

**Alaska Part B 2009 Verification Visit Letter
Enclosure**

I. General Supervision System

Critical Element 1: Identification of Noncompliance

Does the State have a general supervision system that is reasonably designed to identify noncompliance in a timely manner using its different components?

Verification Visit Details and Analysis

The Alaska Department of Education and Early Development (AKEED) identifies noncompliance using components of its general supervision system, including an on-site monitoring system, dispute resolution, and comprehensive district reporting. The comprehensive district reporting component includes a review of student level data and an administrative review of local educational agency's (LEA) policies and procedures and data provided in the State Performance Plan/Annual Performance Report (SPP/APR). The State reported, and OSEP reviewed documents that indicate, that both individual child-specific and systemic findings are made.

AKEED staff review a sample of student level data during the on-site monitoring reviews in the areas of confidentiality, referral/evaluation, eligibility process, IEP process, behavior, discipline, transition, and exiting. Depending upon the size of the LEA, the number of files reviewed by State staff during an on-site monitoring visit ranges from 10 to 50 files. These files are selected from various categories, including disability, ethnicity, grade level and school. For student file reviews, a finding is issued for each instance of noncompliance identified in these areas.

On-site monitoring visits are based on an established cycle for the 54 school districts in the State. AKEED has a five-year on-site monitoring cycle for small school districts. On-site monitoring takes place annually for the State's five largest districts. Individual Access databases are used to record, measure, and compare data collected during on-site monitoring activities. The Access database used in monitoring computes and assigns a percentage score to the LEA for both the administrative and student reviews that are completed (See GS 2 for a further description). As part of the regular on-site monitoring process, if the data indicate low performance, the SEA also conducts additional monitoring that focuses on specific issues that the SEA determines may be a problem.

LEAs that are selected for on-site monitoring also complete an administrative monitoring review in the areas of child find, placement, interagency agreements, procedural safeguards, confidentiality, personnel, and discipline policies and procedures. For administrative reviews, the SEA issues a written finding for each administrative policy or procedure that the SEA has identified as needing to be revised or created. The areas contained in both the student level data review and the administrative monitoring review comprise the priority areas listed in IDEA as well as other State and Federal related requirements that focus on compliance and on improving educational results and functional outcomes for children with disabilities. For example, the State reported that for the FFY 2007 APR (Indicator 15), additional findings were made that included LRE and confidentiality requirements.

AKEED also collects data annually from each district for APR Indicators 11, 12 and 13 via an Excel worksheet which is called the Supplemental Workbook. In the fall, each LEA submits the raw data in the Supplemental Workbook which is compiled into the statewide data for each of these indicators. If data demonstrate noncompliance, the SEA issues written findings.

Feedback received from the Stone Soup Group, home to Alaska's Parent Training and Information Center (PTI), indicated that the diversity of cultures and languages, challenging geographic profile and harsh climate conditions frequently combine to make the delivery of education-related services problematic. Despite these challenges that affect the scheduling of monitoring visits, along with a small number of staff that participate in on-site monitoring, AKEED completes its on-site monitoring visits consistent with the schedule described previously. During the verification visit, OSEP staff reviewed documents as evidence of the State's general supervision system, including relevant portions of the Alaska State Special Education Handbook, administrative and student monitoring standards, the Supplemental Workbook, draft and final monitoring reports and letters, and summary reports of data.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP believes the State has a general supervision system that is reasonably designed to identify noncompliance in a timely manner using its different components. OSEP, cannot, however, without collecting data at the local level, determine whether the State's procedures are fully effective in identifying noncompliance in a timely manner.

Required Action/Next Steps

No action is required.

Critical Element 2: Correction of Noncompliance

Does the State have a general supervision system that is reasonable designed to ensure correction of identified noncompliance in a timely manner?

Verification Visit Details and Analysis

The Part B regulations in 34 CFR §300.600(e) require that, in exercising its monitoring responsibilities under 34 CFR §300.600(d), the State must ensure that when it identifies noncompliance with the requirements of Part B by LEAs, the noncompliance is corrected as soon as possible, and in no case later than one year after the State's identification of the noncompliance. As explained in OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02), and previously noted in OSEP's monitoring reports and verification letters, in order to demonstrate that previously identified noncompliance has been corrected, a State must verify that each LEA with noncompliance is: (1) correctly implementing the specific regulatory requirements; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.

AKEED accounts for all (100%) instances of noncompliance that it identifies based on data provided in its APR, including data on Indicators 11, 12 and 13 submitted through the State's Supplemental Workbook, information obtained through on-site monitoring visits and dispute resolution data. During OSEP's visit, AKEED staff explained that

correction of noncompliance, including child-specific noncompliance, occurs as soon as possible, but no later than one year from written notification to the LEA of the noncompliance, consistent with 34 CFR §300.600(e). In order to ensure that LEAs meet the one-year deadline for correction, the State requires that corrective actions be submitted to AKEED within 3-6 months of notification of the written finding.

