

General Supervision Cross-State Learning Collaborative

March 19, 2025



Warm Up

1. Who do you have winning it all this year? 🏆
2. What's your go-to game-day snack? 🍕
3. If you played college basketball, what would your hype song be? 🎵



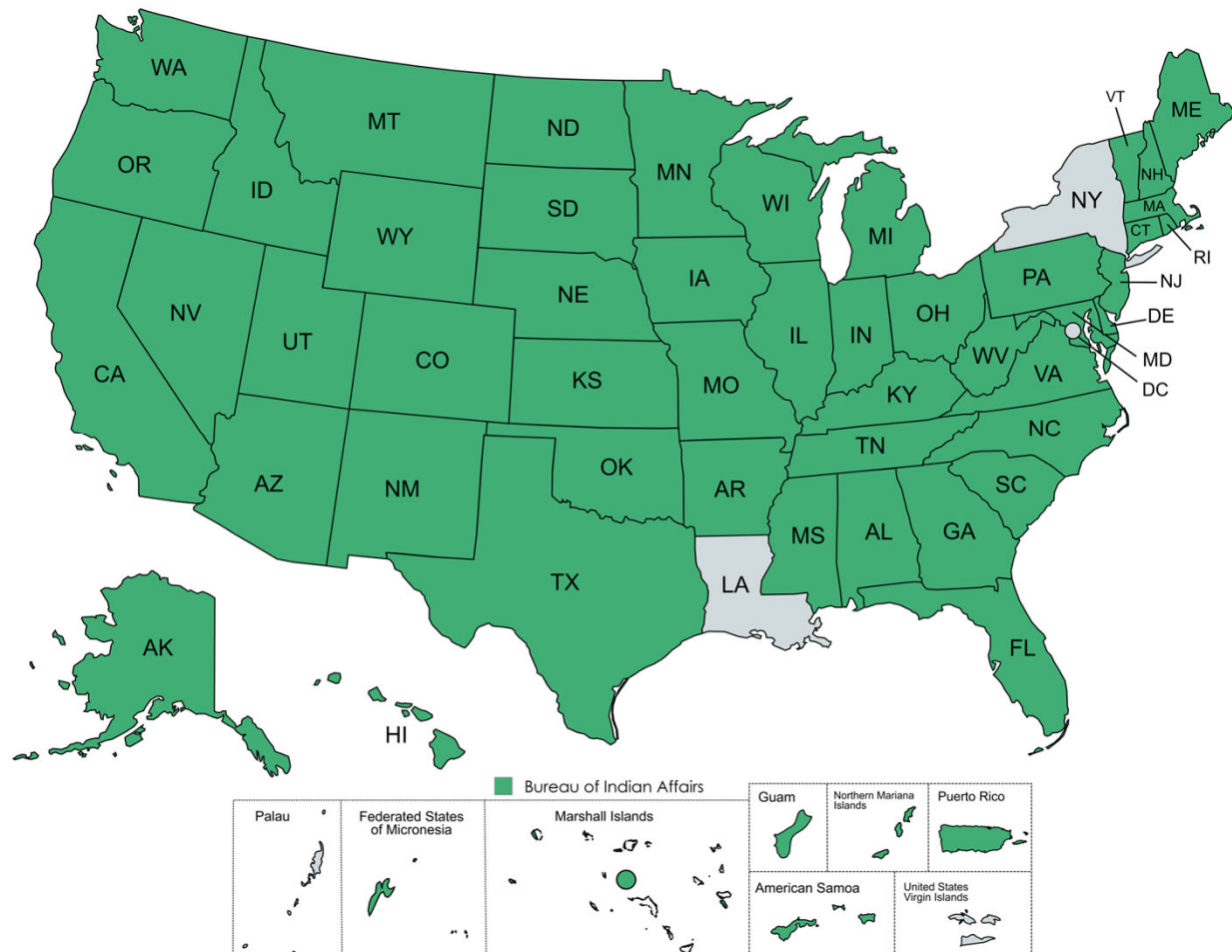
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Today's Agenda

- Welcome & Warm up
- Share Updates
 - NCSI
 - OSEP
- Today's Focus: Incentives, Sanctions and Enforcement Actions
- Wrap-up

Welcome

- Thanks for spending some time with us...
- We are so glad you are here today!



