



Mississippi Department of Education

# **IDEA Part B Programmatic Monitoring Procedures**

## ***Programmatic Monitoring System Activities***

As required by the U.S. Department of Education, Office of Special Education Programs (OSEP), and aligned to OSEP QA 23-01, Integrated Monitoring Systems (IMS) processes are included in the General Supervision system of the Mississippi Department of Education (MDE), Office of Special Education (OSE). IMS implements a differentiated programmatic accountability and support system primarily focused accountability and effectiveness by ensuring Local Education Agencies (LEAs) meet the requirements of IDEA and develop and implement programs that improve educational results and functional outcomes for students with disabilities. IMS includes the following four (4) levels of monitoring and integrates the programmatic and fiscal process for monitoring activities:

- Universal Monitoring;
- Cyclical Monitoring;
- Targeted Monitoring; and
- Intensive Risk-Based Monitoring.

Under Part B of the IDEA, MDE OSE is responsible for the general supervision of all educational programs for children with disabilities administered within the state, including each educational program administered by any other state or local agency (but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior). This includes Section 619 (preschool) programs, public charter schools, children with disabilities residing in nursing homes, and educational programs in juvenile and adult correctional facilities (through the MDE Office of Compulsory Attendance Enforcement and Dropout Prevention). MDE OSE monitors the subrecipients of IDEA funds, which can include LEAs (traditional public school district or charter school) and programs operated by other State agencies. The subrecipients, in turn, are responsible for the general supervision of schools or programs within their jurisdiction. As part of monitoring an LEA, MDE OSE monitors compliance for any student placed by the LEA in a placement outside the LEA, including an Educable Child Facility, a university-based program, or a private school or program. Each LEA is responsible for the compliance and oversight of any out-of-district program in which a student is placed to ensure that it operates in accordance with all federal and state special education laws and regulations. MDE OSE reserves the right to identify any LEA for cyclical, intensive, or targeted monitoring at its discretion.

### ***Universal Monitoring***

Universal Monitoring activities are conducted in the daily functioning of the MDE OSE Office when providing service and support to the LEAs. The IMS Office collaborates with all MDE OSE offices and processes included in the universal monitoring activities to inform additional monitoring activities that may be needed to ensure LEA compliance, accountability, and effectiveness. Universal monitoring activities are conducted for all LEAs each year and include:

- IDEA project application assurances and review;
- State Performance Plan/Annual Performance Review (SPP/APR) data review;
- Annual Determinations;
- Dispute resolution; and
- Annual risk assessment.

### ***IDEA Project Application***

Each LEA is monitored annually as part of the MDE OSE **review and approval of the LEA's IDEA project application and budget submission** in the Mississippi Comprehensive Automated Performance-based System (MCAPS) demonstrating eligibility for IDEA Part B grant awards. The project application review process is ongoing due to the revisions submitted by the LEA and approved by the SEA. In addition to the required assurances described in [34 CFR §300.200](#) and evidence that the LEA is meeting select assurances, the application includes separate program plans for Coordinated Early Intervening Services (CEIS), Comprehensive Coordinated Early Intervening Services (CCEIS), and parentally placed private school students.

Each LEA that is reserving funds for CEIS, which is voluntary and CCEIS, required, must submit a CEIS plan in

its Application for Funds. LEAs must provide detailed information outlining the identified areas of disproportionality for CCEIS, areas the funds will target (i.e., grade levels, schools, professional development, etc.), how these funds will be used to address disproportionality in the LEA for CCEIS, and the specific interventions or strategies to be implemented. The MDE OSE reviews each plan for compliance. Each LEA with proportionate share private schools that meet the definition of elementary or secondary school within its jurisdiction is responsible for conducting child find activities and holding timely and meaningful consultations with representatives of the private school and parents of parentally placed private school children with disabilities. MDE OSE requires LEAs to budget a proportionate share of funds to provide services to parentally placed private school students. This amount is calculated automatically through MCAPS based on self-reported child count data. Additionally, LEAs are required to upload a signed affirmation upon completion of timely and meaningful consultation, signed by representatives of the participating private schools. The expectation of MDE OSE is that consultation occurs continuously throughout the school year.

