



Verification Procedures for Special Education Funding Units and Local Assurances

Exceptional Children Resources
Webinar

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August 26, 2021
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Delaware
Department of Education

“Housekeeping”

- Please ensure that your phone or computer is on **“mute”** for the duration of the presentation.
- If you have questions regarding Needs Based Funding/Unit Count during the presentation:
 - ✓ General Questions: Please type them in the chat box.
 - ✓ Specific LEA or Student Level Questions: Please reach out to your building special education lead (ED, Case Manager, etc.) or your Special Education Director.

Introduction

- The Department of Education ("DOE") is authorized by Title 14 of the Delaware Code to adopt rules and procedures to administer and authenticate the count of children with disabilities as outlined in Chapter 17, Title 14 of the Delaware Code.
- These procedures shall guide the DOE's administration and verification of the **September 30th, 2021** unit count for students with disabilities.

Criteria for Counting Students in General and Special Education Units Under 14 *Del. C.* § 1703

- **Preschool Unit**
- **K-3 Regular Education Unit**
- **4-12 Regular Education Unit**
- **K-3 Basic Special Education Unit (Basic)**
- **4-12 Basic Special Education Unit (Basic)**
- **Pre-K-12 Intensive Special Education Unit (Intensive)**
- **Pre-K-12 Complex Special Education Unit (Complex)**

Preschool Unit.

- A student shall be counted in the preschool unit if the student is identified as eligible for special education and related services and not counted in the intensive unit or complex unit and is:
 - (a) Eligible for special education and related services from birth; or
 - (b) Eligible as described in the interagency agreement with the Department of Health and Social Services; or
 - (c) Not yet entered kindergarten.

K-3 Regular Education Unit

- A student shall be counted in the grades K-3 unit if the student is enrolled in grades K through 3 and not identified as eligible for special education and related services.

4-12 Regular Education Unit

- A student shall be counted in the grades 4-12 unit if the student is enrolled in grades 4 through 12 and not identified as eligible for special education and related services.

K-3 Basic Special Education Unit (Basic)

- A student shall be counted in the K-3 Basic Special Education unit if the student is in grades K-3, identified as eligible for special education and related services and not counted in the intensive unit or complex units.
- This is new for K-3 special education students, effective June 30, 2021.

4-12 Basic Special Education Unit (Basic)

- A student shall be counted in the 4-12 Basic Special Education unit if the student is in grades 4-12, identified as eligible for special education and related services and not counted in the intensive unit or complex units.

Pre-K-12 Intensive Special Education Unit (Intensive)

- In need of a moderate level of instructional, behavioral, personal support, or health support characterized individually or in combination by the following:
 - (i) Need for adult-student ratio of 1:3 to 1:8 for a substantial portion of educational program;
 - (ii) Need for staff support for mid-range or moderate-use of assistive technology;

Pre-K-12 Intensive Special Education Unit (Intensive)

- (iii) Need for some extended school year or relatively frequent but intermittent out-of-school services (e.g. hospital, homebound);
- (iv) Need for moderate level of related services, including interpreter, therapy, and school nurse and health services; and
- (v) Need for non-routine or frequent accommodations or adaptations to curriculum or educational environment.

Pre-K-12 Complex Special Education Unit (Complex)

- In need of a high level of instructional, behavioral, personal support, or health support characterized individually or in combination by the following:
 - (i) Need for adult-student ratio of 1:1 to 1:2 for a substantial portion of educational program;
 - (ii) Need for staff support for high-tech or extensive-use assistive technology which may include both high and low technology items;

Pre-K-12 Complex Special Education Unit (Complex)

- (iii) Need for extensive extended school year or relatively frequent but intermittent out-of-school services (e.g. hospital, homebound);
- (iv) Need for extensive level of related services, including interpreter, therapy, and school nurse and health services; and
- (v) Need for extraordinary or extensive accommodations or adaptations to curriculum or educational environment.

Note:

- A student is counted in the preschool, basic, intensive, or complex unit based upon the educational needs of the student identified in the individualized education program (IEP).
- The needs of the student must be adequately detailed in the IEP and, support the need for moderate to high level of instructional, behavioral or personal support if the student is reported in the intensive or complex funding units.

DOE Verification Procedures for Special Education Unit Count

- **Five Percent Increase or Decrease in Special Education Units Reported**

The DOE shall compare the number of special education units reported by the districts and charter schools in 2021 to the number reported in 2020. If 5% more or less units in a category are reported between 2020 and 2021, the DOE shall:

5 Percent Increase or Decrease

- Contact the district or charter school and request a written explanation for the increase or decrease in units reported; and/or
- Conduct a formal audit of the units reported by the district/charter school. The audit may include, but not be limited to, on-site record reviews, as well as classroom observations, and/or interviews with teachers, administrators, related service providers, and other school staff.

