



Special Education Monitoring & Compliance Manual (IDEA Part B)

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1. INTRODUCTION

The District of Columbia Office of the State Superintendent of Education (OSSE), Division of Special Education, Division of Quality Assurance and Monitoring, is pleased to provide this guidance and information regarding its Individuals with Disabilities Education Act (IDEA) Part B State Monitoring and Compliance System in this and a subsequent series of materials for local education agencies (LEAs).

As the state education agency (SEA) for the District of Columbia, OSSE's role is to set high expectations, provide resources and support, and exercise accountability to ensure that all residents receive an excellent education. OSSE's Vision for District of Columbia children with disabilities is that they become successful adults, prepared for further education, successfully obtaining and maintaining employment, living independently, and engaged in their community, and that during their years in secondary education, they will be educated in classrooms with their non-disabled peers and participate fully in school life.

OSSE's vision aligns with federal requirements pertaining to SEA monitoring responsibilities. The IDEA Part B regulations at 34 CFR §300.600 require that the SEA monitor the implementation of IDEA Part B, make annual determinations about the performance of each LEA, enforce compliance with IDEA Part B, and report annually on the performance of the SEA and each LEA. The primary focus of the SEA's monitoring activities must be on improving educational results and functional outcomes for all children with disabilities and ensuring that LEAs meet the program requirements of IDEA Part B. **In exercising its monitoring responsibilities, the SEA must ensure that when it identifies noncompliance with the requirements of IDEA Part B by LEAs, the noncompliance is corrected as soon as possible, and in no case later than one year after the SEA's identification of the noncompliance.**

The goal of OSSE's Monitoring and Compliance System is to ensure that LEAs are meeting the requirements of both federal and local regulations. In alignment with federal regulations and OSSE's Vision, OSSE's monitoring approach is outcome oriented. To achieve desired performance results, it is critical that OSSE works collaboratively with LEAs and engages in shared accountability practices that will maximize success for all students with disabilities. Monitoring activities that will enable OSSE to facilitate this collaborative approach to improved performance include: database reviews, on-site compliance monitoring, record reviews, dispute resolution activities, LEA self-assessments, Phase I and Phase II grant applications, and audit findings reviews.

Another key feature of OSSE's Monitoring and Compliance System is the direct linkage between monitoring activities and technical assistance. The Division of Special Education's Training and Technical Assistance Unit (T&TA) works directly with the Quality Assurance and Monitoring Unit to identify specific compliance areas that warrant general and targeted technical assistance. OSSE offers a multitude of training opportunities for LEAs to increase their knowledge of, and compliance with, IDEA Part B requirements and to discover methods to improve outcomes for students with disabilities. For more information on OSSE's T&TA, please contact osse.tta@dc.gov.

OSSE is committed to a monitoring system that identifies noncompliance using methods that support the ultimate goal of improving educational results and functional outcomes for all students with disabilities. While monitoring activities must, by federal law, examine compliance issues, OSSE has very deliberately structured its monitoring approach in such a way that the broader themes of IDEA – inclusivity, quality of education, and teamwork – are emphasized.

2. STATE EDUCATION AGENCY AUTHORITY

OSSE has statutory authority under both federal and local law to establish, operate, and maintain an administrative process to ensure compliance with all federal statutes for the programs under its jurisdiction, including education of District children and youth with disabilities.

The IDEA section 616 requires each SEA to implement a General Supervision System that monitors the implementation of the IDEA Part B and its accompanying regulations. As the SEA for the District of Columbia, OSSE is responsible for the implementation of the General Supervision System for the District, which includes but is not limited to State complaint processes and Due Process adjudication in addition to LEA monitoring.

Under local special education law, OSSE *“has primary responsibility for the state-level supervisory functions for special education that are typically handled by a state department of education or public instruction, a state board of education, a state education commission, or a state education authority.” (DC ST 38-2561.01 (7)(a)(13))*

The District of Columbia Municipal Regulations, Title 5, Board of Education, Subtitle E (Former Title 5) Chapters 22, 30 & 38, Subtitle A (District of Columbia Public Schools) Chapter 25 contain the local counterparts to the requirements of IDEA, beginning with the Free Appropriate Public Education (FAPE) requirement:

5-E3000. Special Education Policy.

3000.1 All local education agencies (LEA) in the District of Columbia shall ensure, pursuant to the Individuals with Disabilities Education Act (IDEA), that all children with disabilities, ages three to twenty-two, who are residents or wards of the District of Columbia, have available to them a free appropriate public education (FAPE) and that the rights of these children and their parents are protected.

3. STATE PERFORMANCE PLAN/ANNUAL PERFORMANCE REPORT

The IDEA Part B regulations at 34 CFR §300.600(c) require the SEA, as a part of its responsibilities, to use quantifiable indicators and such qualitative indicators as are needed to adequately measure performance in priority areas and the indicators established by the Secretary of Education for State Performance Plans (SPP). The Secretary has identified 20 indicators to measure SEA/LEA performance against IDEA regulations.¹ Targets for indicators related to disproportionality, evaluation timelines, early childhood transition, secondary transition, correction of noncompliance, State complaint timelines, due process timelines and data were required to be set at 100%. Each year, SEAs must submit an Annual Performance Report (APR) to review and report on progress toward and/or compliance with the 20 indicators.

All instances of SEA data collection regarding the indicators, however conducted (through database reviews, written data requests, on-site monitoring, etc.), constitute “General Supervision” and are a part of OSSE’s Monitoring and Compliance system. Any noncompliance identified pertaining to the indicators or related regulatory requirements must be corrected as soon as possible but in no case later than one year after the identification of the noncompliance.

The Secretary’s Part B Indicators are as follows:

- Indicator 1 (Graduation)
- Indicator 2 (Dropout)
- Indicator 3 (Assessment)
- Indicator 4 (Suspension and Expulsion)
- Indicator 5 (LRE Settings)
- Indicator 6 (Preschool LRE)
- Indicator 7 (Preschool Outcomes)
- Indicator 8 (Parent Involvement)
- Indicator 9 (Disproportionate Representation in Special Education)
- Indicator 10 (Disproportionate Representation by Disability Category)
- Indicator 11 (Evaluation)
- Indicator 12 (Early Childhood Transition)
- Indicator 13 (Secondary Transition)
- Indicator 14 (Post-school Outcomes)
- Indicator 15 (Correction of Noncompliance)
- Indicator 16 (State Complaint Timelines)
- Indicator 17 (Due Process Timelines)
- Indicator 18 (Resolution Sessions)
- Indicator 19 (Mediation)
- Indicator 20 (Valid and Reliable Data)

¹ In July 2012, OSEP announced that changes would be made to the Indicators effective for the FFY 2011 APR due for submission by February 1, 2013. These changes have not yet been finalized.

4. ANNUAL DETERMINATIONS

The IDEA Part B regulations at 34 CFR §§300.600(c) and 300.603 require the SEA to make “determinations” annually about the performance of each LEA based on information provided in the SPP/APR, information obtained through monitoring visits, and any other public information made available. OSSE is required to use the same categories that the United States Department of Education, Office of Special Education Programs (OSEP) uses for state determinations as outlined in Section 616(d) of IDEA. In making such determinations, OSSE will assign LEAs one of the following determination levels:

1. Meets Requirements
2. Needs Assistance
3. Needs Intervention
4. Needs Substantial Intervention

OSSE’s determination is based on the totality of the LEA’s data and information, including the LEA’s:

1. History, nature and length of time of any reported noncompliance; specifically, the LEA’s performance on Indicators 4b, 9, 10, 11, 12 and 13 as outlined in the State Performance Plan (SPP) and FFY 2010 Annual Performance Report (APR);
2. Information regarding timely, valid and reliable data;
3. On-site compliance monitoring, focused monitoring and dispute resolution findings;
4. Sub-recipient audit findings;
5. Other data available to OSSE regarding the LEA’s compliance with the IDEA, including, but not limited to, relevant financial data and compliance with the Funding for Public Schools and Public Charter School Amendment Act of 2011;
6. Performance on selected SPP results indicators; and
7. Evidence of correction of findings of noncompliance, including progress toward full compliance.

The criteria for each determination level are set by OSSE according to U.S. Department of Education, Office of Special Education Programs (OSEP) guidelines. IDEA specifies different levels of action/intervention depending on determination level. LEAs will be informed of their annual determination and any required actions/interventions in late summer/early fall.

For more information regarding determinations, refer to Appendix A.

5. OSEP CORRECTIVE ACTION PLAN

On July 1, 2012, OSEP issued a letter to OSSE informing them that the U.S. Department of Education has designated OSSE as a “high risk” grantee and has imposed Special Conditions on OSSE’s FFY 2012 grant awards under IDEA. OSEP imposed Special Conditions based on the District of Columbia’s noncompliance with:

- Timely performance of initial evaluations and reevaluations;
- Timely implementation of hearing officer decisions;
- Timely correction of noncompliance;
- Secondary transition requirements; and
- Early childhood transition requirements.

Based on this noncompliance, OSSE received a “needs intervention” determination for the sixth consecutive year and was required to submit a corrective action plan (CAP) to the Department in August 2012 to address the above mentioned areas. Pursuant to the CAP, OSSE must provide three progress reports (in addition to the APR) to OSEP. Reports must include data from all LEAs, including charter school LEAs, and provide the required content related to each area of identified noncompliance. Each report must be submitted to the Department in accordance with the following reporting periods and timelines:

Report	Reporting Period	Report Due Date
First Report	April 1, 2012 – September 30, 2012	November 1, 2012
Second Report	October 1, 2012 – December 31, 2012	February 1, 2013
Third Report	January 1, 2013 – March 31, 2013	May 1, 2013

For each reporting period, OSSE will collect and analyze data related to the above listed areas of noncompliance. For each LEA with noncompliance identified through this data collection, findings of noncompliance will be issued and correction of noncompliance must be verified as soon as possible but in no case later than one year after the identification of the noncompliance.

For more information on OSSE’s Special Conditions, refer to Appendix B.

6. CORRECTION OF NONCOMPLIANCE

In exercising its monitoring responsibilities under 34 CFR §300.600(d), OSSE must ensure that when it identifies noncompliance with requirements of Part B by LEAs, the noncompliance is corrected as soon as possible, and in no case later than one year after OSSE's identification of the noncompliance (34 CFR §300.600(e)). When determining correction of noncompliance, OSSE must verify that the LEA: (1) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02); **and** (2) is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through the data system or an additional review of student files.

Thus, when an LEA receives written notification of a finding of noncompliance, the LEA must *first* correct the individual student level noncompliance. For example, if OSSE reviews the secondary transition plan for Student A and finds noncompliance through that review, the LEA must correct Student A's secondary transition plan by reconvening an IEP meeting (or properly executing an IEP amendment) and writing a compliant secondary transition plan for the student. OSSE will review Student A's revised secondary transition plan to ensure that it is now compliant. Proof of corrections to identified areas of noncompliance must be uploaded into Special Education Data System (SEDS) as well as the District of Columbia Corrective Action Tracking System (DC-CATS). *Next*, the LEA must demonstrate that it is now correctly implementing the specific regulatory requirement. This is achieved by OSSE's subsequent review of additional data either through another SEDS review or a subsequent file review. For example, after the LEA has corrected Student A's secondary transition plan, OSSE will review secondary transition plans for other students within the LEA to ensure that the LEA is correctly implementing secondary transition requirements for all students. Both steps must be completed in order for OSSE to determine that the noncompliance has been corrected.

While OSSE will typically include "additional corrective actions" or "improvement activities" to be completed after a finding of noncompliance, the noncompliance is not deemed to be corrected until the LEA has achieved 100% compliance in a subsequent review. "Additional corrective actions" and "improvement activities" are designed to assist the LEA in developing appropriate practices or accessing necessary technical assistance in the area of the noncompliance, not to determine correction of noncompliance. For initial evaluation timelines, reevaluation timelines, secondary transition requirements, and Part C to Part B transition timelines, correction is made when an LEA achieves 100% compliance on a subsequent quarterly review. For noncompliance identified through on-site monitoring, correction is made when an LEA achieves 100% compliance on a subsequent file review conducted by OSSE.

For example, if OSSE reviews the secondary transition plan for Student A and finds noncompliance through that review, the LEA must correct Student A's secondary transition plan by reconvening an IEP meeting (or properly executing an IEP amendment) and writing a compliant secondary transition plan for the student. OSSE will review Student A's revised secondary transition plan to ensure that it is now compliant. After the LEA has corrected Student A's secondary transition plan,

OSSE will review secondary transition plans for other students within the LEA to ensure that the LEA is correctly implementing secondary transition requirements for all students. Both steps must be completed in order for OSSE to determine that the noncompliance has been corrected.

Two Prong Approach to Verifying Correction of Noncompliance

Notification	LEA receives written notification of noncompliance
Prong 1	LEA corrects individual student level noncompliance
Verification of Prong 1	OSSE reviews student level correction to verify compliance
Prong 2	LEA demonstrates it is correctly implementing the specific regulatory requirement
Verification of Prong 2	OSSE reviews a sample of other student files to verify that the LEA is correctly implementing the specific regulatory requirement

For a copy of OSEP Memo 09-02, refer to Appendix C.

7. MONITORING PROCESS OVERVIEW

The goal of OSSE's Monitoring and Compliance System is to ensure that LEAs are meeting the requirements of both federal and local regulations. In alignment with federal regulations and OSSE's Vision, OSSE's monitoring approach is outcome oriented. However, if noncompliance is identified through any of OSSE's monitoring activities, **OSSE will require the LEA to correct the noncompliance as soon as possible but in no case later than one year after the identification of the noncompliance.**

Contrary to the notion that monitoring is an annual on-site process, OSSE employs a number of monitoring activities to ensure compliance with federal and local regulations and improve educational results and functional outcomes for students with disabilities. Monitoring activities include: database reviews, on-site compliance monitoring, record reviews, on-site focused monitoring, dispute resolution activities, LEA self-assessments, Phase I and Phase II grant applications, and audit findings reviews.

Database Reviews: In accordance with the CAP and with APR reporting requirements, OSSE will review data in the Special Education Data System (SEDS) and in the Blackman Jones Database to identify noncompliance and assess progress toward federal and local targets for special education. Pursuant to the Blackman/Jones Consent Decree and Title 5, Section 5019 of the District of Columbia Municipal Regulations, all LEAs (including independent charter LEAs) are required to input data into SEDS. Data for CAP reporting will be reviewed according to the schedule displayed on page 8. Data for APR indicators will be reviewed one time per year. LEAs will receive findings of noncompliance for noncompliance identified through database reviews.

On-site Compliance Monitoring: Each year, OSSE will conduct on-site compliance monitoring for a selection of LEAs. This process will include record reviews, interviews and document reviews to identify noncompliance and assess progress toward federal and local targets for special education. Details regarding on-site compliance monitoring can be found on page 15.

Nonpublic Monitoring: OSSE is committed to ensuring that students educated in nonpublic settings are placed in the least restrictive environment; are receiving proper positive behavior supports; and are receiving appropriate services, including specialized instruction and transition services. Pursuant to D.C. Code §38-2561.07, nonpublic schools, applying for a Certificate of Approval (COA), shall receive an evaluation including an on-site inspection of the operations and facilities of the school or program. OSSE shall conduct an on-site inspection at least once during the period of the COA and may schedule other inspections as deemed necessary. The LEA responsible for the student placed in the nonpublic school is responsible for ensuring that the nonpublic school is compliant with federal and local rules and regulations. Therefore, should noncompliance be identified during a nonpublic review, the responsible LEA will receive notice of the findings of noncompliance and be accountable for correcting the noncompliance as soon as possible but in no case later than one year from the identification of noncompliance. Additional information regarding nonpublic monitoring can be found in Appendix D.

Record Reviews: Record reviews entail an examination of student level records that document the level of implementation of Individualized Education Programs (IEPs), financial and accounting records, or any other record that may contain information necessary for federal or local reporting.

The majority of record reviews conducted by OSSE will occur through database reviews, on-site compliance monitoring, and required audit activities. OSSE reserves the right to review records if information is not available in databases or at any such time that a review may be necessary. Findings of noncompliance identified through record reviews must be corrected as soon as possible but in no case later than one year after the noncompliance was identified.

Focused Monitoring: Focused monitoring purposefully selects priority areas to examine for compliance and results while not specifically examining other areas for compliance in order to maximize resources, emphasize important variables, and increase the probability of improved results. OSSE began on-site focused monitoring during the 2010-2011 school year for selected LEAs. OSSE may choose to conduct an on-site focused monitoring visit in lieu of an on-site compliance monitoring visit if the LEA has demonstrated that it is in compliance with the regulatory requirements described in the Compliance Monitoring Areas. Details regarding on-site focused monitoring can be found on page 22.

Dispute Resolution Activities: The State complaint and due process complaint processes are designed to resolve disputes between LEAs and parents (or organization or individual in the case of State complaints). In the fact finding stages of each of these processes, the investigator or hearing officer may identify noncompliance by the LEA. In the case of State complaints, findings of noncompliance are identified in the Letter of Decision. In the case of due process complaints, findings of noncompliance are identified in the Hearing Officer Determination (HOD). Although OSSE may not issue an additional written finding of noncompliance, the Letter of Decision or HOD serves as the written notice of the finding of noncompliance. Findings identified through dispute resolution activities must be corrected in the timeline outlined in the Letter of Decision or HOD but in no case later than one year after the identification of the noncompliance. Additionally, findings made through these processes and the correction of these findings are tracked by OSSE, reported in OSSE's annual APR, and used in LEA annual determinations.

