TA Center Adapted

Part B/C Integrated Monitoring

# OVERVIEW

In 2016, OSEP began providing differentiated monitoring and support (DMS) to States as part of its Results Driven Accountability ([RDA](https://www2.ed.gov/about/offices/list/osers/osep/rda/index.html)) system under Parts B and C of the Individuals with Disabilities Education Act (IDEA). Under RDA, OSEP made a shift from monitoring based solely on compliance with IDEA requirements to monitoring and support focused on both compliance and improving results for infants, toddlers, children with disabilities referred to and/or served under the IDEA (collectively referred to as children with disabilities). OSEP differentiates its approach for each State based on the State's unique strengths, challenges, and needs. Beginning in Federal fiscal year (FFY) 2021, Part B and Part C programs in States will be monitored by OSEP in a five-year cycle. OSEP will monitor all States[[1]](#footnote-2) on their general supervision systems. OSEP will continue to provide support and technical assistance that is differentiated based on each State’s unique strengths, challenges, and needs.

# IMPLEMENTATION

OSEP’s monitoring of each State will be conducted in three (3) phases:

1. ***Phase 1: Document Request and Protocol Interviews*:**  The OSEP monitoring team will begin working with the State to prepare for the Phase 2 visit. Phase 1 will occur 5 months prior to the Phase 2 on-site/virtual visit. The OSEP monitoring team will review all publicly available information prior to working with the State.
	1. **5 months prior to the Phase 2** visit OSEP will send a document request for relevant information we have not found in our initial research. Please refer to the suggested documents listed below for an initial list of the information we are seeking.
	2. **4 months prior to the Phase 2** visit OSEP will conduct targeted interviews with State staff on the component-specific protocols.[[2]](#footnote-3)
2. ***Phase 2: On-site/Virtual Visit through issuing of the Monitoring Report*:**  Based on information collected during the Phase 1 work, OSEP will develop an agenda for the on-site/virtual visit focusing on the issues that require further exploration, deeper looks or additional discussions.
3. ***Phase 3: Close-out and Follow-up*:**  In the year following the on-site visit, the OSEP State Lead will work with the State to ensure correction of any remaining outstanding findings, provide technical assistance, and support, and discuss progress in improving identified results areas.

#### The protocols are developed and organized in the following way—

Question: Overarching area and question related to the monitoring component.

General Information: A listing of statements about what the State would need to effectively answer the question.

Possible Follow-up Questions: Questions designed to more closely examine areas addressed by the General Information. The questions included within this section are examples of what may be asked; OSEP may ask additional questions that are not listed to ensure understanding.

Areas (or issues) for Follow-up: Issues which could: 1) result in findings of noncompliance if verified, or areas of concern that may not rise to the level of a finding of noncompliance but require follow-up; 2) lead to a finding of noncompliance if the State does not have a process or procedure to meet the Basic Requirement; or 3) be areas that suggest the need for technical assistance or further discussion.

# Integrated Monitoring: Does the State have a general supervision system that is reasonably designed to identify noncompliance and address improved results and functional outcomes in a timely manner using its different components?

Component Definition: INTEGRATED MONITORING—
A multifaceted process or system that is designed to examine and evaluate each State’s general supervision system with an emphasis on improved educational results, functional outcomes and compliance with IDEA statutory and regulatory requirements.

### Suggested Documents to Review (not exhaustive):

### PHASE 1

* State’s risk assessment
* State’s written policies and procedures on monitoring
* State’s documentation of procedures for identifying noncompliance, including at a minimum:
	+ methods for determining whether noncompliance has occurred,
	+ steps to identify noncompliance through the State’s monitoring system,
	+ timelines for making a written finding of noncompliance and notifying the affected public agency of that finding.
* Examples of State monitoring protocols

### PHASE 2

* Sample monitoring reports
* Notification letter for any local educational agencies (LEAs)/ early intervention service (EIS) providers with identified noncompliance
* Schedule of follow-up activities
* Examples of enforcement actions used by the State

# Overarching Questions (details start on page 4)

## [What components of the State’s general supervision system are used to identify noncompliance and improved results and functional outcomes?](#_What_components_of" \o "Link to Question A.) [34 C.F.R. §§ 300.149(a) & (b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=6fedd5405d4cd9c4a826c30b5107ff7e&mc=true&node=se34.2.300_1149&rgn=div8) and [300.600(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=6fedd5405d4cd9c4a826c30b5107ff7e&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. §§ 303.120(a) & (b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1120&rgn=div8) and  [303.700(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1700&rgn=div8)