AKEED has established varying requirements for correction, based on the level of noncompliance. If the LEA fails to correct the noncompliance within one year of identification, the district's local determination is impacted and sanctions, such as identifying the district as high risk and/or directing the use of funds may be imposed (see GS 5).

- For 90% to 99% compliance, the LEA is required to submit updated data that show correction of any individual, child-specific violations as well as 100% compliance with AKEED's monitoring standards. For example, as evidence of verification of correction of a defect in IEP content, the LEA must submit evidence to AKEED showing that all IEPs that were identified as noncompliant have been corrected. AKEED reviews these IEPs, as well as additional IEPs, to ensure that the LEA is now meeting legal requirement(s) under IDEA and/or State requirements. The method that the State uses to select additional IEPs depends upon the size of the LEA. At a minimum, the LEA must submit the next two IEPs completed following the date of the AKEED final monitoring report. For larger LEAs, the State selects IEPs using factors, such as specific grades, disabilities, schools, and/or case managers. For smaller districts, the State reviews 100% of the IEPs completed.
- For 75% to 90% compliance, the LEA is required to implement a Plan of Improvement (POI) that includes teacher/staff training relating to the specific legal requirement(s) under IDEA and/or State requirement(s) deemed to be out of compliance and to submit data collected following the training (including agendas, sign-in sheets, and evaluations of the trainings) that demonstrate 100% compliance, as well as correction of all individual, child-specific violations. For example, for evidence required for verification of correction of the eligibility process, the State requires the LEA to submit the next two student files with the Eligibility Summary Evaluation Report completed following the date of the State's final monitoring report and evidence that any child who was not evaluated correctly either was evaluated, though late, or was reevaluated correctly. AKEED reviews the Eligibility Summary Evaluation Report as well as a sample of additional Eligibility Reports to ensure that the legal requirement(s) under IDEA and/or the State are met. The method that the State uses to select additional Eligibility Reports depends upon the size of the LEA.
- For any category in which an LEA scores below 75%, AKEED requires the LEA to conduct a root cause analysis, develop improvement strategies based on that analysis, conduct teacher/staff training on the specific legal requirement(s) under IDEA and/or Alaska requirement(s) deemed to be out of compliance, and submit data collected following the implementation of the strategies that show 100% compliance, as well as evidence of correction of any individual, child-specific violations. For example, for evidence required for verification of correction of

transition plans, the LEA must submit secondary transition plans that meet the legal requirements for all applicable students, including those students whose IEPs were identified as noncompliant.

- In the unusual situation where an LEA does not have updated data in the noncompliant category to provide as evidence for verification of correction at the end of the correction period (e.g., a small LEA that had been identified with noncompliance with evaluation requirements had no child referred for an evaluation during the correction period), AKEED closes the correction based on a review of relevant documents including policies, procedures, and guidance materials that indicate that the LEA has resolved the problem that led to noncompliance, and corrected the individual, child-specific issue.

During OSEP's verification visit, AKEED described and provided OSEP with documents that demonstrated verification of the implementation of the above-mentioned strategies and criteria developed for correcting noncompliance, including correction and verification of instances of individual student files and systemic noncompliance. OSEP also reviewed examples of documents from several districts addressing correction of identified noncompliance in a timely manner, including the Supplemental Workbook Findings, Plans of Improvement and close-out letters indicating completion of all corrective actions.

OSEP also reviewed the Alaska State Special Education Handbook (Part VII, Section 5) that explains when and under what conditions the State uses enforcement actions and sanctions if an LEA cannot demonstrate correction in a timely manner. These actions are tied to the State's determination process (See GS 5 for a description of this process). Alaska has not imposed enforcement actions on any LEAs since 1997.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP believes the State has demonstrated that it has a general supervision system that is reasonably designed to ensure correction of identified noncompliance in a timely manner. OSEP cannot, however, without also collecting data at the local level, determine whether the State's procedures are fully effective in ensuring correction of identified noncompliance in a timely manner.

Required Actions/Next Steps

No action is required.

Critical Element 3: Dispute Resolution

Does the State have procedures and practices that are reasonably designed to implement the dispute resolution requirements of IDEA?

Verification Visit Details and Analysis

OSEP conducted interviews with AKEED staff and reviewed documentation related to each component of the State's dispute resolution system, including State complaints, due process hearings, mediation and the resolution process. Specifically, OSEP reviewed sections in the Alaska State Special Education Handbook and the State's website containing the State's policies and procedures for each component of the State's dispute

resolution systems. OSEP also reviewed Excel summaries for due process hearings, State complaints and mediation, each of which is posted on the State's website. Additionally, OSEP reviewed a sample of final decisions and orders for due process hearings and complaints.

