Special Education Monitoring & Compliance Manual (IDEA Part B)

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1. INTRODUCTION

The District of Columbia Office of the State Superintendent of Education (OSSE), Division of Special Education, Division of Quality Assurance and Monitoring, is pleased to provide this guidance and information regarding its Individuals with Disabilities Education Act (IDEA) Part B State Monitoring and Compliance System in this and a subsequent series of materials for local education agencies (LEAs).

As the state education agency (SEA) for the District of Columbia, OSSE's role is to set high expectations, provide resources and support, and exercise accountability to ensure that all residents receive an excellent education. OSSE's Vision for District of Columbia children with disabilities is that they become successful adults, prepared for further education, successfully obtaining and maintaining employment, living independently, and engaged in their community, and that during their years in secondary education, they will be educated in classrooms with their non-disabled peers and participate fully in school life.

OSSE's vision aligns with federal requirements pertaining to SEA monitoring responsibilities. The IDEA Part B regulations at 34 CFR §300.600 require that the SEA monitor the implementation of IDEA Part B, make annual determinations about the performance of each LEA, enforce compliance with IDEA Part B, and report annually on the performance of the SEA and each LEA. The primary focus of the SEA's monitoring activities must be on improving educational results and functional outcomes for all children with disabilities and ensuring that LEAs meet the program requirements of IDEA Part B. **In exercising its monitoring responsibilities, the SEA must ensure that when it identifies noncompliance with the requirements of IDEA Part B by LEAs, the noncompliance is corrected as soon as possible, and in no case later than one year after the SEA's identification of the noncompliance.**

The goal of OSSE's Monitoring and Compliance System is to ensure that LEAs are meeting the requirements of both federal and local regulations. In alignment with federal regulations and OSSE's Vision, OSSE's monitoring approach is outcome oriented. To achieve desired performance results, it is critical that OSSE works collaboratively with LEAs and engages in shared accountability practices that will maximize success for all students with disabilities. Monitoring activities that will enable OSSE to facilitate this collaborative approach to improved performance include: database reviews, on-site compliance monitoring, record reviews, dispute resolution activities, LEA self-assessments, Phase I and Phase II grant applications, and audit findings reviews.

Another key feature of OSSE's Monitoring and Compliance System is the direct linkage between monitoring activities and technical assistance. The Division of Special Education's Training and Technical Assistance Unit (T&TA) works directly with the Quality Assurance and Monitoring Unit to identify specific compliance areas that warrant general and targeted technical assistance. OSSE offers a multitude of training opportunities for LEAs to increase their knowledge of, and compliance with, IDEA Part B requirements and to discover methods to improve outcomes for students with disabilities. For more information on OSSE's T&TA, please contact osse.tta@dc.gov.

OSSE is committed to a monitoring system that identifies noncompliance using methods that support the ultimate goal of improving educational results and functional outcomes for all students with disabilities. While monitoring activities must, by federal law, examine compliance issues, OSSE has very deliberately structured its monitoring approach in such a way that the broader themes of IDEA – inclusivity, quality of education, and teamwork – are emphasized

2. STATE EDUCATION AGENCY AUTHORITY

OSSE has statutory authority under both federal and local law to establish, operate, and maintain an administrative process to ensure compliance with all federal statutes for the programs under its jurisdiction, including education of District children and youth with disabilities.

The IDEA section 616 requires each SEA to implement a General Supervision System that monitors the implementation of the IDEA Part B and its accompanying regulations. As the SEA for the District of Columbia, OSSE is responsible for the implementation of the General Supervision System for the District, which includes but is not limited to State complaint processes and Due Process adjudication in addition to LEA monitoring.

Under local special education law, OSSE "*has primary responsibility for the state-level supervisory functions for special education that are typically handled by a state department of education or public instruction, a state board of education, a state education commission, or a state education authority." (DC ST 38-2561.01 (7)(a)(13))*

The District of Columbia Municipal Regulations, Title 5, Board of Education, Subtitle E (Former Title 5) Chapters 22, 30 & 38, Subtitle A (District of Columbia Public Schools) Chapter 25 contain the local counterparts to the requirements of IDEA, beginning with the Free Appropriate Public Education (FAPE) requirement:

> ***5-E3000. Special Education Policy****.*
>
> ***3000****.1 All local education agencies (LEA) in the District of Columbia shall ensure, pursuant to the Individuals with Disabilities Education Act (IDEA), that all children with disabilities, ages three to twenty-two, who are residents or wards of the District of Columbia, have available to them a free appropriate public education (FAPE) and that the rights of these children and their parents are protected.*

3. STATE PERFORMANCE PLAN/ANNUAL PERFORMANCE REPORT

The IDEA Part B regulations at 34 CFR §300.600(c) require the SEA, as a part of its responsibilities, to use quantifiable indicators and such qualitative indicators as are needed to adequately measure performance in priority areas and the indicators established by the Secretary of Education for State Performance Plans (SPP). The Secretary has identified 20 indicators to measure SEA/LEA performance against IDEA regulations. Targets for indicators related to disproportionality, evaluation timelines, early childhood transition, secondary transition, correction of noncompliance, State complaint timelines, due process timelines and data were required to be set at 100%. Each year, SEAs must submit an Annual Performance Report (APR) to review and report on progress toward and/or compliance with the 20 indicators.

All instances of SEA data collection regarding the indicators, however conducted (through database reviews, written data requests, on-site monitoring, etc.), constitute "General Supervision" and are a part of OSSE's Monitoring and Compliance system. Any noncompliance identified pertaining to the indicators or related regulatory requirements must be corrected as soon as possible but in no case later than one year after the identification of the noncompliance.

