TA Center Adapted

Part B/C Sustaining Compliance and Improvement

# 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.

# Sustaining Compliance and Improvement:

**Does the State have a general supervision system that is reasonably designed to ensure correction of identified noncompliance and improved results in a timely manner?**

Component Definition: SUSTAINING COMPLIANCE AND IMPROVEMENT—A system for recognizing and improving compliance and results, including use of improvement activities, incentives, and sanctions.

## Suggested Documents to Review (not exhaustive):

### PHASE 1

* Guidance documents provided by the State and/or made available to the public
* State’s written policies and procedures on monitoring
* Documentation of correction procedures, including at a minimum:
	+ methods for determining correction of noncompliance,
	+ documentation of correction,
	+ sanctions for outstanding areas of noncompliance not corrected within one year of the State’s identification of the noncompliance
	+ Incentives used to improve local educational agency (LEA)/early intervention service (EIS) provider compliance and results
* Procedures used to identify and assess improved results

### PHASE 2

* Samples representing process of correction from select LEAs/EIS providers, including:
	+ Monitoring letter or report
	+ Corrective action requirements
	+ Schedule of follow-up activities
	+ Documentation of correction (both child-specific and systemic)
	+ Close-out letters
* Close-out notification letters for LEAs/EIS providers with identified noncompliance and proof of correction
* Corrective action plans for LEAs/EIS providers
* Samples from select LEAs/EIS providers documenting improvement efforts, including
	+ Root cause analysis
	+ Improvement plans
	+ Evaluation of results of improvement plans

# Overarching Questions (details start on page 5)

## [How does the State ensure timely correction of noncompliance?](#_How_does_the) [34 C.F.R. § 300.600(e)](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. § 303.700(e)](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1700&rgn=div8)

## [What criteria are used to determine that a finding of noncompliance has been corrected?](#_What_criteria_are) [34 C.F.R. § 300.600(e)](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. § 303.700(e)](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1700&rgn=div8)

## [How does the State verify that individual child-specific noncompliance is corrected as soon as possible and in no case later than one year after the State's identification of the noncompliance?](#_How_does_the_1) [34 C.F.R. § 300.600(e)](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. § 303.700(e)](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1700&rgn=div8)

## [How does the State determine the nature and scope of any corrective action needed to correct the noncompliance?](#_How_does_the_2) [34 C.F.R. §§ 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&mc=true&node=se34.2.300_1600&rgn=div8) and [300.120](https://www.ecfr.gov/cgi-bin/text-idx?SID=65bd46161929d88c9344815da1fe54b5&mc=true&node=se34.2.300_1120&rgn=div8); [34 C.F.R. §§ 303.120(a)(2)](https://www.ecfr.gov/cgi-bin/text-idx?SID=52831dae086c3572195caf120705efdf&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1700&rgn=div8); [2 C.F.R. §§ 200.329(a)](https://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1#se2.1.200_1329) and [200.332](https://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1#se2.1.200_1332)

## [What methods does the State’s general supervision system use to ensure and document timely correction of noncompliance (e.g., technical assistance, revision of policies and procedures, corrective action plans, sanctions, etc.)?](#_What_methods_does) [34 C.F.R. §§ 300.149](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&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); [34 C.F.R. §§ 303.120(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=52831dae086c3572195caf120705efdf&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1700&rgn=div8); [2 C.F.R. § 200.332(c)-(h)](https://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1#se2.1.200_1332)

## [What authority does the State educational agency (SEA)/Lead Agency (LA) have, under State law (if broader or narrower than IDEA), to use enforcement actions and sanctions?](#_What_authority_does) [34 C.F.R. §§ 300.149(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=02356b0814b79be6ffa3e3ff97862717&mc=true&node=se34.2.300_1149&rgn=div8) and [300.600(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=02356b0814b79be6ffa3e3ff97862717&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=c7d6664f30afdd35876e9c82a45ac4c1&mc=true&node=se34.2.303_1120&rgn=div8), [303.704](https://www.ecfr.gov/cgi-bin/text-idx?SID=c7d6664f30afdd35876e9c82a45ac4c1&mc=true&node=se34.2.303_1704&rgn=div8), and [303.708](https://www.ecfr.gov/cgi-bin/text-idx?SID=c7d6664f30afdd35876e9c82a45ac4c1&mc=true&node=se34.2.303_1708&rgn=div8)

