

# Performance Audit of Special Education: Service Delivery and Access

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## Legislative Auditor's conclusion:

Districts meet state and federal timelines for deciding whether students qualify for special education. Coordinated implementation of six strategies across all school districts could increase inclusion for students receiving special education.

## Key points

- Federal law and state rules dictate how school districts decide whether students qualify for special education.
- Special education enrollment has grown faster than general education. It has approached pre-pandemic figures.
- Once parents give consent, districts complete 92% of evaluations for special education within the state requirement of 35 school days.
- In 2022-23, two-thirds of students who received special education were served in general education classrooms at least 80% of the time.
- National experts identify six strategies to increase the number of students served in general education classrooms. Washington uses elements of these strategies, but implementation is not coordinated across all districts statewide.
- The Legislature has not explicitly set a public policy objective for inclusion.

### Students

In this report, "students" refers to "students who receive special education services" unless the text indicates otherwise.

## Two reports on Special Education

The Legislature directed JLARC to review special education funding and service delivery. JLARC staff completed two reports for this study.

- This report addresses service delivery and access.

- A separate report addresses the funding formulas and district spending.

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## Executive summary

Federal and state laws require school districts to provide special education and related services to eligible students. The Office of the Superintendent of Public Instruction (OSPI) is responsible for setting rules, monitoring district practices, and ensuring they comply with state and federal law. OSPI and educational service districts offer guidance, training, and other supports to districts.



Not all students with disabilities are eligible for special education services.

The federal Individuals with Disabilities Education Act (IDEA) sets three criteria that school districts must use to decide eligibility:

1. The student has at least one of the 13 eligible disabilities under IDEA or a developmental delay.
2. The disability adversely affects the student's educational performance.
3. The student's unique needs require specially designed instruction to access their education.

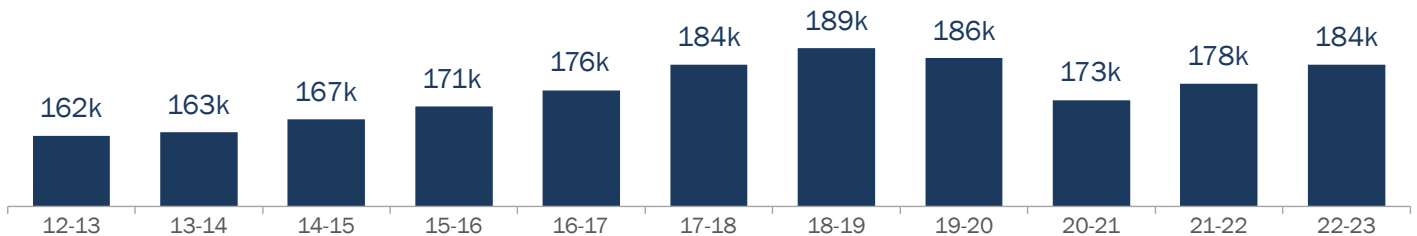
### Special education enrollment has grown faster than general education. It has approached pre-pandemic figures.

Enrollment in both general and special education grew over the last decade. However, special education enrollment grew more quickly. From the 2012-13 school year through the 2022-23 school year:

- The number of students in special education grew from 162,000 to 184,000 (14%).
- The number of students in general education grew from 961,000 to 973,000 (1%).

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**Figure 1: Enrollment in special education has nearly reached pre-pandemic levels**



Source: JLARC staff's analysis of OSPI's Comprehensive Education Data and Research System (CEDARS) data.

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In the 2022-23 school year, 91% of students who received special education services had a disability in one of five categories. The most prevalent (29% of students) was specific learning disabilities, which includes

dyslexia and dyscalculia. Additional common disability categories were other health impairments (e.g., ADHD), communication disorders (e.g., speech impairment), autism, and developmental delays.

## **Districts complete 92% of evaluations for special education within the state requirement of 35 school days**

There are four steps to determine if a student is eligible for special education:

1. Parents, teachers, or others identify a student who may need special education services and refer them to the district for evaluation.
2. The district decides whether a referred student will be evaluated.
3. The district obtains written consent from the student's parent for an evaluation.
4. A team evaluates whether a student is eligible for special education services, based on the criteria in the federal IDEA.

Under state law, districts have 35 school days to complete evaluations from when they receive consent. Districts completed 92% of evaluations on time in the 2022-23 school year.

Once parents gave consent, evaluations took an average of 24 days to complete. JLARC staff found no significant differences from this average based on district, location, disability type, economic status, or housing status. The greatest difference was for students with limited English proficiency; on average, their evaluations took 30 days.

Federal law requires districts to complete the evaluation within 60 days of receiving parental consent.