Unit Verification and IDEA Compliance Monitoring Combined

- The districts and charter schools monitored by the DOE in 2021 – 2022 school year, however, will also be included in a verification process to ensure the proper count of children with disabilities are reported.
- The verification process may include, but not be limited to, on-site record reviews, as well as classroom observations, and/or interviews with teachers, administrators, related service providers, and other school staff.

Erroneous Reporting

- If the DOE receives any information indicating the erroneous reporting of special education units, the DOE may conduct a verification process and/or refer the matter to the State Auditor of Accounts and other agencies required by law.

Written Notification

- If the DOE identifies a student reported in a special education unit who does not meet the statutory requirements of that unit, the DOE shall take any or all of the following actions:
 - (1) Adjust the unit to align with 14 *Del. C.* § 1703 based on the needs of specific students;

Written Notification

(2) Direct the district or charter school to count and report students in special education units in the manner required by 14 *Del. C. § 1703*;

(3) Require the district or charter school staff to receive technical assistance focused on the unit count requirements and permissible use of funds generated by special education students;

Written Notification

(4) Order the district or charter school to institute additional corrective actions as warranted; and/or

(5) Impose other conditions and sanctions as permitted or required by law.

Rubric for Intensive and Complex Funding Units

- The rubric attached as **Appendix "A"** shall be used by DOE staff when conducting verification activities to ensure districts and charter schools are reporting students with disabilities in the intensive and complex units in a manner consistent with statutory requirements.

Local Assurance of Earned Staff

- Each district and charter school shall provide a statement of assurance to the DOE as part of the September 30th, 2021 unit count submission to include:
 - (1) The number of funding units generated by the district or charter school under each unit category in accordance with in 14 *Del. C.* § 1703; and
 - (2) A written statement assuring the units earned by the district or charter school are used in accordance with 14 *Del. C.* § 1703.
- The written assurance of earned staff shall be provided on the DOE's form attached as **Appendix "B."**

Verification Procedures for Use of Earned Staff

- The DOE shall conduct verification activities to ensure districts and charter schools are allocating the units generated by special education students to support students with disabilities in the manner required by 14 *Del. C.* § 1703.

Verification Procedures for Use of Earned Staff

- These activities may include but not be limited to, on-site record reviews by staff from the Exceptional Children Resources group, as well as classroom observations, and/or interviews with teachers, administrators, related service providers, and other school staff.

Verification Procedures for Use of Earned Staff

- These verification activities will be conducted during the annual compliance monitoring process outlined previously.

Written Notification

- If the DOE determines the district or charter school expended units in a manner inconsistent with the requirements of 14 *Del. C. § 1703*, the DOE shall take any or all of the following actions:

(1) Direct the district or charter school to use the earned units in a manner consistent with 14 *Del. C. § 1703*;

Written Notification

(2) Require the district or charter school staff to receive technical assistance focused on the unit count requirements and permissible use of funds generated by special education students;

Written Notification

- (3) Order the district or charter school to take other corrective actions as warranted; and/or
- (4) Impose other conditions and sanctions as permitted or required by law.

Nothing in these rules shall prohibit the DOE from reporting the matter to the State Auditor of Accounts and other agencies as required by law.

Local Assurance of Adequate Resources to Implement IEP

- The Delaware Code requires school districts and charter schools to count students with disabilities in needs based funding units based on the individual needs of each student.
- At the completion of the IEP team meeting, the team (which includes parents or guardians) must discuss and review the needs based funding unit as it relates to the adequacy of resources to implement the program and placement outlined in the IEP.

Local Assurance of Adequate Resources to Implement IEP

- The review and discussion should occur at least once a year and may coincide with the IEP team's annual review of the child's IEP required by 34 C.F.R. § 300.324.
- In addition, the Delaware Code requires districts and charter schools to assure in writing that adequate resources are available to implement the program and services outlined in the child's IEP.

Local Assurance of Adequate Resources to Implement IEP

- The written assurance must be provided on the DOE's form in **Appendix "C."**
- The completed form should be maintained in the child's special education audit file and be made available to the DOE staff (upon request) during monitoring periods.

Note:

- The IEP team must include a representative of the school district or charter school who has the authority to commit resources and be able to ensure that whatever services are set out in the IEP will actually be provided. See, 14 DE Admin Code § 925.21.1.8.
- The written assurance required by 14 Del. C. § 1703(d)(8) should therefore be completed by the administrator representative of the school district or charter school serving the child.

Additional Actions

- Nothing in these rules shall prohibit the DOE from reporting information to the State Auditor of Accounts and complying with any additional actions required by law.

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