The State informed OSEP staff that it monitors for implementation of resolution agreements, findings from State complaint investigations and due process hearings. Any violations of IDEA or State statute found through the dispute resolution process results in a finding of noncompliance. LEAs are notified of any noncompliance identified through dispute resolution when the final report is issued, or subsequent to the hearing decision, as applicable. As with all findings of noncompliance, AKEED requires that these findings be corrected within one year of identification.

With respect to the State's due process hearing system, OSEP examined the State's due process hearing logs and a sample of due process hearing files. For the 2008-09 school year, the summary log for due process hearings indicated that, of the 24 requests for due process hearings, five were pending and seven were fully adjudicated. Those remaining were dismissed, withdrawn by the parent, or resolved through a resolution agreement. AKEED staff acknowledged that hearing officers extended timelines during the 2007-2008 and 2008-2009 school years for reasons other than at the request of either party. During this time period (school years 2007-2008 and 2008-2009), of the 14 fully adjudicated hearings, five timelines were extended in a manner that was not consistent with 34 CFR §300.515(a) and (c). During the verification visit, OSEP reminded the State that the correct calculations for these data must be submitted in the APR due February 1, 2010.

The Part B regulations at 34 CFR §300.515(c) require that a hearing officer may grant specific extensions of time beyond the 45-day timeline at the request of either party. Pursuant to these requirements, when extending the timeline, a hearing officer must specify either the length of the extension or the new date by which the decision must be mailed to both parties. AKEED reported on steps taken to address this issue. Specifically, in September 2009, a legal expert in special education conducted training for hearing officers, complaint investigators and mediators. The agenda included a session and handout materials on the timeline requirements for the completion of due process hearings, including the 45-day timeline requirement as well as the conditions for properly extended timelines. As an additional measure to ensure that these requirements are properly implemented, during the verification visit, AKEED staff discussed its plan to issue a memo to all LEAs, hearing officers, parent advocacy groups and other interested parties reminding them of the applicable timeline, and the requirement to extend those timelines only for a specific period of time at the request of a party.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP determined the State has not demonstrated that it has procedures and practices that are reasonably designed to implement all of the dispute resolution requirements of IDEA. Specifically, OSEP finds that the State failed to demonstrate compliance with requirements for granting specific extensions of the 45-day timeline for issuing final decisions in due process hearings (34 CFR §300.515(a) and (c)).

Required Actions/Next Steps

Within 60 days of the date of this letter, the State must provide:

- a) Documentation that the State ensures compliance with the requirement that hearing officers grant specific extensions of the 45-day timeline for issuing final decisions in due process hearings at the request of a party that specifies either the length of the extension or the new date by which the hearing officer must mail the decision to the parties; and
- b) A copy of the memo to be issued to all hearing officers, LEAs, parent advocacy groups and other interested parties advising them of the Part B regulations at 34 CFR §300.515(c) that require that a hearing officer may only grant specific extensions of time beyond the 45-day timeline at the request of either party.

In addition, the State must ensure that for data reported for Indicator 17 in any APR, filed after the date of this letter, the State counts a due process hearing decision as reached within an extended timeline only if there is documentation showing: (1) that the hearing officer granted a specific extension of the 45-day timeline at the request of a party; and (2) either the length of the extension or the new date by which the decision must be reached and mailed to the parties is clear.

Critical Element 4: Improving Educational Results

Does the State have procedures and practices that are reasonably designed to improve educational results and functional outcomes for all children with disabilities?

During interviews with AKEED staff and through documentation available on the State's website, OSEP learned of the State's efforts to improve the educational results and functional outcomes for children with disabilities. Stakeholders in Alaska are actively involved in these efforts. The Governor's Council on Disabilities and Special Education serves as the Special Education Advisory Panel (SEAP). Both SEAP and the PTI submitted comments to OSEP about the State's special education system and participated at each session of the verification visit. AKEED regularly meets with stakeholders, including LEAs, SEAP and the PTI as well as other State agencies, as needed, to assist in evaluating improvement activities in the SPP/APR and recommending more effective strategies to improve results and outcomes for students with disabilities. OSEP reviewed agenda items from recent stakeholder meetings as examples of how stakeholders are involved in this process.

In addition to the SPP/APR as a key mechanism for improvement, AKEED uses the determination process by including Student Systems Results as one of the State's determination criteria. Each LEA is evaluated on whether it meets the State targets on three of the five student and systems results SPP/APR indicators. These include: 1- graduation rate; 2 - dropout rate, 3B - participation rate on statewide assessments, 5A - LRE for 6-21 year olds; and 6A - LRE for 3-5 year olds. (See GS 5 for a further description of the State's determination process).