The Secretary's Part B Indicators are as follows:

- Indicator 1 (Graduation)
- Indicator 2 (Dropout)
- Indicator 3 (Assessment)
- Indicator 4 (Suspension and Expulsion)
- Indicator 5 (LRE Settings)
- Indicator 6 (Preschool LRE)
- Indicator 7 (Preschool Outcomes)
- Indicator 8 (Parent Involvement)
- Indicator 9 (Disproportionate Representation in Special Education)
- Indicator 10 (Disproportionate Representation by Disability Category)
- Indicator 11 (Evaluation)
- Indicator 12 (Early Childhood Transition)
- Indicator 13 (Secondary Transition)
- Indicator 14 (Post-school Outcomes)
- Indicator 15 (Correction of Noncompliance)
- Indicator 16 (State Complaint Timelines)
- Indicator 17 (Due Process Timelines)
- Indicator 18 (Resolution Sessions)
- Indicator 19 (Mediation)
- Indicator 20 (Valid and Reliable Data)

4. ANNUAL DETERMINATIONS

The IDEA Part B regulations at 34 CFR §§300.600(c) and 300.603 require the SEA to make "determinations" annually about the performance of each LEA based on information provided in the SPP/APR, information obtained through monitoring visits, and any other public information made available. OSSE is required to use the same categories that the United States Department of Education, Office of Special Education Programs (OSEP) uses for state determinations as outlined in Section 616(d) of IDEA. In making such determinations, OSSE will assign LEAs one of the following determination levels:

1. Meets Requirements
2. Needs Assistance
3. Needs Intervention
4. Needs Substantial Intervention

OSSE's determination is based on the totality of the LEA's data and information, including the LEA's:

1. History, nature and length of time of any reported noncompliance; specifically, the LEA's performance on Indicators 4b, 9, 10, 11, 12 and 13 as outlined in the State Performance Plan (SPP) and FFY 2010 Annual Performance Report (APR);
2. Information regarding timely, valid and reliable data;
3. On-site compliance monitoring, focused monitoring and dispute resolution findings;
4. Sub-recipient audit findings;
5. Other data available to OSSE regarding the LEA's compliance with the IDEA, including, but not limited to, relevant financial data and compliance with the Funding for Public Schools and Public Charter School Amendment Act of 2011;
6. Performance on selected SPP results indicators; and
7. Evidence of correction of findings of noncompliance, including progress toward full compliance.

The criteria for each determination level are set by OSSE according to U.S. Department of Education, Office of Special Education Programs (OSEP) guidelines. IDEA specifies different levels of action/intervention depending on determination level. LEAs will be informed of their annual determination and any required actions/interventions in late summer/early fall.

For more information regarding determinations, refer to Appendix A.

5. OSEP CORRECTIVE ACTION PLAN

On July 1, 2013, OSEP issued a letter to OSSE informing them that the U.S. Department of Education has designated OSSE as a "high risk" grantee and has imposed Special Conditions on OSSE's FFY 2013 grant awards under IDEA. OSEP imposed Special Conditions based on the District of Columbia's noncompliance with:

- Timely performance of initial evaluations and reevaluations;
- Timely implementation of hearing officer decisions;
- Timely correction of noncompliance;
- Secondary transition requirements; and
- Early childhood transition requirements.

Based on this noncompliance, OSSE received a "needs intervention" determination for the seventh consecutive year and was required to submit a corrective action plan (CAP) to the Department in August 2013 to address the above mentioned areas. Pursuant to the CAP, OSSE must provide two progress reports (in addition to the APR) to OSEP. Reports must include data from all LEAs, including charter school LEAs, and provide the required content related to each area of identified noncompliance. Each report must be submitted to the Department in accordance with the following reporting periods and timelines:

Report	Reporting Period	Report Due Date
First Report	April 1, 2013 – September 30, 2013	November 1, 2013
Second Report	October 1, 2013 – March 31, 2014	May 1, 2014

For each reporting period, OSSE will collect and analyze data related to the above listed areas of noncompliance. For each LEA with noncompliance identified through this data collection, findings of noncompliance will be issued and correction of noncompliance must be verified as soon as possible but in no case later than one year after the identification of the noncompliance.

For more information on OSSE's Special Conditions, refer to Appendix B.

6. CORRECTION OF NONCOMPLIANCE

In exercising its monitoring responsibilities under 34 CFR §300.600(d), OSSE must ensure that when it identifies noncompliance with requirements of Part B by LEAs, **the noncompliance is corrected as soon as possible, and in no case later than one year after OSSE's identification of the noncompliance** (34 CFR §300.600(e)). When determining correction of noncompliance, OSSE must verify that the LEA: (1) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02); **and** (2) is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through the data system or an additional review of student files.

<u>Prong 1 and Prong 2 Corrections</u>
There are two stages, or prongs, to correction of noncompliance. Both Prong 1 and Prong 2 correction must occur as soon as possible, but no later than one year from the date of notification of noncompliance.

Prong 1
When an LEA receives written notification of a finding of noncompliance through the District of Columbia Corrective Action Tracking System (DC-CATS), the LEA completes the Prong 1 correction of noncompliance by *first* correcting the individual student level noncompliance.

For example, if OSSE reviews the secondary transition plan for Student A and finds noncompliance through that review, the LEA must correct Student A's secondary transition plan by reconvening an IEP meeting (or properly executing an IEP amendment) and writing a compliant secondary transition plan for the student. The LEA must submit proof of the correction into the Special Education Data System (SEDS) as well as DC-CATS. OSSE will review Student A's revised secondary transition plan to ensure that it is fully compliant.

Prong 2
Next, the LEA must demonstrate that it is now correctly implementing the specific regulatory requirement. To complete Prong 2, OSSE reviews additional data through another SEDS file review.

For example, after the LEA has corrected Student A's secondary transition plan, OSSE will review secondary transition plans for other students within the LEA to ensure that the LEA is correctly implementing secondary transition requirements for all students. Both steps must be completed in order for OSSE to determine that the noncompliance has been corrected. **The noncompliance is not deemed to be corrected until the LEA has achieved 100% compliance in a Prong 2 review.** For initial evaluation timelines, reevaluation timelines, secondary transition requirements, and Part C to Part B transition timelines, correction is made when an LEA achieves 100% compliance on a subsequent quarterly review. For noncompliance identified through on-site monitoring, correction is made when an LEA achieves 100% compliance on a subsequent file review conducted by OSSE.