### ***SPP/APR***

Annually, the MDE OSE collects and reviews **SPP/APR data** from each LEA for compliance and results indicators using the information input into the Mississippi Student Information System (MSIS) by the LEAs. The annual data is shared with the integrated monitoring office to inform monitoring activities. The compliance and results indicators are listed for reference in Appendix A. Data are used for reporting in the SPP/APR, reporting to the public on the performance of each LEA, and to make annual LEA determinations. When non-compliance of less than 100% is identified, the SEAs written notification of the noncompliance is provided to the LEA, LEA data is reviewed by the SEA to verify correction, and all instances of noncompliance must be corrected by the LEA as soon as possible, but no later than one year (365 days) from the date of the SEAs written issuance of the noncompliance to the LEA. These processes are detailed in the Data and Reporting Procedures Manual.

In Mississippi, there are several mechanisms available to resolve **disputes and complaints**. These dispute resolution mechanisms include voluntary IEP facilitation, mediation, formal state complaint, due process hearings, and resolution sessions. The MDE OSE reviews the outcomes and findings of substantiated complaints and due process hearings. Where appropriate and required, MDE OSE issues findings, requires corrective actions, and verifies correction of noncompliance. Formal state complaints and due process data are tracked and shared with the integrated monitoring office quarterly to inform monitoring activities. MDE OSE ensures the identification of noncompliance and verification of correction for formal state complaints and due process hearings in accordance with IDEA requirements, and the specific details for those processes are documented in Volume III of MDE OSE's Procedures for State Board Policy 74.19 details Procedural Safeguards, Dispute Resolution, and Confidentiality.

### ***Risk-Based Assessment***

Each year, the MDE OSE completes programmatic and fiscal **Risk-Based Assessments (RBA)** for each LEA based on criteria related to compliance with IDEA requirements, outcomes for students with disabilities, and the overall health of the school system. The tool assesses risk and differentiates levels of monitoring to identify and respond to emerging and emergency issues. The programmatic RBA for all LEAs to determine their risk of potential noncompliance. LEA risk is calculated based on the collection of data from the following sources (see Appendix C):

- LEA School Improvement identifications;
- LEA annual determinations;
- LEA resolution of findings from dispute resolution (formal state complaint and due process) processes within timelines;
- LEA performance on SPP/APR compliance indicators (11, 12, and 13);
- LEA suspensions and expulsions of students with disabilities (greater than 10 days) under SPP/APR Indicator 4A/4B
- LEA correction of monitoring findings within timelines;
- Identification of significant disproportionality in the LEA; and
- LEA Special Education Director experience (in the position for three or fewer years).

The criteria for risk may be adjusted each year to reflect MDE OSE priorities or new learning. LEAs receive partial points on a sliding scale for each component. The sum for each LEA is then calculated to produce a

percentage (total LEA points/total possible points). Based on the annual risk assessment score, each entity is classified into a risk category, with cutoffs established based on the annual review of the data, using the following as a guideline:

- Low risk: 0-25 risk points
- Medium risk: 26-49 risk points
- High risk: 50 + risk points

Programmatic and fiscal risk data are collected, compiled, scored, and analyzed to inform monitoring and technical assistance supports for LEAs (The fiscal risk components and rubric are included in Appendix C of the Fiscal Monitoring Procedures). Additionally, MDE OSE uses the results of the RBA to determine LEAs selected for intensive monitoring based on the LEAs combined programmatic and fiscal risk assessment scores.

### ***Cyclical Monitoring***

The MDE OSE conducts cyclical programmatic monitoring on the same five (5) year cycle. Cyclical monitoring ensures that the MDE OSE Programmatic Monitoring Team further monitors each LEA to examine LEA compliance with federal and state special education requirements related to priority areas at least once every five (5) years.

The LEAs identified for cyclical monitoring in a specific year are referred to as a cohort. LEAs are organized into cohorts by LEA type (regular school district or LEA charter school), size, geographical location, and financial data, including each LEA's MOE amount and the size of its IDEA Part B section 611 award to ensure a representative distribution of LEAs across cohorts. MDE OSE reserves the right to make changes to the LEA cohorts, groups within the cohorts, and monitoring activities as needed during the monitoring cycles, ensuring the revisions does not interfere with remaining in compliance with the MDE OSE monitoring procedures and IDEA requirements.