## [What are the barriers that impede the State’s ability to ensure LEAs/EIS providers correct noncompliance in a timely manner?](#_What_are_the)[34 C.F.R. §§ 300.149](https://www.ecfr.gov/cgi-bin/text-idx?SID=91d65ebfa7ed06d47310bb78d95de81f&mc=true&node=se34.2.300_1149&rgn=div8) **and** [300.600(e)](https://www.ecfr.gov/cgi-bin/text-idx?SID=91d65ebfa7ed06d47310bb78d95de81f&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=e2324064b012087cec2f616d6146675b&mc=true&node=se34.2.303_1120&rgn=div8) **and** [303.700(e)](https://www.ecfr.gov/cgi-bin/text-idx?SID=e2324064b012087cec2f616d6146675b&mc=true&node=se34.2.303_1700&rgn=div8)

## [Describe the various methods the State uses to engage with its LEAs/EIS providers to improve educational or early intervention results and functional outcomes for infants, toddlers, children, and youth with disabilities.](#_Describe_the_various)[34 C.F.R. §§ 300.149](https://www.ecfr.gov/cgi-bin/text-idx?SID=91d65ebfa7ed06d47310bb78d95de81f&mc=true&node=se34.2.300_1149&rgn=div8)(b) **and** [300.600(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=91d65ebfa7ed06d47310bb78d95de81f&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=e2324064b012087cec2f616d6146675b&mc=true&node=se34.2.303_1120&rgn=div8) **and** [303.700(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=e2324064b012087cec2f616d6146675b&mc=true&node=se34.2.303_1700&rgn=div8)

## [For LEAs/EIS providers that have demonstrated improved performance, how does the State work with the LEAs/EIS providers to ensure and sustain improvement?](#_For_LEAs/EIS_providers) [34 C.F.R. § 300.600(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. § 303.700(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1700&rgn=div8)

## [What is the role of the State Advisory Panel (SAP)/State Interagency Coordinating Council (SICC) in the State’s efforts in sustaining compliance and improvement for students with disabilities?](#_What_is_the) [34 C.F.R. §§ 300.167 through 300.169](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=sg34.2.300_1166.sg15&rgn=div7); [34 C.F.R. §§ 303.600 through 303.605](https://www.ecfr.gov/cgi-bin/text-idx?SID=e5a3742a4b064cbcf81b4a1c4d2b6a46&mc=true&node=sp34.2.303.g&rgn=div6)

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| 1. How does the State ensure timely correction of noncompliance? [34 C.F.R. § 300.600(e)](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. § 303.700(e)](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

| **State**  | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State’s policies and/or procedures provide a clear definition of timely correction and the State can demonstrate how this policy or procedure is communicated to LEAs/EIS providers and programs.
 |  |  |  |  |
| * Correction must occur as soon as possible, and in no case later than one year after the State’s written notification to the LEA or EIS provider of a finding of noncompliance.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * Does the State implement “timely correction” of noncompliance consistent with the timeline required by the IDEA regulations?
 |  |  |  |  |
| * How does the State ensure noncompliance is corrected as soon as possible and what documentation does the State require to demonstrate correction of noncompliance?
 |  |  |  |  |
| * What steps does the State take if documentation of correction is not provided to demonstrate correction within one year of the State’s identification of noncompliance?
 |  |  |  |  |
| * How does the State track the timeline for correction?
 |  |  |  |  |
| * Does the State provide interim reminders or technical assistance to support timely correction?
 |  |  |  |  |

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

* The State considers findings timely corrected even if the LEA/EIS provider has exceeded the one-year timeline for correction.
* The State is unable to describe how it monitors for and verifies timely correction.
* The State does not have a system in place to track correction within the one-year timeline.
* The State waits until the one-year timeline has expired to verify correction and does not have checkpoints throughout the year.