If an OSSE compliance monitor finds additional noncompliance during a Prong 2 file review, the monitor will notify the LEA of the noncompliance identified, work with the LEA to ensure correction of all files, and will repeat the Prong 2 file review at a later date. As noted above, the original noncompliance identified by OSSE is not considered to be corrected until the LEA achieves 100% compliance on a Prong 2 file review. Since the Prong 2 process can take several additional weeks or months to complete, LEAs must complete all student-level Prong 1 corrections as soon as possible. If the LEA is unable to demonstrate 100% compliance on a Prong 2 file review within 1 year of the date of notification of noncompliance, then the LEA will be unable to earn full points for timely correction of noncompliance on its annual determination.

In addition to Prong 1 and Prong 2 corrections, OSSE may include "additional corrective actions" or "improvement activities" to be completed after a finding of noncompliance. Additional corrective actions and improvement activities are designed to assist the LEA in developing appropriate practices or accessing necessary technical assistance in the area of the noncompliance, not to determine correction of noncompliance.

Two Prong Approach to Verifying Correction of Noncompliance

Notification	LEA receives written notification of noncompliance
Prong 1	LEA corrects individual student level noncompliance
Verification of Prong 1	OSSE reviews student level correction to verify compliance
Prong 2	LEA demonstrates it is correctly implementing the specific regulatory requirement
Verification of Prong 2	OSSE reviews a sample of other student files to verify that the LEA is correctly implementing the specific regulatory requirement

For a copy of OSEP Memo 09-02, refer to Appendix C.

For a copy of the Prong 1 & 2 Flow Chart, refer to Appendix D.

7. MONITORING PROCESS OVERVIEW

The goal of OSSE's Monitoring and Compliance System is to ensure that LEAs are meeting the requirements of both federal and local regulations. In alignment with federal regulations and OSSE's Vision, OSSE's monitoring approach is outcome oriented. However, if noncompliance is identified through any of OSSE's monitoring activities, **OSSE will require the LEA to correct the noncompliance as soon as possible but in no case later than one year after the identification of the noncompliance.**

Contrary to the notion that monitoring is an annual on-site process, OSSE employs a number of monitoring activities to ensure compliance with federal and local regulations and improve educational results and functional outcomes for students with disabilities. Monitoring activities include: database reviews, on-site compliance monitoring, record reviews, on-site focused monitoring, dispute resolution activities, LEA self-assessments, Phase I and Phase II grant applications, and audit findings reviews.

Database Reviews: In accordance with the CAP and with APR reporting requirements, OSSE will review data in the Special Education Data System (SEDS) and in the Blackman Jones Database to identify noncompliance and assess progress toward federal and local targets for special education. Pursuant to the Blackman/Jones Consent Decree and Title 5, Section 5019 of the District of Columbia Municipal Regulations, all LEAs (including independent charter LEAs) are required to input data into SEDS. Data for CAP reporting will be reviewed according to the schedule displayed on page 9. Data for APR indicators will be reviewed one time per year. LEAs will receive findings of noncompliance for noncompliance identified through database reviews.

On-site Compliance Monitoring*:* Each year, OSSE will conduct on-site compliance monitoring for a selection of LEAs. This process will include record reviews, interviews and document reviews to identify noncompliance and assess progress toward federal and local targets for special education. Details regarding on-site compliance monitoring can be found on page 15.

Nonpublic Monitoring: OSSE is committed to ensuring that students educated in nonpublic settings are placed in the least restrictive environment, are receiving proper positive behavior supports, and are receiving appropriate services, including specialized instruction and transition services. Pursuant to D.C. Code §38-2561.07, nonpublic schools applying for a Certificate of Approval (COA) shall receive an evaluation including an on-site inspection of the operations and facilities of the school or program. OSSE shall conduct an on-site inspection at least once during the period of the COA and may schedule other inspections as deemed necessary.

The LEA responsible for the student placed in the nonpublic school is responsible for ensuring that the nonpublic school is compliant with federal and local rules and regulations. Therefore, should noncompliance be identified during a nonpublic review, the responsible LEA will receive notice of the findings of noncompliance and be accountable for correcting the noncompliance as soon as possible but in no case later than one year from the identification of noncompliance. Additional information regarding nonpublic monitoring can be found in Appendix G.

Record Reviews: Record reviews entail an examination of student level records that document the level of implementation of Individualized Education Programs (IEPs), financial and accounting records, or any other record that may contain information necessary for federal or local reporting.

The majority of record reviews conducted by OSSE will occur through database reviews, on-site compliance monitoring, and required audit activities. OSSE reserves the right to review records if information is not available in databases or at any such time that a review may be necessary. Findings of noncompliance identified through record reviews must be corrected as soon as possible but in no case later than one year after the noncompliance was identified.

Focused Monitoring: Focused monitoring purposefully selects priority areas to examine for compliance and results while not specifically examining other areas for compliance in order to maximize resources, emphasize important variables, and increase the probability of improved results. OSSE began on-site focused monitoring during the 2010-2011 school year for selected LEAs. OSSE may choose to conduct an on-site focused monitoring visit in lieu of an on-site compliance monitoring visit if the LEA has demonstrated that it is in compliance with the regulatory requirements described in the Compliance Monitoring Areas. Details regarding on-site focused monitoring can be found on page 23.

Dispute Resolution Activities: The State complaint and due process complaint processes are designed to resolve disputes between LEAs and parents (or organization or individual in the case of State complaints). In the fact finding stages of each of these processes, the investigator or hearing officer may identify noncompliance by the LEA. In the case of State complaints, findings of noncompliance are identified in the Letter of Decision. In the case of due process complaints, findings of noncompliance are identified in the Hearing Officer Determination (HOD). Although OSSE may not issue an additional written finding of noncompliance, the Letter of Decision or HOD serves as the written notice of the finding of noncompliance. Findings identified through dispute resolution activities must be corrected in the timeline outlined in the Letter of Decision or HOD but in no case later than one year after the identification of the noncompliance. Additionally, findings made through these processes and the correction of these findings are tracked by OSSE, reported in OSSE's annual APR, and used in LEA annual determinations.

