority to set or increase standards for general education interventions. However, proposed rule changes do address the requirements for progress monitoring in general education which will be very assistive in making data based decisions on students who may be struggling in the general education environment.</p>

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Questions and Answers, Continued

<p>Is intervention integrity still required?</p>	<p>Yes. Part of any intervention is implementation with integrity. Without intervention integrity there is no way to make a data-based decision about the impact of the intervention. If the intervention worked, you would not be able to attribute success to an intervention that was not implemented as written. Alternatively, if the intervention did not work, you would not be able to attribute a lack of success to the intervention if it was not implemented as written. In summary, without treatment integrity, accurate data-based decision-making is not possible. This would be true whether the intervention is completed in general education as a regular course of events or if the intervention is completed by special education support staff (if required) during the full and individual initial evaluation process.</p>
<p>Is progress monitoring required?</p>	<p>Yes. Progress monitoring is required because it is the only way to understand the impact of the intervention or instruction and to gather rate of growth (progress) data. Progress monitoring assumes that some change in instruction is taking place and that instructional decisions will be based on the result of the monitoring data. Progress monitoring without instructing differently or without using the information to inform decisions is not an efficient or effective intervention practice.</p>
<p>Who decides what will happen if there is disagreement in the suspicion of disability meeting?</p>	<p>The suspicion of a disability is a screening level decision made by a team of people. As such, the team would want to include more children for evaluations rather than inadvertently exclude a child who might have a disability. With that in mind, it would be more defensible practice to suspect the child of having a disability, do an evaluation and consequently have current and complete information upon which to base any programming decisions.</p>
<p>What do I do when I am doing an evaluation and the district does not support my efforts to obtain the needed information for the evaluation?</p>	<p>The eligibility standards have not changed. If there is not sufficient, reliable, and valid data at rigorous levels available on which to make an entitlement decision by addressing the required data sources, the child cannot be found eligible. If sufficient, reliable and valid data are not available, despite efforts of the evaluation team to collect data in concert with local school personnel, special education support staff are encouraged to consult with their direct supervisor or contact the AEA Director of Special Education for assistance. It may be necessary in some circumstances for the team to determine that the student is not eligible (due to insufficient data) and obtain parental consent to conduct another Full and Individual Initial Evaluation.</p>
<p>Does all of this start now or can we wait until later?</p>	<p>The change in considering if there is a suspicion of a disability at any time and the completion of the Disability Suspected form starts, no later than November 1. The consideration and documentation of all performance domains on the consent for evaluation form starts immediately. The progressive shift of some AEA support and related service providers from being primarily responsible for general education intervention to being more consultative and supportive will take time. We realize this must be gradual process to ensure understanding, build in needed supports, allow a smooth transition, and to preserve positive relationships.</p>
<p>I've heard you say the Administrative Rules of Special Education are being amended. When will they be final?</p>	<p>Public comment is being sought at this time. Public hearings will be held in October. It is anticipated that new rule changes will be enacted in January of 2010.</p>