### Notes

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| 1. What criteria are used to determine that a finding of noncompliance has been corrected? [34 C.F.R. § 300.600(e)](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. § 303.700(e)](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’s policies and procedures must address correction of both child-specific and systemic 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) **(OSEP Memo 09-02)**).
 |  |  |  |  |
| * The State must demonstrate and report on correction of all identified noncompliance, including issues identified through the State’s monitoring and data systems, Single Audits, and dispute resolution system.
 |  |  |  |  |
| * In cases where it is determined that an LEA’s/EIS provider’s policies, procedures and/or practices contributed to or resulted in noncompliance, the State has a process to verify that the LEA/EIS provider makes changes and corrections, as appropriate, to those policies, procedures and/or practices.
 |  |  |  |  |
| * The State must verify that the LEA/EIS provider is correctly implementing the specific statutory and regulatory requirement(s). This must be based on the State’s review of updated data such as data from subsequent on-site monitoring or data collected through a State’s monitoring and/or data system. (OSEP Memo 09-02)
 |  |  |  |  |
| * For any child-specific noncompliance, the State must ensure that the LEA/EIS provider has corrected each individual case of noncompliance (e.g., late evaluation or late initiation of services in accordance with the individualized education program (IEP)/individualized family service plan (IFSP)), unless the child is no longer within the jurisdiction of the LEA/EIS provider. (OSEP Memo 09-02).
 |  |  |  |  |
| * The State has a process for notifying the LEA/EIS provider that a finding has been verified as corrected.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * What documentation does the State review to ensure correction? Ask for examples.
 |  |  |  |  |
| * Does the State verify correction of the child-specific findings of noncompliance? If so, how?
 |  |  |  |  |
| * Does the State verify correction of the systemic noncompliance? If so, how?
 |  |  |  |  |
| * How many child-specific records and what period of time does the State review to ensure compliance with the statutory and regulatory requirements?
 |  |  |  |  |

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

* The State does not have clear procedures to ensure correction of child-specific or systemic noncompliance.
* The State does not review a subsequent or an updated sample of data to ensure the LEA/EIS provider is correctly implementing the specific statutory and regulatory requirements, or there are questions about the updated data that the State reviews.
* The State does not have procedures or mechanisms to notify LEAs/EIS providers that a finding has been verified as corrected or that it continues to have outstanding uncorrected findings.

### Notes

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| 1. How does the State verify that individual child-specific noncompliance is corrected as soon as possible and in no case later than one year after the State's identification of the noncompliance? [34 C.F.R. § 300.600(e)](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. § 303.700(e)](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 must**  | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State must verify that each individual finding of child-specific noncompliance is corrected (unless the child is no longer within the jurisdiction of the program).
 |  |  |  |  |
| * The State must review individual child records or use a database to verify correction of the child-specific noncompliance.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * What mechanisms does the State have in place to determine that a child received the required service or evaluation, although late?
 |  |  |  |  |
| * What is the State’s process for reviewing individual child records or using its database to verify correction of child-specific noncompliance?
 |  |  |  |  |

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

* The State does not verify that each individual finding or instance of child-specific noncompliance has been corrected.
* The State reviews only a small percentage or number of the noncompliant records of individual children to ensure that noncompliance has been corrected at the child-specific level.

### Notes

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| 1. How does the State determine the nature and scope of any corrective action needed to correct the noncompliance? [34 C.F.R. §§ 300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&mc=true&node=se34.2.300_1600&rgn=div8) and [300.120](https://www.ecfr.gov/cgi-bin/text-idx?SID=65bd46161929d88c9344815da1fe54b5&mc=true&node=se34.2.300_1120&rgn=div8); [34 C.F.R. §§ 303.120(a)(2)](https://www.ecfr.gov/cgi-bin/text-idx?SID=52831dae086c3572195caf120705efdf&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1700&rgn=div8); [2 C.F.R. §§ 200.329(a)](https://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1#se2.1.200_1329) and [200.332](https://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1#se2.1.200_1332)
 |
| Overall Comments and Notes: |

### General Information

| **State**  | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State considers broad corrective action when noncompliance impacts more than a few child records.
 |  |  |  |  |
| * The State can describe the criteria it uses to determine the type of corrective action that is required, when systemic noncompliance is identified.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * What actions does the State take to determine the causes of the noncompliance and to prevent its reoccurrence in specific LEAs/EIS providers?
 |  |  |  |  |
| * + Does the State need to do additional training?
 |  |  |  |  |
| * + Is the noncompliance due to a deficiency in the LEA’s/EIS provider’s practices, rather than the LEA’s/EIS provider’s policies and procedures?
 |  |  |  |  |
| * + Is the noncompliance due to inadequate staff resources?
 |  |  |  |  |
| * Does the State have procedures to identify patterns of noncompliance across LEAs/EIS providers?
 |  |  |  |  |
| * + What steps does the State take if it identifies patterns of noncompliance?
 |  |  |  |  |
| * + What mechanisms does the State have to address patterns of noncompliance with all of its LEAs/EIS providers, such as through professional development and guidance?
 |  |  |  |  |
| * What documentation does the State require from LEAs/EIS providers to verify the correction of the systemic noncompliance?
 |  |  |  |  |

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

* The State does not verify that systemic noncompliance has been corrected.
* The State reviews only a small percentage of the systemic data to verify that the noncompliance has been corrected.
* The State does not use patterns of noncompliance across LEAs/EIS providers to inform technical assistance and/or professional development.