LEA Self-Assessments: The LEA self-assessment is a process by which LEAs may be required to assess their own performance and progress toward compliance with IDEA Part B. The self-assessment is designed to guide LEAs though a collaborative analysis and planning process to engage stakeholders in developing targeted improvement activities in the areas that the LEA is most in need. The self- assessment tool may be based on the compliance monitoring tool (see Appendices E and F) used by OSSE for on-site monitoring visits, thus LEAs can prepare for future on-site monitoring as well as clearly identify areas of noncompliance in student files and LEA policies and procedures. In lieu of the full self-assessment tool, OSSE may require an LEA to conduct a root cause analysis on a particular area of noncompliance. Through the self-assessment process, LEAs will develop an improvement plan that must be submitted to OSSE two months after receiving the self-assessment. LEAs identified for an on-site monitoring visit will not be required to complete a self-assessment in the year of the OSSE visit.

Phase I and Phase II Grant Applications: Grant applications submitted by LEAs include important assurances by the LEA that the LEA is in compliance with IDEA Part B regulations. In signing the assurances contained in the Phase I Application, LEAs attest that students within the LEA are receiving a free appropriate public education and that the LEA is properly using IDEA funds. Should an LEA not be able to provide these assurances, or a date by which the LEA will be in compliance, OSSE may not be able to timely distribute funds to the LEA. Phase I applications are due to OSSE by the deadline contained within grant application information each year. More information regarding grant applications will be forwarded to LEAs at the beginning of each cycle or LEAs can contact OSSE.DSE-PartBFinance@dc.gov.

Audit Findings Review: LEAs that spend $500,000 or more in federal funds are required to receive an A-133 single audit and submit a copy of the management letter to OSSE within 30 days of receipt. Additionally, the District of Columbia Public Charter School Board (PCSB) requires all public charter schools in the district to receive an annual audit regardless of level of expenditures. Any noncompliance identified through audits must be corrected in accordance with the audit report. Audit findings will be considered in making annual LEA determinations.

Part B Compliance Monitoring Areas

Pursuant to federal regulations, OSSE may monitor LEAs in each of the following areas to ensure compliance with the IDEA. Although each monitoring area listed below may not be reviewed with each monitoring activity, LEAs must comply with each federal requirement and should continually assess their own progress toward compliance with each requirement.

Part I – FAPE in the LRE

A. The LEA educates students in the least restrictive environment. (34 CFR §§300.114-300.117)
B. The LEA ensures that IEPs are appropriately developed and implemented. (34 CFR §§300.320-300.504, §300.101)
C. The LEA completes evaluations within the State-established timeline. (34 CFR §§300.300-300.311)
D. The LEA ensures that students referred by Part C have an IEP implemented by their 3rd birthday. (34 CFR §300.101, §300.323)
E. The LEA uses appropriate steps to successfully transition students from high school to postsecondary settings. (34 CFR §300.320)
F. The LEA utilizes appropriate discipline processes and procedures. (34 CFR §§300.530-300.536)
G. The LEA does not have a disproportionate representation of students in special education or specific disability categories. (34 CFR §300.646)
H. The LEA provides instructional materials to blind persons or other persons with print disabilities in a timely manner. (34 CFR §300.172, §300.210)

Part II – Dispute Resolution

A. The LEA timely implements due process complaint requirements. (34 CFR §§300.507-300.518; Blackman Jones Consent Decree)
B. The LEA timely responds to State complaint requests and decisions. (34 CFR §§300.151-300.152; OSSE State Complaint Policy)
C. The LEA voluntarily engages in mediation when requested by parents/guardians. (34 CFR §300.506)

Part III – Data

A. The LEA submits timely, valid and reliable data. (34 CFR §300.211)
B. The LEA uses data to inform decision making. (34 CFR §300.211)

Part IV – Fiscal

A. The LEA expends IDEA Part B funds in accordance with Federal laws, state laws and approved budget and spending plans. (34 CFR §300.202)
B. The LEA uses IDEA Part B funds only to pay the excess costs of providing special education and related services to children with disabilities. (34 CFR §300.202)
C. The LEA meets its maintenance of effort requirement. (34 CFR §300.203)
D. The LEA properly calculates and expends CEIS funds. (34 CFR §300.646)
E. The LEA does not co-mingle IDEA Part B funds with other funds. (34 CFR §§300.162, 300.201)
F. DCPS Only: The LEA expends its required proportionate share of Part B funds for students with disabilities parentally-placed in private schools. (34 CFR §300.134, §300.201)
G. DCPS Only: The LEA provides funds to charter schools on the same basis as it provides funds to the other public schools in its jurisdiction. (34 CFR §300.209)

LEA On-site Compliance Monitoring

LEA on-site compliance monitoring is a process by which selected LEAs receive an on-site visit by OSSE's Monitoring and Compliance Unit for a comprehensive document and record review, stakeholder interviews, fiscal examination and follow-up technical assistance. The process is designed to identify noncompliance and assess LEA progress toward improving educational results and functional outcomes for all students with disabilities. On-site compliance monitoring also allows OSSE to determine if SEA-implemented strategies have resulted in qualitative and quantitative improvements, and to formulate specific, tailored actions if improved outcomes have not been achieved.

On-site monitoring will follow a series of defined steps, according to the following timelines:

Activity	Timeline
Identification of LEAs for SY 2013 – 2014 on-site monitoring	August 2013
Notification of on-site monitoring to LEAs	September 2013
Pre-site visits for Fall 2013 on-site visits	September 2013
Fall on-site visits	October 2013 – December 2013
Fall Monitoring reports issued to LEAs	January – March 2014
Development of any additional corrective actions	January 2014 – February 2014
Verification of correction of noncompliance	Ongoing
Pre-site visits for Spring 2014 on-site visits	January 2014 – February 2014
Spring on-site visits	February 2014 – March 2014
Spring Monitoring reports issued to LEAs	April 2014 – June 2014
Development of any additional corrective actions	May 2014 – September 2014
Verification of correction of noncompliance	Ongoing

Step 1: Identification of LEAs for On-site Compliance Monitoring

OSSE will conduct an on-site compliance monitoring visit to every LEA in the District within a five- year cycle,[1] and will visit the District of Columbia Public Schools annually. Therefore, selection for an on-site visit should not be construed as a punitive action or as an indication that the LEA is not meeting compliance or performance targets.

