



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Roger Sampson  
Commissioner  
Alaska Department of Education and Early Development  
801 West Tenth Street, Suite 200  
Juneau, Alaska 99801-1894

DEC 30 2003

Dear Commissioner Sampson:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) recent verification visit to Alaska. As indicated in my letter to you of June 18, 2003, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance and improving performance with Parts B and C of the Individuals with Disabilities Education Act. We conducted our visit to Alaska during the week of August 11, 2003.

The purpose of our verification reviews of States is to determine how they use their general supervision, State-reported data collection, and Statewide assessment systems to assess and improve State performance; and to protect child and family rights. The purposes of the verification visits are to: (1) understand how the systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to the Alaska Department of Education and Early Development (AKEED), the OSEP staff met with Art Arnold (the State's Director of Special Education), and members of AKEED's staff who are responsible for the State's general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings), the collection and analysis of State-reported data, and statewide assessment. Prior to the visit, OSEP staff reviewed a number of documents<sup>1</sup>, including the following: (1) Alaska's Part B State Improvement Plan; (2) the State's Biennial Performance Report for grant years 1999-2000 and 2000-2001; (3) AKEED's 2002 Special Education Handbook; (4) Alaska's State Improvement Plan; (5) Alaska's State Improvement Grant (SIG) application; and (6) other information from the State's website. OSEP also conducted a conference call on July 24, 2003, with a number of Alaska's Council on Disabilities members on Special Education, to hear their perspectives on the strengths and weaknesses of the State's systems for general supervision, data collection, and, for Part B, Statewide Assessment. Art Arnold also participated in the call and assisted us by recommending and inviting the participants. During the visit, OSEP staff also reviewed a number of State documents, including: (1) the On-line Alaska School Information System (OASIS) manual; (2) selected AKEED monitoring files for school districts, including monitoring reports and corrective action documents; (3) AKEED tracking logs for complaints, mediation, and due process hearings; and (4) AKEED's 2003 data collection and follow-up notebooks.

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<sup>1</sup> Documents reviewed as part of the verification process were not reviewed for legal sufficiency but rather to inform OSEP's understanding of your State's systems.

The information that Art Arnold and his staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of AKEED's systems for general supervision, data collection and reporting, and statewide assessment.

### ***General Supervision***

In reviewing the State's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (2) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (3) utilizes guidance, technical assistance, follow-up, and—if necessary—sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

OSEP believes that AKEED's systems for general supervision constitute a reasonable approach to the identification and correction of noncompliance; however, OSEP cannot, without also collecting data at the local level, determine whether they are fully effective in identifying and correcting noncompliance.

The AKEED staff informed OSEP that Alaska has designed its general supervision systems with the goal of ensuring both compliance and improved performance for students with disabilities. Currently AKEED's monitoring occurs on a five-year cycle. The schedule is coordinated with other federally funded educational programs, for example, Title I. This coordination reflects AKEED's attempt to respond to concerns expressed by their districts regarding the burden of responding to many different agencies' monitoring visits at different times during the school year. AKEED reviews district's policies and procedures prior to the scheduled on-site visit except in Anchorage, the State's largest district, where a section of the district, and the district's policies and procedures, is monitored every year. In an effort to facilitate districts self-monitoring activities the AKEED provides its districts with the two checklists that the State uses as part of its on-site data collection and encourages the districts to use these tools to self-assess and monitor themselves during the off years of the monitoring cycle.

It was evident from OSEP's interviews with several monitoring staff that while the AKEED monitors are relatively new they are knowledgeable about special education and the monitoring process and work to ensure inter-rater reliability across the monitors. OSEP learned from its interviews with AKEED staff and reviews of AKEED's monitoring tools and monitoring files that AKEED utilizes a student record review process as part of its on-site data collection, with the goal of increasing the focus on student performance, strengthening its review of compliance, and providing its districts with timely technical assistance.