### Notes

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| 1. What methods does the State’s general supervision system use to ensure and document timely correction of noncompliance (e.g., technical assistance, revision of policies and procedures, corrective action plans, sanctions, etc.)? [34 C.F.R. §§ 300.149](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&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); [34 C.F.R. §§ 303.120(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=52831dae086c3572195caf120705efdf&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=1aab638d8be12816450c343633edfd5d&mc=true&node=se34.2.303_1700&rgn=div8); [2 C.F.R. § 200.332(c)-(h)](https://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1#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 describe the methods it uses to ensure and verify timely correction of noncompliance (child-specific and systemic).
 |  |  |  |  |
| * The State has established procedures to verify correction of the noncompliance in a timely manner, as soon as possible and in no case later than one year after the notification of the noncompliance.
 |  |  |  |  |
| * The State is providing support and training (technical assistance (TA)) to LEAs/EIS providers to address the child-specific and/or systemic noncompliance, and sanctions when appropriate.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * How does the State decide which method(s) is/are most appropriate to address the identified noncompliance? (e.g., TA, sanctions, examining policies and procedures, corrective action plans, etc.)?
 |  |  |  |  |
| * What resources does the State access to provide TA (e.g., internal TA providers, external TA providers, outside consultants)?
 |  |  |  |  |
| * What enforcement options has the State used?
 |  |  |  |  |
| * What enforcement options does the State use when there is longstanding noncompliance?
 |  |  |  |  |
| * Has the State imposed any monetary sanctions (such as directing the use of, or withholding, funds) against any of its LEAs/EIS providers? If so, what was the reason?
 |  |  |  |  |
| * + Was this enforcement action effective in bringing the LEA/EIS provider into compliance?
 |  |  |  |  |

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

* The State does not have a differentiated system of supports and sanctions (i.e., methods for correction) to ensure verification of correction of the noncompliance.
* The State only uses one or two types of enforcement actions regardless of the matter, extent, or duration of noncompliance.
* The LEA/EIS provider has longstanding noncompliance, but the State does not elevate the level of enforcement.

### Notes

|  |
| --- |
| 1. What authority does the State educational agency (SEA)/Lead Agency (LA) have, under State law (if broader or narrower than IDEA), to use enforcement actions and sanctions? [34 C.F.R. §§ 300.149(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=02356b0814b79be6ffa3e3ff97862717&mc=true&node=se34.2.300_1149&rgn=div8) and [300.600(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=02356b0814b79be6ffa3e3ff97862717&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=c7d6664f30afdd35876e9c82a45ac4c1&mc=true&node=se34.2.303_1120&rgn=div8), [303.704](https://www.ecfr.gov/cgi-bin/text-idx?SID=c7d6664f30afdd35876e9c82a45ac4c1&mc=true&node=se34.2.303_1704&rgn=div8), and [303.708](https://www.ecfr.gov/cgi-bin/text-idx?SID=c7d6664f30afdd35876e9c82a45ac4c1&mc=true&node=se34.2.303_1708&rgn=div8)
 |
| Overall Comments and Notes: |

### General Information

| **State**  | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State must know and be able to describe whether State law permits it to use specific enforcement actions and sanctions, and if the State law is broader or narrower than what is described in IDEA.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * What are the relevant State laws, and are the State laws broader or narrower than IDEA?
 |  |  |  |  |
| * Has the State’s authority to use a specific enforcement action or sanction ever been challenged? What was the result?
 |  |  |  |  |

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

* The State is unable to describe its authority under State law to use enforcement actions and sanctions.
* The State is unable to describe its authority under IDEA to use enforcement actions and sanctions.