## [(If applicable) How does the State use its data system(s) to identify noncompliance and/or improved results and functional outcomes?](#_(If_applicable)_How) [34 C.F.R. § 300.601](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1601&rgn=div8); [34 C.F.R. § 303.701](https://www.ecfr.gov/cgi-bin/text-idx?SID=2f18db0eb85f3403763c4a9b56467f86&mc=true&node=se34.2.303_1701&rgn=div8)

## [How does the State use its data system(s) to inform monitoring priorities (e.g., districts/areas for focused monitoring, revision to policies, etc.)?](#_How_does_the)[34 C.F.R. § 300.601](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1601&rgn=div8); [34 C.F.R. § 303.701](https://www.ecfr.gov/cgi-bin/text-idx?SID=2f18db0eb85f3403763c4a9b56467f86&mc=true&node=se34.2.303_1701&rgn=div8)

## [How does the State determine which LEAs/EIS providers are monitored and when they are monitored?](#_How_does_the_1) [34 C.F.R. § 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1600&rgn=div8); [2 C.F.R. §§  200.329](https://www.ecfr.gov/cgi-bin/text-idx?SID=3169fbd3a29b16d8cd47c8cf4742cec9&mc=true&node=se2.1.200_1329&rgn=div8) and [200.332(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=3169fbd3a29b16d8cd47c8cf4742cec9&mc=true&node=se2.1.200_1332&rgn=div8); [34 C.F.R. §§ 303.120(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1700&rgn=div8)

## [How does the State define and implement focused monitoring (if applicable)?](#_How_does_the_2) [34 C.F.R. § 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1600&rgn=div8); [2 C.F.R. §§ 200.329](https://www.ecfr.gov/cgi-bin/text-idx?SID=3169fbd3a29b16d8cd47c8cf4742cec9&mc=true&node=se2.1.200_1329&rgn=div8) and [200.332(b) and (d)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=33974e646bcbfb2ab17464a2faa3a1bb&mc=true&n=sp2.1.200.d&r=SUBPART&ty=HTML#se2.1.200_1332); [34 C.F.R. §§ 303.120(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1700&rgn=div8)

## [Describe the State’s monitoring process and the areas covered by the monitoring.](#_Describe_the_State’s) [34 C.F.R. § 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1600&rgn=div8); [2 C.F.R. §§ 200.329](https://www.ecfr.gov/cgi-bin/text-idx?SID=3169fbd3a29b16d8cd47c8cf4742cec9&mc=true&node=se2.1.200_1329&rgn=div8) and [200.332(b) and (d)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=33974e646bcbfb2ab17464a2faa3a1bb&mc=true&n=sp2.1.200.d&r=SUBPART&ty=HTML#se2.1.200_1332); [34 C.F.R. §§ 303.120(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1700&rgn=div8)

## [How does the State use the other components of its general supervision system (e.g., self-assessments, desk audits, local APRs, due process hearing decisions, State complaint decisions) to identify noncompliance and address results?](#_How_does_the_3) [34 C.F.R. § 300.149(a) & (b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1149&rgn=div8); [34 C.F.R. § 303.120(a) & (b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1120&rgn=div8); [2 C.F.R. § 200.332(d)-(f)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=33974e646bcbfb2ab17464a2faa3a1bb&mc=true&n=sp2.1.200.d&r=SUBPART&ty=HTML#se2.1.200_1332)

## [Under what conditions does the State make a finding of noncompliance?](#_Under_what_conditions) [34 C.F.R. § 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. § 303.700](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1700&rgn=div8)

## [When are LEAs/EIS providers notified of findings of noncompliance or the need for improved results? (When/how does the State “write the ticket”?)](#_When_are_LEAs/EIS) [34 C.F.R. § 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. § 303.700](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1700&rgn=div8)

## [What are the barriers that impede the State’s ability to identify noncompliance or areas in need of improvement?](#_What_are_the) [34 C.F.R. § 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. §§ 303.120(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1700&rgn=div8); [2 C.F.R. § 200.332(b)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=33974e646bcbfb2ab17464a2faa3a1bb&mc=true&n=sp2.1.200.d&r=SUBPART&ty=HTML#se2.1.200_1332)