## **In 2022-23, two-thirds of students who received special education were served in general education classrooms at least 80% of the time**

Note: The bullet points below were corrected following publication of the preliminary report to show that the data collected by OSPI is for the school year. An identical correction is in Part 5.

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Students who are eligible for special education receive an individualized education program (IEP). An IEP details the services and placements that the student needs.

Districts categorize student placements based on the amount of time they spend in general education classrooms. This is called the least restrictive environment (LRE). For example, LRE 1 means that a student spends 80% to 100% of their time in general education classrooms.

Federal IDEA requirements encourage districts to serve students in general education settings as much as possible. This is commonly known as inclusion. Federal and state agencies use the percentage of students in LRE 1 to measure inclusion.

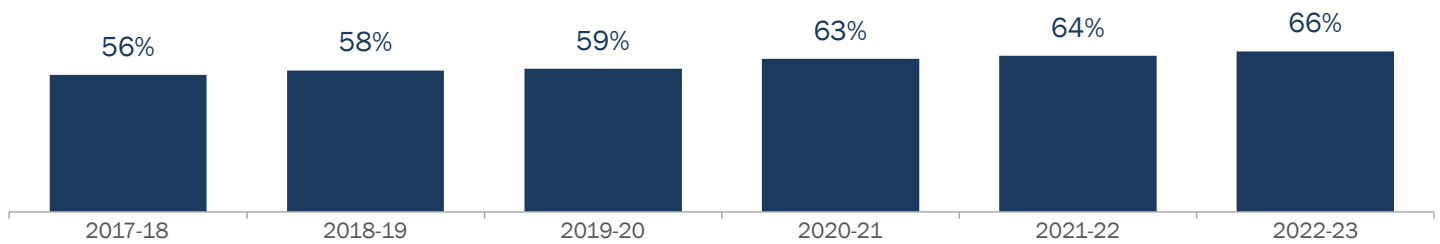
### **Inclusion**

Serving a student in general education classrooms as much as possible based on their unique needs.

- In the 2017-18 school year, 56% of students were served in LRE 1.
- In the 2022-23 school year, almost 66% of students were served in LRE 1.
- OSPI's target is to achieve 69% of students in LRE 1 by November 2025. The Legislature has not set a public policy objective for inclusion.

As of November 2022, Washington ranked 37th among all other states for the percent of students served in LRE 1. The median was 69%.

**Figure 2: Districts in Washington have served an increasing percentage of students in LRE 1 since the 2017-18 school year through the 2022-23 school year**



Source: JLARC staff's analysis of OSPI's CEDARS data.

## **National experts recommend implementing and aligning six strategies to improve inclusion**

National experts identified six strategies that states commonly use to increase inclusion. They recommend coordinated implementation of six strategies across all districts.

1. Increase opportunities for young children with disabilities (ages 3-5) to be with their nondisabled peers.
2. Offer three tiers of support for all students who struggle with academics and/or behavioral challenges.
3. Train current teachers and pre-service teachers to use practices with demonstrated success.
4. Use instructional technology to increase accessibility and improve student outcomes.
5. Design learning materials and activities to allow for multiple means of engagement and expression.
6. Enhance training, coaching, and mentoring of administrators, principals, and other school leaders.

## **Washington uses many of the identified strategies, but not in a coordinated and consistent manner**

In Washington, OSPI and certain districts and schools have used some of the six strategies. However, they have been isolated projects or voluntary programs that involve a subset of the state's schools and students. For example, there are no mandatory requirements for all Washington school districts or staff to participate in professional development around these strategies. The lack of implementation in all districts limits the reach and impact of the strategies.

Since 2019, the Legislature has funded OSPI's programs related to inclusion. However, it has not explicitly stated that its policy objective is to improve or increase inclusion. Some elements of the funding formula are designed to encourage districts to increase inclusion. Other elements offset the financial incentive for inclusion. More information is in the companion report about funding.

## **Legislative Auditor's recommendation**

### **If the Legislature wants to improve inclusion, it should state its public policy objective.**

Improving or increasing inclusion is a policy decision for the Legislature. The Legislature has not stated its policy objective, although some parts of the funding formula imply that inclusion is a priority.

If the Legislature sets an objective for inclusion, it could direct OSPI to set performance metrics, develop a plan, and identify resource needs and options to achieve the objective. The plan could specify how OSPI and the districts can implement the six strategies in a coordinated way across all districts.

OSPI concurs with this recommendation. You can find additional information in the **Recommendations section**.

## **Committee action to distribute report**

On January 9, 2025 this report was approved for distribution by the Joint Legislative Audit and Review Committee. Action to distribute this report does not imply the Committee agrees or disagrees with Legislative Auditor recommendations.