Cyclical monitoring activities occur each Fall, from August to December. The cyclical monitoring process includes the following activities:

- MDE-selected student sample representative of the LEAs students with disabilities population and data request (see the Identifying a Sample Section in Appendix D);
- Notification and training of the monitoring process and activities;
- LEA Self-assessment process;
- LEA data upload in the SEAs Special Education Navigator SharePoint online system;
- Monitor assignment and desk audit validation check of LEA data;
- On-site visit, classroom observations, and interviews (if selected for participation);
- Compilation and analysis of all monitoring data for compliance determination and report drafting;
- MDE OSE internal review, feedback, and approval process of report drafts;
- Issuance of compliance findings to the LEAs;
- Response opportunity and Corrective Action Plan (CAP) submission
- Technical assistance;
- Verification of individual and systemic correction and implementation of compliance requirements;
- Clearance report of noncompliant findings.

Although the cyclical monitoring schedule is publicly posted for each five (5) year cycle, the LEAs are separated into groups and provided with official notification of the upcoming self-assessment activity and monitoring activities and timelines with their respective groups within the cohort prior to the start of their monitoring activities. The MDE OSE also provides training for LEAs selected for cyclical monitoring prior to the start of their monitoring as well as on-going technical assistance throughout the monitoring process. Each LEA is required to complete an LEA self-assessment, and the self-assessment and all required documentation for review and compliance determination must be submitted to the MDE OSE no later than thirty (30) days

from the date of the notification letter, with the exception of the MDE OSE's approval of an additional fourteen (14) day extension request that is available to LEAs in the event of emergency/unforeseen occurrences.

As referenced in OSEP QA 23-01, compliance findings reports are issued to the LEAs no later than ninety (90) days from the MDE OSE's identification of noncompliance. Following the issuance of reports of findings, LEAs are given thirty (30) days to submit a response to the findings and/or a CAP. The response can include the LEAs request to dispute findings, in which the MDE would review the request and either explain the sufficiency of the finding or remove the finding from the LEAs required corrective actions if an MDE OSE error is identified. Additionally, LEA responses can include the submission of all compliant documentation to clear the identified noncompliance. LEA CAPs are approved by the MDE as technical assistance to assist the LEA and MDE with developing and implementing an ongoing plan to ensure all required corrective actions from the findings report are cleared within the required one (1) year timeframe.

MDE OSE provides technical assistance to the LEAs to ensure the CAPs submitted sufficiently addresses all areas of noncompliance and details the specific actions, persons responsible, and timelines proposed for ensuring correction of noncompliance as soon as possible but no later than one (1) year from the written issuance of the findings report from the SEA, as required by the IDEA and referenced in OSEP QA 23-01. Additionally, MDE OSE tracks the corrective action timelines and maintains communication with the LEAs as TA to ensure data submission timelines are met for the verification of noncompliance within the requirements of the IDEA. Ongoing, general technical assistance is provided up to eight (8) months following the issuance of the findings reports to the LEAs, with intensive technical assistance being initiated and provided for the LEAs that have not submitted the required corrective action documentation for clearance beyond eight (8) months of non-correction.

### ***Self-Assessment***

The MDE OSE facilitates the opportunity for programmatic and fiscal self-assessment during the cyclical monitoring process as a method of analyzing the implementation of IDEA, which requires each LEA to provide a Free Appropriate Public Education (FAPE) for students with disabilities. Self-assessment offers a way to ensure transparency and understanding of the monitoring process and requirements and for LEAs to conduct an analysis and compliance determination of their special education program, including the review of policies, procedures, and student files and data to determine whether the system is achieving the intended outcomes for students with disabilities. The self-assessment process also allows LEAs the opportunity to begin improvement planning and actions prior to the MDE OSE compliance determinations. Although MDE OSE does not utilize the LEAs' self-assessment findings in the SEAs compliance determination or allow pre-correction, LEAs are encouraged to begin improvement actions following their self-assessment process and monitoring data submission to MDE OSE to ensure effective and compliant programs are providing FAPE to students and correction of noncompliance, once issued by the SEA, are ready to be verified and cleared as soon as possible. There are seven (7) components of the programmatic self-assessment process and the SEAs cyclical monitoring review process (detailed in Appendix D):

- Free Appropriate Public Education (FAPE);
- Child Find Initial (CFI) and Reevaluation (CFR);
- Individualized Education Program (IEP);
- Least Restrictive Environment (LRE);
- Secondary Transition (TRAN);
- Early Childhood Special Education (ECSE); and
- Discipline (DIS).