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| --- |
| 1. What components of the State’s general supervision system are used to identify noncompliance and improved results and functional outcomes? [34 C.F.R. §§ 300.149(a) & (b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=6fedd5405d4cd9c4a826c30b5107ff7e&mc=true&node=se34.2.300_1149&rgn=div8) and [300.600(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=6fedd5405d4cd9c4a826c30b5107ff7e&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. §§ 303.120(a) & (b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1700&rgn=div8)
 |
| Overall Comments and Notes: |

### General Information

| **General Information****The State must be able to describe –** | **Staff assigned** | **Evidence or location of evidence** | **Notes/additional information needed** | **Complete** |
| --- | --- | --- | --- | --- |
| * The components of its general supervision and monitoring system.
 |  |  |  |  |
| * How it uses its data system(s) to identify noncompliance and improved results and functional outcomes, if applicable.
 |  |  |  |  |
| * How it is using its dispute resolution system (complaints, due process) to track and determine whether noncompliance was identified and whether further follow-up and correction are required (See also separate Dispute Resolution Protocol); and whether it has procedures in place to track and conduct appropriate follow up when there are informal allegations of noncompliance from credible sources that are not yet the subject of a formal State complaint or due process complaint.
 |  |  |  |  |
| * Any other components—such as self-assessments, desk audits, State Performance Plan/Annual Performance Report (SPP/APR) data, and other relevant data sources—it uses to identify noncompliance, results and functional outcomes.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow up Questions** | **Staff assigned** | **Evidence or location of evidence** | **Notes/additional information needed** | **Complete** |
| --- | --- | --- | --- | --- |
| * When and how does the State identify noncompliance, results and functional outcomes? (Does the State use any method of pre-finding correction[[3]](#footnote-4)? If so, what is that process/how does the State define pre-finding correction? Does the State conduct cyclical monitoring activities?)
 |  |  |  |  |
| * Does the State allow its LEAs/EIS providers to correct noncompliance before the State issues a formal finding?
 |  |  |  |  |
| * When the State reports SPP/APR compliance data to OSEP, does that data reflect actual indicator data that includes noncompliance, if applicable, or does it reflect indicator data that has been compiled after the State has addressed noncompliance?
 |  |  |  |  |
| * What mechanisms does the State use to ensure that each of its LEAs/EIS providers self-identifies noncompliance if there are no on-site visits?
 |  |  |  |  |
| * Does the State have procedures for monitoring when it is not able to go on-site?
 |  |  |  |  |
| * How do LEA/EIS provider determinations impact activities within the State’s monitoring system?
 |  |  |  |  |

### Areas (or issues) for Follow-up

* The State does not have a monitoring system that enables it to identify noncompliance and issue a finding in a timely manner.
* The State has a data system(s) but does not use it to identify noncompliance and improved results and functional outcomes.
* The State does not use its dispute resolution system to identify noncompliance.
* The State is engaging in pre-finding correction and submitting data for the purposes of the SPP/APR submission after the State has allowed the LEAs/EIS providers to correct their noncompliance.
* The State does not have monitoring procedures when onsite monitoring is not possible.

### Notes

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| 1. (If applicable) How does the State use its data system(s) to identify noncompliance and/or improved results and functional outcomes?[34 C.F.R. § 300.601](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1601&rgn=div8); [34 C.F.R. § 303.701](https://www.ecfr.gov/cgi-bin/text-idx?SID=2f18db0eb85f3403763c4a9b56467f86&mc=true&node=se34.2.303_1701&rgn=div8)
 |
| Overall Comments and Notes: |

### General Information

| **The state should be able to describe** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State should be able to describe how it accesses information from its data system(s).
 |  |  |  |  |
| * The State should review data in its data system(s) on a regular basis (could be yearly or more frequently).
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * How often does the State review information in its data system(s)?
 |  |  |  |  |
| * What actions does the State take when information in the data system(s) indicates noncompliance? (Follow-up with program to determine accuracy of information?)
 |  |  |  |  |
| * What actions does the State take when information in the data system(s) indicates performance issues? (Follow-up with program to determine accuracy of information?)
 |  |  |  |  |
| * What mechanism does the State have in place to analyze the LEAs’/EIS providers’ data, and how frequently does it analyze this data?
 |  |  |  |  |
| * If State does not use a data system(s) to identify noncompliance, how do the State and the LEAs/EIS providers collect data to identify noncompliance?
 |  |  |  |  |

### Areas (or issues) for Follow-up

* The State has a data system(s) but does not use it to identify noncompliance.
* The State has a data system(s) but does not use it to identify improved results and functional outcomes.
* The State uses a threshold other than 100% compliance in identifying noncompliance.
* The State only looks at a narrow sample or data from a limited period of time in its data system(s) to identify noncompliance (not a representative or a large enough sample or time period).

