

# **General Supervision and Monitoring (Indicator B15)**

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## Key Points

- State is responsible for identifying and correcting all noncompliance
- State's APR should be aligned and connected across indicators
- APR should present a clear and comprehensive picture of your State's effectiveness in ensuring compliance

# Components of General Supervision

**State  
Performance  
Plan**

**Policies,  
Procedures,  
and Effective  
Implementation**

**Integrated  
Monitoring  
Activities**

**Fiscal  
Management**

**Data on  
Processes  
and Results**

**Improvement,  
Correction,  
Incentives &  
Sanctions**

**Effective  
Dispute  
Resolution**

**Targeted  
Technical  
Assistance &  
Professional  
Development**

# Indicator Measurement

- Percent of noncompliance corrected within one year of identification:
- # of findings of noncompliance.
- # of corrections completed as soon as possible but in no case later than one year from identification.
- Percent = [(b) divided by (a)] times 100.

# Indicator Measurement

- For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and enforcement actions that the State has taken.

# Instructions for Indicator B15

- *Describe the process for selecting LEAs for monitoring.*
- Describe the results of the calculations and compare the results to their target.
- Targets must be 100%.

# Instructions for Indicator B15

- Reflect monitoring data collected through the components of the State's general supervision system

# Reporting Findings Under Indicator B15

- On-site monitoring
- Self-assessments
- Local performance plans
- Annual performance reports
- Desk audits
- Complaints
- Due Process Decisions
- State database

## **Instructions for Indicator B15**

- Areas of noncompliance should be grouped by monitoring priority areas and other topical areas. The State should describe the topical areas.

# General Supervision

- Indicator 15 should be linked/aligned with other compliance indicators

## ***Definition: Finding***

written conclusion that includes

- citation of regulation/requirement
- description of quantitative and/or qualitative data supporting a decision of compliance or noncompliance

<http://spp-apr-calendar.rrfcnwork.org/explorer/view/id/109>

## **Finding: Timeline for Notification**

- State should notify LEA of noncompliance as soon as possible
- Generally reasonable for State to issue a finding within 3 to 4 months of identifying noncompliance

## Correction of Noncompliance Timeline

- *As soon as possible*, and no later than one year after notification
- But if there is subsequent correction, describe it in your APR.

## APR Scenario

- The State reported that:
- 3/3 findings of noncompliance identified in FFY 2005 through dispute resolution related to this indicator were corrected in a timely manner.
- It made sixteen monitoring findings of noncompliance based on FFY 2005 data, but that it did not notify the LEAs of these findings until February-March 2007 (FFY 2006).

## ***Definition: Correction of Noncompliance***

- State required LEA or EIS program to revise noncompliant policies, procedures and/or practices
- State verifies that corrective action has eliminated noncompliance
- State notifies program *in writing* that the noncompliance is corrected

<http://spp-apr-calendar.rrfcnetwork.org/explorer/view/id/109>

# Tracking Correction

- How does State track a local program's correction of noncompliance?

# Sanctions and Enforcement

- What is the State's responsibility if a local program does NOT correct within one year?

## **State's responsibility to enforce**

- advises LEA of technical assistance
- imposes special conditions
- requires corrective action or improvement plan
- withholds, in whole or in part

*34 CFR Sections 300.600(a), 300.604*

## APR Scenario

- In its FFY 2006 APR, the State indicated that, for reporting purposes, it considers there to be a finding if “the number of occurrences [of compliance] for a specific category of a specific local program falls under 85 percent.”

# Thresholds for Identifying Noncompliance

- States must ensure identification and correction of all noncompliance.
- May not establish “thresholds” (e.g., 80%, 85%, 95%)
- Should consider the nature and extent of noncompliance in determining corrective action.

## APR Scenario

- The State reported that all FFY 2005 findings of noncompliance related to Indicator 11 have been corrected.

## APR Scenario - Correction

- The State reported that for all FFY 2005 findings of noncompliance related to Indicator 11 the SEA has approved a corrective action plan.

## APR Scenario

- The State reported that for all FFY 2005 findings of noncompliance related to Indicator 11 the SEA has approved a corrective action plan, and the LEAs have completed all of the required corrective actions.

## APR Scenario

- The State's reported FFY 2006 data for Indicator 13 are 80%. This represents progress from FY 2005 data of 65%. The State did not make any FY 2005 findings of noncompliance.

## APR Scenario

- The State's reported FFY 2006 data for Indicator 13 are 85%. This represents progress from FY 2005 data of 60%. The State reported that six of six FFY 2005 findings of noncompliance were timely corrected.

## OSEP Example

- FFY 2006 Indicator 13 data – 50%, progress from 24%
- 6 of 6 FFY 2005 findings timely corrected
- LEAs submitted revised procedures
- LEAs submitted 3 IEPs with required transition content
- State reviewed 10 randomly selected IEPs

## OSEP Example (continued)

- State explained that Indicator 13 data collected through monitoring and self-assessment for:
  - 12 LEAs in FFY 2005
  - Different 12 LEAs in FFY 2006

## Example 1 (continued)

### Additional State Activities to Improve Compliance

- development of guidance and training modules for all LEAs
- mini-grants to LEAs to assist in implementing coaching secondary transition requirements

# Scenario: How many findings should be reported?

During FFY 2006

- State required LEA A to conduct self-assessments: LEA found 8 or 25 files did not include transition requirements
- State visited LEA A and found 8 or 20 IEPs did not include transition requirements
- State received 2 complaints regarding LEA A – in both complaints determined noncompliance with transition requirements.

## **How many findings?**

- How many FFY 2005 findings should State report under Indicator 13?
- Indicator 15?

## Summary - Key Points

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- APR should present a clear and comprehensive picture of your State's effectiveness in ensuring compliance