LEAs will be selected for an on-site compliance monitoring visit based on the consideration and evaluation of the following factors:

- Information provided in the LEA's previous self-assessment;
- Information provided in the LEA's most recent Phase I and Phase II Grant Application;
- Level of compliance on the prior year's APR compliance indicators;

[1] The cycle timeline is subject to change based on OSSE monitoring priorities and/or federal requirements. Note that OSSE has the authority to perform on-site monitoring of LEAs as deemed necessary, which may result in monitoring more frequently than every five years

- Level of compliance on data reported in OSSE's CAP reports;
- Number of HODs/SAs not timely implemented;
- Number of State complaints filed against the LEA in the past year;
- Number of students in the LEA placed in a more restrictive setting during the past school year;
- Timely submission of data (programmatic and fiscal) to OSSE;
- Number of requests for reimbursement not approved by OSSE;
- Number of students served by the LEA;
- Public Charter School Board Charter Renewal Cycle;
- Date of last on-site monitoring visit; and
- Other information available to OSSE.

Step 2: Notification of On-site Compliance Monitoring Selection
LEA directors will be notified by letter and electronic mail of the scheduled monitoring visit according to the timeline outlined in the table on page 15. The letter will include the:

- Date of the monitoring visit;
- Suggested date for the pre-site visit; and
- Purpose of the visit and planned activities.

LEAs are expected to plan as soon as possible for the on-site monitoring visit. For example, as soon as possible after notification of the visit, LEAs should plan for the accommodations and time needed for staff, family and student interviews and for OSSE record reviews. Likewise, LEAs should begin collecting documents needed for the fiscal monitoring portion of the visit.

Step 3: Pre-site Visit
The pre-site visit is an opportunity for LEA and OSSE staffs to discuss the purpose of the on-site visit, confer about the agenda for the on-site visit, agree on logistics and review LEA data. It is also an occasion for the LEA to ask any questions regarding the visit and for the LEA to provide OSSE with documents needed prior to the visit.

At a minimum, documents that should be available before the pre-site visit include:

- A staff roster, including teacher e-mail addresses;
- Fiscal policies and procedures; and
- School schedule

The standard pre-site visit agenda is located at Appendix I.

Step 4: Pre-site Data Collection

Record Reviews: Three weeks prior to the on-site visit, OSSE will provide the LEA with a list of students whose records will be reviewed. No later than two weeks prior to the on-site visit, the

LEA must provide OSSE with the class schedules, attendance records, and discipline records of each student. Items that will be assessed during the record reviews are outlined in the student compliance monitoring tool available and align with the monitoring standards. OSSE will use the student's records in SEDS as well as the student's attendance and discipline records to make a determination of compliance on each item. OSSE will **not** consider items contained in a student's hard copy file to make a compliance determination.

The number of selected files will be based on the number of students with IEPs enrolled at the LEA.

Total Number of Students with IEPs	Number of Files Reviewed
Fewer than 10	All files
10-39	10
40 – 99	20
100 – 149	30
150 or more	40

OSSE reserves the right to review additional student files if the LEA has not demonstrated 100% compliance on APR Indicators 4b, 9, 10, 11, 12, 13 or 15, or if a complaint has been filed against the LEA in the year prior to the visit.

Based on the review of other state systems and consultation with national technical assistance providers, OSSE has identified selection criteria to ensure that a wide range of compliance items are examined. If possible, OSSE will select files with a diversity of values for the following criteria:

- Grade level
- Disability category
- The type of the most recent evaluation (initial or reevaluation)
- Placement (nonpublic v. local)
- In-state and/or out-of-state transfer status
- Attending campus

A copy of the OSSE Student Compliance Monitoring Tool can be found in Appendix F.

Parent/Family Interviews: OSSE may choose to interview parents/family of students with IEPs to better understand compliance and performance in the LEA. In most cases, OSSE will ask the LEA to choose the parent/family for the interviews. In some cases, parents/family of students may be selected by OSSE according to specific information (e.g. students involved in dispute resolution processes or students with expired IEPs). If OSSE selects parents/family of students who are involved in the Child and Family Services Administration system, incarcerated, in the custody of the Department of Youth Rehabilitation Services and/or receive services through the Department of Mental Health or other District agencies, OSSE will take steps to coordinate its interviews with those agencies. Interview questions align with the monitoring standards and will be used to

triangulate data gathered from other monitoring activities. A summary of data collected through parents/family interviews will be included in the monitoring report.

Step 5: On-site Compliance Monitoring Visit and Activities
Following its notification letter to each selected LEA and the subsequent pre-site visit, OSSE will conduct an on-site visit to each LEA. The on-site review is designed to determine if the LEA's special education program and services are compliant with local and federal regulations. If an LEA has more than one campus or school, OSSE may conduct its on-site visit at multiple locations. Regardless of the number of locations OSSE chooses to visit, only one monitoring report will be issued to the LEA.

During the on-site visit, OSSE will engage in the following activities:

- *Staff Interviews:* OSSE will interview the LEA's administrators, special education coordinator, special education teachers, general education teachers, related service providers and budget director. Interview questions align with the monitoring standards and will be used to triangulate data gathered from other monitoring activities. A summary of data collected through staff interviews will be included in the monitoring report.

- *Student Interviews:* OSSE may choose to interview students with IEPs, to better understand compliance and performance in the LEA. In most cases, OSSE will ask the LEA to choose the students for the interviews. In some cases, students may be selected by OSSE according to specific information (e.g. students involved in dispute resolution processes or students with expired IEPs). The LEA will be informed in advance of the names of any students selected by OSSE for an interview. In either case, the LEA is responsible for coordinating the interviews with students. If OSSE selects students who are involved in the Child and Family Services Administration system, incarcerated, in the custody of the Department of Youth Rehabilitation Services and/or receive services through the Department of Mental Health or other District agencies, OSSE will take steps to coordinate its interviews with those agencies. Interview questions align with the monitoring standards and will be used to triangulate data gathered from other monitoring activities. A summary of data collected through student interviews will be included in the monitoring report.