### Notes

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| --- |
| 1. **How does the State use its data system(s) to inform monitoring priorities (e.g., districts/areas for focused monitoring, revision to policies, etc.)?** [34 C.F.R. § 300.601](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1601&rgn=div8); [34 C.F.R. § 303.701](https://www.ecfr.gov/cgi-bin/text-idx?SID=2f18db0eb85f3403763c4a9b56467f86&mc=true&node=se34.2.303_1701&rgn=div8)
 |
| Overall Comments and Notes: |

### General Information

| **The State must be able to** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State must be able to describe how it selects programs for monitoring and focused monitoring.
 |  |  |  |  |
| * The State must be able to explain its process for selecting the topics for which it will monitor.
 |  |  |  |  |
| * The State must be able to explain why the data is representative of the LEAs/EIS providers in the State, in the identified timeframe and is valid and reliable.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * What, if any, reports does the State generate from its data system(s) to obtain information about compliance or results/functional outcomes in public agencies when planning its monitoring activities?
 |  |  |  |  |
| * If applicable, how is the data system(s) used to identify Statewide or system-wide trends in compliance and/or results/functional outcomes?
 |  |  |  |  |
| * How, if at all, are educational results and functional outcomes for all children with disabilities considered in determining monitoring priorities?
 |  |  |  |  |

### Areas (or issues) for Follow-up

* + The State does not use its data system(s) to inform its monitoring priorities.
	+ The State does not regularly review its data and other relevant information (e.g., SPP/APR indicators, focused monitoring, self-assessments, etc.).
	+ The State does not use its data system(s) to improve compliance and results/functional outcomes or to determine the need for Statewide initiatives to improve specific outcomes for students with disabilities.

### Notes

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| --- |
| 1. How does the State determine which LEAs/EIS providers are monitored and when they are monitored? [34 C.F.R. § 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1600&rgn=div8); [2 C.F.R. §§  200.329](https://www.ecfr.gov/cgi-bin/text-idx?SID=3169fbd3a29b16d8cd47c8cf4742cec9&mc=true&node=se2.1.200_1329&rgn=div8) and [200.332(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=3169fbd3a29b16d8cd47c8cf4742cec9&mc=true&node=se2.1.200_1332&rgn=div8); [34 C.F.R. §§ 303.120(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1700&rgn=div8)
 |
| Overall Comments and Notes: |

### General Information

| **The State** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State can describe its method for monitoring LEAs/EIS providers (via cyclical, risk based, or other monitoring).
 |  |  |  |  |
| * The State included a narrative in its SPP/APR outlining its general supervision system, including its monitoring cycle.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * How did the State establish its system for selecting LEAs/EIS providers for monitoring?
 |  |  |  |  |
| * If the State uses some form of risk assessment, how is it used in the State’s monitoring system?
 |  |  |  |  |
| * Under what circumstances, if any, would the State conduct monitoring outside of its established selection criteria (e.g., off-cycle, follow-up, etc.)?
 |  |  |  |  |
| * Who conducts the monitoring visits? (e.g., State personnel, contractors, etc.)
 |  |  |  |  |
| * How long has it been since the State last monitored all of its LEAs/EIS providers? Does the State have a schedule for ensuring that all LEAs/EIS providers are monitored?
 |  |  |  |  |
| * Are there any discrepancies between how the State conducts its monitoring and the process that the State describes in its SPP/APR?
 |  |  |  |  |

### Areas (or issues) for Follow-up

* The State does not ensure that it monitors all programs within a reasonable period of time.
* The State has not included flexibility in its system to address emerging issues of potential noncompliance.
* The State has not updated the information in its SPP/APR to reflect revisions to its general supervision system.