AKEED has numerous professional development activities and academic support programs available to accomplish its goals to improve the State's performance on graduation, dropout and post-secondary outcomes. Alaska's Educational Resource Center called (SERRC) administers many of these activities through grants and contracts. In addition, it provides direct student services, school and district support services, and community services in both rural and urban communities throughout the State.

State staff reported that improving the graduation rate is a statewide priority. During the 2008 Alaska Statewide Education Summit, the Summit participants developed the Alaska Education Plan. This is Alaska's blueprint for public education and is intended to provide the basis for accountability to the public. As an initial step toward reaching its goal of improving the graduation rate, the State convened a broad stakeholder group, consisting of educators, businesses, native corporations, and legislators. This group organized a statewide public relations campaign named "Raising a Graduate is Everybody's Business."

Other efforts directed at improving student performance include the Statewide System of Support that began through a legislative initiative. This system includes developing strategies to help schools by providing coaches and content support specialists to improve areas of student need.

Several personnel development activities aimed at improving student outcomes were initially funded by OSEP under Part D of IDEA. The Alaska Transition Outcome Projects (ATOP) began with State Implementation Grant funds in 2000 and is now supported by the Alaska Mental Health Trust. This project conducts week long academic learning camps for both students and educators and focuses on skills and techniques to assist students to transition from school to adulthood. The Alaska Mentor Projects provide mentor services to first and second year teachers throughout the State and is currently in its last year of the State Personnel Development Grant. As part of the mentor program, the State developed web-based, interactive training courses to assist educators in complying with State and Federal laws, including IDEA.

Alaska has continued to shift toward more inclusive classrooms. State staff reported that on-site monitoring activities promote inclusive settings and most districts no longer have self-contained classrooms. In addition, as evidenced by data in the APR, many students served in out-of-State placements have transitioned back to their home district in Alaska for services. Preschoolers can receive services in school district preschools, Head Start, private preschools or childcare facilities.

OSEP learned that AKEED has devoted considerable resources to activities that focus on improving preschool outcomes. This past spring, the Alaska Legislature approved the State's request for \$2 million for a voluntary pilot preschool program that will serve up to 500 children statewide, including children with disabilities, in school district-operated preschools for 4 and 5 years olds who are too young to enter kindergarten. Another initiative directed at the preschool population includes funding for six pilot preschool programs allowing school districts to create programs that incorporate the Early Learning Guidelines (developed through a General Supervision Enhancement Grant (GSEG) initially funded by OSEP) in ways that are tailored to their communities. Aside from operating preschools, grantees will offer support to parents who care for young children

at home. AKEED also developed an on-line e-Learning module on Early Childhood Outcomes that includes assistance for reporting outcomes using the Child Outcomes Summary Form and collecting other data for Indicator 7 of the APR.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP believes the State has procedures and practices that are reasonably designed to improve educational results and functional outcomes for all children with disabilities.

Required Actions/Next Steps

No further action is required.

Critical Element 5: Implementation of Grant Assurances

Does the State have procedures and practices that are reasonably designed to implement selected grant assurances (i.e., monitoring and enforcement, significant disproportionality, private schools, CEIS, NIMAS and assessment)?

Verification Visit Details and Analysis

Public Reporting

As a part of its monitoring and enforcement responsibilities under section 616 of the IDEA and 34 CFR §§300.600(a) and 300.602, each State must: (1) annually report to the public on the performance of each LEA against the State's SPP targets; and (2) make an annual determination for each LEA. Alaska meets the public reporting requirement by publishing a district profile for each LEA on the SEA's website, in which the State reports the LEA's performance against targets in the State's SPP. The State also provides this information to districts individually and in AKEED's public newsletter. For the past three years, Alaska has provided this information within 60 days following submission of its APR.

Determinations

In consultation with a broad range of stakeholders, AKEED developed criteria for making local determinations in conformance with the requirements under section 616 of IDEA and 34 CFR §§300.603 and 300.604. The criteria are: 1) Audit findings; 2) Timely correction of identified noncompliance; 3) Timely and accurate data; 4) Procedural compliance indicators; and 5) Student system results indicators. Additionally, AKEED developed a local determination rubric that explains the monitoring, technical assistance, and improvement activities for the four determination categories (meets requirement, needs assistance, needs intervention, needs substantial intervention) that LEAs receive each year. The rubric provides incentives and/or sanctions for each category that are consistent with 34 CFR §300.604 as well as the Alaska Administrative Code 4 AAC 52.700. The rubric also describes a range of activities available including a letter of recognition as an incentive and additional monitoring and directed use of funds as sanctions. Alaska makes preliminary determinations May through June. Final determinations are released to the LEAs in August. LEA determinations are not publicly posted. During OSEP's visit, AKEED staff gave a detailed presentation about its determination process and directors from several LEAs representing different

determination categories described how their district addressed the activities required by the specific determination their district received. All LEAs receive a letter with their determination status, a determination rubric that describes the incentives or enforcement actions for each determination level, and the district profile. OSEP reviewed examples of these determination letters for each of four determination categories and also reviewed the Alaska State Special Education Handbook (Part XII, Section 5) that contains procedures and criteria for making LEA determinations.