The FAPE and Child Find components include a review of the LEA's policies, procedures, and

practices in addition to student file reviews. The MDE OSE utilizes the Mississippi Student Information System (MSIS) and LEA student rosters to select a sample of students representative of the LEAs population of students with disabilities to be reviewed by the LEA during the self-assessment process and the MDE OSE during the monitoring verification process (detailed in Appendix D). In addition to the submission of policies, procedures, and student data, the LEA will submit to the MDE the self-assessed score sheets for each of the seven (7) components and the LEA Self-Monitoring Results Summary Form.

### ***Desk Audit***

Upon completion of the LEA self-assessment and data upload in the Special Education Navigator SharePoint online system, the MDE OSE's monitoring team conducts validation checks of the data submitted by the LEA for the MDE-selected sample of students to ensure accuracy and compliance, identify areas for additional training for individual LEAs and across the LEA cohort, issue findings of noncompliance when identified, and ensure individual and systemic correction and implementation of compliance requirements for clearance of noncompliant findings.

Monitoring teams of two (2) or more monitors are assigned by the Integrated Monitoring Systems Director to review the data submitted by each LEA and completes the following to be used in the compliance determination and verification of correction:

- Cyclical Monitoring Data Review Protocols with the same seven (7) review areas as the LEA's self-assessment (one (1) combined protocol);
- Monitoring Collaborative Review Feedback Form; and
- and Compliance Compilations.

No later than forty-five (45) days from the date assigned to begin the review, the monitoring teams must complete the review of assigned LEAs' data and submit the required compliance determination documentation to the Integrated Monitoring Systems Director. The Integrated Monitoring Systems Director assigns the compliance findings reports to be drafted from the reviewing monitors' documentation, submits the drafted report for the internal feedback review and approval process, and send the final compliance report to the LEAs via email. Each LEA within the cohort receives a desk audit, and in addition, at least 40% of the LEAs within the cohort are selected to participate in an on-site visit, as determined by the RBA or other factors. LEAs with highest risk scores within their group are selected to participate in on-site visits for the verification of program implementation. The MDE OSE reserves the right to select LEAs to participate in on-site visits. Desk audits are only conducted for cyclical monitoring and verification of correction processes. Targeted and Intensive processes are conducted in on-site visits, except for additional data being requested by the SEA, uploaded to the SEAs Special Education Navigator SharePoint online system by the LEA, reviewed remotely by the SEA, and added to the data collected during the on-site visit for compliance determination.

### ***Targeted Monitoring***

The MDE OSE conducts targeted programmatic and fiscal monitoring as needed and at any time during the year. Targeted monitoring is typically limited in scope to specific instances of frequent or systemic noncompliance in a singular area and is conducted using an on-site visit. The review of data during targeted monitoring is conducted using one (1) or more of the intensive monitoring protocol(s) for the identified targeted area(s), collaborative feedback, and compliance compilation. LEA data is collected and reviewed on-site during the targeted monitoring process, unless additional data is requested following the on-site visit, uploaded to the SEAs online system by the LEA, and reviewed remotely by the SEA. The purpose of targeted monitoring is to direct the provision of technical assistance from the MDE OSE to the LEA based on the area being targeted.

LEAs can be identified for targeted monitoring through the:

- general supervision team's bi-weekly review of data;
- substantiated credible allegations;

- universal monitoring activities; or
- a specific area identified during the cyclical monitoring process in need of additional attention.

The targeted monitoring process includes the following activities:

- MDE-selected student sample representative of the LEAs students with disabilities population for the targeted area and data request;
- Notification of the monitoring process and activities;
- SEA and LEA targeted monitoring preparation meeting;
- On-site visit, classroom observations, and interviews;
- Review of LEA data by the monitoring team for compliance determination;
- Compilation and analysis of all monitoring data for compliance determination and report drafting;
- MDE OSE internal review, feedback, and approval process of report drafts;
- Issuance of compliance findings to the LEAs;
- Response opportunity and CAP submission;
- Targeted technical assistance;
- Verification of individual and systemic correction and implementation of compliance requirements; and
- Clearance report of noncompliant findings.