### Notes

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| 1. How does the State define and implement focused monitoring (if applicable)? [34 C.F.R. § 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1600&rgn=div8); [2 C.F.R. §§ 200.329](https://www.ecfr.gov/cgi-bin/text-idx?SID=3169fbd3a29b16d8cd47c8cf4742cec9&mc=true&node=se2.1.200_1329&rgn=div8) and [200.332(b) and (d)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=33974e646bcbfb2ab17464a2faa3a1bb&mc=true&n=sp2.1.200.d&r=SUBPART&ty=HTML#se2.1.200_1332); [34 C.F.R. §§ 303.120(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1700&rgn=div8)
 |
| Overall Comments and Notes: |

### General Information

| **The State must be able to** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * Describe its process for selecting programs for focused monitoring.
 |  |  |  |  |
| * Identify the extent of noncompliance, level of improved results, or other criteria that would trigger a focused monitoring activity.
 |  |  |  |  |
| * Describe its method for conducting focused monitoring.
 |  |  |  |  |
| * Describe how it selects areas for focused monitoring.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * How many programs are selected for focused monitoring visits each year? (e.g., a specific number each year, variability based on certain factors, a specific sample size)
 |  |  |  |  |
| * What would trigger a focused monitoring visit?
 |  |  |  |  |
| * What method does the State use for conducting focused monitoring (is it on-site, desk audit, self-assessment, etc.)?
 |  |  |  |  |
| * What is the purpose of focused monitoring in the State?
 |  |  |  |  |
| * What does the State examine or review when conducting a focused monitoring visit or other focused monitoring activity?
 |  |  |  |  |
| * Is the State reviewing one or a few topic(s) in-depth, or is the State closely examining an LEA/EIS provider(s)?
 |  |  |  |  |
| * What criteria does the State use in determining how many topics the State explores during focused monitoring?
 |  |  |  |  |

### Areas (or issues) for Follow-up

* The State is not able to describe its process for selecting programs for focused monitoring (if applicable).
* The State reports that it does not have the capacity to respond to emerging issues or out-of-cycle monitoring activities.
* The State chooses areas where little improvement is needed and ignores other areas in need of more significant improvement (e.g., impact on children vs. procedural or administrative reason).
* The State does not look at LEAs/EIS providers that demonstrate systemic (system-wide) noncompliance and improved results and functional outcomes (e.g., in the areas of SPP/APR indicators, procedural safeguards, etc.).
* The State does not have criteria for, or is unable to explain the process for, choosing areas for focused monitoring.

**Notes**

|  |
| --- |
| 1. Describe the State’s monitoring process and the areas covered by the monitoring. [34 C.F.R. § 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1600&rgn=div8); [2 C.F.R. §§ 200.329](https://www.ecfr.gov/cgi-bin/text-idx?SID=3169fbd3a29b16d8cd47c8cf4742cec9&mc=true&node=se2.1.200_1329&rgn=div8) and [200.332(b) and (d)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=33974e646bcbfb2ab17464a2faa3a1bb&mc=true&n=sp2.1.200.d&r=SUBPART&ty=HTML#se2.1.200_1332); [34 C.F.R. §§ 303.120(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1700&rgn=div8)
 |
| Overall Comments and Notes: |

### General Information

| **The State must be able** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State must be able to describe the content and structure of its monitoring.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * What are the areas covered during the monitoring?
 |  |  |  |  |
| * What data is examined as part of the monitoring?
 |  |  |  |  |
| * Are individual files and IEPs/IFSPs examined as part of the monitoring process?
 |  |  |  |  |
| * Is improving educational results and functional outcomes for children with disabilities discussed during the monitoring? If so, how?
 |  |  |  |  |

### Areas (or issues) for Follow-up

The State’s monitoring:

* Is solely focused on SPP/APR indicators.
* Does not include review of IEPs/IFSPs or student files.
* Does not include a performance/results component.