LEA Self-Assessments: The LEA self-assessment is a process by which LEAs may be required to assess their own performance and progress toward compliance with IDEA Part B. The self-assessment is designed to guide LEAs through a collaborative analysis and planning process to engage stakeholders in developing targeted improvement activities in the areas that the LEA is most in need. The self-assessment tool may be based on the compliance monitoring tool (see Appendices E and F) used by OSSE for on-site monitoring visits, thus LEAs can prepare for future on-site monitoring as well as clearly identify areas of noncompliance in student files and LEA policies and procedures. In lieu of the full self-assessment tool, OSSE may require an LEA to conduct a root cause analysis on a particular area of noncompliance. Through the self-assessment process, LEAs will develop an improvement plan that must be submitted to OSSE two months after receiving the self-assessment. LEAs identified for an on-site monitoring visit will not be required to complete a self-assessment in the year of the OSSE visit.

Phase I and Phase II Grant Applications: Grant applications submitted by LEAs include important assurances by the LEA that the LEA is in compliance with IDEA Part B regulations. In signing the assurances contained in the Phase I Application, LEAs attest that students within the LEA are receiving a free appropriate public education and that the LEA is properly using IDEA funds. Should an LEA not be able to provide these assurances, or a date by which the LEA will be in compliance, OSSE may not be able to timely distribute funds to the LEA. Phase I applications are due to OSSE by the deadline contained within grant application information each year. More information regarding grant applications will be forwarded to LEAs at the beginning of each cycle or LEAs can contact OSSE.DSE-PartBFinance@dc.gov.

Audit Findings Review: LEAs that spend \$500,000 or more in federal funds are required to receive an A-133 single audit and submit a copy of the management letter to OSSE within 30 days of receipt. Additionally, the District of Columbia Public Charter School Board (PCSB) requires all public charter schools in the district to receive an annual audit regardless of level of expenditures. Any noncompliance identified through audits must be corrected in accordance with the audit report. Audit findings will be considered in making annual LEA determinations.

Part B Compliance Monitoring Areas

Pursuant to federal regulations, OSSE may monitor LEAs in each of the following areas to ensure compliance with the IDEA. Although each monitoring area listed below may not be reviewed with each monitoring activity, LEAs must comply with each federal requirement and should continually assess their own progress toward compliance with each requirement.

Part I – FAPE in the LRE

- A. The LEA educates students in the least restrictive environment. (34 CFR §§300.114-300.117)
- B. The LEA ensures that IEPs are appropriately developed and implemented. (34 CFR §§300.320-300.504, §300.101)
- C. The LEA completes evaluations within the State-established timeline. (34 CFR §§300.300-300.311)
- D. The LEA ensures that students referred by Part C have an IEP implemented by their 3rd birthday. (34 CFR §300.101, §300.323)
- E. The LEA uses appropriate steps to successfully transition students from high school to postsecondary settings. (34 CFR §300.320)
- F. The LEA utilizes appropriate discipline processes and procedures. (34 CFR §§300.530-300.536)
- G. The LEA does not have a disproportionate representation of students in special education or specific disability categories. (34 CFR §300.646)
- H. The LEA provides instructional materials to blind persons or other persons with print disabilities in a timely manner. (34 CFR §300.172, §300.210)

Part II – Dispute Resolution

- A. The LEA timely implements due process complaint requirements. (34 CFR §§300.507-300.518; Blackman Jones Consent Decree)
- B. The LEA timely responds to State complaint requests and decisions. (34 CFR §§300.151-300.152; OSSE State Complaint Policy)
- C. The LEA voluntarily engages in mediation when requested by parents/guardians. (34 CFR §300.506)

Part III – Data

- A. The LEA submits timely, valid and reliable data. (34 CFR §300.211)
- B. The LEA uses data to inform decision making. (34 CFR §300.211)

Part IV – Fiscal

- A. The LEA expends IDEA Part B funds in accordance with Federal laws, state laws and approved budget and spending plans. (34 CFR §300.202)
- B. The LEA uses IDEA Part B funds only to pay the excess costs of providing special education and related services to children with disabilities. (34 CFR §300.202)
- C. The LEA meets its maintenance of effort requirement. (34 CFR §300.203)
- D. The LEA properly calculates and expends CEIS funds. (34 CFR §300.646)
- E. The LEA does not co-mingle IDEA Part B funds with other funds. (34 CFR §§300.162, 300.201)
- F. DCPS Only: The LEA expends its required proportionate share of Part B funds for students with disabilities parentally-placed in private schools. (34 CFR §300.134, §300.201)
- G. DCPS Only: The LEA provides funds to charter schools on the same basis as it provides funds to the other public schools in its jurisdiction. (34 CFR §300.209)

LEA On-site Compliance Monitoring

LEA on-site compliance monitoring is a process by which selected LEAs receive an on-site visit by OSSE's Monitoring and Compliance Unit for a comprehensive document and record review, stakeholder interviews, fiscal examination and follow-up technical assistance. The process is designed to identify noncompliance and assess LEA progress toward improving educational results and functional outcomes for all students with disabilities. On-site compliance monitoring also allows OSSE to determine if SEA-implemented strategies have resulted in qualitative and quantitative improvements, and to formulate specific, tailored actions if improved outcomes have not been achieved.

On-site monitoring will follow a series of defined steps, according to the following timelines:

Activity	Timeline
Identification of LEAs for SY 2012 – 2013 on-site monitoring	August 2012
Notification of on-site monitoring to LEAs	August 2012
Pre-site visits for Fall 2012 on-site visits	September 2012
Fall on-site visits	September 2012 – December 2012
Monitoring reports issued to LEAs	December 2012 – March 2013
Development of any additional corrective actions	January 2013 – February 2013
Verification of correction of noncompliance	Ongoing
Pre-site visits for Spring 2013 on-site visits	January 2013 – February 2013
Spring on-site visits	February 2013 – March 2013
Monitoring reports issued to LEAs	April 2013 – June 2013
Development of any additional corrective actions	May 2013 – September 2013
Verification of correction of noncompliance	Ongoing

Step 1: Identification of LEAs for On-site Compliance Monitoring

LEAs will be selected for an on-site compliance monitoring visit based on the consideration and evaluation of the following factors:

- Information provided in the LEA's previous self-assessment;
- Information provided in the LEA's most recent Phase I and Phase II Grant Application;
- Level of compliance on the prior year's APR compliance indicators;
- Level of compliance on data reported in OSSE's CAP reports;
- Number of HODs/SAs not timely implemented;
- Number of State complaints filed against the LEA in the past year;
- Number of students in the LEA placed in a more restrictive setting during the past school year;
- Timely submission of data (programmatic and fiscal) to OSSE;
- Number of requests for reimbursement not approved by OSSE;
- Number of students served by the LEA;
- Date of last on-site monitoring visit; and
- Other information available to OSSE.

Step 2: Notification of On-site Compliance Monitoring Selection

LEA directors will be notified by letter and electronic mail of the scheduled monitoring visit according to the timeline outlined in the table on page 15. The letter will include the:

- Date of the monitoring visit;
- Suggested date for the pre-site visit; and
- Purpose of the visit and planned activities.

LEAs are expected to plan as soon as possible for the on-site monitoring visit. For example, as soon as possible after notification of the visit, LEAs should plan for the accommodations and time needed for staff, family and student interviews and for OSSE record reviews. Likewise, LEAs should begin collecting documents needed for the fiscal monitoring portion of the visit.

OSSE will conduct an on-site compliance monitoring visit to every LEA in the District within a five-year cycle,² and will visit the District of Columbia Public Schools annually. Therefore, selection for an on-site visit should not be construed as a punitive action or as an indication that the LEA is not meeting compliance or performance targets.

Step 3: Pre-site Visit

The pre-site visit is an opportunity for LEA and OSSE staffs to discuss the purpose of the on-site visit, confer about the agenda for the on-site visit, agree on logistics and review LEA data. It is also an occasion for the LEA to ask any questions regarding the visit and for the LEA to provide OSSE with documents needed prior to the visit.

At a minimum, documents that should be available before the pre-site visit include:

- A staff roster, including teacher e-mail addresses;
- Fiscal policies and procedures
- School schedule

The standard pre-site visit agenda is located at Appendix H.

Step 4: Pre-site Data Collection

Teacher Survey: Following the pre-site visit, OSSE will forward a brief survey to all general education and special education teachers within the LEA. The survey will be open for approximately one week. The purpose of the survey is to provide guidance for focus group interviews and help narrow the scope of interview questions for LEA administrators. OSSE requests that LEAs provide fervent support to ensure that all teachers respond in a timely manner to the survey.

Record Reviews: Three weeks prior to the on-site visit, OSSE will provide the LEA with a list of

² The cycle timeline is subject to change based on OSSE monitoring priorities and/or federal requirements.

students whose records will be reviewed. No later than two weeks prior to the on-site visit, the LEA must provide OSSE with the class schedules, attendance records, and discipline records of each student. Items that will be assessed during the record reviews are outlined in the student compliance monitoring tool available and align with the monitoring standards. OSSE will use the student's records in SEDS as well as the student's attendance and discipline records to make a determination of compliance on each item. OSSE will **not** consider items contained in a student's hard copy file to make a compliance determination.

The number of selected files will be based on the number of students with IEPs enrolled at the LEA.

Total Number of Students with IEPs	Number of Files Reviewed
Less than 40	10
40 – 99	20
100 – 149	30
150 or more	40

OSSE reserves the right to review additional student files if the LEA has not demonstrated 100% compliance on APR Indicators 4b, 9, 10, 11, 12, 13 or 15, or if a complaint has been filed against the LEA in the year prior to the visit.

Based on the review of other state systems and consultation with national technical assistance providers, OSSE has identified selection criteria to ensure that a wide range of compliance items are examined. If possible, OSSE will select files with a diversity of values for the following criteria:

- Grade level
- Disability category
- The type of the most recent evaluation (initial or reevaluation)
- Placement (nonpublic v. local)
- In-state and/or out-of-state transfer status
- Attending campus

A copy of the OSSE Student Compliance Monitoring Tool can be found in Appendix E.

Parent/Family Interviews: OSSE may choose to interview parents/family of students with IEPs to better understand compliance and performance in the LEA. In most cases, OSSE will ask the LEA to choose the parent/family for the interviews. In some cases, parents/family of students may be selected by OSSE according to specific information (e.g. students involved in dispute resolution processes or students with expired IEPs). If OSSE selects parents/family of students who are involved in the Child and Family Services Administration system, incarcerated, in the custody of the Department of Youth Rehabilitation Services and/or receive services through the Department of Mental Health or other District agencies, OSSE will take steps to coordinate its interviews with those agencies. Interview questions align with the monitoring standards and will be used to

triangulate data gathered from other monitoring activities. A summary of data collected through parents/family interviews will be included in the monitoring report.

Step 5: On-site Compliance Monitoring Visit and Activities

Following its notification letter to each selected LEA and the subsequent pre-site visit, OSSE will conduct an on-site visit to each LEA. The on-site review is designed to determine if the LEA's special education program and services are compliant with local and federal regulations. If an LEA has more than one campus or school, OSSE may conduct its on-site visit at multiple locations. Regardless of the number of locations OSSE chooses to visit, only one monitoring report will be issued to the LEA.

During the on-site visit, OSSE will engage in the following activities:

- **Staff Interviews:** OSSE will interview the LEA's administrators, special education coordinator, special education teachers, general education teachers, related service providers and budget director. Interview questions align with the monitoring standards and will be used to triangulate data gathered from other monitoring activities. A summary of data collected through staff interviews will be included in the monitoring report.
- **Student Interviews:** OSSE may choose to interview students with IEPs, to better understand compliance and performance in the LEA. In most cases, OSSE will ask the LEA to choose the students for the interviews. In some cases, students may be selected by OSSE according to specific information (e.g. students involved in dispute resolution processes or students with expired IEPs). The LEA will be informed in advance of the names of any students selected by OSSE for an interview. In either case, the LEA is responsible for coordinating the interviews with students. If OSSE selects students who are involved in the Child and Family Services Administration system, incarcerated, in the custody of the Department of Youth Rehabilitation Services and/or receive services through the Department of Mental Health or other District agencies, OSSE will take steps to coordinate its interviews with those agencies. Interview questions align with the monitoring standards and will be used to triangulate data gathered from other monitoring activities. A summary of data collected through student interviews will be included in the monitoring report.
- **Classroom Observations:** OSSE will observe classrooms or lessons in which students with IEPs are being educated. The purpose of the observations is to gain a better understanding of how special education instruction is delivered within the LEA. Data collected through classroom/lesson observation will be used to triangulate data gathered from other monitoring activities. Findings of noncompliance will not be made based solely on observations.
- **Fiscal Monitoring Activities:** OSSE will conduct fiscal monitoring activities while on-site. Fiscal monitoring includes document and record reviews, interviews and/or a demonstration of financial processes and systems. Items to be assessed can be found in the fiscal section of the compliance monitoring tool. LEAs will be informed in advance of materials that must be provided. LEAs should be prepared to provide calculations

regarding maintenance of effort and excess cost.

- ***Individual Student-Level Monitoring:*** During the on-site compliance monitoring visit, OSSE may choose to conduct individual student-level monitoring. Individual student-level monitoring consists of an in-depth review of one student's IEP; an in-depth review of all progress reports, attendance records and discipline records regarding the student; interviews with all teachers and service providers associated with the student; interviews with the student (if appropriate) and the student's parent or guardian; and an observation of the classrooms and programs to which the student is assigned. Information and findings regarding the individual student-level monitoring will be included in the on-site compliance monitoring report. LEAs will be informed in advance of the pre-site visit if individual student-level monitoring will occur during the on-site visit.

Step 6: Desk Review

Following the on-site visit, OSSE's Quality Assurance & Monitoring team will conduct a desk review of additional information available regarding the LEA. Information reviewed may include, but is not limited to, data in SEDS, student attendance records, Encounter Tracking Forms submitted to the District of Columbia Public Schools (DCPS) Medicaid Recovery Unit for the purposes of Medicaid recoupment for school-based Health Related Services, Related Services Management Reports, the Interim Data Collection Tool, other monitoring reports issued to the LEA (e.g. secondary transition monitoring reports or evaluation monitoring reports), State complaint Letters of Decision, HODs, and/or the LEA's website.

Step 7: Monitoring Report

Within three months of the on-site visit, OSSE will notify the LEA of any findings of noncompliance identified during the on-site visit. The monitoring report will outline noncompliance found during the visit. The monitoring report will also delineate corrective actions and improvement activities necessary for the LEA to correctly implement the specific regulatory requirement. Monitoring reports are intended to promote the improvement of educational results and functional outcomes for students with disabilities through the identification of noncompliance. These reports will align with items in the compliance monitoring tool and with monitoring standards.

- ***Initial Monitoring Report:*** OSSE will release an initial report summarizing the results of the monitoring visit in DC-CATS. Following the release of the initial report, LEAs will have seven calendar days to review the information and upload any additional information that may demonstrate compliance into DC-CATS and SEDS.
- ***Final Monitoring Report:*** OSSE will release the final report summarizing the results of the monitoring visit in DC-CATS ten business days after the release of the initial monitoring report. Because these release procedures provide LEAs with an opportunity to respond to compliance determinations, **OSSE will not accept appeals of monitoring findings after the release of the final monitoring report.** Any documentation submitted after the release of the final monitoring report will be used to demonstrate correction of the identified noncompliance.

LEAs will be required to submit documentation of the correction of noncompliance and certify

correction via the District of Columbia Corrective Action Tracking System (DC-CATS). Where a corrective action requires update to a student's special education record, the LEA must upload documentation of correction into DC-CATS as well as SEDS. OSSE will offer training to LEA representatives on the use of DC-CATS in the fall of 2012 and spring of 2013.

For all identified noncompliance, LEAs must correct the noncompliance as soon as possible but in no case later than one year after the identification of the noncompliance. The date of the monitoring report serves as the date of the identification of the noncompliance.

Pursuant to OSEP Memo 09-02, OSSE must account for all instances of noncompliance. In determining the steps that the LEA must take to correct the noncompliance and document such correction, OSSE may consider a variety of factors. For any noncompliance concerning a child-specific requirement that is not subject to a specific timeline requirement, OSSE must also ensure that the LEA has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA. In addition, OSSE must ensure that each LEA has completed the required action (e.g. completed the evaluation although late). A copy of OSEP Memo 09-02 can be found in Appendix C.

Noncompliance is corrected when the LEA can demonstrate that it is correctly implementing the specific regulatory requirement for all students with disabilities. The monitoring report will detail the required corrective actions and improvement activities required to assist the LEA in correctly implementing the specific regulatory requirement. OSSE may also require the LEA to conduct a root cause analysis to determine the reasons for the identified noncompliance. The requirement to conduct a root cause analysis may be contained within the monitoring report cover letter or the Additional LEA Corrective Actions section of the report.

LEAs are strongly encouraged to share the monitoring report with its stakeholders and the community through the LEA's website or a public notice in a local newspaper. The findings and corrective actions should routinely be shared and discussed with the LEA's School Board or Board of Directors.

Step 8: Corrective Action Plans

Contained within the monitoring report, OSSE will provide a list of required student-level corrective actions and LEA-level improvement activities for noncompliance identified through record reviews and certain interviews. If appropriate, LEAs may also be required to develop a Corrective Action Plan (CAP).

Corrective actions and improvement activities, whether generated through the monitoring report or through an LEA CAP, may be relatively uncomplicated and non-time consuming (e.g. correcting a data error in SEDS) or may be multifaceted and involved (e.g. developing a policy and procedures for ensuring appropriate discipline processes). More simple corrective actions or improvement activities may be accomplished by one staff member or through a routine IEP meeting, while more complex corrective actions or improvement activities may require extensive analysis and collaboration with the LEA leadership and/or Boards of Directors.