Significant Disproportionality and Coordinated Early Intervening Services (CEIS)

The State collects and examines data on an annual basis to determine if significant disproportionality based on race and ethnicity is occurring according to the State criteria. AKEED conducts an annual risk ratio analysis of data to determine disproportionality by race and ethnicity in the following areas: identification of students for special education and related services, identification of students in specific disability categories, placement of students with disabilities in education settings, and discipline of students with disabilities. If the risk ratio for any of these areas is equal or higher than 5.0, the school district will be considered to have significant disproportionality. AKEED reported that, currently, there are no LEAs in Alaska that meet the State criteria for being identified as significantly disproportionate and no LEAs have volunteered to use funds for CEIS.

OSEP recognizes that States have discretion in defining significant disproportionality and may consider a risk ratio of 5.0 annually. However, OSEP is concerned that AKEED's definition of significant disproportionality sets the bar too high and makes it likely that no LEAs will be identified with significant disproportionality. In fact, AKEED has not identified significant disproportionality in any LEAs for the last two years using this definition. The Data Accountability Center (DAC) has a guidance document entitled "Methods for Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide" (July 2007), on methods for assessing disproportionality at <https://www.ideadata.org/Products.asp>. We suggest that AKEED review the guidance and/or seek DAC's assistance to determine if it can develop a statistically sound definition of significant disproportionality based on numerical analysis of data that encourages LEAs to address the racial or ethnic significant disproportionality in special education that they face.

Private Schools

AKEED staff reported on the methods it uses to ensure that LEAs are spending a proportionate amount of Federal Part B funds on providing special education and related services for parentally-placed private school children with disabilities in accordance with 34 CFR §300.133(a). LEAs are required to sign an assurance regarding equitable services to parentally-placed private school children with disabilities in the LEA application for IDEA funds. The State also monitors each LEA's implementation of these requirements during its on-site monitoring visits. OSEP reviewed the Alaska State Special Education Handbook (Part IV, Section 20 and Part IX, Section 4) that contains the State's policies and procedures providing special education and related services to this population.

NIMAS

The State has adopted the National Instructional Materials Accessibility Standard (NIMAS). The State indicated that it has opted not to participate with the National Instructional Materials Access Center (NIMAC); however, any party may search and coordinate materials with NIMAC. LEAs must provide a statement of assurance in the LEA application indicating acceptance of the NIMAS requirements or submit a statement of assurance with a copy of the district's special education policies and procedures. A statement of assurance of compliance with NIMAC requirements is also required on LEA purchase orders. AKEED has contracted with the Special Education Service Agency (SESA) to assist districts in acquiring NIMAS compliant materials.

Assessments

The State monitors to ensure that LEAs comply with Part B requirements for statewide assessments in accordance with 34 CFR §300.160. Based on interviews with AKEED staff and a review of documents, OSEP learned how the State monitors the statewide assessment process. State staff reported that, for all districts, enrollment files are compared against student testing files. For those students who are in the enrollment files but do not take the statewide assessments, a determination is made as to whether or not the reasons for not taking the test are acceptable. AKEED also monitors districts to ensure that accommodations identified on the IEP are used during assessments. Additionally, the State includes assessment participation rates as one of the indicators for making LEA determinations.

During the verification visit, State staff reported on its efforts to use its assessment process to drive improvement. For example, a program called the School and District Improvement Program is designed to assist schools and districts to improve and increase student and school performance. The State also provided agendas of conferences and workshops it conducted recently as examples of further guidance to assist districts with the development of district improvement plans and best practices for Response to Intervention (RTI).

OSEP Conclusions

Based on the review of documents, analysis of data and interviews with State personnel, OSEP believes the State has demonstrated it has procedures and practices that are reasonably designed to implement selected grant assurances (i.e., monitoring and enforcement, significant disproportionality, private schools, CEIS, NIMAS and assessment). OSEP cannot, however, without also collecting data at the State and local levels, determine whether these procedures and practices are sufficient to ensure that LEAs in the State effectively implement these selected grant assurances. OSEP recommends that AKEED collaborate with OSEP's regional resource centers and the DAC in order to identify the feasibility of using alternative methods to lower the risk ratio to accurately identify significant disproportionality within the State.