### Notes

|  |
| --- |
| 1. How does the State use the other components of its general supervision system (e.g., self-assessments, desk audits, local APRs, due process hearing decisions, State complaint decisions) to identify noncompliance and address results? [34 C.F.R. § 300.149(a) & (b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1149&rgn=div8); [34 C.F.R. § 303.120(a) & (b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1120&rgn=div8); [2 C.F.R. § 200.332(d)-(f)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=33974e646bcbfb2ab17464a2faa3a1bb&mc=true&n=sp2.1.200.d&r=SUBPART&ty=HTML#se2.1.200_1332)
 |
| Overall Comments and Notes: |

### General Information

The State must be able to explain –

| **The State must be able to expalin** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * What other components of its general supervision system it uses to identify noncompliance.
 |  |  |  |  |
| * What other components of its general supervision system it uses to address results and functional outcomes.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * What does the State do when one of these methods reveals potential noncompliance or results issues? (Verify data reported is valid and correct? Allow for pre-finding correction?)
 |  |  |  |  |

### Areas (or issues) for Follow-up

* The State utilizes any of these components but does not use the information obtained to identify noncompliance.
* The State has not established a mechanism for using information from other components of its general supervision system to identify noncompliance and to address results.

### Notes

|  |
| --- |
| 1. Under what conditions does the State make a finding of noncompliance? [34 C.F.R. § 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. § 303.700](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1700&rgn=div8)
 |
| Overall Comments and Notes: |

### General Information

| **The State** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State must make a finding when it discovers any noncompliance, including child-specific and systemic noncompliance.
 |  |  |  |  |
| * The State may first investigate data or information that indicates potential noncompliance to determine whether it is actual noncompliance or incorrect reporting of data or information (see data protocol).
 |  |  |  |  |
| * The State may not have a threshold that is different from 100% compliance for making findings of noncompliance.
 |  |  |  |  |
| * The State may choose not to issue a finding if the program corrects the noncompliance (per [**OSEP Memo 09-02 to Chief State School Officers Reporting on Correction of Noncompliance (October 17, 2008)**](https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcltrs/osep09-02timelycorrectionmemo.pdf)) prior to issuance of the finding, but the State’s SPP/APR data reporting must reflect the pre-finding correction data.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * What evidence is necessary for the State to make a finding?
 |  |  |  |  |
| * What is the State’s timeline from identification of the noncompliance to the issuance of a written finding?
 |  |  |  |  |
| * Does the State issue findings at the child-level or only at the LEA/EIS provider level? (e.g., if 10 records are out of compliance with a particular IDEA requirement in one program, does the State issue the program 10 findings or one finding?)
 |  |  |  |  |
| * Does the State allow programs to correct noncompliance prior to the issuance of a written finding (pre-finding correction)?
 |  |  |  |  |

### Areas (or issues) for Follow-up

* The State does not issue any findings of noncompliance.
* The State is not making a finding for all noncompliance identified, regardless of whether the identification occurs through its data, monitoring, and/or other monitoring processes.
* The State is using a threshold below 100% compliance to identify a finding of noncompliance (e.g., not issuing findings if an LEA/EIS provider has 90% compliance in a particular area).

### Notes

|  |
| --- |
| 1. When are LEAs/EIS providers notified of findings of noncompliance or the need for improved results? (When/how does the State “write the ticket”?) [34 C.F.R. § 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. § 303.700](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1700&rgn=div8)
 |
| Overall Comments and Notes: |

### General Information

| **The State** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State must describe how a public agency is notified of a monitoring finding and the timelines for issuing findings and for the correction of such findings.
 |  |  |  |  |
| * The State must begin the one-year timeline for correction as soon as the written notification is issued.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * What procedures does the State have in place to provide written notification of noncompliance?
 |  |  |  |  |
| * When and how does the State notify the LEA/EIS provider of the findings of noncompliance?
 |  |  |  |  |
| * How, if at all, does the State address educational results and functional outcomes in its monitoring?
 |  |  |  |  |
| * How, if at all, does the State notify the LEA/EIS provider of the specific actions it needs to take to correct the noncompliance when it issues the finding?
 |  |  |  |  |
| * How long does it take the State to issue a written finding of noncompliance?
 |  |  |  |  |
| * What is the amount of time between the discovery of noncompliance and the issuance of written findings? (e.g., 6 weeks, 2 months, 3 months, etc.)?
 |  |  |  |  |
| * When does the one-year timeline for correction begin?
 |  |  |  |  |
| * What information is included in a written finding of noncompliance?
 |  |  |  |  |

### Areas (or issues) for Follow-up

* The State does not issue findings of noncompliance to any of its programs.
* The State takes longer than three months to issue any findings of noncompliance.
* The one-year timeline for correction begins at a point in time later than issuance of the finding.
* The notification is not in writing (e.g., the program is informed verbally of a finding, but no written notification is ever issued).
* The State does not address the improvement of educational results and functional outcomes for all children with disabilities in its monitoring.
* During the year after the State provides written notification of a finding to an LEA/EIS provider, the State does not take any actions to ensure correction occurs as soon as possible, but in no case later than one year from identification (e.g., verify individual services have been provided, verify evaluations conducted although late, provide technical assistance or LEA/EIS provider correction).