OSSE is committed to providing technical assistance to LEAs as they formulate CAPs and/or as they

complete corrective actions and improvement activities. Assistance from the T&TA team within OSSE will be available to LEAs as they strive toward correction of noncompliance and improvement of educational results and functional outcomes for students with disabilities.

Step 9: Verification of Correction of Noncompliance

After the LEA has certified correction of noncompliance, OSSE will verify the correction of noncompliance.

Prong 1: To verify the correction of individual student noncompliance, OSSE will review the original student files to verify that the required action has been completed. Correction of noncompliance will be complete when the LEA can demonstrate that it is correctly implementing the specific regulatory requirement.

Prong 2: To verify that the LEA is correctly implementing the regulatory requirement, OSSE will select a sample of student files that were not originally reviewed or generate a report from SEDS to verify correction of noncompliance. Correction of noncompliance will be complete when the LEA can demonstrate that 100% of files reviewed are compliant with the specific regulatory requirement. OSSE will review a minimum number of files to verify correction for Prong 2 based on the total number of students with IEPs, however, OSSE may choose to review additional files at its discretion.

Total Number of Students with IEPs	Minimum Prong 2 Files
Less than 150	5
150 or more	10

Pursuant to OSEP Memo 09-02, OSSE must verify the correction of noncompliance within one year of the identification of the noncompliance; therefore, verification activities will occur before the conclusion of the one-year timeline.

Step 10: Closure of Findings of Noncompliance

For noncompliance issued through DC-CATS, the LEA will be notified of the verification of correction of noncompliance through DC-CATS. For noncompliance that was issued prior to the implementation of DC-CATS, OSSE will inform the LEA in writing that the finding of noncompliance is closed. LEAs should continue to conduct record review activities to identify any areas of need that may arise before future OSSE monitoring activities. Longstanding noncompliance extending beyond the one-year correction period will result in additional enforcement actions by OSSE and will affect the LEA's annual determination. Likewise, the LEA's timely correction of noncompliance will also be favorably considered in the LEA's annual determination.

LEA Focused Monitoring and Continuous Improvement

As defined by the National Center for Special Education Accountability Monitoring, “Focused monitoring purposefully selects priority areas to examine for compliance and results while not specifically examining other areas for compliance in order to maximize resources, emphasize important variables, and increase the probability of improved results.”³ Effective in fall 2012, OSSE lengthened its cycle of on-site compliance monitoring, and now requires an on-site compliance monitoring visit of each independent charter school once every five years, and an on-site visit of DCPS on an annual basis. This shift has allowed OSSE to develop a system for focused monitoring, allowing the agency to support LEAs by undertaking a root cause analysis of widespread or long-term noncompliant or underperforming systems.

Focused monitoring performed by the OSSE will assess an LEA’s performance in the targeted focused area based upon a variety of sources including:

- Data contained in SEDS;
- Annual APR data;
- Student record reviews;
- Observation of selected programs; and
- Interviews of staff, parents and students (if appropriate).

LEAs may be selected for additional monitoring outside of the five-year cycle of on-site monitoring in one or more of the following areas:

- Discipline
- Initial Evaluations and Reevaluations
- Least Restrictive Environment

OSSE will select LEAs for focused monitoring beginning in Spring 2013. LEAs will not be selected for focused monitoring in the same school year as the standard on-site monitoring visit.

The focused monitoring report may include both required and suggested improvement activities designed to assist the LEA in addressing systemic noncompliance and underperformance. Additional detail on OSSE’s focused monitoring process will be made available in Spring 2013.

³ See the U.S. Department of Education’s funded PowerPoint presentation on focused monitoring at http://www.monitoringcenter/suhsc.edu/PDF%20PPT/NERRC_CIFMS_09212003.pdf

Database Monitoring

The U.S. Department of Education, Office of Special Education Programs (OSEP) determined the District of Columbia to need intervention in meeting the requirements of Part B of the Individuals with Disabilities Education Act (IDEA). OSEP issued a letter to the Office of the State Superintendent of Education (OSSE) informing them that the U.S. Department of Education has imposed Special Conditions on OSSE's FFY 2012 grant awards under IDEA. OSSE was required to develop a Corrective Action Plan (CAP) to address noncompliance in specific areas. Pursuant to OSSE's CAP and these special conditions, which requires quarterly reporting of noncompliance in specific areas, OSSE reviews data in the Special Education Data System (SEDS) to identify noncompliance and assess progress toward federal and local targets for special education. OSSE must review data to determine compliance in the following areas.

Initial and Reevaluation Timelines

In order to improve compliance with timely evaluations and reevaluations, OSSE is required to report to OSEP the percent of initial evaluations and reevaluations provided to children with disabilities whose evaluation deadlines fell within the reporting period that were conducted in a timely manner. OSSE is also required to report on the percent of initial evaluations and reevaluations that were provided for children whose initial evaluation and reevaluations had become overdue in a prior reporting period (backlog). For each quarterly reporting period, the level of compliance for timely evaluations must increase until 95% of initial evaluations and reevaluations are completed in a timely manner.

Early Childhood Transition Timelines

In order to improve compliance with early childhood transition timelines, OSSE is required to report to OSEP the percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. In addition, OSSE is required to report to OSEP the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays in providing a timely evaluation and IEP.

Secondary Transition Requirements

In order to improve compliance with secondary transition requirements, OSSE is required to complete a random sampling of at least 100 individualized education programs (IEPs) of youth aged 16 and above to be reviewed for IEP secondary transition content during each quarterly reporting period. For each quarterly reporting period, the level of compliance for secondary transition requirements must increase until 95% of IEPs reviewed are compliant with secondary transition requirements.

OSSE will issue four quarterly reports on LEA noncompliance in these three areas during school year 2012 – 2013. LEAs will receive the results of these reviews in DC-CATS and be required to submit documentation of correction of noncompliance through DC-CATS.

Significant Discrepancy Reviews

The U.S. Department of Education, Office of Special Education Programs (OSEP), requires state education agencies to annually analyze and report on the rates of suspension and expulsion for students with disabilities as it compares to their non-disabled peers. States are also required to adopt a definition of what constitutes a 'significant discrepancy' between these two rates.

In the District of Columbia, a 'significant discrepancy' is defined as the suspension and expulsion of any child with a disability for 10 or more cumulative days in a school year by an LEA with a qualifying subgroup at a rate that is higher than the equivalent rate for non-disabled peers. A qualifying subgroup is defined as an LEA with a minimum "n" size of 40 children with disabilities.

Upon identification of LEAs who meet the criteria of significant discrepancy, states must complete a review of the LEA's policies, procedures, and practices relating to the development and implementation of Individualized Education Programs (IEPS), the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with the applicable requirements of the Individuals with Disabilities Act of 2004.

OSSE will require the LEAs who meet the criteria of significant discrepancy to complete the Significant Discrepancy Self-Study. The ultimate goal of this self-assessment is the revision of all policies, procedures, and practices that are contributing to significant discrepancies, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs and do not comply with the regulatory requirements relating to IEP development and implementation, positive behavioral supports and interventions, and procedural safeguards. The self-assessment guides LEAs through this process via a facilitated review of quantitative and qualitative data including a review of policies, procedures and practices; a review of student files; and answering of system analysis questions. Following completion of the self-assessment, LEAs may complete an improvement plan or be required to take other steps to correct identified noncompliance.

Disproportionate Representation Reviews

The IDEA requires the State to have in effect, consistent with the purposes of 34 CFR Part 300 and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR 300.8 of the IDEA regulations. [34 CFR §300.173] [20 U.S.C. 1412(a)(24)].

OSSE has adopted a weighted risk ratio of 2.5 for over-representation for determining if LEAs have disproportionate representation. The weighted risk ratio compares the chance, or risk, of children of a particular racial/ethnic group being identified for special education with the chance of children of all other racial/ethnic groups being identified for special education, taking into account the racial/ethnic composition of the student population in the District of Columbia. That is, the weighted risk ratio negates any effect on risk caused by a large or small percent of students being of a particular racial/ethnic group. The District of Columbia's weighted risk ratio limits of 2.5 mean that the OSSE will investigate cases in which a particular racial/ethnic group is more than two and one half times as likely as all other racial/ethnic groups to be identified for special education, based on each racial/ethnic group's proportion of all students in the District of Columbia.

OSSE determined that an LEA must have at least 40 students with disabilities in order for an LEA to be included in this analysis. In addition, within LEAs of 40 or more students with disabilities, at least five students of a single race/ethnicity are required for weighted risk ratio analysis for that particular race/ethnicity.

OSSE makes its annual determination that the disproportionate representation of racial and ethnic groups in special education in related services was, or was not, the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a) through a self-study. The OSSE Disproportionate Representation Self-Study document is designed to support LEAs in reviewing their data and practices as they relate to Part B requirements for child find, evaluation and eligibility in order for OSSE to make the determination as to whether the LEA's disproportionate representation is the result of inappropriate identification. The self-assessment guides LEAs through this process via a facilitated review of quantitative and qualitative data including a review of policies, procedures and practices; a review of student files; answering of system analysis questions; and staff interviews particularly focused on regular education teachers and staff that are responsible for referring students to the special education program.

LEAs are required to submit a copy of file review checklists, guided interview answers and disproportionate representation questions to OSSE. OSSE reviews the submitted documents and determines whether the LEA's disproportionate representation was based on inappropriate identification and identified findings of noncompliance based on data included in the file review checklists and LEA disproportionate representation questions. Following completion of the self-assessment, LEAs may also complete an improvement plan or be required to take other steps to correct identified noncompliance.

Additional Findings of Noncompliance

As the SEA, OSSE is required to identify findings of noncompliance, notify LEAs of findings of noncompliance and ensure the correction of the noncompliance as soon as possible but in no case later than one year after the identification of the noncompliance. At times, OSSE may become aware of noncompliance outside of the monitoring activities described in this section. Although the findings may not be associated with any of the scheduled activities, OSSE remains responsible for identifying and ensuring correction of the noncompliance.

Should OSSE become aware of an LEA's noncompliance with any regulatory requirement in 34 CFR Part 300, OSSE will notify the LEA in writing of the noncompliance and will indicate the required corrective action necessary to correct the finding of noncompliance. Correction of noncompliance will be complete when the LEA can demonstrate that it is correctly implementing the specific regulatory requirement.

8. District of Columbia Corrective Action Tracking System (DC-CATS)

Beginning in Fall 2012, OSSE will issue findings of noncompliance made as part of on-site compliance monitoring and quarterly database reviews through an online system, the District of Columbia Corrective Action Tracking System (DC-CATS). On-site reports for nonpublic schools will also be made available via DC-CATS. In addition to supporting the accurate and efficient utilization of data gathered via compliance monitoring, OSSE plans to support LEA efforts to correct identified noncompliance within required timelines through the development of dashboards which detail outstanding findings and list remaining requirements for correction.

Additional DC-CATS functionality to support the issuance of findings made for significant discrepancy, disproportionate representation, and through State complaints are slated for release in DC-CATS later in the 2012 – 2013 school year or early in the 2013 – 2014 school year. Although a target date for incorporation of focused monitoring tools has not yet been set, OSSE plans to develop this functionality as well so that LEAs are able to access information regarding all OSSE special education monitoring activities via this system.

Finally, OSSE plans to develop a self-assessment tool in DC-CATS which will enable LEAs to evaluate student files and other processes and take proactive steps to improve compliance and results for students with IEPs. This functionality is slated for release in the 2013 – 2014 school year.

LEAs will be required to submit documentation of the correction of noncompliance through DC-CATS. OSSE will offer training to LEA representatives on the use of DC-CATS following the issuance of quarterly compliance reports in the fall of 2012 and spring of 2013, and thereafter on a periodic basis.

9. APPENDICES

- Appendix A Determinations Information and Frequently Asked Questions
- Appendix B OSSE FFY 2012 IDEA Part B Grant Award Special Conditions Enclosure E
- Appendix C OSEP Memo 09-02
- Appendix D Nonpublic Monitoring Supplement
- Appendix E Student Compliance Monitoring Tool
- Appendix F LEA Compliance Monitoring Tool
- Appendix G Nonpublic School Compliance Monitoring Tool
- Appendix H Secondary Transition Compliance Monitoring Tool
- Appendix I Sample Monitoring Agendas
- Appendix J Part B State Performance Plan Indicators
- Appendix K Glossary

Determinations of the Status of Local Programs by State Agencies Under Parts B and C of the Individuals with Disabilities Education Act (IDEA)

It will be necessary for States to consider a number of factors when establishing their "Determinations" process under IDEA sections 616 and 642. Certainly, the most important of these is to ensure that the process includes all of the required components. As discussed below, States *must* consider performance on compliance indicators, data integrity, uncorrected noncompliance issues and relevant audit findings. Developing a process that ensures consideration of all of these factors will likely involve a multi-faceted approach. Because each State is expected to develop a process that reflects their unique context, it is clear that a variety of strategies will be used to meet this federal requirement. However, despite anticipated differences in approach, there will also be some commonality with regard to the entire range of issues that States will address as well.

Purpose

The purpose of this document is to provide guidance on the annual determinations that must be made under IDEA of local programs performance in meeting the requirements and purposes of the IDEA. This document addresses:

- OSEP requirements of States;
- Determination categories and state enforcement;
- Issues and challenges for States to consider in the decision making process now and in the future;
- Involving stakeholders in developing a determination process; and
- Resources and references.

OSEP Requirements of States

OSEP provided guidance to States on how they are to make determinations of status of local programs. These are in the FAQ document of 10/19/2006 (http://www.rfcnetwork.org/images/stories/FRC/spp_mat/determinations%20faq.doc).

Below are OSEP requirements of states as stated in the FAQ document:

- States are required to enforce the IDEA by making "determinations annually under IDEA section 616(e) on the performance of each LEA under Part B and each EIS program under Part C.
- States must use the same four categories in IDEA section 616(d) as OSEP in making determinations of the status of LEAs/EIS programs. These categories are:
 - Meets Requirements;
 - Needs Assistance;
 - Needs Intervention; and
 - Needs Substantial Intervention.
- States **MUST** consider:
 - Performance on compliance indicators;

- Whether data submitted by LEAs/EIS programs are valid, reliable, and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.
- In addition, States could also consider:
 - Performance on performance indicators; and
 - Other information.

There is nothing in the IDEA statute or regulations that addresses a timeline for when States must make their annual determinations regarding the performance of the LEAs/EIS programs in their States. However, States need to make the determinations as soon as possible after making their annual report to the public on the performance of each LEA/EIS program.

States must inform each LEA/EIS program of the State's determination regarding that LEA/EIS program. However, the IDEA does not require States to report to the Department or to the public the determinations the State makes regarding the performance of each LEA/EIS program, although States may choose to do so.

The State's public reports of LEA/EIS program performance and its determinations provide valuable data and information to these local programs on how their program compares to the State's targets. States will want to be timely in informing LEAs/EIS programs of their determinations so programs can take actions necessary for improvement. In addition, there may be implications under the State's determinations for the State's award of funds to LEAs/EIS programs so the State would ideally make its determinations before LEA subgrants are issued or funds under subawards or contracts are signed or renewed to EIS programs.

Determinations and Enforcement

As noted above, States must use the same four categories as OSEP in making determinations of the status of local programs. These categories are

- Meets Requirements;
- Needs Assistance;
- Needs Intervention; and
- Needs Substantial Intervention.

Enforcement actions for these categories are described in section 616(e) of the IDEA and also in the Part B regulations at §§300.603 and 300.604. States must use appropriate enforcement actions listed at section 616(e) and in the Part B regulations at §300.600(a) that refers to the actions listed in §300.604. Not all of the enforcement actions included in section 616(e) and §300.604 may be applicable or appropriate for a State in determining the appropriate enforcement actions against specific LEAs/EIS programs. The Part B regulations at §300.600(a) specifically designate the enforcement actions that States must apply after an LEA is determined to "Need Assistance" for two consecutive years, "Need Intervention" for three or more consecutive years or immediately when an LEA is determined to be in "Need of Substantial Intervention."

In other words, when a State determines that an LEA:

- Needs Assistance for two consecutive years, the State must take one or more of the following enforcement actions in §300.604:
 - (a)(1): Advise programs of available sources of technical assistance to address areas on which the program needs assistance; or
 - (a)(3): Identify programs as high risk grantee and imposing conditions on use of funds.
- Needs Intervention for three or more consecutive years, the State must take one or more of the following actions in §300.604:
 - (b)(2)(i): Require the program to prepare or implement a corrective action plan to correct the identified area(s); or
 - (b)(2)(v): Withhold, in whole or in part, further payments to programs.
- Needs Substantial Intervention at any time, the State must take the following enforcement action in §300.604:
 - (c)(2): Withhold, in whole or in part, any Part B funds.

In addition to the minimum enforcement actions noted above, a State also may use any other enforcement mechanisms and actions available to it (such as those included in State rules, regulations, or policies) to enforce the IDEA. For example, a State might advise an LEA/EIS program of available technical assistance on areas on which the program needs assistance after the first year the program is identified as needing assistance, or require more rigorous reporting on the area needing improvement.

Issues and Challenges for the State

States need to consider a number of issues in preparation for making determinations of the status of local programs.