It should be noted that the MDE OSE reserves the right to implement cyclical or intensive monitoring based on findings during targeted monitoring.

Compliance findings reports are issued to the LEAs no later than ninety (90) days from the MDE OSE's identification of noncompliance. Following the issuance of reports of findings, LEAs are given thirty (30) days to submit a response to the findings and/or a CAP. MDE OSE provides technical assistance to the LEAs to ensure the CAPs submitted sufficiently addresses all areas of noncompliance and details the specific actions, persons responsible, and timelines proposed for ensuring correction of noncompliance as soon as possible but no later than one (1) year from the issuance of the findings report from the SEA. Additionally, MDE OSE tracks the corrective action timelines and maintains communication with the LEAs as TA to ensure data submission timelines are met for the verification of noncompliance within the requirements of the IDEA. Ongoing, general technical assistance is provided up to eight (8) months following the issuance of the findings reports to the LEAs, with intensive technical assistance being initiated and provided for the LEAs that have not submitted the required corrective action documentation for clearance beyond eight (8) months of non-correction.

### ***Intensive Monitoring***

The purpose of intensive monitoring of LEAs with identified high-risk factors is to determine compliance with federal and state laws for serving students with disabilities, direct the provision of technical assistance from the MDE OSE to the LEA, and assist the LEA in developing a continuous improvement process. Intensive monitoring activities occur each Spring, from January to May.

The data of LEAs identified with extremely high risk or the LEAs with the top 10 highest risk assessment scores, is discussed by the general supervision team and determinations of LEAs that will participate in intensive monitoring activities are made by the team, which includes an on-site visit. LEA data is collected and reviewed on-site during the intensive monitoring process, unless additional data is requested following the on-site visit, uploaded to the SEAs Special Education Navigator SharePoint online system by the LEA, and reviewed remotely by the SEA. While MDE does not make risk-based assessment scores publicly available, the MDE OSE sends each LEA identified for intensive monitoring its final risk score.

In addition to any LEA identified as having extremely high risk, MDE OSE may select LEAs from the cyclical monitoring cohort with the highest risk to escalate to intensive monitoring.

Intensive monitoring may also be conducted as the result of:

- a determination of “needs substantial intervention” or not meeting Part B Data requirements;
- a notification from the Office of Accreditation that an LEA’s accreditation is at risk; or
- emerging or emergency issues identified through uncorrected findings of noncompliance, findings from the LEA self-assessment, dispute resolution processes, or other available information.

There are five (5) intensive review areas and individual protocols (Appendix E):

- Policies and Procedures;
- Child Find Initial;
- Reevaluation;
- Delivery of Services; and
- Discipline.

Each LEA selected for intensive monitoring receives a notification letter at least fourteen (14) days prior to the on-site visit with an overview of the site visit protocols and documents that will be reviewed. Following notification, the intensive monitoring process includes the following activities:

- MDE-selected student sample representative of the LEAs students with disabilities population for the targeted area and data request;
- Notification of the monitoring process and activities;
- SEA and LEA intensive monitoring preparation meeting;
- On-site visit, classroom observations, and interviews;
- Review of LEA data by the monitoring team for compliance determination;
- Compilation and analysis of all monitoring data for compliance determination and report drafting;
- MDE OSE internal review, feedback, and approval process of report drafts;
- Issuance of compliance findings to the LEAs;
- Response opportunity and CAP submission
- Intensive technical assistance;
- Verification of individual and systemic correction and implementation of compliance requirements;
- Clearance report of noncompliant findings.

Compliance findings reports are issued to the LEAs no later than ninety (90) days from the MDE OSE’s identification of noncompliance. Following the issuance of reports of findings, LEAs are given thirty (30) days to submit a response to the findings and a CAP. MDE OSE provides technical assistance to the LEAs to ensure the CAPs submitted sufficiently addresses all areas of noncompliance and details the specific actions, persons responsible, and timelines proposed for ensuring correction of noncompliance as soon as possible but no later than one (1) year from the issuance of the findings report from the SEA. Additionally, MDE OSE tracks the corrective action timelines and maintains communication with the LEAs as TA to ensure data submission timelines are met for the verification of noncompliance within the requirements of the IDEA. Ongoing, general technical assistance is provided up to eight (8) months following the issuance of the findings reports to the LEAs, with intensive technical assistance being initiated and provided for the LEAs that have not submitted the required corrective action documentation for clearance beyond eight (8) months of non-correction.