### Notes

|  |
| --- |
| 1. What are the barriers that impede the State’s ability to identify noncompliance or areas in need of improvement? [34 C.F.R. § 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. §§ 303.120(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700](https://www.ecfr.gov/cgi-bin/text-idx?SID=860175e10f2e15ebc85c49de017cfe9b&mc=true&node=se34.2.303_1700&rgn=div8); [2 C.F.R. § 200.332(b)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=33974e646bcbfb2ab17464a2faa3a1bb&mc=true&n=sp2.1.200.d&r=SUBPART&ty=HTML#se2.1.200_1332)
 |
| Overall Comments and Notes: |

### General Information

| **The State** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State must be able to recognize and describe any barriers it faces to identify noncompliance and areas in need of improvement (e.g., insufficient staff, infrastructure inconsistencies, limited data system(s), unclear or insufficient governmental authority over or structuring of certain programs).
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * What is the State doing to address these barriers?
 |  |  |  |  |
| * What measures has the State taken to conduct an in-depth root cause analysis of the barriers to identifying noncompliance?
 |  |  |  |  |
| * Has the State worked with stakeholders, including the LEAs/EIS providers, local providers, and parents, to address the identified barriers?
 |  |  |  |  |

### Areas (or issues) for Follow-up

* The State cannot identify any barriers but has not demonstrated an effective general supervision system.
* The State is not actively working to address the identified barriers.

### Notes

# **Related Requirements**

* [**34 C.F.R. § 300.100**](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1100&rgn=div8) **[Eligibility for assistance]**
* [**34 C.F.R. § 300.149**](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1149&rgn=div8) **[SEA responsibility for general supervision]**

**[Subpart C—Local Educational Agency Eligibility](https://www.ecfr.gov/cgi-bin/text-idx?SID=3a8c3011c3300dbb601302febc5b3495&mc=true&node=sp34.2.300.c&rgn=div6" \o "Link to Subpart C—Local Educational Agency Eligibility)**

* **[34 C.F.R. § 300.200](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1200&rgn=div8" \o "Link to 34 C.F.R. § 300.200) [Condition of assistance]**
* [**34 C.F.R. § 300.201**](https://www.ecfr.gov/cgi-bin/text-idx?SID=3b36e80cedb11fd7b8b775019438e5f2&mc=true&node=se34.2.300_1201&rgn=div8) **[Consistency with State policies]**
* [**34 C.F.R. § 300.600**](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1600&rgn=div8) **[State monitoring and enforcement]**
* [**34 C.F.R. § 300.601**](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1601&rgn=div8) **[State performance plans and data collection]**
* [**34 C.F.R. § 300.602(a)**](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1602&rgn=div8) **[State use of targets and reporting]**
* [**34 C.F.R. § 300.604**](https://www.ecfr.gov/cgi-bin/text-idx?SID=3b36e80cedb11fd7b8b775019438e5f2&mc=true&node=se34.2.300_1604&rgn=div8) **[Enforcement]**
* [**20 U.S.C. 1232d(b)(3)**](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section1232d&num=0&edition=prelim) **[General Education Provisions Act—State assurances in grant application]**

* **[2 C.F.R. § 200.329](https://www.ecfr.gov/cgi-bin/text-idx?SID=704835d27377ef5213a51c149de40cab&node=2:1.1.2.2.1&rgn=div5" \l "se2.1.200_1328" \o "Link to 2 C.F.R.  § 200.329)**[**Monitoring and reporting program performance]**
* [**2 C.F.R. § 200.332**](https://www.ecfr.gov/cgi-bin/text-idx?SID=9c4c1e3c350841ba763d0e6b2acf2cfc&mc=true&node=se2.1.200_1332&rgn=div8) **[Requirements for pass-through entities]**

**[Subpart B—State Eligibility for a Grant and Requirements for a Statewide System](https://www.ecfr.gov/cgi-bin/text-idx?SID=4b21a14bc98d8a4781702573a3c61383&mc=true&node=sp34.2.303.b&rgn=div6" \o "Link to Subpart B—State Eligibility for a Grant and Requirements for a Statewide System)**