- How can we ensure that the process for making determinations is perceived as fair and equitable?
- How can we develop a determinations process that can be clearly articulated and understood by LEAs/EIS programs?
- Will the decision making process be strictly internal – State staff – or involve stakeholders?
- What is the relationship of the public report and program determination?
- What will serve as the criteria to assign each LEA/EIS program in one of the four determinations categories?
- How will the State take into consideration data that are more recent than the last report to the public? How will the State take into consideration improvement even when programs do not meet the State target?
- How many compliance and results indicators should our State include to achieve a comprehensive process for making determinations?
- What standards are set by the State for determining whether local program data are valid, reliable, and timely?
- What specific criteria will be used, if any, besides those the State must use?
- Whether some outcome indicators have more importance in the State at a particular time?

- Does the State want to inform LEAs/EIS programs of their draft determinations to request feedback?
- Will the State have an appeals process by local programs?
- Should our State include student or system results indicators as well as the required compliance indicators?
- What is the message the State sends to the public if the criteria for making determinations relies solely on program's performance on procedural compliance indicators?
- Will the State consider data from dispute resolutions – complaints, hearings or appeals - as part of the State's criteria?
- How will the State incorporate new indicators into the decision making process in future years?
- To what extent can a State automate the determinations task?
- Does the State intend to report the determinations to the public (recognizing that the State's correspondence informing the LEA/EIS program is likely available to the public through State freedom of information laws)?
- How will the State use the determinations of LEAs/EIS programs to guide or inform the State in whether to revise its SPP improvement activities?
- How are State resources to be allocated for each of the determination levels? For example, how will the State allocate resources for LEAs/EIS programs identified in the needs assistance category?
- States are required to enforce the IDEA by making "determinations annually under IDEA section 616(e) on the performance of each LEA under Part B and each EIS program under Part C.
- What implications will making determinations have on current resources and allocation of resources?

Involving Stakeholders: State Advisory Panels and State Interagency Coordinating Councils

State leadership—along with meaningful stakeholder involvement—are integral components in developing a determinations process that will be perceived as fair and equitable by LEAs/EIS programs. The functions of the State Advisory Panel (SAP) as described in section 1412(a)(21) of IDEA (Part B) and the State Interagency Coordinating Council (SICC) as described in section 635(a)(10) of IDEA (Part C) provide States with some mechanisms for obtaining stakeholder input and feedback on a wide variety of issues related to establishing a determinations process. As many well know, the role of the State Advisory Panel (SAP) is to advise on rules or regulations proposed by the State in such matters as evaluation and reporting data, the development of corrective action plans, and in policies related to coordinating Part B services provided to children and youth with disabilities. A similar advisory role is shared by the SICC, which must, under IDEA section 641(e)(1)(D), also prepare and submit an annual report to the Governor and the Secretary on the status of early intervention programs operated within the State. As such, both the SAP and the SICC can serve important roles in helping the State identify appropriate criteria in the determinations process.

In some instances, States may have a stakeholder group other than the SAP or SICC that has also assisted in the development of the State Performance Plan (SPP) and Annual

Performance Report (APR) and States may wish to continue the involvement of these stakeholders in developing the State's determinations process under Parts B and C of the IDEA. Even while acknowledging that States will likely involve various types of stakeholder groups to one extent or another, issues will need to be addressed regarding the general nature of their involvement. However, for those States seeking to more actively engage their SAPs and SICCs in decision-making activities, the task of establishing a determinations process appears to be an ideal opportunity for this to occur.

Advantages in obtaining stakeholder input include:

- Involving stakeholders helps to diminish the burden of having only a relative few make decisions that will have widespread impact.
- Involving stakeholders helps to secure "buy-in," particularly from constituencies most likely to question the accuracy and efficacy of the determinations process.
- Involving stakeholders adds "transparency" to the decision-making process.

Nature of Stakeholder Involvement

States will need to consider various issues related to *how* stakeholders will be involved in the development of the determinations process. As indicated previously, one very important thing to consider is the *extent* to which stakeholders will be involved. For example, some States may choose to deliberate internally and perhaps even "field test" various strategies before presenting these options a stakeholder group. In this capacity, the involvement of stakeholders will be largely advisory. In contrast, other States may wish to include stakeholders more directly in the development of the determinations process. In this case, stakeholders are involved from the very beginning in helping with decisions about the "nuts and bolts" of the determinations process. In any event, it is likely that States will select an option most consistent with their historical relationships in working with stakeholders. Irrespective of what approach to involving stakeholders is selected—States will need to consider questions related to the stakeholder process. Several of these questions are indicated below:

- *"To what extent will LEAs/EIS programs be represented as stakeholders?"*—A critical question since LEAs/EIS programs will be most directly impacted by the process the State uses to make determinations.
- *What process will be used to establish a consensus among stakeholders?*—Much of the work involved in setting criteria for determinations will be contingent upon agreement of "decision rules."
- *How will the stakeholder group be facilitated?*—Some States may consider using external facilitation by a person or entity perceived as "fair."

Stakeholders can play an important role in helping the State to develop strategies for the determinations process. As such, it is important for the State to recognize their potential contributions and begin the process of establishing a determinations process by approaching it as a "stakeholders first" attitude. One of the "latest" performance-based methods to support this way of thinking is reflected in the "Performance Prism," a model entirely predicated on the assumption, *Start with stakeholders—not strategies.* Research from Neely, Adams, and Kennerly (2002), for example, points out that strategies represent

the “route” you take—the *how* to reach the “final destination”—which, in this case, is developing a fair and equitable approach to making determinations on the performance of LEAs/EIS programs.

Resources and References

- SPP/APR Part C Indicator Overview
(http://www.rrfcnetwork.org/images/stories/FRC/spp_mat/nac_materials/c%20indicator%20overview.doc)
- SPP/APR Part B Indicator Overview
(http://www.rrfcnetwork.org/images/stories/FRC/spp_mat/nac_materials/b%20indicator%20overview.doc)
- Determinations Summary Report – Part C
- Determinations Summary Report – Part B

Determination FAQs (10/19/06)

What are the Secretary's "Determinations?"

Based on information provided in the SPP, information obtained through monitoring visits and other public information, the Secretary will determine if the State--

- Meets the requirements
- Needs assistance
- Needs intervention
- Needs substantial intervention

What will OSEP consider in making the "Determinations?"

Department will consider all information available at the time of the determinations including:

- History, nature and length of time of any reported noncompliance
- Evidence of correction, including progress toward full compliance
- Information regarding valid and reliable data
- Special conditions
- Compliance agreements
- Audit findings
- Verification or focused monitoring findings

Are States required to make "Determinations?"

Pursuant to 616(a)(1)(C)(i) and 300.600(a), States are required to make "Determinations" annually under 616(d) on the performance of LEAs/EIS programs.

What should States consider in making their "Determinations?"

States MUST consider

- Performance on compliance indicators;
- Whether data submitted by LEAs/EIS programs is valid, reliable, and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

Must States use the same four categories as the Department will use?

- Yes, States must use "Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention."

Is there a deadline for States to make the Determinations for their LEAs or EIS Programs?

- There is nothing in the statute or regulations that addresses a timeline for when States must make Determinations regarding the performance of the LEAs or EIS programs in their States. However, States need to make the Determinations as soon as possible after making their annual report to the public on the performance of each LEA or EIS program. It is important to ensure that LEAs and EIS Programs have time to improve performance prior to the next reporting to the State by each LEA or EIS program and the State's next

Determinations point. In addition, there may be implications for the State's award of funds to LEAs or EIS programs so the State would ideally make its Determinations before grants are issued or contracts are signed or renewed.

Must States report the Determinations of each LEA or EIS Program to the Department and/or the public?

- IDEA does not require States to report to the Department or to the public the Determinations the State makes regarding the performance of each LEA or EIS Program. States, of course, must inform each LEA or EIS Program of the State's Determination regarding that LEA or EIS program.

Enclosure E

Special Conditions

1. Basis for Requiring Special Conditions

Pursuant to IDEA section 616(g) of Part B of the Individuals with Disabilities Education Act (IDEA or Part B) and 34 CFR §80.12, the Office of Special Education Programs (OSEP) is designating the District of Columbia (D.C.) as a “high risk” grantee and imposing Special Conditions on the District of Columbia, Office of the State Superintendent of Education’s (State’s, D.C.’s, or D.C. OSSE’s) Federal fiscal year (FFY) 2012 grant award under IDEA Part B.

The State did not meet the Special Conditions imposed on its FFY 2011 IDEA Part B grant award related to: timely initial evaluations and reevaluations; timely implementation of hearing officer determinations (HODs); timely correction of noncompliance; secondary transition requirements; and early childhood transition requirements. OSEP has imposed Special Conditions related to timely initial evaluations and reevaluations and timely implementation of HODs on D.C.’s IDEA Part B grant award since 2001. These issues were initially identified in the 1998-2001 Compliance Agreement between D.C. and the U.S. Department of Education. OSEP has imposed Special Conditions on D.C.’s IDEA Part B grant award related to: timely correction of noncompliance since 2005; secondary transition requirements since 2009; and early childhood transition requirements since 2010.

Timely initial evaluations and reevaluations: An initial evaluation that meets the requirements of section 614(a)(1), (b), and (c) of the IDEA and 34 CFR §300.301(c)(1) must be completed for all children with disabilities within the maximum number of days established by the State’s policy.¹ See also, section 612(a)(7) of the IDEA. A reevaluation that meets the requirements of section 614(a)(2), (b), and (c) of the IDEA and 34 CFR §300.303 must be completed for each child with a

¹ Section 614(a)(1)(C)(i)(I) of the IDEA and 34 CFR §300.301(c)(1) require that an initial evaluation be conducted within 60 days of receiving parental consent for the evaluation, or, if the State establishes a timeframe within which the evaluation must be conducted, within such timeframe. Section 38-2561.02 of the D.C. Code states that the District of Columbia must “assess or evaluate a student who may have a disability and who may require special education services within 120 days from the date that the student was referred for an evaluation or assessment.” Section 3005.2 of Chapter 30 of Title 5 of the D.C. Municipal Regulations states: “The IEP team shall conduct an initial evaluation of a child within a reasonable time of receiving a written referral and parental consent to proceed and within timelines consistent with Federal law and D.C. Code Section 38-2501(a).” (D.C. Code Section 38-2501(a) has been repealed and D.C. Code Section 38-2561.02 now addresses timeliness of evaluations.) The State’s “Part B Initial Evaluation/Reevaluation Policy,” dated March 22, 2010, states: “The [local educational agency] LEA must complete an initial evaluation, including the determination of the eligibility of a child suspected of having a disability within 120 calendar days of receiving the written referral.” The State’s *Notice of Procedural Safeguards, Rights of Parents of Students with Disabilities*, revised January 2011, states: “Under District of Columbia law, the LEA must complete an initial evaluation of a child suspected of having a disability, including the determination of eligibility, within one hundred twenty (120) calendar days of receiving the written referral.” The document also states that the 120-day timeframe does not apply to an LEA if: (1) the parent repeatedly fails or refuses to produce the child for evaluation; (2) the parent fails or refuses to respond to a request for consent for the evaluation; or (3) the parent enrolls the child in a school of another LEA after the 120-day timeline has begun, but before the previous LEA has determined whether the child is a child with a disability. This special circumstance only applies if the new LEA is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and the new LEA agree to a specific time when the evaluation will be completed.

disability no later than 36 months after the date on which the previous evaluation or reevaluation was completed, unless the parent and the LEA agree that a reevaluation is unnecessary.²

D.C. reported in its May 1, 2012 progress report, amended May 15, 2012, that for the January 1, 2012 through March 31, 2012 reporting period, 94 percent of initial evaluations were provided in a timely manner and that 44 children had not been provided a timely initial evaluation at the end of the reporting period. In the State's May 1, 2012 progress report, amended May 15, 2012, D.C. reported that 89 percent of children were provided a timely reevaluation and 48 children had not been provided a timely reevaluation at the end of the reporting period. D.C. exceeded the required percentage for reducing the backlog of overdue initial evaluations and reevaluations set forth in in the Department's June 20, 2011 determination letter for the November 1, 2011 reporting period, but did not meet the required percentages for the February 1, 2012 and May 1, 2012 reporting periods. In its May 1, 2012 progress report, amended May 15, 2012, D.C. reported that it reduced the number of children in the backlog whose initial evaluations were overdue from the number of such children it reported in its February 1, 2012 progress report, by 29 percent. The State reported that it reduced the number of children in the backlog whose reevaluations were overdue from the number of such children it reported in its February 1, 2012 progress report by 25 percent. Therefore, while D.C. has made some progress, the State continues to demonstrate noncompliance with the timely initial evaluation and reevaluation requirements in IDEA sections 612(a)(7) and 614(a) through (c) and 34 CFR §§300.301(c)(1) and 300.303.

Timely implementation of HODs: Hearing officer determinations must be implemented within the timeframe prescribed by the hearing officer, or if there is no timeframe prescribed by the hearing officer, within a reasonable timeframe set by the State, as required by section 615(f) and (i) of the IDEA. D.C. reported in its May 1, 2012 progress report, amended May 15, 2012, that for the January 1, 2012 through March 31, 2012 reporting period, 26 percent of HODs were implemented in a timely manner and 36 percent of the backlog of HODs were implemented. In the State's May 1, 2012 progress report, amended May 15, 2012, D.C. reported the number of children in the backlog of HODs not timely implemented was 57 at the conclusion of the February 1, 2012 through March 31, 2012 reporting period. D.C. continues to demonstrate noncompliance with the requirements in IDEA section 615(f) and (i) to ensure timely implementation of due process decisions.

Timely correction of noncompliance: Section 612(a)(11) of the IDEA and 34 CFR §300.149 require States to ensure that each educational program for children with disabilities administered within the State is under the general supervision of individuals responsible for educational programs for children with disabilities in the State educational agency. Section 616(a)(1)(C) and 34 CFR §300.600 of the IDEA require States to monitor implementation of Part B by LEAs. The State must have in effect policies and procedures to ensure that it complies with the monitoring and enforcement requirements in 34 CFR §§300.600 through 300.602 and 300.606 through 300.608. See also 20 U.S.C. 1232d(b)(3)(E). In exercising its monitoring responsibilities under §300.600(d), the State must ensure that when it identifies noncompliance with requirements of Part

²Section 614(a)(2) of the IDEA and 34 CFR §300.303 require that a reevaluation occur at least once every three years, unless the parents and the LEA agree that a reevaluation is unnecessary. The State's "Part B Initial Evaluation/Reevaluation Policy," dated March 22, 2010, states: "The LEA must hold a reevaluation meeting within three years of the date the previous initial evaluation or reevaluation was completed. The reevaluation meeting must be scheduled in time to allow the IEP team to conduct assessments, if necessary, and to reconvene within three years of the previous eligibility meeting."

B by LEAs, the noncompliance is corrected as soon as possible, and in no case later than one year after the State's identification of the noncompliance (34 CFR §300.600(e)).

D.C. reported in its May 1, 2012 progress report, amended May 15, 2012, that 2,512 of the 4,166 findings of noncompliance identified in FFY 2010, for which the one-year timeline has expired, were corrected in a timely manner (60.3 percent). The State attributed the slippage in compliance from the timely correction rate for FFY 2008 findings (98 percent) and FFY 2009 findings (81.29 percent) to the increased percentage of findings made through monitoring activities rather than dispute resolution processes. OSEP concludes, and the State recognizes, that while it has increased the number of findings identified using all of the components of its general supervision system, including a statewide database, on-site monitoring, and LEA self-assessments, it is not yet able to demonstrate that noncompliance is corrected in a timely manner consistent with IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600(e), 20 U.S.C. 1232d(b)(3)(E), and OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

Secondary transition: Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include: (1) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and (2) the transition services (including courses of study) needed to assist the child in reaching those goals, as required by section 614(d)(1)(A)(i)(VIII) of the IDEA and 34 CFR §300.320(b). The public agency must invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. See 34 CFR §300.321(b)(1). To the extent appropriate, with the prior consent of the parents or a child who has reached the age of majority, the public agency must invite the representative of any participating agency that is likely to be responsible for providing or paying for transition services. See 34 CFR §300.321(b)(3).

D.C. reported under Indicator 13 of its FFY 2010 Annual Performance Report (APR), that 6.75 percent of youth aged 16 and above had an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs; evidence that the student was invited to the IEP Team meeting where transition services were to be discussed; and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority. In its May 1, 2012 progress report, amended May 15, 2012, D.C. reported that of the 100 IEPs of youth aged 16 reviewed for the February 1, 2012 through March 31, 2012 reporting period, 41 percent included the required secondary transition content. While these data reflect some progress from the FFY 2010 data, D.C. continues to report very low levels of compliance with the secondary transition requirements in IDEA section 614(d)(1)(A)(i)(VIII) and 34 CFR §§300.320(b) and 300.321(b).

Early childhood transition: Children referred by Part C prior to age three, who are found eligible for Part B, must have an IEP developed and implemented by their third birthdays, as required by IDEA section 612(a)(9) and 34 CFR §300.124(b). D.C. reported under Indicator 12 of its FFY 2010 APR, that 62.4 percent of children referred by Part C prior to age three, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays. In the State's

FFY 2011 Special Conditions progress reports, D.C. reported that for the July 1, 2011 through March 31, 2012 reporting period, 85.3 percent of children who were served in Part C and found eligible for Part B had an IEP developed and implemented by their third birthdays. While these data reflect progress from the FFY 2010 data, D.C. continues to demonstrate noncompliance with the early childhood transition requirements in IDEA section 612(a)(9) and 34 CFR §300.124(b).