Notes

|  |
| --- |
| 1. **What are the barriers that impede the State’s ability to ensure LEAs/EIS providers correct noncompliance in a timely manner?** [34 C.F.R. §§ 300.149](https://www.ecfr.gov/cgi-bin/text-idx?SID=91d65ebfa7ed06d47310bb78d95de81f&mc=true&node=se34.2.300_1149&rgn=div8) **and** [300.600(e)](https://www.ecfr.gov/cgi-bin/text-idx?SID=91d65ebfa7ed06d47310bb78d95de81f&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=e2324064b012087cec2f616d6146675b&mc=true&node=se34.2.303_1120&rgn=div8) **and** [303.700(e)](https://www.ecfr.gov/cgi-bin/text-idx?SID=e2324064b012087cec2f616d6146675b&mc=true&node=se34.2.303_1700&rgn=div8)
 |
| Overall Comments and Notes: |

General Information

| **State**  | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State must be able to identify any barriers it faces in ensuring LEAs/EIS providers correct noncompliance in a timely manner.
 |  |  |  |  |
| State-Level Barriers:* + Lack of sufficient numbers of State staff to monitor LEAs/EIS providers
	+ Insufficient database or data collection system
 |  |  |  |  |
| LEA/EIS Provider-Level Barriers:* + Lack of staffing to deliver services
	+ Resistance to implementation of correction
	+ Staff turnover
 |  |  |  |  |

### 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 on barriers that interfere with the LEAs’/EIS providers’ ability to correct noncompliance?
 |  |  |  |  |
| * Has the State worked with stakeholders, including LEA/EIS provider administrators, providers, teachers, and parents, to address 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 barriers.

### Notes

|  |
| --- |
| 1. **Describe the various methods the State uses to engage with its LEAs/EIS providers to improve** **educational or early intervention results and functional outcomes for infants, toddlers, children, and youth with disabilities.** [34 C.F.R. §§ 300.149](https://www.ecfr.gov/cgi-bin/text-idx?SID=91d65ebfa7ed06d47310bb78d95de81f&mc=true&node=se34.2.300_1149&rgn=div8)(b) **and** [300.600(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=91d65ebfa7ed06d47310bb78d95de81f&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=e2324064b012087cec2f616d6146675b&mc=true&node=se34.2.303_1120&rgn=div8) **and** [303.700(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=e2324064b012087cec2f616d6146675b&mc=true&node=se34.2.303_1700&rgn=div8)
 |
| Overall Comments and Notes: |

General Information

| **State**  | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State has a method to determine whether improvement is needed for a State Performance Plan/Annual Performance Report (SPP/APR) results indicator.
 |  |  |  |  |
| * The State has a method to ensure the (SPP/APR) results indicator data is accurate and representative of the population served.
 |  |  |  |  |
| * The State has a process in place for engaging its LEAs/EIS providers to improve educational or early intervention results and functional outcomes.
 |  |  |  |  |
| * + For instance, the State may require a written plan, provide technical assistance, or offer professional development activities for LEA/EIS provider staff.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * Has the State conducted an analysis to determine which areas are showing improved results, and which are stagnant or declining, and the reasons for the improvement or the lack of improvement?
 |  |  |  |  |
| * Does the State engage in cross-indicator analysis to determine the connection between results in different areas (e.g., transition activities and post-school outcomes)? If so, what does this look like, and what actions does the State take as a result?
 |  |  |  |  |
| * Are there circumstances under which the State requires specific activities related to improving results? If so, what are the circumstances and describe the activities.
 |  |  |  |  |
| * What are some of the professional development activities the State provides to its LEAs/EIS providers to improve SPP/APR results indicator data?
 |  |  |  |  |
| * How does the State make sure that staff are trained in the requisite skills and are implementing evidence-based practices?
 |  |  |  |  |

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

* The State does not have a mechanism in place to identify LEAs/EIS providers with improved performance on SPP/APR results indicator data.
* The State does not have a process to conduct a root cause analysis and determine how to best address the needs of LEAs/EIS providers to improve the performance of students with disabilities.