* **[34 C.F.R. § 303.100](https://www.ecfr.gov/cgi-bin/text-idx?SID=2f18db0eb85f3403763c4a9b56467f86&mc=true&node=se34.2.303_1100&rgn=div8" \o "Link to 34 C.F.R. § 303.100) [General Authority]**
* [**34 C.F.R. § 303.120**](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1120&rgn=div8)[**Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities]**
* [**34 C.F.R. § 303.200**](https://www.ecfr.gov/cgi-bin/text-idx?SID=2f18db0eb85f3403763c4a9b56467f86&mc=true&node=se34.2.303_1200&rgn=div8) **[State application and assurances]**
* **[34 C.F.R. § 303.700](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1700&rgn=div8" \o "Link to 34 C.F.R. § 303.700)** [**State Monitoring and enforcement]**
* [**34 C.F.R. § 303.701**](https://www.ecfr.gov/cgi-bin/text-idx?SID=2f18db0eb85f3403763c4a9b56467f86&mc=true&node=se34.2.303_1701&rgn=div8) **[State performance plans and data collection]**
* [**34 C.F.R. § 303.704**](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1704&rgn=div8) [**Enforcement]**
* [**34 C.F.R. § 303.708**](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1708&rgn=div8) **[State enforcement]**
* [**34 C.F.R. §§ 303.600-303.605**](https://www.ecfr.gov/cgi-bin/text-idx?SID=e5a3742a4b064cbcf81b4a1c4d2b6a46&mc=true&node=sp34.2.303.g&rgn=div6) [**Subpart G—Interagency Coordinating Council]**
* [**20 U.S.C. 1416**](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1416)**[Monitoring, technical assistance, and enforcement]**
* [**20 U.S.C 1442**](https://sites.ed.gov/idea/statute-chapter-33/subchapter-iii/1442) **[Federal Administration]**

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1. The State educational agency (SEA) is responsible for implementing Part B of the IDEA and the State lead agency (SLA) is responsible for implementing Part C of the IDEA in the State. Both the SEA and SLA respectively must exercise general supervision over the programs and activities used to implement IDEA requirements in the State (regardless of whether Federal IDEA funds are provided to such programs and activities). [20 U.S.C. Sections 1416(a)(3)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1416), [1435(a)(10)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-iii/1435), [1437(a)(1)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-iii/1437) and [1442](https://sites.ed.gov/idea/statute-chapter-33/subchapter-iii/1442) and [34 C.F.R. §§ 303.120(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=e6c33b333d6456a438dbd2feb0f64cf9&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=e6c33b333d6456a438dbd2feb0f64cf9&mc=true&node=se34.2.303_1700&rgn=div8) for IDEA Part C. [20 U.S.C. Sections 1412(a)(11)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1412) and [1416(a)(3)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1416) and [34 C.F.R. §§ 300.149](https://www.ecfr.gov/cgi-bin/text-idx?SID=36a281a95887586543a75d7188cd4f21&mc=true&node=se34.2.300_1149&rgn=div8) and [300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=36a281a95887586543a75d7188cd4f21&mc=true&node=se34.2.300_1600&rgn=div8) for IDEA Part B. [↑](#footnote-ref-2)
2. OSEP’s monitoring protocols identify a framework of applicable IDEA statutory and regulatory requirements. They are neither intended as questionnaires nor as forms for States to complete. Rather, OSEP will conduct its IDEA monitoring based on State-specific circumstances and the conversation with States will be guided by the information both provided by the State and information that is publicly available to help OSEP determine how States are implementing IDEA requirements and where there may be a need for additional technical assistance or other support. [↑](#footnote-ref-3)
3. As noted in Question 4 of the [FREQUENTLY ASKED QUESTIONS REGARDING IDENTIFICATION AND CORRECTION OF NONCOMPLIANCE AND REPORTING ON CORRECTION IN THE STATE PERFORMANCE PLAN (SPP)/ANNUAL PERFORMANCE REPORT (APR) SEPTEMBER 3, 2008](https://osep.grads360.org/#communities/pdc/documents/18414) pre-finding correction is utilized, “if the LEA or EIS program immediately (i.e., before the State issues a finding) corrects noncompliance and provides documentation of such correction, the State may choose not to make a finding.” [↑](#footnote-ref-4)