D.C.'s FFY 2010 APR Determination: As a result of D.C.'s very low compliance data reported for Indicator 13 (secondary transition) and its longstanding noncompliance with the IDEA requirements related to timely initial evaluations and reevaluations, timely implementation of HODs, and timely correction of noncompliance that the Department has had to require that D.C. address for multiple years with various enforcement actions, D.C. received a "needs intervention" determination for the sixth consecutive year. The Department's June 28, 2012 determination letter requires D.C., pursuant to IDEA section 616(e)(2)(B)(i), to submit a corrective action plan (CAP) that is reasonably designed to address each of the areas in which the State needs intervention. In addition to submitting a CAP, pursuant to IDEA section 616(e)(1)(B) and (2)(A), the Department directed D.C. to use: (1) \$250,000 of its FFY 2012 State-level funds under IDEA section 611(e) to further reduce the backlog of overdue initial evaluations and reevaluations and increase progress toward ensuring timely initial evaluations and reevaluations; and (2) \$250,000 of its FFY 2012 State-level funds under IDEA section 611(e) to address noncompliance with secondary transition requirements. The Department authorizes D.C. to use the otherwise directed funds for other purposes if the State elects to direct LEAs that demonstrated noncompliance with these requirements to use: (1) \$250,000 of their FFY 2012 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations and increase progress toward ensuring timely initial evaluations and reevaluations; and (2) \$250,000 of their FFY 2012 IDEA Part B funds to address noncompliance with secondary transition requirements.

The failure to ensure timely initial evaluations and reevaluations was also a factor in the State's FFY 2008 and FFY 2009 APR determinations. Pursuant to IDEA section 616(e)(1)(B) and (2)(A), the Department directed D.C. to use \$500,000 of its FFY 2010 and FFY 2011 State-level funds under IDEA section 611(e) to carry out initial evaluations and reevaluations for children who had not been provided a timely initial evaluation or reevaluation (i.e., to reduce the backlog of overdue initial evaluations and reevaluations). The Department authorized D.C. to use the otherwise directed funds for other purposes if the State elected to direct LEAs that demonstrated noncompliance with the requirements to conduct timely initial evaluations and reevaluations, to use \$500,000 of their FFY 2010 and FFY 2011 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations.

For FFY 2010, the State directed the District of Columbia Public Schools (DCPS) to use \$250,000 of its FFY 2010 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations. D.C. reported it would use \$250,000 of its FFY 2010 State-level funds under IDEA section 611(e) to support DCPS in securing additional contracted evaluators. Because the State had not satisfactorily demonstrated as of May 23, 2011, that DCPS had used \$250,000 of the State's FFY 2010 State level funds under IDEA section 611(e) and \$250,000 of the LEA's FFY 2010 funds to reduce the backlog, OSEP's June 20, 2011 determination letter and the FFY 2011 Special Conditions required that the State continue to report on the use of the FFY 2010 funds.

For FFY 2011, D.C. directed DCPS to use \$500,000 of the LEA's FFY 2011 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations. In the May 1, 2012 progress report, amended May 15, 2012, the State provided a report on the status of DCPS' use of: (1)

\$250,000 of the State’s FFY 2010 State-level funds under IDEA section 611(e) and \$250,000 of DCPS’ FFY 2010 IDEA Part B funds; and (2) \$500,000 of DCPS’ FFY 2011 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations. The State reported that as of May 15, 2012, DCPS had used \$250,000 of the LEA’s directed FFY 2010 IDEA Part B funds and \$238,126 of the LEA’s directed FFY 2011 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations. The State provided an explanation of how DCPS would use the remaining \$250,000 of the directed FFY 2010 State-level funds under IDEA section 611(e) and the remaining \$261,874 of the LEA’s directed FFY 2011 IDEA Part B funds by July 1, 2012.

Based on the above, OSEP imposes the following Special Conditions on D.C.’s FFY 2012 IDEA Part B grant award to ensure that D.C. corrects the areas in which the Department has determined the State did not meet the FFY 2011 Special Conditions and the areas that affected the State’s FFY 2010 APR determination of needs intervention.

2. **Nature of the Special Conditions**

The State must comply with the following Special Conditions:

- a. **CAP:** As directed in OSEP’s June 28, 2012 FFY 2010 SPP/APR response letter, D.C. must submit a CAP that ensures the State can: (1) demonstrate compliance with the secondary transition requirements in IDEA section 614(d)(1)(A)(i)(VIII) and 34 CFR §§300.320(b) and 300.321(b); (2) demonstrate that it has a general supervision system that is reasonably designed to effectively correct noncompliance in a timely manner as required by IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600(e), 20 U.S.C. 1232d(b)(3)(E), and OSEP Memo 09-02; (3) demonstrate compliance with the requirement to implement HODs in a timely manner as required by IDEA section 615(f) and (i); and (4) demonstrate compliance with the requirement to conduct timely initial evaluations and reevaluations as required by IDEA sections 612(a)(7) and 614(a) through (c) and 34 CFR §§300.301(c)(1) and 300.303. Because D.C. did not meet the Special Condition imposed on its FFY 2011 IDEA Part B grant award related to early childhood transition, D.C. must also address in the CAP how the State can demonstrate compliance with the requirement that children referred by Part C prior to age three, who are found eligible for Part B, must have an IEP developed and implemented by their third birthdays, as required by IDEA section 612(a)(9) and 34 CFR §300.124(b).

D.C. must submit its CAP to OSEP by August 1, 2012. The CAP must include: (1) a description of the specific actions the State will take to address each of the five areas specified above; (2) the projected timelines for completing each of the actions; (3) the name of the party responsible for implementing each action; and (4) a description of the evidence D.C. will submit to OSEP to demonstrate that the action has been completed.

- b. **CAP Progress Reports:** D.C. must report on the status of implementation of the CAP in accordance with the schedule specified below:

	CAP Progress Report Due Date	Reporting Period
First CAP Progress Report	November 1, 2012	April 1, 2012 – September 30, 2012 ³

³ For the first reporting period, the State must provide the information required in section 2.b.(A) (timely initial evaluations and reevaluations) for the period July 1, 2012 through September 30, 2012.

Second CAP Progress Report	February 1, 2013	October 1, 2012 – December 31, 2012
Third CAP Progress Report	May 1, 2013	January 1, 2013 – March 31, 2013

In addition to reporting on implementation of the CAP, D.C. must also submit the specific data and other information as described below:

(A) Demonstrate compliance with the requirement to conduct timely initial evaluations and reevaluations

With each of the three CAP progress reports, the State must report the following information:

(1) Initial Evaluations

- (a) The number of children who, as of the end of the previous reporting period had been referred for, but not provided a timely initial evaluation.
- (b) The number or children referred for initial evaluation whose initial evaluation became overdue during the reporting period.
- (c) The number of children from (a) and (b) above, who were provided initial evaluations during the reporting period.
- (d) The number of children who had not been provided a timely initial evaluation at the conclusion of the reporting period.
- (e) The percent by which the State reduced the number of children with overdue initial evaluations reported in the State’s previous progress report. To calculate the percentage use data reported above in (A)(1): [(a) minus (d)] divided by (a) times 100.
- (f) The percent of initial evaluations provided to children whose initial evaluation deadlines fell within the reporting period that were conducted in a timely manner.

The State must also report the actual numbers for the following:

- (i) The number of children whose initial evaluation deadlines fell within the reporting period.
- (ii) The number of those children who were provided a timely initial evaluation.
- (iii) The number of children, if any, for whom the exceptions in 34 CFR §300.301(d) applied.

To calculate the percent of initial evaluations provided in a timely manner use the data reported in (ii) divided by [(i) minus (iii)] times 100.

- (g) The average number of days the initial evaluations that had not been provided in a timely manner were overdue.
- (h) A description of the actions the State is taking to address any noncompliance with the timely initial evaluation requirements.

(2) Reevaluations

- (a) The number of children who, as of the end of the previous reporting period had not been provided a timely triennial reevaluation.
- (b) The number of children whose triennial reevaluation became overdue during the reporting period.
- (c) The number of children from (a) and (b) above, who had been provided triennial reevaluations during the reporting period.
- (d) The number of children who had not been provided a timely triennial reevaluation at the conclusion of the reporting period.
- (e) The percent by which the State reduced the number of children with overdue triennial reevaluations reported in the State's previous progress report. To calculate the percentage use data reported above in (A)(2): [(a) minus (d)] divided by (a) times 100.
- (f) The percent of triennial reevaluations provided to children with disabilities whose reevaluation deadlines fell within the reporting period that were conducted in a timely manner.

The State must also report the actual numbers for the following:

- (i) The number of children whose triennial reevaluation deadlines fell within the reporting period.
- (ii) The number of those children who were provided a timely triennial reevaluation.

To calculate the percent of triennial reevaluations provided in a timely manner use the data reported in (ii) divided by (i) times 100.

- (g) The average number of days the triennial reevaluations that had not been provided in a timely manner were overdue.
- (h) The reasons for the delays in conducting reevaluations in a timely manner and a description of the actions the State is taking to address the noncompliance.

(B) Demonstrate compliance with the requirement to implement HODs in a timely manner⁴

- (1) With each of the three CAP progress reports, the State must report the following information:
 - (a) The number of children whose HODs, as of the end of the previous reporting period, had not been implemented within the timeframe established by the hearing officer or by the State.
 - (b) The number of children whose HODs had not been implemented within the timeframe established by the hearing officer or by the State (became overdue) during the reporting period.

⁴ For purposes of the FFY 2012 Special Conditions, "HODs" does not include settlement agreements and the data are calculated on a per child basis, not per HOD in cases where the same child has more than one HOD.

- (c) The number of children from (a) and (b) whose HODs were implemented during the reporting period.
 - (d) The number of children whose HODs had not been implemented in a timely manner at the conclusion of the reporting period.
 - (e) The percent by which the State reduced the number of children whose HODs had not been implemented in a timely manner reported in the State's previous progress report. To calculate the percentage, use the data reported above in (B)(1): [(a) minus (d)] divided by (a) times 100.
 - (f) The percent of HODs that were implemented in a timely manner during the reporting period.
 - (g) The reasons for the delays in implementing HODs in a timely manner and a description of the actions the State is taking to address the noncompliance.
- (C) Demonstrate that the State has a general supervision system that is reasonably designed to effectively correct noncompliance in a timely manner
- (1) With the first CAP progress report, due November 1, 2012, D.C. must provide the information specified below:
 - (a) The number of the 134 remaining findings of noncompliance identified in FFY 2009 that D.C. reported were not corrected under Indicator 15 in the FFY 2010 APR, for which the State verified the noncompliance was corrected more than one year after the State's identification of the noncompliance (i.e., "subsequent correction").
 - (b) The number of findings of noncompliance D.C. made during FFY 2010 (July 1, 2010 through June 30, 2011).
 - (c) The number of findings identified in FFY 2010 for which the State verified the noncompliance was corrected as soon as possible and in no case later than one year after the State's identification of the noncompliance.
 - (d) The number of findings identified in FFY 2010 for which the State verified the noncompliance was corrected more than one year after the State's identification of the noncompliance (i.e., "subsequent correction").
 - (e) A description of the actions taken to verify the correction of noncompliance to ensure that each LEA with noncompliance identified in FFY 2009 and/or FFY 2010: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA consistent with OSEP Memo 09-02.
 - (f) A description of the actions the State has taken to address any remaining findings of noncompliance identified in FFY 2009 and/or FFY 2010 that were not corrected.

- (2) In lieu of providing data with the second CAP progress report, due February 1, 2013, D.C. must report FFY 2011 actual target data for Indicator 15 (identification and correction of noncompliance) consistent with the required measurement and instructions in its FFY 2011 APR, due February 1, 2013. D.C. must also address all of the issues related to Indicator 15 identified in OSEP's June 28, 2012 response to the State's FFY 2010 SPP/APR submission.
 - (3) With its third CAP progress report, due May 1, 2013, D.C. must provide the information specified below:
 - (a) The number of any remaining findings of noncompliance identified in FFY 2009 and/or FFY 2010 that D.C. reported were not corrected under Indicator 15 in the FFY 2011 APR, for which the State verified the noncompliance was corrected more than one year after the State's identification of the noncompliance (i.e., "subsequent correction").
 - (b) The number of findings of noncompliance D.C. made during FFY 2011 (July 1, 2011 through June 30, 2012).
 - (c) The number of findings identified in FFY 2011 for which the State verified the noncompliance was corrected as soon as possible and in no case later than one year after the State's identification of the noncompliance.
 - (d) The number of findings identified in FFY 2011 for which the State verified the noncompliance was corrected more than one year after the State's identification of the noncompliance (i.e., "subsequent correction").
 - (e) The number of findings identified in FFY 2011 for which the one year timeline for correction has not yet expired.
 - (f) A description of the actions taken to verify the correction of noncompliance to ensure that each LEA with noncompliance identified in FFY 2009, FFY 2010, and/or FFY 2011: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA consistent with OSEP Memo 09-02.
 - (g) A description of the actions the State has taken to address any findings of noncompliance identified in FFY 2009, FFY 2010, and/or FFY 2011 that were not corrected within one year of the State's identification of the noncompliance.
- (D) Demonstrate compliance with secondary transition requirements
- For each of the three CAP reporting periods, D.C. must:
- (1) Select a new random sample of at least 100 IEPs of youth aged 16 and above to be reviewed for IEP secondary transition content during the reporting period.
 - (2) Report, of the student records reviewed, consistent with the required measurement for Indicator 13, the number and percent of youth aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated

and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services were to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

- (3) Report the number of LEAs included in its review and the number of those LEAs that demonstrated compliance with the secondary transition requirements.
- (4) Provide an explanation of the progress or slippage that occurred for the reporting period and a description of the actions the State is taking to address any noncompliance with secondary transition requirements.

(E) Demonstrate compliance with early childhood transition requirements

- (1) With its first CAP progress report, due November 1, 2012, D.C. must provide a preliminary report of the State's FFY 2011 (July 1, 2011 through June 30, 2012) actual target data for Indicator 12. The State's preliminary data must be reported consistent with the required measurement and instructions for the FFY 2011 SPP/APR submission. This includes reporting the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.
- (2) With its second CAP progress report, due February 1, 2013, D.C. must report the percent of children referred by Part C prior to age three, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays for the period July 1, 2012 through December 31, 2012. D.C. must also indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.
- (3) With its third CAP progress report, due May 1, 2013, D.C. must report the percent of children referred by Part C prior to age three, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays for the period January 1, 2013 through March 31, 2013. D.C. must also indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

- c. **Directed Use of State-Level IDEA Section 611(e) Funds:** As directed in OSEP's June 28, 2012 FFY 2010 SPP/APR response letter, D.C. must use: (1) \$250,000 of its FFY 2012 State-level funds under IDEA section 611(e) to further reduce the backlog of overdue initial evaluations and reevaluations and increase progress toward ensuring timely initial evaluations and reevaluations; and (2) \$250,000 of its FFY 2012 State-level funds under IDEA section 611(e) to address noncompliance with secondary transition requirements. The Department authorizes D.C. to use the otherwise directed funds for other purposes if the State elects to direct LEAs that demonstrated noncompliance with these requirements to use: (1) \$250,000 of their FFY 2012 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations and increase progress toward ensuring timely initial evaluations and

reevaluations; and (2) \$250,000 of their FFY 2012 IDEA Part B funds to address noncompliance with secondary transition requirements.

To ensure that D.C. can reduce the backlog of overdue initial evaluations and reevaluations, increase progress toward ensuring timely initial evaluations and reevaluations, and increase compliance with secondary transition requirements within one year, D.C. must accelerate the implementation of corrective measures and expedite the use of the directed FFY 2012 IDEA Part B funds. Based on the following timeline, the Department is requiring D.C. to ensure that \$500,000 of its FFY 2012 IDEA Part B funds are used for the purposes described below by July 1, 2013.

1. On August 1, 2012, D.C. must report whether it intends to: (1) use \$250,000 of its FFY 2012 State-level funds under IDEA section 611(e) to reduce the backlog of overdue initial evaluations and reevaluations and increase progress toward ensuring timely initial evaluations and reevaluations; (2) direct those LEA(s) that demonstrated noncompliance to use \$250,000 of their FFY 2012 IDEA Part B funds to reduce the backlog and increase progress towards ensuring timely initial evaluations and reevaluations; or (3) use a portion of its FFY 2012 State-level funds, and direct those LEA(s) that demonstrated noncompliance to use a portion of their FFY 2012 IDEA Part B funds to reduce the backlog and increase progress towards ensuring timely initial evaluations and reevaluations (the combined amount of State-level and LEA-level FFY 2012 IDEA Part B funds must total \$250,000). D.C. must also report whether it intends to: (1) use \$250,000 of its FFY 2012 State-level funds under IDEA section 611(e) to address noncompliance with secondary transition requirements; (2) direct those LEA(s) that demonstrated noncompliance to use \$250,000 of their FFY 2012 IDEA Part B funds to address noncompliance with secondary transition requirements; or (3) use a portion of its FFY 2012 State-level funds, and direct those LEA(s) that demonstrated noncompliance to use a portion of their FFY 2012 IDEA Part B funds to address noncompliance with secondary transition requirements (the combined amount of State-level and LEA-level FFY 2012 IDEA Part B funds must total \$250,000).