### ***Data Review***

Individual and subsequent data submitted by the LEAs in the SEA’s Special Education Navigator SharePoint online system for cyclical, targeted, and intensive monitoring processes will include review by the monitoring team for monitoring validation checks, analysis, compliance determination, and verification of correction. The SEA’s data request to the LEAs for review can include multiple years of data and can include the following data sources:

- Student Individualized Education Programs (IEPs) for the current and previous year;

- Student IEP reports of progress;
- Student grade reports;
- Student attendance reports;
- Student discipline reports;
- Student discipline records (Functional Behavioral Assessments (FBAs), Behavior Intervention Plans (BIPs), and Multidisciplinary Determination Review (MDR) documentation);
- Student Individualized Family Service Plans (IFSPs);
- Student class schedules and transcripts;
- LEA policies and procedures;
- And other LEA and student specific documentation that is collected and maintained by the LEA.

The LEAs are informed by the SEA of the type of data sources that will be requested by the SEA for their monitoring activity in training, preparation meetings, notification letters, and official data requests. Data requests information is communicated to the LEAs by the SEA in-person, by telephone, virtual platforms, online systems, and email (ensuring students' identifying or confidential information is not exposed to unauthorized parties).

### ***Interviews and Additional Information***

Cyclical, targeted, and intensive monitoring processes may include requests for interviews or additional information based on the monitoring team's validation checks and may occur at any time during the initial monitoring process for compliance determination, on-site visit process, and follow-up process for verification of individual and systemic correction. Interviews are conducted in-person or by telephone using IMS interview forms and may include LEA district office staff, school administrators, special education teachers, general education teachers, related services providers, and any other LEA staff member that is relative to the monitoring compliance review area and student data. Interview protocols are completed by the monitoring team, used in the data analysis for compliance determination, and maintained in the LEA monitoring file. Additional information for student file reviews and monitoring compliance determinations may also be requested at any time during the monitoring process through clearance. Additional information can include requests for additional documentation for students included in the initial monitoring sample or requests for additional students and their records to be added to the LEAs monitoring sample. All additional information requests are documented, used in data analysis for compliance determination, and maintained in the LEA monitoring file.

### ***On-Site Monitoring***

On-site monitoring will be conducted for cyclical, targeted, and intensive processes and can occur during the initial monitoring and follow-up processes. Data (observations, interviews, student data, and other LEA data) collected during on-site visits are used in the compliance determination and verification of correction processes and maintained in the MDE OSE monitoring files.

Cyclical, Targeted, and Cyclical on-site monitoring activities consists of, but is not limited to:

- Notification of the on-site visit;
- Entrance Meeting – The MDE OSE monitoring team provides a description of the scope and purpose of the monitoring, requests additional information from the LEA, and verifies the information required to complete the monitoring visit is available at the site;
- Detailed Student File Review – The LEA and MDE OSE Program Monitoring teams conduct a detailed review of an MDE-selected sample of student files;
- Interviews – The MDE OSE monitoring team interviews key staff who are knowledgeable and experienced in priority areas and parents;
- Classroom Observations – The MDE OSE monitoring team will visit schools and classrooms verify implementation of special education and related services in accordance with student IEPs in the least restrictive environment and observe any promising practices occurring in schools, documenting observations using the

- observation forms;
- Review of Policies and Procedures – The MDE OSE monitoring team may review LEA policies and procedures to identify areas for improvement in the LEA’s program and practices that may be contributing to noncompliance;
- Exit interview – The MDE OSE team holds an exit interview with appropriate LEA staff when the monitoring visit is completed. Problem areas are discussed in general terms;
- Follow-up communication- The MDE OSE will send correspondence to recap the visit, request additional information, and provide guidance about the next steps in the process; and
- Review of Additional MDE-selected student files- The MDE OSE will request the files to review for any student observed during the on-site visit that was not initially included in the student population sample.