- *Classroom Observations:* OSSE will observe classrooms or lessons in which students with IEPs are being educated. The purpose of the observations is to gain a better understanding of how special education instruction is delivered within the LEA. Data collected through classroom/lesson observation will be used to triangulate data gathered from other monitoring activities. Findings of noncompliance will not be made based solely on observations.

- *Fiscal Monitoring Activities:* OSSE will conduct fiscal monitoring activities while on-site. Fiscal monitoring includes document and record reviews, interviews and/or a demonstration of financial processes and systems. Items to be assessed can be found in the fiscal section of the compliance monitoring tool. LEAs will be informed in advance of materials that must be provided. LEAs should be prepared to provide calculations

regarding maintenance of effort and excess cost.

- *Individual Student-Level Monitoring:* During the on-site compliance monitoring visit, OSSE may choose to conduct individual student-level monitoring. Individual student-level monitoring consists of an in-depth review of one student's IEP; an in-depth review of all progress reports, attendance records and discipline records regarding the student; interviews with all teachers and service providers associated with the student; interviews with the student (if appropriate) and the student's parent or guardian; and an observation of the classrooms and programs to which the student is assigned. Information and findings regarding the individual student-level monitoring will be included in the on-site compliance monitoring report. LEAs will be informed in advance of the pre-site visit if individual student-level monitoring will occur during the on-site visit.

Step 6: Desk Review

Following the on-site visit, OSSE's Quality Assurance & Monitoring team will conduct a desk review of additional information available regarding the LEA. Information reviewed may include, but is not limited to, data in SEDS, student attendance records, Encounter Tracking Forms submitted to the District of Columbia Public Schools (DCPS) Medicaid Recovery Unit for the purposes of Medicaid recoupment for school-based Health Related Services, Related Services Management Reports, the Interim Data Collection Tool, other monitoring reports issued to the LEA (e.g. secondary transition monitoring reports or evaluation monitoring reports), State complaint Letters of Decision, HODs, and/or the LEA's website.

Step 7: Monitoring Report

Within three months of the on-site visit, OSSE will notify the LEA of any findings of noncompliance identified during the on-site visit via the District of Columbia Corrective Action Tracking System (DC CATS). The monitoring report will outline noncompliance found during the visit. The monitoring report will also delineate corrective actions and improvement activities necessary for the LEA to correctly implement the specific regulatory requirement. Monitoring reports are intended to promote the improvement of educational results and functional outcomes for students with disabilities through the identification of noncompliance. These reports will align with items in the compliance monitoring tool and with monitoring standards.

- *Initial Monitoring Report*: OSSE will release an initial report summarizing the results of the monitoring visit in DC-CATS. Following the release of the initial report, LEAs will have seven calendar days to review the information and upload any additional information that may demonstrate compliance into DC-CATS and SEDS.
- *Final Monitoring Report*: OSSE will release the final report summarizing the results of the monitoring visit in DC-CATS fourteen calendar days after the release of the initial monitoring report. Because these release procedures provide LEAs with an opportunity to respond to compliance determinations, **OSSE will not accept appeals of monitoring findings after the release of the final monitoring report**. Any documentation submitted after the release of the final monitoring report will be used to demonstrate correction of the identified noncompliance.

LEAs will be required to submit documentation of the correction of noncompliance and certify correction via the District of Columbia Corrective Action Tracking System (DC-CATS). Where a corrective action requires update to a student's special education record, the LEA must upload documentation of correction into DC-CATS as well as SEDS. OSSE will offer training to LEA representatives on the use of DC-CATS on a periodic basis as needed.

For all identified noncompliance, LEAs must correct the noncompliance as soon as possible but in no case later than one year after the identification of the noncompliance. The date of the release of the final monitoring report serves as the date of the identification of the noncompliance.

Pursuant to OSEP Memo 09-02, OSSE must account for all instances of noncompliance. In determining the steps that the LEA must take to correct the noncompliance and document such correction, OSSE may consider a variety of factors. For any noncompliance concerning a child-specific requirement that is not subject to a specific timeline requirement, OSSE must also ensure that the LEA has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA. In addition, OSSE must ensure that each LEA has completed the required action (e.g. completed the evaluation although late). A copy of OSEP Memo 09-02 can be found in Appendix C.

Noncompliance is corrected when the LEA can demonstrate that it is correctly implementing the specific regulatory requirement for all students with disabilities. The monitoring report will detail the required corrective actions and improvement activities required to assist the LEA in correctly implementing the specific regulatory requirement. OSSE may also require the LEA to conduct a root cause analysis to determine the reasons for the identified noncompliance. The requirement to conduct a root cause analysis may be contained within the monitoring report cover letter or the Additional LEA Corrective Actions section of the report.

LEAs are strongly encouraged to share the monitoring report with its stakeholders and the community through the LEA's website or a public notice in a local newspaper. The findings and corrective actions should routinely be shared and discussed with the LEA's School Board or Board of Directors.

Step 8: Corrective Action Plans

Contained within the monitoring report, OSSE will provide a list of required student-level corrective actions and LEA-level improvement activities for noncompliance identified through record reviews and certain interviews. If appropriate, LEAs may also be required to develop a Corrective Action Plan (CAP).

Corrective actions and improvement activities, whether generated through the monitoring report or through an LEA CAP, may be relatively uncomplicated and non-time consuming (e.g. correcting a data error in SEDS) or may be multifaceted and involved (e.g. developing a policy and procedures for ensuring appropriate discipline processes). More simple corrective actions or improvement activities may be accomplished by one staff member or through a routine IEP meeting, while more complex corrective actions or improvement activities may require extensive analysis and collaboration with the LEA leadership and/or Boards of Directors.

OSSE is committed to providing technical assistance to LEAs as they formulate CAPs and/or as they complete corrective actions and improvement activities. Assistance from the T&TA as well as the LEA Monitoring teams within OSSE will be available to LEAs as they strive toward correction of noncompliance and improvement of educational results and functional outcomes for students with disabilities.

Step 9: Verification of Correction of Noncompliance
After the LEA has certified correction of noncompliance, OSSE will verify the correction of noncompliance.