Required Actions/Next Steps

No further action is required. However, as noted above, OSEP recommends that AKEED reexamine its method of identifying significant disproportionality.

II. Data System

Critical Element 1: Collection and Reporting Valid and Reliable Data

Does the State have a data system that is reasonably designed to collect and report valid and reliable data and information to the Department and the public in a timely manner?

Verification Visit Details and Analysis

During the verification visit, the State reported that data are gathered through multiple data sources to collect and report valid and reliable data and information to the Department and the public in a timely manner. The Assessment and Accountability Unit within AKEED analyzes data collections for sections 618 and 616 of IDEA.

For section 618 data, a website is maintained that lists all data collections with the due dates. Child count, student educational environment data (including preschool) and special education exit data are collected through the On-Line Alaska School Information System (OASIS) data collection. OASIS is a student level enrollment data collection for all students attending a public school in Alaska. Each student is assigned an individual student identification number. This number enables the department to better analyze student information, make more accurate reports of school and student performance and make informed policy decisions.

Other section 618 data collections include data for a variety of areas, including discipline, personnel, assessment and disproportionality. Discipline data are collected through an on-line Suspensions, Expulsions and Truancies database. This collection is ongoing through the reporting year and is also used to report data for Safe and Drug Free Schools.

Personnel data are collected through two other collections that come to the State in Excel spreadsheets and are then imported into Access databases. The State is currently building an on-line data submission portal for both of these data collections and expects to make their use mandatory after piloting them next fall.

The State receives assessment data for regular assessments and alternate assessments from two assessment vendors. In addition to the actual assessment data, the State collects enrollment data that is used in conjunction with the assessment data to calculate participation rates and obtain current demographic data on each student for assignment to Annual Yearly Performance (AYP) subgroups and assessment reporting. Finally, for reporting disproportionality results through the SPP/APR, the State uses race/ethnicity, disability and overall enrollment data from the fall OASIS data collection.

AKEED staff described various methods to ensure that section 618 data is submitted in a timely manner. For example, due dates are set at least two months prior to due dates established by OSEP. As the due date approaches, State staff have has frequent contact with the LEAs until the data is submitted.

The State also reported on the process it uses to ensure that data are valid and reliable. For all the student level data collections, AKEED cross checks information to ensure that the data is assigned to the correct student. AKEED also queries to confirm that only valid values are used in each field, that all schools reporting students were open during the reporting year and that the students are in the appropriate grades for each school. AKEED also has collection-specific edits in each data collection to confirm that related

fields are addressed appropriately. LEAs are contacted to explain or correct outliers or questionable trends.

The State collects data for Indicators 11, 12, and 13 through an Excel workbook known as the Special Education Supplemental Workbook. For each indicator, a census collection is conducted at the student level. As with the data collections for section 618, each of these collections has a series of edit checks applied to the data as well as a year-to-year analysis to check for validity and reliability.

The State provides opportunities for training and technical assistance in a variety of formats to ensure valid, reliable and timely data. These include ongoing technical assistance to LEAs through audio trainings; stakeholder meetings; email and telephone communications; and State conferences, such as the annual Special Education Director's Meeting. Technical assistance has included training on basic software functionality to more complex questions, such as how to report specific students who fall outside the normal reporting protocols.

When asked about the barriers that impede the State's ability to collect timely, valid and reliable data, State staff mentioned the remote rural nature and large geographic area of the State. In many cases, schools within the LEA can only access each other by bush plane, boat, or small land vehicles. These conditions lead to LEAs operating with limited personnel, often with limited data expertise and high staff turnover. To address these barriers, State staff identified the need for an Information Technology (IT) programmer, particularly with regard to assisting with the State's monitoring and improvement activities as described in GS 1 & 2. Creating such a position would allow AKEED to conduct off-site verification of correction of previously identified noncompliance, help identify trends over time resulting in an impact on the improvement activities, and streamline the data collection process. In addition, this individual would be able to track national data requirements allowing the program to adjust to collecting data without interrupting current collections.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State personnel, OSEP concludes that the State has procedures that are reasonably designed to collect and report valid and reliable data and information to the Department and the public in a timely manner. OSEP cannot, however, without conducting a review of data collection and reporting policies at the local level, determine whether all public agencies in the State implement the State's data collection and reporting procedures in a manner that reflects actual practice and performance.

Required Actions/Next Steps

No action is required.

Critical Element 2: Data Reflect Actual Practice and Performance

Does the State have procedures that are reasonably designed to verify that the data collected and reported reflect actual practice and performance?

