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DEPARTMENT OF EDUCATION
SPECIAL EDUCATION OFFICE**

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**Focused Monitoring Report
on Services for Students with Disabilities**

Portales Municipal Schools

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Portales Municipal Schools
Summary of Focused Monitoring Process

Statutory Authority for State Department of Education Monitoring

The Individuals with Disabilities Education Act (IDEA) provides federal funds to assist states in educating children with disabilities and requires each participating state to ensure that school districts and other publicly funded educational agencies in the state comply with the requirements of the IDEA and its implementing regulations.¹ New Mexico state law requires local school districts to provide appropriate special education and related services and requires the State Board of Education (SBE) to establish, monitor and enforce regulations governing special education programs in the New Mexico public schools and in all institutions wholly or partly supported by the state.² The SBE has adopted regulations implementing those requirements.³ The Special Education Office of the State Department of Education (SDE) supervises and conducts the focused monitoring process in furtherance of the state's obligations under the IDEA and New Mexico law.

The Monitoring Team

The SDE authorized the following team of monitors to conduct on-site monitoring in the Portales Municipal Schools from October 15, 2002 to October 18, 2002

Team Leader

Pat Lopez

Team Members

Julia Calbert-Baca

Frank Chiapetti

Belinda Morris

Cecilia Prelo

¹ The IDEA regulations require the state educational agency to ensure that the federal regulatory requirements are carried out statewide and that all educational programs for children with disabilities in the state are under the general supervision of the state educational agency and meet the state's educational standards. 34 CFR Sec. 300.600.

² Section 22-13-5, New Mexico Statutes Annotated, 1978 Compilation (NMSA 1978).

³ The current state special education regulations are codified at Title 6, Chapter 31, Part 2 of the New Mexico Administrative Code (6.31.2 NMAC).

Introduction: Focused Monitoring in New Mexico

Focused monitoring is a new way of determining compliance with federal and state special education laws and regulations while also addressing educational benefit. Focused monitoring emphasizes two major areas of the Individuals with Disabilities Education Act (IDEA) of 1997: access to the general curriculum and improved educational performance for children with disabilities.

While focused monitoring includes some aspects of traditional monitoring of public schools, such as on-site visits, file reviews, interviews with staff members, students and parents and corrective actions to address findings of noncompliance, it differs from traditional monitoring in other important respects:

- Instead of visiting all New Mexico school districts on a rotating basis, focused monitoring uses information from the state Accountability Data System (ADS) to select districts with wide variances from the state averages on key indicators for students with disabilities. These indicators cover the most important compliance issues as well as measurable aspects of educational benefit.
- Monitoring visits and corrective actions focus on the specific processes related to the indicators that put districts on the “visit” list and are aimed at helping districts improve their performance on those indicators.

In 2001, a statewide group of stakeholders identified three key focus areas for New Mexico school districts. The development of the focus areas was guided by the U.S. Department of Education’s January 2000 monitoring report on the State Department of Education’s performance in supervising IDEA compliance by public schools in New Mexico. The focus areas are:

- Identification and evaluation of students with disabilities, emphasizing possible over-identification of students as learning disabled;
- Least restrictive environment, emphasizing inclusion of students with disabilities in regular classes to the maximum extent appropriate with access to the general education curriculum; and
- Performance of students with disabilities on statewide assessments of educational development.

During the 2001-02 school year, 13 districts received on-site focused monitoring visits and some are being asked to implement district improvement plans. Those districts are being followed by the SDE Special Education Office and were not included when selecting districts for those indicators in the 2002-03 school year. In June 2002, the stakeholders met to review the focused monitoring process as implemented in the 2001-02 school year and plan the next steps. The stakeholders identified an additional focus area for which monitoring visits will occur in the 2002-03 school year. The additional indicator identified by the stakeholders was:

- Participation of students with disabilities in the standard administration of statewide assessments.

The methodology and rankings for choosing districts for focused monitoring are explained on the Special Education Office’s web page of the State Department of Education’s web site at www.sde.state.nm.us. Printed copies of the explanations and rankings are available from the Special Education Office at the address on the cover page of this report.

Selection Criteria

The Portales Municipal Schools was selected for focused monitoring during the 2002-03 school year under the following category:

1. *Test Participation Variable*— Data from the statewide achievement test results and the SDE's Accountability Data System 120th day count showed that during the 2000-01 school year, 1.3% of the district's students with disabilities in grades 3-9 participated in the CTBS/TerraNova statewide achievement test under standard administration. The state average for students with disabilities participating in the test under standard administration was 13.2%

Additional Data

Other district data reviewed and analyzed prior to or during the on-site visit included the following:

- District Special Education Funding Report
- Referral Packets for Special Education
- IEP Forms and Directions
- Initial Evaluation Reports
- Student Demographics
- 40th Day Enrollment / Special Education
- District Accountability Report and Individual School Ratings
- District Use of IDEA Funds
- Over/Under Representation— Ethnicity Data for State and District from Accountability Data System
- Student Assistance Team (SAT) Handbook
- District Professional Development Plan
- District Strategic Plan
- 2002 Baldrige Application (Roadrunner)

District Demographic Information

The Portales Municipal Schools includes 3 elementary schools, 2 middle schools, 1 junior high school, 1 high school, and 1 alternative school. The district serves approximately 2714 students including 458 students with disabilities. The ethnic make-up of the district is 48 % Anglo, 48% Hispanic, <2% African American, <1% Native American, and <2% other.