Meet the NCSI General Supervision TA Priority Team



Alexandria
Harvey



Allison Davey



Amber
McCollum



Anthony
Mukuna



Beckie Davis



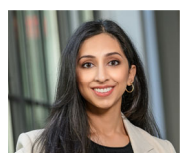
Cesar D'Agord



Christina
Spector



Diana Cruz



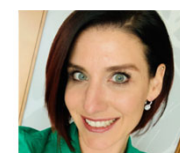
Ishwa Tirmizi



Jen Thompson



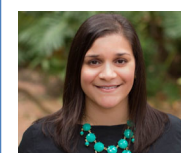
Jennifer
Wolfsheimer



Kat
Pfannenstiel



Kate Nagle



Lynette
Beacher



Mari Matthews



Mary Watson



Nicole Garcia



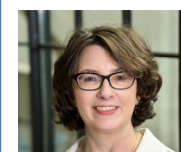
Sarah Love



Susan Hayes



Tanner Petry



Teri Williams-
Valentine

NCSI Updates



Upcoming Calls

- April – Annual Determinations
- May – Correction of Noncompliance
- June – Monitoring Non-Traditional LEAs
- July – Integration of Fiscal and Programmatic Monitoring

NCSI Resources Supporting Today's Call

- Fast Five resource: [Five Strategies for Identifying Effective Incentives and Sanctions to Support Compliance with IDEA and Improve Student Outcomes](#)
- [Checklist for Assessing the State General Supervision System](#) (see the last section on State Enforcement Through Determinations and Other Methods)



OSEP Updates



Annual IDEA Part B Grant Application

- The Federal Fiscal Year (FFY) 2025 grant application is due on May 21
- Submission of Application Packet/Due Date:
 - Each SEA must submit a pdf copy of its FFY 2025 IDEA Part B grant application with an electronic signature and date
 - The application must be received from the .gov email address of the individual signing the Application
 - OSEP is **not** requiring submission of a hard copy of the application and supporting materials to be sent by mail



Public Participation

- SEA Application for IDEA Part B Funds
 - Publish application at least 60 days before submission to OSEP (before Friday, March 21)
 - Must provide reasonable opportunities for participation
 - Allow public comment for 30 days during the 60-day period



Incentives, Sanctions & Enforcement Actions: Group Discussion

Strategies for Identifying Incentives and Sanctions

- Which strategies do you use?
 - Use meaningful incentives and sanctions
 - Gather community partners' feedback on incentives and sanctions
 - Reward progress toward goals
 - Be transparent about incentives and sanctions and how LEAs receive them
 - Be data driven
- Fast Five resource: [Five Strategies for Identifying Effective Incentives and Sanctions to Support Compliance with IDEA and Improve Student Outcomes](#)

Possible Sanctions

- Withhold LEA authority to implement certain projects or initiatives
- Require LEA participation in specified TA
- Require LEA to conduct a root cause analysis and plan of action to address root cause
- Increase reporting frequency for LEA
- Require additional, more detailed financial reports

Possible Sanctions - Continued

- Require additional project monitoring
- Establish additional prior approvals for the LEA
- Direct LEA use of funds in whole or part
- Identify the LEA as a high-risk grantee
- Distribute IDEA subgrants under conditional approval with specific conditions
- Recover funds from the LEA

Pathways of Enforcement

- Enforcement through Annual Determinations
- Enforcement Unrelated to Annual Determinations

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Slide 16

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Do you want to add more here to explain when a state would need to lean on enforcement actions outside of annual determinations (e.g., long-standing noncompliance identified through monitoring, etc.)