### Notes

|  |
| --- |
| 1. For LEAs/EIS providers that have demonstrated improved performance, how does the State work with the LEAs/EIS providers to ensure and sustain improvement? [34 C.F.R. § 300.600(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&mc=true&node=se34.2.300_1600&rgn=div8); [34 C.F.R. § 303.700(b)](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**

| **State**  | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State has established standard requirements and qualifications for its LEA/EIS provider staff.
 |  |  |  |  |
| * The State monitors to ensure that LEA staff meet applicable IDEA personnel qualifications and State personnel standards requirements, consistent with 34 C.F.R. § 300.156 for IDEA Part B and with 34 C.F.R. §§ 303.31, 303.118 and 303.119 for IDEA Part C.
 |  |  |  |  |
| * The State has a plan or method for sustaining attention to and support for improving results for LEAs/EIS providers.
 |  |  |  |  |
| * The State provides guidance on evidence-based practices to its LEA/EIS provider staff.
 |  |  |  |  |
| * The State identifies and highlights LEAs/EIS providers that have shown sustained improvement and high performance as models.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * What mechanisms does the State utilize to monitor improved performance on SPP/APR results indicator data at the LEA/EIS provider level?
 |  |  |  |  |
| * How does the State monitor and ensure that LEA staff meet applicable IDEA personnel qualifications and State personnel standards requirements, consistent with 34 C.F.R. § 300.156 for IDEA Part B and with 34 C.F.R. §§ 303.31, 303.118 and 303.119 for IDEA Part C?
 |  |  |  |  |
| * What are the personnel standards requirements and qualifications for special education teachers in the State?
 |  |  |  |  |
| * Are staff provided relevant training to improve results using evidence-based practices?
 |  |  |  |  |
| * Are training and technical assistance readily available to all professionals involved in the results components? Are the training and technical assistance activities consistent with policies and procedures addressing student outcomes and achievement?
 |  |  |  |  |

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

* The State does not have a mechanism in place to monitor improved performance on SPP/APR results indicator data at the LEA/EIS provider level.
* The State does not offer training on improving results and using evidence-based practices.
* The State has not established and maintained qualifications to ensure that personnel are appropriately and adequately prepared and trained to serve children with disabilities.
* The State does not enforce IDEA and State requirements related to staffing qualifications.
* The State does not collaborate across offices when necessary to leverage improved results.
* The State cannot describe how it uses data and other information to support decision making and continuous improvement for students with disabilities.
* The State’s monitoring system does not incorporate results data.
* The State cannot describe the types of questions, document reviews, interviews, observations, etc. it uses when an LEA/EIS provider is monitored for results activities.

### Notes

|  |
| --- |
| 1. What is the role of the State Advisory Panel (SAP)/State Interagency Coordinating Council (SICC) in the State’s efforts in sustaining compliance and improvement for students with disabilities? [34 C.F.R. §§ 300.167 through 300.169](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=sg34.2.300_1166.sg15&rgn=div7); [34 C.F.R. §§ 303.600 through 303.605](https://www.ecfr.gov/cgi-bin/text-idx?SID=e5a3742a4b064cbcf81b4a1c4d2b6a46&mc=true&node=sp34.2.303.g&rgn=div6)
 |
| Overall Comments and Notes: |

### General Information

| **State**  | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * The State has regular meetings with the SAP/SICC to solicit feedback on the State’s efforts to sustain compliance and improvement.
 |  |  |  |  |
| * The State regularly reviews results and compliance data with its SAP/SICC.
 |  |  |  |  |

### Possible Follow-up Questions

| **Follow-up Questions** | **Staff Assigned** | **Location of Materials** | **Notes** | **Complete** |
| --- | --- | --- | --- | --- |
| * How frequently does the State meet with the SAP/SICC?
 |  |  |  |  |
| * Does the SAP/SICC meet the minimal membership requirements in 34.C.F.R. § 300.168 or 34.C.F.R. § 303.601?
 |  |  |  |  |
| * Is the SAP/SICC more broadly representative of the children with disabilities and their families in the State?
 |  |  |  |  |
| * Does the State review compliance and results data and information with its SAP/SICC?
 |  |  |  |  |
| * How does the State incorporate the SAP/SICC in its monitoring activities?
 |  |  |  |  |
| * How does the SAP/SICC advise and assist the SEA/LA in performing its responsibilities?
 |  |  |  |  |
| * How does the SEA/LA encourage meaningful participation and feedback from the SAP/SICC?
 |  |  |  |  |
| * What mechanisms does the State have in place to promote methods (including the use of intra-agency and interagency agreements) for collaboration regarding child find and FAPE responsibilities?
 |  |  |  |  |

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

* The State does not meet with its SAP/SICC regularly.
* The membership of the SAP/SICC does not reflect the minimal statutory and regulatory requirements.
* The SAP/SICC does not meet regularly or provide a separate report to the State and OSEP.
* The State has not established a mechanism to meet and involve its SAP/SICC to solicit feedback.
* The State is not regularly reviewing results and compliance data with its SAP/SICC.