> **Prong 1:** To verify the correction of individual student noncompliance, OSSE will review the original student files to verify that the required action has been completed. Correction of noncompliance will be complete when the LEA can demonstrate that it is correctly implementing the specific regulatory requirement.
>
> **Prong 2**: To verify that the LEA is correctly implementing the regulatory requirement, OSSE will select a sample of student files that were not originally reviewed or generate a report from SEDS to verify correction of noncompliance. Correction of noncompliance will be complete when the LEA can demonstrate that 100% of files reviewed are compliant with the specific regulatory requirement. OSSE will review a minimum number of files to verify correction for Prong 2 based on the total number of students with IEPs, however, OSSE may choose to review additional files at its discretion.

Total Number of Students with IEPs	Minimum Prong 2 Files
Regardless of total number of students with IEPs, If two or fewer files were originally found noncompliant	1-2
Three or more files originally found noncompliant, and fewer than 150 students with IEPs	5
Three or more files originally found noncompliant, and 150 or more students with IEPs	10

Pursuant to OSEP Memo 09-02, OSSE must verify the correction of noncompliance within one year of the identification of the noncompliance; therefore**, all verification activities will occur before the conclusion of the one-year timeline (Prong 1 and Prong 2).**

Step 10: Closure of Findings of Noncompliance
For noncompliance issued through DC-CATS, the LEA will be notified of the verification of correction of noncompliance through DC-CATS. For noncompliance that was issued prior to the implementation of DC-CATS, OSSE will inform the LEA in writing that the finding of noncompliance is closed. LEAs should continue to conduct record review activities to identify any areas of need that may arise before future OSSE monitoring activities. Longstanding noncompliance extending beyond the one-year correction period will result in additional enforcement actions by OSSE and will affect the LEA's annual determination. Likewise, the LEA's timely correction of noncompliance will also be favorably considered in the LEA's annual determination.

LEA Focused Monitoring and Continuous Improvement

As defined by the National Center for Special Education Accountability Monitoring, "Focused monitoring purposefully selects priority areas to examine for compliance and results while not specifically examining other areas for compliance in order to maximize resources, emphasize important variables, and increase the probability of improved results."[2] Effective in fall 2012, OSSE lengthened its cycle of on-site compliance monitoring, and now requires an on-site compliance monitoring visit of each independent charter school once every five years, and an on-site visit of DCPS on an annual basis. This shift has allowed OSSE to develop a system for focused monitoring, allowing the agency to support LEAs by undertaking a root cause analysis of widespread or long-term noncompliant or underperforming systems.

Focused monitoring performed by the OSSE will assess an LEA's performance in the targeted focused area based upon a variety of sources including:

- Data contained in SEDS;
- Annual APR data;
- Student record reviews;
- Observation of selected programs; and
- Interviews of staff, parents and students (if appropriate).

LEAs may be selected for additional monitoring outside of the five-year cycle of on-site monitoring in one or more of the following areas:

- Discipline
- Initial Evaluations and Reevaluations
- Least Restrictive Environment
- Secondary Transition

OSSE will select LEAs for focused monitoring beginning in Fall 2013.

The focused monitoring report may include both required and suggested improvement activities designed to assist the LEA in addressing systemic noncompliance and underperformance. Additional detail on OSSE's focused monitoring process will be made available in Fall 2013.

[2] See the U.S. Department of Education's funded PowerPoint presentation on focused monitoring at http://www.monitoringcenter/suhsc.edu/PDF%20PPT/NERRC_CIFMS_09212003.pdf

Database Monitoring

The U.S. Department of Education, Office of Special Education Programs (OSEP) determined the District of Columbia to need intervention in meeting the requirements of Part B of the Individuals with Disabilities Education Act (IDEA). OSEP issued a letter to the Office of the State Superintendent of Education (OSSE) informing them that the U.S. Department of Education has imposed Special Conditions on OSSE's FFY 2012 grant awards under IDEA. OSSE was required to develop a Corrective Action Plan (CAP) to address noncompliance in specific areas. Pursuant to OSSE's CAP and these special conditions, which requires quarterly reporting of noncompliance in specific areas, OSSE reviews data in the Special Education Data System (SEDS) to identify noncompliance and assess progress toward federal and local targets for special education. OSSE must review data to determine compliance in the following areas.

Initial and Reevaluation Timelines

In order to improve compliance with timely evaluations and reevaluations, OSSE is required to report to OSEP the percent of initial evaluations and reevaluations provided to children with disabilities whose evaluation deadlines fell within the reporting period that were conducted in a timely manner. OSSE is also required to report on the percent of initial evaluations and reevaluations that were provided for children whose initial evaluation and reevaluations had become overdue in a prior reporting period (backlog). For each quarterly reporting period, the level of compliance for timely evaluations must increase until 95% of initial evaluations and reevaluations are completed in a timely manner.

Early Childhood Transition Timelines

In order to improve compliance with early childhood transition timelines, OSSE is required to report to OSEP the percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. In addition, OSSE is required to report to OSEP the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays in providing a timely evaluation and IEP.

Secondary Transition Requirements

In order to improve compliance with secondary transition requirements, OSSE is required to complete a random sampling of at least 100 individualized education programs (IEPs) of youth aged 16 and above to be reviewed for IEP secondary transition content during each quarterly reporting period. For each quarterly reporting period, the level of compliance for secondary transition requirements must increase until 95% of IEPs reviewed are compliant with secondary transition requirements.

OSSE will issue four quarterly reports on LEA noncompliance in these three areas during school year 2013 – 2014. LEAs will receive the results of these reviews in DC-CATS and be required to submit documentation of correction of noncompliance through DC-CATS.

Significant Discrepancy Reviews

The U.S. Department of Education, Office of Special Education Programs (OSEP), requires state education agencies to annually analyze and report on the rates of suspension and expulsion for students with disabilities as it compares to their non-disabled peers. States are also required to adopt a definition of what constitutes a 'significant discrepancy' between these two rates.

In the District of Columbia, a 'significant discrepancy' is defined as the suspension and expulsion of any child with a disability for 10 or more cumulative days in a school year by an LEA with a qualifying subgroup at a rate that is higher than the equivalent rate for non-disabled peers. A qualifying subgroup is defined as an LEA with a minimum "n" size of 40 children with disabilities.