The AKEED has taken steps toward strengthening local partnerships on the local level by providing the LEAs with model memorandums of agreement (MOA). An area of concern

identified by the State's Self-Assessment, by OSEP's review of the documents, and during the course of the interviews with the State staff is the AKEED's difficulty tracking and monitoring children with disabilities in unique placements such as out-of-state facilities. While the AKEED recognized its need to work closer with their State partners on how out-of-state placements are occurring and ensuring the rights and provision of educational services to children with disabilities, and their families there was no information provided to how Alaska intends to establish systems that will ensure that children with disabilities being served in out-of-district and out-of-state placements have individualized education programs that are properly developed and/or implemented. As a result of the verification visit and of OSEP's review of AKEED's Improvement Plan, received by OSEP on June 30, 2003, AKEED must address this area in its Improvement Plan. The plan should include elements such as a review of policies and procedures to ensure consistency and clarity; guidance to the field; training on the correct procedures; and monitoring to verify that the areas of noncompliance have been corrected. The Improvement Plan must provide that the State will, within a reasonable period of time that cannot exceed one year from the date the Improvement Plan is approved, demonstrate to OSEP that it has corrected the noncompliance.

AKEED explained during the interviews with OSEP, that they use a computer-generated formula to ensure that they are obtaining an adequate cross section of students' files. The State staff utilizes data sheets while on-site to tabulate the types of data they are collecting in order to ensure that there are no data gaps that would prevent the State staff from sampling IEPs from the full continuum of placements in the district. On site data collection includes interviews with service providers, administrators, and parents as well as classroom observations. A statistical analysis of the data collected is prepared and a draft report is provided to the district director before the State monitoring team leaves the site; within 30-days a final report is provided to the district.

As documented in AKEED's monitoring materials, and evidenced in its monitoring files, AKEED explained that at the conclusion of their on-site data collection visit they review their findings with the District Director and begin planning strategies to correct areas of need. The materials reviewed by OSEP demonstrate that AKEED ensures that corrective action plans are developed to address any areas of non-compliance. AKEED provides substantial technical assistance to its LEAs to ensure effective correction of noncompliance. AKEED's monitoring files showed that, in most cases, it is successful in ensuring correction of noncompliance within one year or less.

AKEED monitors and tracks the implementation of the LEAs corrective actions. As AKEED staff explained, and confirmed by OSEP's review of monitoring files, AKEED's monitoring reports direct the LEA to submit documentation of correction of child-specific (non-systemic) non-compliance within thirty days from the date of the report, and require documentation of correction of systemic noncompliance within one year. If there is continued noncompliance the district may have monies withheld or sanctions, such as State conservatorship, may be applied. AKEED provided OSEP with documented examples where the State threatened to use its option to take control of a LEA for reasons not limited to, but including special education noncompliance, and established that generally the threat of withholding has been sufficient to secure compliance.

AKEED demonstrated that their complaint resolutions and due process hearings resulted in decisions that meet the timeline requirements of Part B. However, OSEP identified one area of concern regarding the AKEED's complaint procedures. During the interviews with the AKEED staff OSEP learned that the State sub-contracts its complaint investigations. Once the State receives a written complaint they allot 1 to 2 days for a State staff member to obtain clarification from the complainant prior to assigning the complaint to an investigator, once the complaint is assigned the 60-day timeline starts. The State's processes require that the sub-contracted complaint investigator complete the complaint investigation within 45-days, to enable the State sufficient time to ensure that all elements of the complaint were adequately investigated, the extra days for clarification could create a situation where complaint investigations go beyond the 60 day timeline. OSEP reviewed AKEED's complaint logs and found that 99% of the complaints resolved met the 60 day timeline however there were 2 that exceeded the timeline by 2 days. OSEP also learned, through its review of AKEED's due process hearing log and interview with the staff that are responsible for tracking hearing timelines, that decisions on due process hearings are issued within 45 calendar days from AKEED's receipt of the hearing request, unless the hearing officer grants a specific extension of the timeline at the request of a party, consistent with 34 CFR §300.511(a) and (c).

Based on OSEP's interviews and review of documentation it is clear that AKEED has mechanisms in place that could be used to compile and integrate data across their assessment system, complaint and due process system and their monitoring system. AKEED, however, acknowledged that while these systems could support the identification of systemic compliance issues and problems, AKEED has not had the resources necessary to sufficiently analyze and interpret the data from their On-line Student Information System (OASIS) to support data-based decisions.

#### ***Collection of data under section 618 of the IDEA.***

In looking at the State's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; and (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies.