### ***Monitoring Report***

Following MDE OSE’s validation of the LEAs submitted data during cyclical, targeted, and intensive monitoring activities, written compliance finding reports are issued to the LEAs no later than ninety (90) days from the MDE OSE’s identification of noncompliance for cyclical, targeted, and intensive monitoring processes. The report includes:

- A description of the identified noncompliance;
- The statutory or regulatory IDEA requirement(s) with which the LEA or EIS program or provider is in noncompliance;
- A description of the quantitative and/or qualitative data (i.e., information, supporting the State’s conclusion that there is noncompliance);
- A statement that the noncompliance must be corrected as soon as possible, and in no case later than one year from the date of the State’s written notification of noncompliance;
- Any required corrective action(s); and
- A timeline for submission of a corrective action plan or evidence of correction.

Each finding of noncompliance must be corrected as soon as possible but no later than one (1) year from the date of the State’s written notification of noncompliance. The MDE OSE may establish shorter timelines for correction. MDE OSE offers follow-up calls with each LEA to review the report to ensure understanding of findings and sufficiency of correction. LEAs are offered a CAP/follow-up training and are required to submit a detailed CAP, including specific steps to be taken and an associated timeline to resolve noncompliance by submitting data demonstrating individual correction and systemic improvement. As discussed in the cyclical monitoring section, LEAs can submit a response that includes the LEAs request to dispute findings, in which the MDE would review the request and either explain the sufficiency of the finding or remove the finding from the LEAs required corrective actions if an MDE OSE error is identified. Additionally, LEA responses can include the submission of all compliant documentation to clear the identified noncompliance.

### ***Verification of Correction of Noncompliance***

Pursuant to Office of Special Education Programs (OSEP) QA 23-01, the MDE OSE verifies correction of each finding of noncompliance, verifying that the LEA is correctly implementing the specific regulatory requirements based on a review of updated data and information, such as data and information subsequently collected through integrated monitoring activities or the State's data system, including correction of individual findings and the review of MDE-selected subsequent data demonstrating systemic compliance. The MDE OSE also selects some of the LEAs within the cohort to conduct follow-up on-site visits to verify implementation of systemic corrections. Additionally, MDE OSE tracks the corrective action timelines and maintains communication with the LEAs as TA to ensure data submission timelines are met for the verification of noncompliance within the requirements of the IDEA. Ongoing, general technical assistance is provided up to eight (8) months following the issuance of the findings reports to the LEAs, with intensive technical assistance being initiated and provided for the LEAs that have not submitted the required corrective action documentation for clearance beyond eight (8) months of non-correction. If an LEA does not correct identified noncompliance within one (1) year of the State’s written notification of

noncompliance, MDE OSE issues written notification of sanctions to the LEA and takes additional action to ensure correction.

### ***Incentive and Enforcement Mechanisms***

MDE OSE's Results Driven Accountability system includes a system of incentives and sanctions. Each LEA has thirty (30) days to respond in writing to the monitoring findings and/or submit a CAP. If an LEA does not respond or take action to correct identified noncompliance within a reasonable time, as required, the MDE OSE will take additional action. Potential MDE OSE sanctions available to use with the LEA include:

- Technical assistance based on LEA's specific area(s) of need;
- Additional on-site monitoring;
- Special conditions on the LEA's IDEA subgrant awards;
- Directing the use of or withholding IDEA funds;
- Accreditation actions and sanctions; and
- State takeover with state oversight.

Potential MDE OSE incentives available to use with the LEA include:

- Decreased reporting requirements when noncompliance is corrected in a shorter timeline;
- Recognition of timely correction through points added to determinations or risk assessment scores;

## ***Programmatic Technical Assistance***

The MDE OSE provides differentiated technical assistance and support to LEAs that are informed by its monitoring activities. Technical assistance is provided as an integral part of the accountability system and includes face-to-face and virtual training, training materials, state guidance, and procedural documents. MDE's technical assistance system includes three levels of support.

### ***Universal***

MDE OSE provides universal technical assistance to ensure that all LEAs comply with applicable federal statutes and regulations. The topics of universal technical assistance are decided based on a review of common questions from LEAs and a reflection on common findings made during monitoring activities.

