

**Office of the Independent Monitor**

May 5, 2014

## Discussion Paper

## Outcome 13

As noted in the 2012-13 annual report, despite progress and the District meeting two of the three targets, due to factors related to the structure of the outcome, the Independent Monitor (IM) believes it is doubtful that it can achieve the remaining target (duration) in the foreseeable future. Additionally, the current structure of the outcome does not allow for the District's performance to be compared to the performance of other school districts. Therefore, the IM encouraged the parties to reexamine the appropriateness of the duration target and consider alternative requirements to enhance the provision of services.

This paper is intended to facilitate discussion between the parties and provide alternative methods for ensuring service delivery and overall compliance. The following alternatives are aimed at ensuring that schools and staff have the necessary personnel and resources to meet the service requirements as specified in students' IEPs. These recommendations are based on the following assumptions:

- The District will not meet the duration target within the next two years
- The purpose of the outcome is to ensure students with disabilities get the services specified within their IEP
- There is a reasonable method for determining the District's capacity to deliver services and identify non-compliance
- Parents should be informed regarding the delivery of their children's services

**Current Outcome:**

By June 30, 2006, 93% of the services identified on the IEPs of students with disabilities in all disability categories except specific learning disability will show evidence of service provision. In addition, by June 30, 2006, 93% of the services identified on the IEPs of students with a specific learning disability will show evidence of service provision.

By June 30, 2006, the District will provide evidence that at least 85% of the services identified on the IEPs of students with disabilities have a frequency and duration that meets IEP compliance. For the purposes of assessment of frequency, provider absences will not constitute evidence of non-provision of service if such absence is the result of short-term (maximum two consecutive weeks) illness, family emergency or jury duty. Student absences/no shows will not constitute evidence of non-provision of service. For the purposes of assessment of duration, sessions not completed as the result of conflicts with a student's school schedule or late arrival/early departure by a student will not constitute evidence of an incomplete session.

**Intent of Current Outcome:**

- To increase the number and percentage of students with evidence that they are receiving services as specified within their IEP.

- To increase the amount of services students receive to meet the frequency and duration of sessions prescribed within their IEPs.
- Overall, the District must increase the percentage of students with evidence of service provision to 93%. The District must also show that 85% of these students received the total number of sessions and for the complete duration of time as specified.

**Progress to Date:**

Evidence of Service Provision Estimates:

	Population without SLD	SLD Only
2012-13	98.1%	97.7%
2011-12	94.1%	94.5%
2010-11	94.5%	90.8%

- The percentage of students (excluding SLD) with evidence of service provision for at least one session during the eight-week period exceeds the 93% target for the past five years.
- The percentage of students with SLD with evidence of service provision for at least one session during the eight-week period exceeds the 93% target for the past two years.

Evidence of Frequency and Duration Estimates:

	Frequency	Duration
2012-13	86.0%	71.4%
2011-12	83.5%	70.2%
2010-11	81.8%	68.9%

- The target was met during the 2012-13 school year for students who received all of the sessions (frequency) for an eight-week period as prescribed in their IEP.
- Evidence of students receiving the complete time as specified within their IEP continues to be well below the 85% target. While slight increases have been noted during the past three years, it is unlikely the District will meet this target in the near future with the current structure of the outcome.
- Examination of 2012-13 data to understand areas of low performance for meeting the frequency requirement demonstrate the following:
  - ◆ By Service – School Mental Health (78%), OT (77%), DHH (81%) and Speech and Language (82%) are the service types well below the target. All other services are meeting or exceeding the target.

- Examination of 2012-13 data to understand areas of low performance for meeting the duration requirement demonstrate the following:
  - ◆ By Service – Non-Public Agency (43%), School Mental Health (72%), Speech and Language (72%), OT (72%), RSP (69%), Preschool (76%) and APE (77%) are the service types well below the target. All other services are at or above 80%.
- Additional analyses of cases not meeting frequency and duration showed that:
  - ◆ Of the cases that did not meet the frequency target, 53% were missing only one session.
  - ◆ Of the cases that did not meet the duration target, 42% were missing service time equivalent to one session.
  - ◆ 76.3% of the sample received at least 90% of their total prescribed minutes.
  - ◆ 83.8% of the sample received at least 85% of their total prescribed minutes.

### **Problems Identified with Current Structure of the Outcome:**

- To receive credit for meeting the frequency and duration targets, the outcome only includes those students who received 98%-100% of their prescribed service for each frequency and duration. This means that if a student receives 96% of all of his or her prescribed minutes, he or she is considered as not having met the duration requirement. Similarly, if a student receives seven out of eight sessions, he or she is considered as not having met the frequency requirement.
- The frequency and duration measures of this outcome are interconnected and may negatively impact the ability to meet these targets. For example, a student may not meet the frequency target due to a missed session; however, the provider may have given additional time during another session to cover the minutes prescribed for that week or month. In other instances, a session that was missed, such as RSP, may be difficult to make up and therefore the duration will not be met.
- This outcome is limited to only an eight-week period, and contains many excusable reasons for missing a target which may result in an overestimate of service delivery. Similarly, it does not capture months where students may have received service time beyond their prescribed minutes.
- Many services are delivered in a flexible format, such as flexibility in frequency or the delivery model. This, coupled with the dynamic nature of schools, creates challenges in measuring progress.
- The District's varying school schedules, including different tracks, various vacation or non-school days (mainly for charters) and block schedules make obtaining precise measure of service delivery a challenge.
- The outcome is limited only to evidence of those services delivered, and does not measure whether services are made up or if personnel were held accountable for non-compliance.

### **New Areas to Explore or Potential Alternatives to Measuring Progress:**

- Consider lowering the duration target of the current outcome. Considering that 76.3% of the sample received at least 90% of their total prescribed minutes, and 83.8% of the sample received at least 85% of their total prescribed minutes, a new target could focus on students who meet a majority of their services within the eight-week timeframe.

Consider the three targets of Outcome 13 met upon the completion of one or more of the following:

- Identify schools which do not have a special education teacher and/or related service provider (due to leave or shortage of personnel). For these schools, personnel should be hired or contracted within a reasonable period of time, and parents should be notified of noncompliance and offered compensatory services. Staffing reports will be provided to the parties and Office of the Independent Monitor (OIM) on a monthly basis.
- Examine and establish caseloads based on work load to ensure that providers have sufficient time to fulfill all duties without compromising service delivery.
- Provide analysis and plan for improving service delivery by the following service providers: RSP, school mental health, speech and language, occupational therapy and NPAs. This plan should include for each service the nature of the problem or reason why services are being under-delivered; staffing recommendations, including additional provider support and/or accountability measures for failure to provide services; a timeline for implementing a remedy; a copy of the notification to parents of noncompliance; and an offer of compensatory services.
- Provide access to the Welligent system to all providers including non-District employees (contractors, BII's) and substitute teachers/providers.
- Provide access to parents to view service logs within the parent portal of MiSIS. For parents cannot access MiSIS, service logs should be provided within five school days upon request.
- Create a monthly report for parents within Welligent showing the level of service provision received.