Upon identification of LEAs who meet the criteria of significant discrepancy, states must complete a review of the LEA's policies, procedures, and practices relating to the development and implementation of Individualized Education Programs (IEPS), the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with the applicable requirements of the Individuals with Disabilities Act of 2004.

OSSE will require the LEAs who meet the criteria of significant discrepancy to complete the Significant Discrepancy Self-Study. The ultimate goal of this self-assessment is the revision of all policies, procedures, and practices that are contributing to significant discrepancies, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs and do not comply with the regulatory requirements relating to IEP development and implementation, positive behavioral supports and interventions, and procedural safeguards. The self-assessment guides LEAs through this process via a facilitated review of quantitative and qualitative data including a review of policies, procedures and practices; a review of student files; and answering of system analysis questions. Following completion of the self-assessment, LEAs may complete an improvement plan or be required to take other steps to correct identified noncompliance.

Disproportionate Representation Reviews

The IDEA requires the State to have in effect, consistent with the purposes of 34 CFR Part 300 and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR 300.8 of the IDEA regulations. [34 CFR §300.173] [20 U.S.C. 1412(a)(24)].

OSSE has adopted a weighted risk ratio of 2.5 for over-representation for determining if LEAs have disproportionate representation. The weighted risk ratio compares the chance, or risk, of children of a particular racial/ethnic group being identified for special education with the chance of children of all other racial/ethnic groups being identified for special education, taking into account the racial/ethnic composition of the student population in the District of Columbia. That is, the weighted risk ratio negates any effect on risk caused by a large or small percent of students being of a particular racial/ethnic group. The District of Columbia's weighted risk ratio limits of 2.5 mean that the OSSE will investigate cases in which a particular racial/ethnic group is more than two and one half times as likely as all other racial/ethnic groups to be identified for special education, based on each racial/ethnic group's proportion of all students in the District of Columbia.

OSSE determined that an LEA must have at least 40 students with disabilities in order for an LEA to be included in this analysis. In addition, within LEAs of 40 or more students with disabilities, at least five students of a single race/ethnicity are required for weighted risk ratio analysis for that particular race/ethnicity.

OSSE makes its annual determination that the disproportionate representation of racial and ethnic groups in special education in related services was, or was not, the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a) through a self-study.
The OSSE Disproportionate Representation Self-Study document is designed to support LEAs in reviewing their data and practices as they relate to Part B requirements for child find, evaluation and eligibility in order for OSSE to make the determination as to whether the LEA's disproportionate representation is the result of inappropriate identification. The self-assessment guides LEAs through this process via a facilitated review of quantitative and qualitative data including a review of policies, procedures and practices; a review of student files; answering of system analysis questions; and staff interviews particularly focused on regular education teachers and staff that are responsible for referring students to the special education program.

LEAs are required to submit a copy of file review checklists, guided interview answers and disproportionate representation questions to OSSE. OSSE reviews the submitted documents and determines whether the LEA's disproportionate representation was based on inappropriate identification and identified findings of noncompliance based on data included in the file review checklists and LEA disproportionate representation questions. Following completion of the self-assessment, LEAs may also complete an improvement plan or be required to take other steps to correct identified noncompliance.

Additional Findings of Noncompliance

As the SEA, OSSE is required to identify findings of noncompliance, notify LEAs of findings of noncompliance and ensure the correction of the noncompliance as soon as possible but in no case later than one year after the identification of the noncompliance. (All submissions and verifications of noncompliance will occur before the conclusion of the one year timeline – Prong 1 and Prong 2) At times, OSSE may become aware of noncompliance outside of the monitoring activities described in this section. Although the findings may not be associated with any of the scheduled activities, OSSE remains responsible for identifying and ensuring correction of the noncompliance.

Should OSSE become aware of an LEA's noncompliance with any regulatory requirement in 34 CFR Part 300, OSSE will notify the LEA in writing of the noncompliance and will indicate the required corrective action necessary to correct the finding of noncompliance. Correction of noncompliance (Prong 1 & Prong 2) will be complete when the LEA can demonstrate that it is correctly implementing the specific regulatory requirement.

8. District of Columbia Corrective Action Tracking System (DC-CATS)

OSSE issues findings of noncompliance made as part of on-site compliance monitoring and quarterly database reviews through an online system, the District of Columbia Corrective Action Tracking System (DC-CATS). On-site monitoring reports for nonpublic schools are also available via DC-CATS. In addition to supporting the accurate and efficient utilization of data gathered via compliance monitoring, OSSE plans to support LEA efforts to correct identified noncompliance within required timelines through the development of dashboards which detail outstanding findings and list remaining requirements for correction.

Additional DC-CATS functionality to support the issuance of findings made for significant discrepancy, disproportionate representation, and through State complaints are slated for release in DC-CATS later in the 2012 – 2013 school year or early in the 2013 – 2014 school year. Although a target date for incorporation of focused monitoring tools has not yet been set, OSSE plans to develop this functionality as well so that LEAs are able to access information regarding all OSSE special education monitoring activities via this system.

Finally, OSSE plans to develop a self-assessment tool in DC-CATS which will enable LEAs to evaluate student files and other processes and take proactive steps to improve compliance and results for students with IEPs. This functionality is slated for release in the 2013 – 2014 school year.

LEAs are required to submit documentation of the correction of noncompliance through DC-CATS. OSSE will offer training to LEA representatives on the use of DC-CATS on a periodic as needed basis.

9. APPENDICES

Appendix A Determinations Information and Frequently Asked Questions

Appendix B OSSE FFY 2012 IDEA Part B Grant Award Special Conditions Enclosure E

Appendix C OSEP Memo 09-02

Appendix D Prong 1 and Prong 2 Flow Chart

Appendix E Nonpublic Monitoring Supplement

Appendix F Student Compliance Monitoring Tool

Appendix G LEA Compliance Monitoring Tool

Appendix H Nonpublic School Compliance Monitoring Tool

Appendix I Secondary Transition Compliance Monitoring Tool

Appendix J Sample Monitoring Agendas

Appendix K Part B State Performance Plan Indicators

Appendix L Glossary