With its August 1, 2012 report, D.C. must provide a proposed spending plan on how the FFY 2012 State-level funds under IDEA section 611(e) will be used by July 1, 2013 to reduce the backlog of overdue initial evaluations and reevaluations, increase progress toward ensuring timely initial evaluations and reevaluations, and to address noncompliance with secondary transition requirements. The proposed spending plan must include: (1) the activities that will be carried out with these funds; (2) the costs associated with each of the activities; (3) a projected timeline for using the funds to pay the costs associated with each of the activities that demonstrates that the funds will be used by July 1, 2013; and (4) an explanation of how the activities will result in reduction of the backlog and increase progress toward ensuring timely initial evaluations and reevaluations, and address noncompliance with secondary transition requirements. D.C. must also describe the documentation that it will provide to demonstrate that it has used: (1) \$250,000 of its FFY 2012 State-level funds under IDEA section 611(e) and and/or the portion of FFY 2012 IDEA Part B funds it has directed LEA(s) to use to carry out the activities described in the State's and/or LEA's spending plan to reduce the backlog of overdue initial evaluations and reevaluations and increase progress toward ensuring timely initial evaluations and reevaluations; and (2) \$250,000 of its FFY 2012 State-level funds under IDEA section

611(e) and and/or the portion of FFY 2012 IDEA Part B funds it has directed LEA(s) to use to carry out the activities described in the State's and/or LEA's spending plan to address noncompliance with secondary transition requirements.

In addition, as required by the Department's June 20, 2011 determination letter and the Special Conditions in D.C.'s July 1, 2011 IDEA Part B grant award letter, D.C. must provide: (1) the amount of the \$250,000 of FFY 2010 State-level funds under IDEA section 611(e) DCPS used from April 1, 2012 through June 30, 2012 to reduce the backlog; (2) documentation that DCPS used those FFY 2010 IDEA Part B funds to reduce the backlog; (3) the amount of the \$261,874 of DCPS' FFY 2011 IDEA Part B funds that were used from April 1, 2012 through June 30, 2012 to carry out the activities described in DCPS' spending plan; and (4) documentation that DCPS used those FFY 2011 IDEA Part B funds in a manner consistent with the DCPS' spending plan. If DCPS does not use the funds by July 1, 2012, the State will be required to continue to report on the use of those funds in each subsequent progress report, until the Department notifies the State that it has determined that the State and DCPS have fulfilled the requirement to use the FFY 2010 and FFY 2011 IDEA Part B funds.

Using the data reported in section 2.b.(A)(1)(e) and (A)(2)(e) of these Special Conditions, the State must also report: (1) the percent by which the State reduced the number of children with overdue initial evaluations reported in the State's May 1, 2012 progress report, amended May 15, 2012; and (2) the percent by which the State reduced the number of children with overdue reevaluations reported in the State's May 1, 2012 progress report, amended May 15, 2012.⁵

2. On November 1, 2012, D.C. must provide evidence it has directed the use of funds, as appropriate, and submit a proposed spending plan that includes the four components described above for the State-level spending plan for: (1) any LEA(s) directed to use FFY 2012 IDEA Part B funds to reduce the backlog and increase progress toward ensuring timely initial evaluations and reevaluations; and (2) any LEA(s) directed to use FFY 2012 IDEA Part B funds to address noncompliance with secondary transition requirements. D.C. must also provide: (1) the amount of the \$250,000 of the State's and/or LEA's FFY 2012 IDEA Part B funds that were used from July 1, 2012 through September 30, 2012 to carry out the activities described in the State's and/or LEA's spending plan to reduce the backlog and increase progress toward ensuring timely initial evaluations and reevaluations; (2) the amount of the \$250,000 of the State's and/or LEA's FFY 2012 IDEA Part B funds that were used from July 1, 2012 through September 30, 2012 to carry out the activities described in the State's and/or LEA's spending plan to address noncompliance with secondary transition requirements; and (3) documentation that the State and/or LEA used those FFY 2012 IDEA Part B funds in a manner consistent with the State's and/or LEA's spending plan.

Using the data reported in section 2.b.(A)(1)(e) and (A)(2)(e) of these Special Conditions, the State must demonstrate that it has: (1) reduced the number of children with overdue initial evaluations reported in the State's August 1, 2012 progress report by 25 percent; and

⁵ OSEP will take into consideration D.C.'s submission of amended data to allow for "late data entry or data correction adjustments," as appropriate.

(2) reduced the number of children with overdue reevaluations reported in the State's August 1, 2012 progress report by 25 percent.

Using the data reported in section 2.b.(D)(2) of these Special Conditions, the State must demonstrate that of the student records reviewed, 75 percent of youth aged 16 and above had IEPs that included the required secondary transition content.

3. On February 1, 2013, D.C. must provide: (1) the amount of the \$250,000 of the State's and/or LEA's FFY 2012 IDEA Part B funds that were used from October 1, 2012 through December 31, 2012 to carry out the activities described in the State's and/or LEA's spending plan to reduce the backlog and increase progress toward ensuring timely initial evaluations and reevaluations; (2) the amount of the \$250,000 of the State's and/or LEA's FFY 2012 IDEA Part B funds that were used from October 1, 2012 through December 31, 2012 to carry out the activities described in the State's and/or LEA's spending plan to address noncompliance with secondary transition requirements; and (3) documentation that the State and/or LEA used those FFY 2012 IDEA Part B funds in a manner consistent with the State's and/or LEA's spending plan.

Using the data reported in section 2.b.(A)(1)(e) and (A)(2)(e) of these Special Conditions, the State must demonstrate that it has: (1) reduced the number of children with overdue initial evaluations reported in the State's November 1, 2012 progress report by 50 percent; and (2) reduced the number of children with overdue reevaluations reported in the State's November 1, 2012 progress report by 50 percent.

Using the data reported in section 2.b.(D)(2) of these Special Conditions, the State must demonstrate that of the student records reviewed, 85 percent of youth aged 16 and above had IEPs that included the required secondary transition content.

4. On May 1, 2013, D.C. must provide: (1) the amount of the \$250,000 of the State's and/or LEA's FFY 2012 IDEA Part B funds that were used from January 1, 2013 through March 31, 2013 to carry out the activities described in the State's and/or LEA's spending plan to reduce the backlog and increase progress toward ensuring timely initial evaluations and reevaluations; (2) the amount of the \$250,000 of the State's and/or LEA's FFY 2012 IDEA Part B funds that were used from January 1, 2013 through March 31, 2013 to carry out the activities described in the State's and/or LEA's spending plan to address noncompliance with secondary transition requirements; and (3) documentation that the State and/or LEA used those FFY 2012 IDEA Part B funds in a manner consistent with the State's and/or LEA's spending plan.

Using the data reported in section 2.b.(A)(1)(e) and (A)(2)(e) of these Special Conditions, the State must demonstrate that it has: (1) reduced the number of children with overdue initial evaluations reported in the State's February 1, 2013 progress report by 75 percent; and (2) reduced the number of children with overdue reevaluations reported in the State's February 1, 2013 progress report by 75 percent.

Using the data reported in section 2.b.(D)(2) of these Special Conditions, the State must demonstrate that of the student records reviewed, 95 percent of youth aged 16 and above had IEPs that included the required secondary transition content.

5. On August 1, 2013, D.C. must provide: (1) the amount of the \$250,000 of the State's and/or LEA's FFY 2012 IDEA Part B funds that were used from April 1, 2013 through

June 30, 2013 to carry out the activities described in the State's and/or LEA's spending plan to reduce the backlog and increase progress toward ensuring timely initial evaluations and reevaluations; (2) the amount of the \$250,000 of the State's and/or LEA's FFY 2012 IDEA Part B funds that were used from April 1, 2013 through June 30, 2013, to carry out the activities described in the State's and/or LEA's spending plan to address noncompliance with secondary transition requirements; and (3) documentation that the State and/or LEA used those FFY 2012 IDEA Part B funds in a manner consistent with the State's and/or LEA's spending plan.

Using the data reported in section 2.b.(A)(1)(e) and (A)(2)(e) of these Special Conditions, the State must demonstrate that it has: (1) reduced the number of children with overdue initial evaluations reported in the State's May 1, 2013 progress report by 95 percent or more; and (2) reduced the number of children with overdue reevaluations reported in the State's May 1, 2013 progress report by 95 percent or more.

Using the data reported in section 2.b.(D)(2) of these Special Conditions, the State must demonstrate that of the student records reviewed, 95 percent of youth aged 16 and above had IEPs that included the required secondary transition content.⁶

- d. **FFY 2011 SPP/APR:** D.C. must submit its FFY 2011 SPP/APR to OSEP, due February 1, 2013. D.C. must report consistent with the required measurement and instructions, FFY 2011 data for all indicators and must address all issues identified in OSEP's June 28, 2012 response to the State's FFY 2010 SPP/APR submission.

3. **Evidence Necessary for Conditions to be Removed**

The Department will remove these Special Conditions if, at any time prior to the expiration of the FFY 2012 grant year, the State provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above.

4. **Method of Requesting Reconsideration**

The State can write to OSEP's Director, Dr. Melody Musgrove, if it wishes the Department to reconsider any aspect of these Special Conditions. The request must describe in detail the changes to the Special Conditions sought by the State and the reasons for those requested changes.

5. **Submission of Reports**

D.C. must submit all reports required under these Special Conditions to:

Lisa M. Pagano
U.S. Department of Education
Office of Special Education and Rehabilitative Services
Office of Special Education Programs-MSIP
550 12th Street, S.W., Room 4173
Washington, D.C. 20202 or by e-mail to: lisa.pagano@ed.gov

⁶ OSEP recognizes that the August 1, 2013 due date for reporting this information occurs after the FFY 2012 grant period (July 1, 2012 through June 30, 2013). However, since the data required for the August 1, 2013 progress report are based on activities carried out during FFY 2012, we are including this reporting requirement in these Special Conditions. When reporting on August 1, 2013, D.C. must provide the data required in section 2.b.(A) (timely initial evaluations and reevaluations) and section 2.b.(D) (secondary transition requirements) for the period of April 1, 2013 through June 30, 2013.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

OCT 17 2008

Contact Person

Name: Ruth Ryder
Telephone: (202) 245-7513

OSEP 09-02

TO : Chief State School Officers
Lead Agency Directors

FROM : William W. Knudsen *William W. Knudsen*
Acting Director
Office of Special Education Programs

SUBJECT : Reporting on Correction of Noncompliance in the Annual
Performance Report Required under Sections 616 and 642 of the
Individuals with Disabilities Education Act.

Introduction

Pursuant to sections 616(d) and 642 of the Individuals with Disabilities Education Act (IDEA), the Department reviews each State's Annual Performance Report (APR) and, based on data provided in the State's APR, information obtained through monitoring visits, including verification visits, and any other public information, determines if the State: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. In making determinations in 2007 and 2008, the Office of Special Education Programs (OSEP) considered, among other factors, whether a State demonstrated substantial compliance on all compliance indicators either through reporting a very high level of performance (generally 95% or better) or correction of noncompliance.¹

The purpose of this memorandum is twofold. First, the memorandum reiterates the steps a State must take in order to report that the previously identified noncompliance has been corrected. Second, the memorandum describes how we will factor evidence of correction into our analysis of whether the State has demonstrated substantial compliance for purposes of determinations under sections 616 and 642 of the IDEA (beginning with the Department's 2010 determinations based on a review of the FFY 2008 APRs). This memorandum also addresses concerns

¹ For Indicators B-15 and C-9, which measure timely correction of noncompliance, the only way for States to demonstrate substantial compliance is by demonstrating timely correction.

identified in our review of States' FFY 2005 and FFY 2006 APRs about identification and correction of noncompliance and low performance in compliance areas.

Issue 1 – Demonstrating Correction

As noted in OSEP's prior monitoring reports and verification visit letters, in order to demonstrate that previously identified noncompliance has been corrected, a State must:

- (1) Account for all instances of noncompliance, including noncompliance identified: (a) through the State's on-site monitoring system or other monitoring procedures such as self-assessment; (b) through the review of data collected by the State, including compliance data collected through a State data system; and (c) by the Department;
- (2) Identify where (in what local educational agencies (LEAs) or early intervention services (EIS) programs) noncompliance occurred, the percentage level of noncompliance in each of those sites, and the root cause(s) of the noncompliance;²
- (3) If needed, change, or require each LEA or EIS program to change, policies, procedures and/or practices that contributed to or resulted in noncompliance; and
- (4) Determine, in each LEA or EIS program with identified noncompliance, that the LEA or EIS program is correctly implementing the specific 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 data system.

If an LEA or EIS program did not correct identified noncompliance in a timely manner (within one year from identification), the State must report on whether the noncompliance was subsequently corrected. Further, if an LEA or EIS program is not yet correctly implementing the statutory/regulatory requirement(s), the State must explain what the State has done to identify the cause(s) of continuing noncompliance, and what the State is doing about the continued lack of compliance including, as appropriate, enforcement actions taken against any LEA or EIS program that continues to show noncompliance.

Regardless of the specific level of noncompliance, if a State finds noncompliance in an LEA or EIS program, the State must notify the LEA or EIS program in writing of the noncompliance, and of the requirement that the noncompliance be corrected as soon as possible, but in no case more than one year from identification (i.e., the date on which the State provided written notification to the LEA or EIS program of the noncompliance). In determining the steps that the LEA or EIS program must take to correct the noncompliance and to document such correction, the State may consider a variety of factors, including whether the noncompliance: (1) was extensive or found in only a small percentage of files; (2) resulted in the denial of a basic right under the IDEA (e.g., an extended delay in an initial evaluation with a corresponding delay in the child's receipt of a free appropriate public education or early intervention services, or a failure to provide services in accordance with the individualized education program or individualized family service plan); and (3) represents an isolated incident in the LEA or EIS program, or reflects a long-standing failure to meet the IDEA requirements. Thus, while a State may

² Please note that while we are not requesting that States provide, in the APR, lists of specific LEAs or EIS programs found out of compliance, we may review documentation of correction that the State required of the LEA or EIS program when we conduct a verification visit or other monitoring activity in a State.

determine the specific nature of the required corrective action, the State must ensure that any noncompliance is corrected as soon as possible, but in no case more than one year from identification.

For any noncompliance concerning a child-specific requirement that is not subject to a specific timeline requirement (State Performance Plan (SPP)/APR Indicators B-9, B-10, B-13, C-8A and C-8B), in addition to the steps above, the State also must ensure that the LEA or EIS program has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA or EIS program. Similarly, for any noncompliance concerning a child-specific timeline requirement (SPP/APR Indicators B-11, B-12, C-1, C-7, and C-8C), in addition to the steps enumerated above, the State must ensure that the LEA or EIS program has completed the required action (e.g., the evaluation or initiation of services), though late, unless the child is no longer within the jurisdiction of the LEA or EIS program. In ensuring that each individual case of noncompliance has been corrected, the State does not need to review each child's record in the LEAs or EIS programs where the noncompliance occurred, but rather may review a reasonable sample of the previously noncompliant files to verify that the noncompliance was corrected.

Issue 2 – Factoring Correction into Evaluation of Substantial Compliance

For purposes of the Department's IDEA section 616 determinations issued since June 2007, we considered a State to be in substantial compliance relative to a compliance indicator if the State's data indicate a very high level of compliance (generally 95% or above), or if the State nonetheless demonstrated correction of identified noncompliance related to that indicator. In the interest of fairness to all States, we will evaluate whether a State demonstrated correction of identified noncompliance related to an indicator when we make our 2009 determinations based on the FFY 2007 APRs, and will use the same approach we used in 2007 and 2008. However, some States are reporting very low levels of compliance year after year, while also reporting that they have corrected previously identified noncompliance. This concerns us because it indicates that systemic correction of noncompliance did not occur. Thus, in the interest of improving LEA and EIS program performance and ultimately improving results for infants, toddlers, children and youth with disabilities, beginning with our 2010 determinations:

- (1) We will no longer consider a State to be in substantial compliance relative to a compliance indicator based on evidence of correction of the previous year's noncompliance if the State's current year data for that indicator reflect a very low level of compliance (generally 75% or below); and
- (2) We will credit a State with correction relative to a child-specific compliance indicator only if the State confirms that it has addressed each instance of noncompliance identified in the data for an indicator that was reported in the previous year's APR, as well as any noncompliance identified by the Department more than one year previously. The State must specifically report for each compliance indicator whether it has corrected all of the noncompliance identified in its data for that indicator in the prior year's APR as well as that identified by the Department more than one year previously.

For example --

- Reporting correction of noncompliance identified in on-site monitoring findings alone will not be sufficient to demonstrate correction if the data reported in a State's prior year's APR showing noncompliance were collected through the State's data system, and the monitoring findings do not include all of the instances of noncompliance identified through the prior year's data.
- In order to report correction of noncompliance identified in data based on a statewide sample, the State would need to track the noncompliance identified in the sample data reported in its prior year's APR back to the specific LEAs or EIS programs with noncompliance and report correction for those LEAs or EIS programs.

In other words, a State's demonstration of correction needs to be as broad in scope as the noncompliance identified in the prior year's data.

We hope that you find the information in this memorandum helpful in collecting and reporting data for your future SPP/APR submissions. OSEP is committed to supporting your efforts to improve results for infants, toddlers, children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or would like to request technical assistance, please do not hesitate to call your OSEP State Contact.

cc: Part B State Directors
Part C Coordinators



Appendix D
Division of Specialized Education
Monitoring & Compliance Unit
Nonpublic Monitoring Supplement

Legislation passed by the District of Columbia (District) Council in 2006, known as the Placement of Students with Disabilities in Nonpublic Schools Act (PSDNSA), established a Certificate of Approval (COA) process for nonpublic special education schools serving District students with disabilities. Additionally, as the State Education Agency (SEA) for the District, OSSE monitors Local Education Agencies (LEAs) to ensure compliance with the requirements of federal and District law for students enrolled in each LEA and attending a nonpublic school.