Verification Visit Details and Analysis

The State ensures that the data it collects and reports reflect actual practice through a series of checks and balances and training of personnel at all levels. Following submission of the required data, AKEED conducts a variety of edit checks and year-to-year comparisons at the State and local level. These edit checks are completed for both basic level data, such as student identification and birthdays, as well as for outliers and questionable trends. AKEED also verifies the data accuracy by comparing data between each of its data collections, including the Special Education Supplemental Workbook, OASIS, and on-site monitoring.

The State reported that it corroborates the data submitted by the LEAs through a variety of documents, including the Annual Federal Fund Application, the district Special Education Data Profiles, district public reporting of data and the Alaska State Special Education Handbook. LEAs are required to sign an assurance that they are following the guidance on timely and accurate data submissions as described in the Handbook. While on-site, OSEP reviewed a sample of each of these documents.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State personnel, OSEP concludes that the State has procedures that are reasonably designed to verify that the data collected and reported reflect actual practice and performance. OSEP cannot, however, without conducting a review of data collection and reporting policies at the local level, determine whether all public agencies in the State implement the State's data collection and reporting procedures in a manner that reflects actual practice and performance.

Required Actions/Next Steps

No action is required.

Critical Element 3: Integrating Data Across Systems to Improve Compliance and Results

Does the State compile and integrate data across systems and use the data to inform and focus its improvement activities?

AKEED reported that all of the components of the State's general supervisory system are designed to work together to efficiently collect, examine, evaluate and report data to ensure that IDEA is effectively implemented. Toward this end, AKEED uses the SPP/APR as the primary management tool for improvement and evaluation of the State's efforts to achieve and sustain compliance and improve performance for children with disabilities.

As reported in GS 4, the State's improvement planning process is embedded in the determination process. Specifically, Student Systems Results, as reported through data for Indicators 1, 2, 3B, 5A, and 6, are used as criteria in the determination process that focuses on improved results. Data from Indicators 11, 12, and 13, are also used to report compliance. As part of the determination process, meetings are held with LEAs that are low performing, to assist them in using their data for improvement. During OSEP's verification visit, State staff and LEA representatives described this process as including

a review of the LEA's procedures, policies and practices and the specific indicator data for which it is low performing.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP believes the State compiles and integrates data across systems and uses the data to inform and focus its improvement activities.

Required Actions/Next Steps

No action is required.

II. Fiscal System

Critical Element 1: Fiscal Systems: Timely Obligation and Liquidation of Funds

Does the State have procedures that are reasonably designed to ensure the timely obligation and liquidation of IDEA funds?

During interviews with staff from the State's finance office and the Division of Education Support Services (DSS), the State reported on its finance system and procedures to ensure timely expenditures and liquidation of IDEA funds. Every year DSS sets up each Federal grant in the Alaska State Accounting System (AKSAS). Each grant award is given a separate project number. A ledger code for each component of the grant is also established. Each ledger code is tied to a specific collocation code, which is then tied to an appropriation. These different levels of reporting allow the department to easily obtain information from AKSAS in multiple functions based on the information requested.

After AKEED approves the LEA's grant application, AKEED sends the LEA its grant award document. These grant award documents are then used to encumber the funds into AKSAS. The LEAs are required to submit quarterly requests for reimbursement on all Federal programs for all quarters, even if the expenditures are zero. This process helps the State to ensure that LEAs are submitting financial reports in a timely manner and allows LEAs to draw down funds against their subgrant. In addition to encumbering subgrants to LEAs, the State also encumbers delivery orders over \$50 and any contracts or reimbursable services agreements. Payroll or other expenditures that occur throughout the year are charged directly to the appropriate ledger code(s) under the grant.

The State closely monitors the obligation and liquidation of Part B funds throughout the year by reviewing weekly and monthly reports generated from AKSAS. These reports show the amount of funds authorized, actual expenditure, encumbered expenditure, and the balances that are not obligated. During the verification visit, State staff described how the process by which reports are closely reviewed enables DSS and the Grants Administrator to ensure that all Part B funds are obligated and liquidated within the authorized 27-month timeframe. OSEP confirmed through the U.S. Department of Education's Grants Administration and Payment System (GAPS) that the State has consistently obligated and liquidated IDEA funds in a timely manner

OSEP staff reviewed local project applications, project award notifications, and selected discretionary project applications. These reviews served as examples of how the State ensures the timely obligation and liquidation of funds from the beginning of the grant

process (when the State announces the availability of funds) to the end of the project when the sub-recipients file final fiscal reports.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP believes that the State has procedures that are reasonably designed to ensure the timely obligation and liquidation of IDEA funds. OSEP cannot, however, without collecting data at the State and local levels, determine whether all public agencies in the State implement fiscal procedures to ensure the timely obligation and liquidation of IDEA funds.