### ***Cyclical***

MDE OSE provides cyclical technical assistance to each LEA as follow-up to cyclical monitoring to ensure compliance and corrective action on part of the LEA. Cyclical technical assistance is provided until all findings are resolved and improvement plans completed. Cyclical technical assistance is also provided at the request of the LEA through researching and responding to questions, providing training, and developing templates and resources.

### ***Targeted***

MDE OSE provides targeted technical assistance to LEAs with identified targeted areas of noncompliance to ensure proper corrective action and compliance with federal and state statutes and regulations. Targeted technical assistance can include scheduled calls, virtual or in-person meetings, training, and other assistance as needed depending on the targeted area.

### ***Intensive***

MDE OSE provides intensive technical assistance to LEAs identified as "extremely high risk" and LEAs that are not approaching clearance after eight (8) months of the MDE OSEs written issuance of noncompliance to LEA. Intensive technical assistance is to ensure proper corrective

action and compliance with federal and state statutes and regulations. At a minimum, MDE OSE holds monthly calls with each identified LEA, and intensive technical assistance is provided until all findings are resolved.

## **Appendices**

*Appendix A: Part B SPP/APR Indicators*

*[Appendix B: OSEP QA 23-01](#)*

*Appendix C: Risk-Based Assessment Rubric*

*Appendix D: Self-Assessment Protocol & Cyclical Monitoring Components*

*Appendix E: Intensive Monitoring Protocols*

## **Appendix A: Part B SPP/APR Indicators**

1. Graduation
2. Drop out
3. Assessment
4. Suspension/Expulsion
5. Education Environments (School Age)
6. Preschool Environments
7. Preschool Outcomes
8. Parent Involvement
9. Disproportionate Representation
10. Disproportionate Representation in Specific Disability Categories
11. Child Find
12. Early Childhood Transition
13. Secondary Transition
14. Post-School Outcomes
15. Resolution Sessions
16. Mediations
17. State Systemic Improvement Plan (SSIP)
18. General Supervision

IDC's Indicator Card – Part B FFY 2019 SPP/APR

IDC's Indicator Card – Part B FFY 2020-2025 SPP/APR

### Appendix C: Risk-Based Assessment Rubric

<b>Indicator</b>	<b>Scoring</b>
Were any schools in the LEA identified as Targeted Support and Improvement School (TSI)?	No schools were identified: 0 At least one school has been identified as TSI: 5 At least one school has been identified as TSI for Students with Disabilities: 10
Were any schools in the LEA identified as an Additional Targeted Support and Improvement School (ATSI)?	No schools were identified: 0 At least one school has been identified as ATSI: 5 At least one school has been identified as ATSI for Students with Disabilities: 10
Did the LEA meet requirements for its Special Education Performance Determination Report? Most recent data is available.	Meets Expectations: 0 Needs assistance (3+ years): 5 Needs intervention (3+ years): 10 Needs substantial intervention: 15
Did the LEA resolve findings from parent complaints within timelines?	0 unresolved complaints: 0 1 unresolved complaint: 5 2 unresolved complaints: 10 3 or more unresolved complaints: 15
Did the LEA implement the hearing officer's due process hearing decision within the specified timelines?	No - 10 Yes - 0
Did the LEA meet state targets for SPED compliance indicators (11, 12, and 13)? Most recent data is available.	Met 3 out of 3 indicators: 0 Met 2 out of 3 indicators: 5 Met 1 out of 3 indicators: 10 Met 0 out of 3 indicators: 15 Has long standing noncompliance for one or more indicators (more than 1 year without correction): 5
LEA suspensions and expulsions of students with disabilities (greater than 10 days) under SPP/APR Indicator 4A/4B	No - 0 Yes - 10
Did the LEA have unresolved monitoring findings for more than 1 year based on the most recent monitoring data? Includes all monitoring activities.	No - 0 Yes - 10
Has the LEA been identified as having significant disproportionality?	No - 0 Yes - 10
Has the LEA Director of Special Education been in the position for three years or less?	No - 0 Yes - 10

The criteria for risk may be adjusted each year to reflect MDE OSE priorities or new learning. Based on the annual risk assessment score, each LEA is classified into a risk category, with thresholds established based on the annual review of the data, using the following as a guideline:

- Low risk: 0-25 risk points

- Medium risk: 26-49 risk points
- High risk: 50 + risk points