Dates and Sites Visited

- October 14, 2002—Central Office and Steiner Elementary School
- October 15, 2002—Central Office, Special Services Office, and parent meeting
- October 16, 2002—Lindsey Middle School, Portales Junior High School, Portales High School, and Broad Horizons Educational Center
- October 17, 2002—Brown Elementary School, James Elementary School, Valencia Elementary School, Portales High School
- October 18, 2002—Portales High School

Team Strategies, Methods, and Activities On-Site

In conducting the on-site visit, the team carried out the following activities:

- Interviewed 11 parents during a parent focus group meeting
- Interviewed 10 students during a student focus group meeting
- Reviewed 38 student records which included student IEPs, evaluation reports, report cards, and class schedules
- Reviewed 74 high school transcripts for grades 9-12
- Reviewed district professional development activities
- Interviewed one Special Education Director
- Interviewed 40 school site personnel in 8 schools, including regular educators, special educators, and principals
- Interviewed nine parents by telephone
- Observed services being provided to students with disabilities in 15 special education and regular education classrooms

Methodology for Identification of Findings of Noncompliance

The team gathered information from 1) parent and/or student interviews; 2) staff interviews; 3) classroom observations and, 4) record reviews. Record reviews included cumulative student records, SAT information, standardized test scores, ADS reports, and other documentation provided by the district. Systemic noncompliance was established only when corroborating evidence was gathered from at least two of the above-mentioned sources.

The team leader compiled the monitoring team's on-site findings and submitted them for review to the SDE Special Education Office. A draft of this report was prepared by the SDE's focused monitoring team and has been reviewed, revised, and approved by the SDE's Special Education Office and its legal counsel as necessary.

Summary of On-Site Findings

The specific variable that the monitoring team focused on during the visit was the proportion of Portales students with disabilities who participated in the Terra Nova under standard administration. Standard administration is defined as participation in the general assessment, with either no accommodations, or category 1 accommodations. Category 1 accommodations are listed in the SEO's technical assistance document titled Guidance to Individual Education Program (IEP) on Determining Accommodations for Students Participating in State-Mandated Assessments. This document is available through the SDE website at <http://ade.state.nm.us/div/learn.serv/spec.ed/seassissues.html>. The ADS data showed that 1.3% of students with disabilities participated in standard administration compared with the state average of 13.2%. Upon further investigation, the team determined that the actual participation figure was different from what was reported to the ADS. The accurate participation figure was 13%. In addition, the participation data for the 2001-02 school year showed an increase to 16%.

In February of 2003, the Department of Education compiled data on the overall participation of children with disabilities for the 2001-2002 testing. Data from the Portales School District indicated that 93% of the students with disabilities in the district participated in standard, modified, or alternative testing during the 2001-02 school year.

The monitoring team found no significant systemic issues regarding student participation in the statewide achievement testing under standard administration. However, the monitoring team did find areas of professional concern.

ADDITIONAL PROFESSIONAL CONCERNS

Although a formal Improvement Plan is not required, the SDE strongly urges the district to examine the following concerns and take steps to resolve them as appropriate.

- While the district has made improvement in the overall participation of students with disabilities in the assessment system, it is recommended that the district continue to work on the accuracy of data reporting and to increase the number of students with disabilities participating in the assessment system. The SEO is now conducting random data verification visits every year to

assist districts in determining the accuracy of the data reporting. As decisions for serving students with disabilities rely more on data, the accuracy of that data becomes crucial.

- In review of records for students with disabilities who are fourteen or older, the review team found that transition service needs are not consistently addressed. Specifically, concerns were identified regarding the student's course of study or the statement of interagency responsibilities or linkages, if appropriate.
- In 14 of 38 record reviews, special education hours were listed as hours per year and that does not provide clearly defined frequency and duration of services. See U.S. Department of Education's Notice of Interpretation and Letter to Copenhaver below.

34 CFR Sec.300 Appendix A to Part 300—Notice of Interpretation, Question 35, provides in relevant part as follows:

Must the IEP specify the amount of services or may it simply list the services to be provided?

The amount of services to be provided must be stated in the IEP, so that the level of the agency's commitment will be clear to parents and other IEP team members (CFR 34 Sec.300.347 (a)(6)). The amount of time to be committed to each of the various services to be provided must be (1) appropriate to the specific service, and (2) stated in the IEP in a manner **that is clear** to all who are involved in both the development and implementation of the IEP.

The amount of Special education or related service to be provided to a child may be stated in the IEP as a range **only if** the IEP determines that stating the amount of services as range is necessary to meet the unique needs of the child. A range may not be used because of personnel shortages or uncertainty regarding the availability of staff. (Emphasis added.)

The office of Special Education Programs (OSEP) has provided guidance in this matter in *Letter to Copenhaver*, 21 IDELR 1183, (OSEP, 1994) It has stated that the IEP must be clear to all who are involved in its development and implementation. "It would be inconsistent with that requirement to adopt a practice of using a range of time for a particular service. In a situation where a child's disability and unique educational needs cannot be reflected through a **daily** allocation, public agencies should determine **weekly** allocations for amount of services."

Listing special education services as an amount per year is a problematic practice for several reasons:

1. It may confuse parents, as well as staff implementing the IEP
2. It opens the possibility of the student not being served over an extended period of time and services being compacted into a shorter time span
3. Compacted instruction is not conducive to learning. Massed practice of skills is not as beneficial to learning as the practice of skills distributed consistently over time.