Susan Hayes, 2025-02-25T17:02:26.862

NGO 0

@FST — add in talking points to address this comment please.

NG, 2025-03-03T15:25:43.186

Needs Assistance for Two Consecutive Years

- If the state determines that an LEA is in “Needs Assistance” for two consecutive years, the state must take one or both of the following actions:
 - Advise the LEA of available sources of technical assistance that may help the LEA address the areas in which the LEA needs assistance and require the LEA to work with the appropriate sources of technical assistance.
 - Identify the LEA as a high-risk grantee and impose specific conditions on the LEA’s IDEA Part B grant award.
- In addition, LEAs not meeting the requirements of Part B for two consecutive years—including meeting the targets for compliance indicators in the SPP/APR—are prohibited from reducing their maintenance of effort (MOE) under 34 C.F.R. § 300.203 for any fiscal year in which they do not meet the requirements.

Needs Intervention & Needs Substantial Intervention

- For an LEA in “Needs Intervention” for three or more consecutive years, the state may take any of the actions described in “Needs Assistance”. In addition, the state must take one or both of the following enforcement actions:
 - Require the LEA to prepare a corrective action plan or improvement plan to correct the identified area(s).
 - Withhold, in whole or in part, further payments under Part B to the LEA.
- When an LEA’s determination is “Needs Substantial Intervention” at any time, the state must withhold (after reasonable notice and opportunity for a hearing, consistent with 34 C.F.R. §§ 300.155, 300.221, and 76.401(d)), in whole or in part, any further payments under Part B to the LEA.

Enforcement Unrelated to Annual Determinations

- When the state determines that withholding, in whole or in part, an LEA's IDEA Part B grant is an appropriate enforcement action, this is considered a determination on LEA eligibility.
 - The state must notify the LEA of the determination and provide the LEA with reasonable notice and an opportunity for a hearing under 34 C.F.R. §§ 76.401(a) and (d). See 34 C.F.R. §§ 300.155 and 300.221.
- If the state determines that the LEA is unable to establish and maintain programs of FAPE that meet Part B requirements, the state must use the payments that would otherwise have been available to the LEA to provide special education and related services directly to children with disabilities residing in the area served by that LEA. 34 C.F.R. § 300.227(a)(1)(ii).

Enforcement Related to Noncompliance with Federal Requirements

- When the state determines that an LEA has noncompliance that cannot be remedied by imposing specific conditions in 2 CFR 200.208(c), one or more of the following actions can be taken (2 CFR 200.339):
 - imposing specific conditions which may include directing the use of funds or increasing reporting requirements and oversight of the LEA
 - temporarily withholding cash payments pending correction of the deficiency or more severe enforcement action
 - disallowing all or part of the cost of the activity/action not in compliance, which may result in a payback of funds
 - suspending or terminating the federal award
 - withholding further federal awards for the program or project
 - taking other remedies that may be legally available through a state-defined list of enforcement actions

Group Activity



Mentimeter

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- What incentives do you use?
- What sanctions or enforcement actions do you use?
- What has been most effective in resolving noncompliance?
- What questions do you have for other SEAs on enforcement actions?

Wrap-Up

Virtual Meeting Calendar



We meet monthly on the 3rd Wednesday from 2:00-3:00pm ET



Next call: April 16
Focus: Annual Determinations



Questions or suggestions: reach out to NCSI's General Supervision Co-leads at NCSIGenSup@wested.org, ngarcia@wested.org or jwolfsh@wested.org.

Thank You!

The content of this document was developed under a grant from the US Department of Education, #H326240001. However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government. Project Officer: Perry Williams (October 2024)

WestEd is the lead organization for NCSI. For more information about the work of WestEd, NCSI, and their partners, please visit www.ncsi.wested.org and www.wested.org