Required Actions/Next steps

No action is required.

Critical Element 2: Fiscal Systems: Appropriate Distribution of IDEA funds

Does the State have procedures that are reasonably designed to ensure appropriate distribution of IDEA funds within the State?

The State complies with Federal requirements in calculating subgrant allocations for Part B and the American Recovery and Reinvestment Act of 2009 (ARRA) funds to LEAs and other State agencies. This requires that all entities that receive funds provide assurances regarding maintenance of effort (MOE), supplement not supplant, and other appropriate accounting procedures. OSEP reviewed the Alaska State Special Education Handbook (Part IX, Section 3) that explains the application process and requirements for LEAs to receive Federal funding. The State's Special Education Allocation Policies and Procedures contain the information for calculating Part B allocations, including section 619 allocations to LEAs. The Alaska State Special Education Handbook (Appendix A) explains AKEED's application process requiring LEAs to expend the required proportionate amount for children with disabilities that are placed by their parents in private schools. LEAs are required to have a Memorandum of Agreement (MOA) with private schools. The State reviews the MOA during on-site monitoring and verifies that LEAs expend the required proportionate amount of their section 611 and 619 funds for this population. During the verification visit, OSEP staff discussed this process with AKEED staff and reviewed Appendix A of the Handbook.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP believes that the State has procedures that are reasonably designed to ensure appropriate distribution of funds within the State. OSEP cannot, however, without collecting data at the State and local levels, determine whether all public agencies in the State implement fiscal procedures to ensure appropriate distribution of IDEA funds.

Required Actions/Next steps

No action is required.

Critical Element 3: Appropriate Use of IDEA Funds

Does the State have procedures that are reasonably designed to ensure appropriate use of IDEA funds?

AKEED described its procedures to ensure compliance with supplement not supplant requirements, fiscal maintenance of efforts, CEIS, excess costs, significant disproportionality and other related fiscal requirements. OSEP reviewed the Alaska State Special Education Handbook (Preface, Section 4 and Part IX, Section 3, and Appendix A) that provides guidance to all LEAs on all fiscal reporting requirements. Each LEA must annually submit a grant application that includes an assurance and describes its procedures for complying with Federal and State requirements for serving children with disabilities. The State has provided technical assistance to all LEAs on supplement, not supplant requirements, as well as other fiscal requirements through presentations as well as through a review of all LEAs' operating fund budgets on an annual basis.

To ensure that Part B funds are expended appropriately, the Special Education Grants Administrator reviews each ledger code that is established for each component of each grant on a quarterly basis. In addition, as the State receives requests for reimbursement, the Grants Administrator and a Program Manager monitor what gets charged to each code. Furthermore, the Grants Administrator reviews each LEA's quarterly request for reimbursements and required backup documentation. If expenditures are identified that are not allowable or not noted on the backup documentation, a memorandum is sent to the LEA stating that costs were disallowed and their request for reimbursement is reduced by that amount. An LEA is then allowed to submit a revised request for reimbursement for only those funds that were not supported with the proper documentation.

AKEED reported that the Division of School Finance ensures compliance with the IDEA maintenance of effort requirements at both the State and LEA levels. The annual State and local MOE results are forwarded to the Special Education Director and a copy of the results, supporting documentation, and procedures are maintained with the Division of School Finance. For the local level MOE, the Special Education Director reviews the results and LEAs are notified of failure to maintain effort and given an opportunity to provide an explanation for the failure if it is due to one of the allowable exceptions. After the explanations are reviewed and discussed with the LEA, the State sends acceptance or rejection letters. For the State level MOE, the process consists of comparing the amount budgeted in the current grant year to the actual amount expended as documented in the most recent audited financial statements. OSEP's review of the State's fiscal accounting system showed that the State and LEAs maintained effort for the periods of FFY 2007 through 2009.

Under OMB Circular A-133, SEAs are required to conduct an annual Federal single audit. At the SEA level, the State of Alaska, Division of Legislative Audits, annually audits the department's financial data, and conducts an OMB Circular A-133 audit. The Special Education Cluster was last audited at the SEA level in FFY 2008 and there were no audit findings. The State of Alaska also requires all LEAs to submit an annual independent audit to AKEED by November 15th of each year. AKEED has not identified any barriers impeding the ability to exercise fiscal control.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP believes that the State has procedures that are reasonably designed to ensure appropriate use of IDEA funds. OSEP cannot, however, without collecting data at the State and local levels, determine whether all public agencies in the State implement fiscal procedures to ensure the timely obligation and liquidation of IDEA funds.

Required Actions/Next steps

No action is required.