All nonpublic special education schools must receive a COA from OSSE prior to accepting any referral or placement of a District student with a disability or ward of the District with an Individualized Education Program (IEP) funded by the District government. Certain exceptions exist, including when a student is placed at an uncertified school by an Order of a Court of Law or a Due Process Hearing Officer Decision. In no case shall a COA at any level be awarded unless the school can demonstrate to the satisfaction of OSSE that the health and safety of students is protected and that the school is able to implement the provisions of each student's IEP.

OSSE is committed to ensuring that students educated in nonpublic settings are placed in the least restrictive environment; are receiving proper positive behavior supports; and are receiving appropriate services, including specialized instruction and transition services. Pursuant to 5 DCMR §A-2837.1 and 2837.3, OSSE shall schedule periodic monitoring visits to each nonpublic special education school or program at least once during the validity of each COA, to verify compliance with this chapter, federal, and local law. Prior to a scheduled monitoring visit, a nonpublic special education school or program shall inform all parents of enrolled District of Columbia students that a scheduled monitoring visit shall occur. OSSE shall issue the nonpublic special education school or program a monitoring report at least once in every period of validity for a COA, to include any findings of noncompliance with D.C. Official Code §38-2561 and this chapter.

Nonpublic schools are responsible for maintaining compliance with all COA requirements and working collaboratively with the student's LEA to ensure that the student is receiving a free appropriate public education in the least restrictive environment. Ultimately however, the LEA responsible for a student's placement in a nonpublic school is responsible for ensuring that the Individuals with Disabilities Education Act (IDEA) is being implemented for each student placed in the nonpublic school. Therefore, should noncompliance with IDEA regulations be identified during the on-site visit, the responsible LEA will receive notice of the findings of noncompliance



and be accountable for working collaboratively with the nonpublic school to correct the noncompliance as soon as possible, but in no case later than one year from the identification of noncompliance.

The on-site visit will mirror that of the LEA compliance monitoring visit described in this manual.

Step 1: Identification of Nonpublic Schools for On-site Compliance Monitoring

Nonpublic schools will be selected for an on-site compliance monitoring visit based on the date of the last on-site visit, issuance of a COA, and the number and/or the nature of complaints received regarding the nonpublic school.

Step 2: Notification of On-site Compliance Monitoring Selection

Nonpublic school Chief Executive Officers and LEA directors will be notified by letter and electronic mail of the scheduled monitoring visit. The letter will include the:

- Date of the monitoring visit;
- Suggested date for the pre-site conference call or pre-site visit;
- Purpose of the visit and planned activities; and
- Documents and information required for the pre-site and on-site monitoring visits.

Nonpublic schools are expected to plan as soon as possible for the on-site monitoring visit. For example, as soon as possible after notification of the visit, nonpublic schools should plan for the accommodations and time needed for staff, family and student interviews and for OSSE record reviews. Likewise, LEAs should begin collecting documents requested prior to the pre-site collaboration.

Step 3: Pre-site Conference Call or Pre-site Visit

The pre-site conference call or pre-site visit is an opportunity for the nonpublic school and OSSE staffs to discuss the purpose of the on-site visit confer about the agenda for the on-site visit and agree on logistics. It is also an occasion for the nonpublic school to ask any questions regarding the visit and for the nonpublic school to provide OSSE with documents needed prior to the visit. The pre-site meeting will typically take place via telephone however OSSE may choose to conduct the pre-site meeting on-site if resources allow. At a minimum, documents that should be available for the pre-site visit include:

- School schedule;
- A list of all current employees with their titles and qualifications;
- Completed OSSE Student Roster Form of District students;
- Attendance records for the current school year of District students;
- Documentation that all District students in tested grades participate in the DC-CAS or DC-CAS ALT;
- Policies and procedures regarding behavior including positive behavior supports and emergency behavioral interventions including seclusion and restraint with physical restraint being defined as the use of bodily force to limit a student’s freedom of movement;

- All discipline incident reports for District students for the current school year, including any involving seclusion or restraint with physical restraint being defined as the use of bodily force to limit a student’s freedom of movement; and
- Written plan regarding post-high school transition services and planning for students 16 and older.

The standard pre-site visit agenda is located at Appendix H.

Step 4: On-site Compliance Monitoring Visit and Activities

Following its notification letter to each selected nonpublic school and the subsequent pre-site visits, OSSE will conduct an on-site visit. If a nonpublic school has more than one campus or site, OSSE may conduct its on-site visit at multiple locations. Regardless of the number of locations OSSE chooses to visit, only one monitoring report will be issued to the nonpublic school.

OSSE will examine student files in the office prior to the on-site through SEDS. Items that will be assessed during the record reviews are outlined in the student compliance monitoring tool and align with the monitoring standards.

The number of selected files will be based on the number of District students with IEPs who attend the nonpublic school. However, OSSE may choose to review additional files if multiple LEAs have students placed at the nonpublic school, or for any other reason.

Total Number of Students with IEPs	Number of Files Reviewed
Less than 40	10
40 – 99	20
100 – 149	30
150 or more	40

Based on the review of other state systems and consultation with national technical assistance providers, OSSE has identified selection criteria to ensure that a wide range of compliance items are examined. If possible, OSSE will select files with a diversity of values for the following criteria:

- Grade level
- Disability category
- Attending campus

A copy of the nonpublic monitoring tool follows this supplement is in Appendix G.

During the on-site visit, OSSE will engage in the following activities:

- **Staff Interviews:** As a part of the site visit, OSSE will conduct individual interviews with

the Chief Executive Officer or Executive Director of the nonpublic school, the school principal (if different), and the director of special education (if different), teachers (special education and general education), related service providers, behavior management/crisis staff, decided aids, and teachers assistants. Other staff members may be interviewed at OSSE's discretion.

- ***Student and Family Interviews:*** OSSE may choose to interview students with IEPs, and/or their families, to better understand compliance and performance in the nonpublic. The nonpublic will be informed in advance of the names of any students and/or families selected by OSSE for an interview. In either case, the nonpublic is responsible for coordinating the interviews with students and/or their families. If OSSE selects students who are involved in the Child and Family Services Administration system, incarcerated, in the custody of the Department of Youth Rehabilitation Services and/or receive services through the Department of Mental Health or other District agencies, OSSE will take steps to coordinate its interviews with those agencies.
- ***Classroom Observations/School Tour:*** OSSE will tour the nonpublic school and/or observe classrooms or programs within the nonpublic school. The purpose of the tour/observations is to ensure the safety of District students placed in the nonpublic school and to verify information provided by the nonpublic school regarding the behavior management and academic instruction of District students.

Step 5: Desk Review

Following the on-site visit, OSSE will conduct a desk review of additional information available regarding the nonpublic school. Information reviewed may include, but is not limited to, data in SEDS, student attendance records, Encounter Tracking Forms submitted to the District of Columbia Public Schools (DCPS) Medicaid Recovery Unit for the purposes of Medicaid recoupment for school-based Health Related Services, Related Services Management Reports, other monitoring reports issued to the nonpublic school (e.g. reports from other agencies), the school's COA application, and/or the school's website.

Step 6: Letter of Findings and Monitoring Report

Within three months of the on-site visit, OSSE will notify the nonpublic school and the LEA responsible for the District student placed in the school of any findings of noncompliance identified during the on-site visit. The monitoring report will specifically outline student and school level noncompliance. The monitoring report will also delineate corrective actions necessary for the nonpublic school and/or the LEA to correctly implement the specific regulatory requirement. Monitoring reports are intended to promote the improvement of educational results and functional outcomes for students with disabilities through the identification of noncompliance.

For on-site visits occurring in fall 2012 or later, monitoring reports will be issued through the District of Columbia Corrective Action Tracking System (DC-CATS.) LEAs and nonpublic schools

will be required to document the completion of all corrective actions and provide this documentation to OSSE through DC-CATS.

For all identified noncompliance, the nonpublic school and/or the LEA must correct the noncompliance as soon as possible but in no case later than one year after the identification of the noncompliance. The date of the monitoring report serves as the date of the identification of the noncompliance.

Pursuant to OSEP Memo 09-02, OSSE must account for all instances of noncompliance. In determining the steps that the LEA must take to correct the noncompliance and document such correction, OSSE may consider a variety of factors. For any noncompliance concerning a child-specific requirement that is not subject to a specific timeline requirement, OSSE must also ensure that the LEA has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA. In addition, OSSE must ensure that each LEA has completed the required action (e.g. completed the evaluation although late). A copy of OSEP Memo 09-02 can be found in Appendix C.

Noncompliance is corrected when the nonpublic school and/or the LEA can demonstrate that it is correctly implementing the specific regulatory requirement for all District students with disabilities. The monitoring report will detail the required student level and LEA level corrective actions required to assist the nonpublic school and/or the LEA in correctly implementing the specific regulatory requirement. OSSE may also require the nonpublic school and/or the LEA to conduct a root cause analysis to determine the reasons for the identified noncompliance. The requirement to conduct a root cause analysis may be contained within the monitoring report cover letter or the Additional LEA Corrective Actions section of the report.

Step 7: Corrective Action Plans

Contained within the monitoring report, OSSE will provide a list of required student level and school level corrective actions for noncompliance identified through record reviews and certain interviews. The nonpublic school and/or the LEA may also be required to conduct a root cause analysis to determine the reasons for the identified noncompliance and submit a corrective action plan (CAP). Should the nonpublic school and/or the LEA be required to conduct a root cause analysis, OSSE will outline the required timeline within the monitoring report or corresponding communication.

Corrective actions, whether generated through the monitoring report or through a CAP resulting from the root cause analysis, may be relatively uncomplicated and non-time consuming (e.g. correcting a data error in SEDS) or may be multifaceted and involved (e.g. developing a policy and procedures for ensuring appropriate discipline processes). Regardless of the level of the noncompliance, the noncompliance must be corrected as soon as possible but in no case later than one year after the identification of the noncompliance.

Step 8: Verification of Correction of Noncompliance

After the nonpublic school and/or the LEA has certified correction of noncompliance, OSSE will verify the correction of noncompliance.

- To verify the correction of student level citations, OSSE will review the original student files to verify that the required action has been completed. Additionally, OSSE will select a sample of student files that were not originally reviewed or generate an updated report from SEDS to ensure that the nonpublic school and/or the LEA is correctly implementing the specific regulatory requirement.
- To verify nonpublic school and/or LEA level noncompliance, OSSE will review documents submitted by the nonpublic school and/or the LEA that evidence the completion of required corrective actions and will select a sample of student files that were not originally reviewed or generate a report from SEDS to verify correction of noncompliance. Correction of noncompliance will be complete when the nonpublic school and/or the LEA can demonstrate that it is correctly implementing the specific regulatory requirement.

Pursuant to OSEP Memo 09-02, OSSE must verify the correction of noncompliance within one year of the identification of the noncompliance; therefore, verification activities will occur before the conclusion of the one-year timeline.

Step 9: Closure of Findings of Noncompliance

After OSSE has verified the correction of the noncompliance, OSSE will inform the nonpublic school and the LEA in writing that the finding of noncompliance is closed. Nonpublic schools and LEAs should continue to conduct record review activities to identify any areas of need that may arise before future OSSE monitoring activities. Longstanding noncompliance extending beyond the one-year correction period will result in additional enforcement actions by OSSE and will affect the LEA's annual determination. Further, longstanding noncompliance may affect the status of the nonpublic school's COA. Likewise, the LEA's timely correction of noncompliance will also be considered in the LEA's annual determination.

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Student Name (Last, First)	Name of LEA	Record Review Completed By
Student ID	Name of School	Date of Record Review
Student Date of Birth (note if child aged 3 or 17+)		

Item # Regulation/ Authority	Item Text	Response Criteria	Y	N	N A	Corrective Actions/Improvement Activities:
If the student's most recent evaluation was an initial evaluation, answer the following items. If the student's most recent evaluation was a reevaluation, skip to the next section of items.						
IEV - 1 §300.504(a)(1)	Upon initial referral, or parent request for evaluation, parents were provided procedural safeguards.	<p>Yes = There is documentation in the file that demonstrates that the parent received a copy of procedural safeguards at initial referral.</p> <p>No = There is NO documentation in the file that demonstrates that the parent received a copy of procedural safeguards at initial referral.</p>				<p>Provide a copy of procedural safeguards to parents.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
IEV - 2 §300.300(a)	Parental consent was obtained to conduct an initial evaluation.	<p>Yes = Signed consent form in file.</p> <p>No = No signed consent form in file.</p>				<p>Not correctable at the student level.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
IEV - 3 §300.300(a)	The signature for parent consent was obtained prior to the initial evaluation	<p>Yes = The consent form had signature date prior to initial evaluation.</p> <p>No = The consent form had signature date after the initial evaluation.</p>				<p>Not correctable at the student level.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
IEV - 4 §300.304	A variety of assessment tools and strategies were used to gather relevant functional, developmental and academic information about the child, including information provided by the parent.	<p>Yes = Documentation from at least two sources:</p> <ul style="list-style-type: none"> Aptitude and achievement tests Parent input Teacher recommendations Child's physical condition Child's background Adaptive behavior <p>No = Documentation does NOT exist that supports that two or more data sources were used to determine eligibility.</p>				<p>Using multiple and appropriate sources, reconvene the IEP team to re-determine eligibility and the educational needs of the student.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>

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<p>IEP – 5 §300.323 (c)(1)</p>	<p>An IEP is developed within 30 days of a determination that the student needs special education and related services.</p>	<p>Yes = The student’s initial IEP was developed within 30 days of the initial eligibility determination.</p> <p>No = The student’s initial IEP was not developed within 30 days of the initial eligibility determination.</p>				<p>Not correctable at the student level.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>If the student’s most recent evaluation was a reevaluation, answer all items beginning with REV. If the student’s most recent evaluation was an initial evaluation, answer the items in the previous section beginning with IEV.</p>						
<p>REV - 6 §300.300(c) (1)</p>	<p>Parental consent obtained to conduct a reevaluation.</p>	<p>Yes = Signed consent form in file.</p> <p>No = No signed consent form in file.</p>				<p>Not correctable at the student level.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>REV - 7 §300.300(c) (1)</p>	<p>The signature date for parent consent was prior to the date of reevaluation</p>	<p>Yes = The consent form had signature date prior to reevaluation date.</p> <p>No = The consent form had signature date after the reevaluation date.</p>				<p>Not correctable at the student level.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>REV – 8 §300.305</p>	<p>IEP Team reviewed existing data to determine continued eligibility.</p>	<p>Yes = IEP documents that the following data were reviewed:</p> <ul style="list-style-type: none"> • Evaluations and information provided by the parents • Current classroom, local or state assessment(s), and classroom-based observations • Observations by teachers and related service providers. <p>No = Documentation does NOT exist that supports that existing evaluation data were used to determine continued eligibility.</p>				<p>Using existing data, reconvene the IEP team to re-determine eligibility and the educational needs of the student.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>REV – 9 §300.306(c)</p>	<p>A variety of sources were used to determine continued eligibility.</p>	<p>Yes = IEP documents that at least two of the following data sources were reviewed:</p> <ul style="list-style-type: none"> • Aptitude and achievement tests • Parent input • Teacher recommendations • Child's physical condition • Child's background • Adaptive behavior <p>No = Documentation does NOT exist that supports that two or more of the following data sources were used to determine continued eligibility.</p>				<p>Using multiple and appropriate sources, reconvene the IEP team to re-determine eligibility and the educational needs of the student.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>

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Answer the following items for all students.					
IEP – 10 §300.322(a)(1)	Parent/student was invited to the most recent IEP meeting.	<p>Yes = Parent/student* invitation to most recent IEP meeting is in student file.</p> <p>No = There is no documentation that parent/student* were invited to most recent IEP meeting.</p> <p>*Student is 18 or older and rights have transferred.</p>			<p>Reconvene IEP team and notify parent early enough to ensure an opportunity to attend.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
IEP – 11 §300.322(a)(1)	Parent/student* was notified of IEP meeting early enough to ensure they will have an opportunity to attend.	<p>Yes = Parent/student* invitation to most recent IEP meeting was dated prior to IEP meeting OR documentation that parent/student waived notice requirement.</p> <p>No = Parent/student* invitation to most recent IEP meeting was dated on or after IEP meeting date.</p> <p>*Student is 18 or older and rights have transferred.</p>			<p>Reconvene IEP team and notify parent early enough to ensure an opportunity to attend.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
IEP – 12 §300.30	"Parent" who signed IEP meets the definition of "parent" in 34 CFR §300.30.	<p>Yes = File contains documentation that a "parent" (as defined by 34 CFR §300.30) signed the IEP.</p> <p>No = File contains documentation that a "parent" (as defined by 34 CFR §300.30) did NOT sign the IEP.</p> <p>NA = Student is 18 or over and rights have been transferred OR parent did not sign the IEP.</p>			<p>If parent was not invited, reconvene IEP meeting with invitation to the parent. If no parent can be located, promptly contact the OSSE for appointment of a surrogate parent and reconvene IEP meeting with invitation to surrogate parent.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
IEP – 13 §300.321(a) §300.321(e)	General education teacher <i>attended</i> the IEP meeting.	<p>Yes = The general education teacher</p> <ul style="list-style-type: none"> • Was in attendance OR • Written agreement indicating excusal AND evidence of general education teacher input OR • General education teacher was not a required participant of the student's IEP Team. <p>No = The general education teacher was required but NOT in attendance AND written input from general education teacher was NOT evident. (Even if excusal exists.)</p>			<p>Not correctable at the student level.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
IEP – 14 §300.321(a) §300.321(e)	The LEA designee <i>attended</i> the IEP meeting.	<p>Yes = The LEA designee was in attendance.</p> <p>No = The LEA designee was NOT in attendance.</p>			<p>Not correctable at the student level.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>