### Notes

# **Related Requirements**

* **[34 C.F.R. § 300.149](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&mc=true&node=se34.2.300_1149&rgn=div8" \o "Link to 34 C.F.R. §§ 300.149) [SEA Responsibility for General Supervision]**
* [**34 C.F.R. § 300.154**](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&mc=true&node=se34.2.300_1154&rgn=div8) **[Methods for ensuring services]**
* [**34 C.F.R. § 300.156**](https://www.ecfr.gov/cgi-bin/text-idx?SID=35a5696609f3c45e6885264970d4f9f6&mc=true&node=se34.2.300_1156&rgn=div8) **[Personnel qualifications]**
* [**34 C.F.R. §§ 300.167 through 300.169**](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=sg34.2.300_1166.sg15&rgn=div7) **[State advisory panel]**
* [**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) **[Condition of assistance]**
* [**34.C.F.R. § 300.222**](https://www.ecfr.gov/cgi-bin/text-idx?SID=0fcd63c5a86956aa61eadd1c18f9b62e&mc=true&node=se34.2.300_1222&rgn=div8) **[LEA and State agency compliance]**
* [**34 C.F.R. § 300.600**](https://www.ecfr.gov/cgi-bin/text-idx?SID=2d1a2edfd5a40731c0c396979788962f&mc=true&node=se34.2.300_1600&rgn=div8) **[State Monitoring and Enforcement]**

* **[34 C.F.R. § 300.608](https://www.ecfr.gov/cgi-bin/text-idx?SID=d8cf5e381e12fe34194a1903a87a95df&mc=true&node=se34.2.300_1608&rgn=div8" \o "Link to 34 C.F.R. §300.608) [State enforcement]**
* **[20 U.S.C. 1232d(b)(3)](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section1232d&num=0&edition=prelim" \o "Link to 20 U.S.C. 1232d(b)(3)(GEPA)  )** **[General Education Provisions Act—State assurances in grant application]**
* [**2 C.F.R. § 200.329(a)**](https://www.ecfr.gov/cgi-bin/text-idx?SID=704835d27377ef5213a51c149de40cab&node=2:1.1.2.2.1&rgn=div5#se2.1.200_1329)[**Monitoring by the non-Federal entity]**
* [**2 C.F.R. § 200.332**](https://www.ecfr.gov/cgi-bin/text-idx?SID=704835d27377ef5213a51c149de40cab&node=2:1.1.2.2.1&rgn=div5#se2.1.200_1332) **[Requirements for pass-through entities]**

* **[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" \o "Link to 34 C.F.R. § 303.120 )** [**Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities]**
* [**34 C.F.R. §§ 303.31**](https://www.ecfr.gov/cgi-bin/text-idx?SID=15e5f4d29a12051a3fe99f6e3f78cad1&mc=true&node=se34.2.303_131&rgn=div8), [**303.118**](https://www.ecfr.gov/cgi-bin/text-idx?SID=15e5f4d29a12051a3fe99f6e3f78cad1&mc=true&node=se34.2.303_1118&rgn=div8) and [**303.119**](https://www.ecfr.gov/cgi-bin/text-idx?SID=15e5f4d29a12051a3fe99f6e3f78cad1&mc=true&node=se34.2.303_1119&rgn=div8) **[CSPD and personnel standards for qualified personnel]**
* [**34 C.F.R. § 303.500**](https://www.ecfr.gov/cgi-bin/text-idx?SID=94cb96f3ac51e8c126cf9c223bdad100&mc=true&node=se34.2.303_1500&rgn=div8) [**Use of funds, payor of last resort, and system of payments]**
* [**34 C.F.R. § 303.501**](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=23dedc9cf4284873a5383cd358822129&mc=true&n=pt34.2.303&r=PART&ty=HTML#se34.2.303_1501) **[Permissive use of funds by the lead agency]**
* [**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) [**State Monitoring and enforcement]**
* [**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. 1435(a)(10)**](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1416) **[General administration and supervision]**
* [**20 U.S.C. 1437**](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1416)**(a)(1) [Designation of Lead Agency responsible for funds]**
* [**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)