Alaska relies heavily on OASIS, managed by AKEED's data management unit. The system utilizes a unique student identifier code. A staff member of the data management unit is assigned to work with the special education unit to compile their data reports. The assigned staff member from the data management unit demonstrated a thorough understanding of the 618 data collection system. The OASIS system provides a rich source of data however the AKEED special education staff does not have the resources to sufficiently analyze and interpret the data to support data driven decisions. The State staff expressed their need for a designated special education data manager and is currently perusing the use of discretionary funds to support the new position.

LEAs submit 618 data to AKEED electronically. In order to reduce erroneous data the AKEED has contracted with the Alaska School of Business Officials (ALSBO) to apply complex edit checks and a data filters. The AKEED is also working on the implementation of an ORACLE 9 data warehouse. Once this project is completed and it will be populated with historical 618 data to enable the AKEED to use the information to begin looking at trends.

To support the provision of accurate data to the OASIS database the State has posted detailed instructions regarding format, data fields, and the needed information on its State website. Further, the contract with ALSBO includes the provision of training and technical assistance to district staff on how to input accurate data to their local databases, the formats for data submission, and the definitions of the data fields. AKEED staff explained that they are developing a new web-based, electronic individualized education plan program. AKEED stated during its interviews that this new system would enable them to conduct spot checks on student files as well as run reports to anticipate changes in personnel needs, etc.

### ***Statewide Assessment***

In looking at the State's system for Statewide assessment, OSEP collected information regarding a number of elements, including whether the State: (1) establishes procedures for Statewide assessment that meet the participation, alternate assessment, and reporting requirements of Part B, including ensuring the participation of all students, including students with disabilities, and the provision of appropriate accommodations; (2) provides clear guidance and training to public agencies regarding those procedures and requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with those requirements. In order to better understand Alaska's system for Statewide assessment, OSEP also discussed with your staff how the alternate assessment is aligned with grade-appropriate content standards.

AKEED informed OSEP that it has provided extensive training and guidance to LEAs regarding the participation on Statewide assessment, clearly requiring that all children with disabilities participate in each of the regular assessments in which non-disabled children participate, unless the IEP team determines that participation in the regular assessment is not appropriate for a specific student even with appropriate accommodations and administers the alternate assessment. To ensure that all IEP team members are aware of the various tests, the tests' implications, the assessment requirements, and the available accommodations, modifications, and the differences between the two, the State has disseminated a participation guideline that can be used by IEP team members during the IEP process. AKEED's monitoring manual and monitoring files show that AKEED monitors LEAs for compliance with requirements regarding statewide assessment, and provide improvement strategies for LEAs when necessary.

Alaska's grant award for fiscal year 2004 carries a special condition as a result of AKEED's failure to report to the public on the performance of children with disabilities on the regular and alternate assessments with the same frequency and in the same detail as it reports on the performance of nondisabled children. The AKEED must submit documentation demonstrating their ability to meet the reporting requirements by the end of fiscal year 2004.

An alternate assessment is available for students who experience significant disabilities. Currently the alternate assessment is done in a portfolio format. Each of Alaska's alternate performance standards is based on an Alaska alternate content standard. One area of concern OSEP identified is Alaska's failure to develop and pilot its alternate assessment in place for grades 4, 5, 7, and 9 by December 2002 as stated in its September 23, 2002 Plan for Implementing and Reporting Results of the Alternate Assessment. According to the plan the Alternate Assessment for grades 4, 5, 7, and 9 would be field tested during the Fall of 2003. During its interviews with OSEP AKEED staff reported that now that there is a full compliment of State staff they anticipate having the Alternate Assessment piloted by the Spring of 2004 and ready for field-testing by the Fall of 2004.

We appreciate the cooperation and assistance provided by your staff during our visit. As noted above, we request that you keep us informed concerning your progress in ensuring correction in those LEAs with persistent noncompliance findings. We look forward to our continued collaboration with Alaska to support your work to improve results for children with disabilities and their families.

Sincerely,



Stephanie Smith Lee  
Director  
Office of Special Education Programs

cc: Art Arnold, Director of Special Education  
Alaska Department of Education and  
Early Development