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<p style="text-align: center;">IEP – 15</p> <p>§300.320(a)(1)</p>	<p>IEP includes a PLAAFP that states how disability affects involvement in general curriculum (6 - 21) or how the disability affects student's involvement in appropriate activities (3-5).</p>	<p>Yes = The IEP includes a PLAAFP that states how disability affects involvement or impact in the general education curriculum or involvement in age appropriate activities.</p> <p>No = The IEP does NOT include a PLAAFP that states how disability affects involvement or impact in the general education curriculum or involvement in age appropriate activities.</p>			<p>Reconvene IEP meeting to discuss how disability affects involvement and progress in general curriculum.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p style="text-align: center;">IEP – 16</p> <p>§300.320(a)(2) (i)</p>	<p>The IEP contains a statement of measurable annual goals (aside from related services goals) designed to meet the student's needs that result from his/her disability.</p>	<p>Yes = The IEP contains goals that are measurable.</p> <p>No = The IEP does NOT contain goal(s) OR goal(s) that are measurable.</p>			<p>Reconvene the IEP meeting to develop measurable goals.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p style="text-align: center;">IEP – 17</p> <p>§300.320(a)(2) (i)</p>	<p>The IEP contains a description of how progress toward meeting goals will be measured.</p>	<p>Yes = The IEP contains description of how progress will be measured.</p> <p>No = The IEP does NOT contain description of how progress will be measured.</p>			<p>Reconvene the IEP meeting or amend IEP to include a description of how progress toward meeting goals will be measured.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p style="text-align: center;">IEP - 18</p> <p>§300.320(a) (2)(i)(B)</p>	<p>The IEP contains a statement of measurable annual related services goals (in the area(s) of ST, PT, OT, counseling or APE) designed to meet the student's needs that result from his/her disability.</p>	<p>Yes = IEP contains related service goals that are measurable (in the area(s) of ST, PT, OT, counseling or APE).</p> <p>No = IEP does NOT contain related services goal(s) to meet the student needs identified in the PLAAFP OR goal(s) that are measurable.</p> <p>NA = Student's needs do not require related services (in the area(s) of ST, PT, OT, counseling or APE).</p>			<p>Reconvene the IEP meeting to develop measurable related services goals.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p style="text-align: center;">IEP - 19</p> <p>§300.320(a)(3)</p>	<p>IEP contains a description of how progress toward meeting related services goals will be measured.</p>	<p>Yes = IEP contains description of how progress will be measured.</p> <p>No = IEP does NOT contain description of how progress will be measured.</p>			<p>Reconvene the IEP meeting to develop a description of how progress will be measured.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>

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<p style="text-align: center;">IEP – 20</p> <p>§300.324 (a)(2)</p>	<p>The IEP team considered the use of positive behavioral interventions and supports and other strategies to address behavior.</p>	<p>Yes = The IEP file contains documentation that the IEP team considered the use of positive behavioral interventions and supports and other strategies to address behavior including the development of a BIP.</p> <p>No = The IEP file does NOT contain documentation that the IEP team considered the use of positive behavioral interventions and supports and other strategies to address behavior.</p> <p>NA = The IEP file contains no evidence that the student has behaviors that impede the student's learning or that of others.</p>			<p>Reconvene IEP team within 30 days of report to consider the use of positive behavior supports and behavioral interventions and other strategies to address behavior including developing a BIP.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p style="text-align: center;">IEP – 21</p> <p>§300.106(a)(2)</p>	<p>File contains evidence that ESY was determined on an individual basis.</p>	<p>Yes = The SEDS file documents that ESY was determined on an individual basis.</p> <p>No = The SEDS file does NOT document that ESY was determined on an individual basis.</p>			<p>IEP Team must convene to determine appropriate amount of compensatory education.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p style="text-align: center;">IEP – 22</p> <p>§300.323 (c)(2)</p>	<p>As soon as possible following development of the IEP, related services were made available to the student in accordance with his/her IEP.</p>	<p>Yes = If the IEP requires related services, related service trackers indicate that related services began on the date indicated in the IEP, or the IEP did not require related services.</p> <p>No = If the IEP requires related services, related service trackers indicate that related services did not begin on the date indicated in the IEP.</p>			<p>Develop a compensatory education plan that addresses missed related services or specialized instruction hours.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p style="text-align: center;">IEP – 23</p> <p>§300.324 (b)(i)</p>	<p>The student's IEP is reviewed periodically, but not less than annually to determine whether the annual goals for the student are being achieved.</p>	<p>Yes = The student's current IEP is less than one year old.</p> <p>No = The student's current IEP is more than one year old.</p>			<p>Convene the IEP Team to review and renew the student's IEP.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>Answer the following item if the student is 17 years old or older.</p>					
<p style="text-align: center;">IEP – 24</p> <p>§300.320(c)</p>	<p>The IEP includes a statement that the student has been informed of his/her rights that will transfer to the student on reaching the age of majority.</p>	<p>Yes = The IEP includes the required statement.</p> <p>No = The IEP does NOT include the required statement.</p>			<p>Obtain and file documentation of notification to student.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>

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Answer the following items if the student's IEP documents that the student will participate in an alternate assessment.					
IEP – 25 §300.320 (a)(2)(ii)	The student's IEP contains a statement of why the student cannot participate in the regular assessment.	<p>Yes = The student's IEP contains a statement of why the student cannot participate in the regular assessment.</p> <p>No = The student's IEP does not contain a statement of why the student cannot participate in the regular assessment.</p>			<p>Convene an IEP Team meeting or amend the student's IEP to include a statement of why the student cannot participate in the regular assessment.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
IEP – 26 §300.320(a)(2) (ii)	The student's IEP contains a description of benchmarks or short-term objectives	<p>Yes = The student's IEP contains a description of benchmarks or short-term objectives.</p> <p>No = The student's IEP does NOT contain a description of benchmarks or short-term objectives.</p>			<p>Convene an IEP Team meeting or amend the student's IEP to include a description of benchmarks or short-term objectives.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
Answer the following items for all students with placements in a nonpublic school or program.					
IEP – 27 5 DCMR §2808.9	The nonpublic school produces written reports on the student's progress toward annual IEP goals.	<p>Yes = There are at least quarterly progress reports in the student's file.</p> <p>No = There is no evidence of progress reports completed on at least a quarterly basis in the student's file.</p>			<p>Produce a progress report for the student in the upcoming quarter AND upload that progress report into SEDS.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
IEP – 28 5 DCMR §2808.9	The nonpublic school sends written progress reports to the placing LEA at least quarterly.	<p>Yes = There is evidence that progress reports were provided to the LEA</p> <p>No = There is no evidence that at least quarterly progress reports were provided to the LEA.</p>			<p>Upload the student's progress report for the most recent quarter into SEDS.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>

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<p>LRE - 29 §300.116(d)</p>	<p>In selecting the LRE, there was consideration of any harmful effects on the student or on the quality of services needed.</p>	<p>Yes = The IEP contains documentation in the justification section, that the IEP team considered harmful effects on the student or on the quality of services.</p> <p>No = The IEP file does NOT contain documentation in the justification section that harmful effects were considered by the IEP team.</p> <p>NA = In the past year, the student's placement was determined through an HOD or the student has not been removed from the regular education environment.</p>			<p>Reconvene IEP team and determine appropriate placement.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>LRE – 30 §300.114 (a)(2)(ii)</p>	<p>Supplemental aids and services were used before removing the student from the regular education environment.</p>	<p>Yes = The IEP documents that supplemental aids and services were used in the regular education environment before removing the student from the regular educational environment.</p> <p>No = The IEP does NOT clearly document the use of supplemental aids and services prior to removing the student from the regular educational environment.</p> <p>NA = The student has not been removed from the regular education environment.</p>			<p>Implement student specific supplementary aids and services in the classroom for six (6) weeks and reconvene IEP team to consider if the placement is the LRE for the student.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>LRE – 31 §300.116 (b)(2)</p>	<p>The student's placement is based on his/her IEP.</p>	<p>Yes = There is a clear alignment between the student's IEP (goals, PLAAFP and instruction hours) and the student's placement.</p> <p>No = The student's IEP does not justify the student's placement.</p> <p>NA = In the past year, the student's placement was determined through an HOD or student was placed by DYRS, DMH or CFSA.</p>			<p>Reconvene the IEP Team to determine the student's placement.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>Answer the following items for any student removed from his or her educational setting for more than 10 days.</p>					
<p>DIS - 33 §300.530(e)</p>	<p>The IEP team met within 10 school days of the decision to remove the student to determine if the behavior was a manifestation of the student's disability.</p>	<p>Yes = Manifestation determination information was completed timely and in file.</p> <p>No = Manifestation determination information was NOT completed timely OR not found in file.</p>			<p>IEP team must convene to determine if manifestation determination is necessary and if compensatory education is appropriate.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>

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DIS – 34 §300.530(h) §300.536	On the date that a decision was made to make a removal that constitutes a change of placement, the parent was notified.	<p>Yes = There is evidence in the student's records that on the date a decision was made to make a removal that constitutes a change of placement, the parent was notified.</p> <p>No = There is no evidence in the student's records that on the date a decision was made to make a removal that constitutes a change of placement, the parent was notified.</p>				Not correctible at the student level. OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.
DIS – 35 §300.536	On the date that a decision was made to make a removal that constitutes a change of placement, the parent was provided with a copy of the procedural safeguards.	<p>Yes = There is evidence in the student's records that on the date a decision was made to make a removal that constitutes a change of placement, the parent was provided with a copy of the procedural safeguards.</p> <p>No = There is no evidence in the student's records that on the date a decision was made to make a removal that constitutes a change of placement, the parent was provided with a copy of the procedural safeguards.</p>				Not correctible at the student level. OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.
Answer the following items if an incident report shows that restraint or seclusion was used with a student placed at a nonpublic school or program.						
DIS – 36 5 DCMR §2816.1	Physical restraint is employed only where the use of restraint is included in the student's IEP or the intervention is necessary to protect the student or other persons from imminent, serious physical harm.	<p>Yes = The use of restraint is included on the student's IEP OR there is evidence on the incident report that the intervention was necessary to protect the student or other persons from imminent, serious physical harm.</p> <p>No = The use of restraint is not included on the student's IEP AND there is no evidence on the incident report that the intervention was necessary to protect the student or other persons from imminent, serious physical harm.</p>				Not correctible at the student level. OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.
DIS – 37 5 DCMR §2816.5	Physical restraint is NOT administered if the student has a medical or psychological condition contradictory to restraint.	<p>Yes = There is evidence in the student's file that the student has a medical or psychological condition contraindicative to restraint AND there is evidence in the student's file that physical restraint is prohibited for this student or the use of physical restraint was not employed with this student.</p> <p>No = There is evidence in the student's file that the student has a medical or psychological condition contraindicative to restraint AND the use of physical restraint was employed with this student.</p> <p>NA = The student does not have a medical or psychological condition contraindicative to restraint.</p>				Prohibit physical restraint for this student. OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.

OSSE Part B Student Compliance Monitoring Tool (8/31/2012)

<p>DIS – 38 5 DCMR §2816.5</p>	<p>Restraint practices are NOT used with a student whom the nonpublic school knows has been sexually or physically abused.</p>	<p>Yes = There is evidence in the student's file that the student has been sexually or physically abused AND there is evidence in the student's file that physical restraint is prohibited for this student or the use of physical restraint was not employed with this student.</p> <p>No = There is evidence in the student's file that the student has been sexually or physically abused AND the use of physical restraint was employed with this student.</p> <p>NA = There is no evidence in the file that the student has been sexually or physically abused.</p>			<p>Prohibit physical restraint for this student.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>DIS – 39 5 DCMR §2816.8</p>	<p>Chemical restraints are employed only to student if ordered by a physician, determined to be medically necessary, and administered in conformance with the student's medical treatment plan.</p>	<p>Yes = There is evidence in the student's file that when needed, chemical restraints have been employed AND these restraints were ordered by a physician, determined to be medically necessary, and were administered in conformance with the student's medical treatment plan.</p> <p>No = There is evidence in the student's file that chemical restraints have been employed AND these restraints were not ordered by a physician, not determined to be medically necessary, or not administered in conformance with the student's medical treatment plan.</p> <p>NA = There is no evidence that chemical restraints have been employed with the student</p>			<p>Prohibit chemical restraint for this student unless and until it is administered consistent with District law.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>DIS – 40 5 DCMR §2820</p>	<p>Any written incident report involving the student contains all information required by District regulation.</p>	<p>Yes = Any written incident report involving the student contains all information required by District regulation.</p> <p>No = Any written incident report involving the student does NOT contain all information required by District regulation.</p>			<p>Not correctable at the student level.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>Answer the following item if an incident report shows that restraint or seclusion was used with a student placed at a nonpublic school or program, and the student's IEP does not authorize the use of the utilized intervention or the student does not have a BIP</p>					
<p>DIS – 41 5 DCMR §2820.5</p>	<p>The IEP team meets within 10 school days of an incident to consider the need for an FBA and BIP and to discuss non-physical and non-restrictive de-escalation strategies.</p>	<p>Yes = There is evidence that the IEP Team met within 10 school days of any incident pertaining to the student's behavior.</p> <p>No = There is NO evidence that the IEP Team met within 10 school days of any incident pertaining to the student's behavior.</p>			<p>Convene an IEP Team meeting and determine whether the student requires an FBA and BIP and discuss de-escalation strategies. Meet individually with the student if the student will not attend the IEP Team meeting.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>

OSSE Part B Student Compliance Monitoring Tool (8/31/2012)

Answer the following items if a student placed at a nonpublic school or program has accrued more than 5 or more than 10 days of unexcused absences.

TRU – 42 5 DCMR §2821.8	The nonpublic school notifies the sending LEA in writing within 2 school days after the accrual of 5 unexcused absences in a marking period by the student.	<p>Yes = The student has accrued at least 5 unexcused absences within a marking period during the previous twelve months AND there is evidence that the nonpublic school notified the sending LEA in writing within 2 school days.</p> <p>No = The student has accrued at least 5 unexcused absences within a marking period during the previous twelve months AND there is no evidence that the nonpublic school notified the sending LEA in writing within 2 school days.</p>				Provide notice of the student’s absences to the sending LEA. OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.
TRU – 43 5 DCMR §2821.9	The nonpublic school notifies the sending LEA in writing within 2 school days after the accrual of 10 unexcused absences within the school year.	<p>Yes = During the previous twelve months, the student has accrued at least 10 unexcused absences within a school year AND there is evidence that the nonpublic school notified the sending LEA in writing within 2 school days.</p> <p>No = During the previous twelve months, the student has accrued at least 10 unexcused absences within a school year AND there is no evidence that the nonpublic school notified the sending LEA in writing within 2 school days.</p> <p>NA = The student has accrued fewer than 10 unexcused absences within the school year.</p>				Provide notice of the student’s absences to the sending LEA. OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.

OSSE LEA Part B Compliance Monitoring Tool (8/31/2012)

Name of LEA		Review Completed By				
Name of School		Date of Review				
Item # Regulation/ Authority	Item text	Response Criteria	Y	N	N A	Corrective Actions/Improvement Activities:
ESY – 1 §300.106(a)(3)	LEA provides ESY to students of any disability category, based on need.	<p>Yes = There is no evidence, through LEA policies, procedures or interviews, that the LEA has limited ESY services to students in particular disability categories.</p> <p>No = There is evidence, through LEA policies, procedures or interviews, that the LEA has limited ESY services to students in particular disability categories.</p>				<p>The LEA must develop a plan or policy to ensure that ESY is not limited to students in particular disability categories.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
LRE – 2 §300.115	The LEA has a continuum of alternative placements available, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.	<p>Yes = There is evidence, through LEA policies, procedures or interviews, that the LEA has made available educational placements along all points of the continuum.</p> <p>No = There is evidence, through LEA policies, procedures or interviews, that the LEA has NOT made available educational placements along all points of the continuum.</p>				<p>The LEA must develop a plan to provide a continuum of alternative placements consistent with the regulatory requirement.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
IEP – 3 §300.323(d)(1)	The LEA ensures that students' IEPs are accessible to all who are responsible for their implementation (regular education teachers, special education teachers, related service providers).	<p>Yes = There is evidence that the LEA has made students' IEPs accessible to all individuals responsible for their implementation.</p> <p>No = There is evidence that the LEA has NOT made students' IEPs accessible to all individuals responsible for their implementation.</p>				<p>The LEA must develop a plan, policy or practice to ensure that all individuals responsible for the implementation of IEPs have access to students' IEPs.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
DAT – 4 §300.211	The LEA has entered all students who have been referred to special education into SEDS.	<p>Yes = All files reviewed are entered into SEDS.</p> <p>No = The record(s) of one or more students referred to special education do not appear in SEDS.</p>				<p>LEA must develop and implement a plan that addresses timely data entry.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>

OSSE LEA Part B Compliance Monitoring Tool (8/31/2012)

<p>DAT – 5 §300.211</p>	<p>The LEA responds to requests for data in a timely manner.</p>	<p>Yes = The LEA provides data submissions within the timelines prescribed in OSSE's data submission calendar.</p> <p>No = The LEA provided at least one data submission outside of the timeline prescribed in OSSE's data submission calendar.</p>			<p>The LEA must develop a plan, policy or practice to ensure timely data submissions.</p> <p>OSSE must confirm that the LEA is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>DSP – 6 OSSE State Complaint Policy</p>	<p>The LEA provides information to OSSE regarding State complaints within 10 days of request.</p>	<p>Yes = State complaint files document receipt of information within 10 days of request.</p> <p>No = State complaint files do NOT document receipt of information within 10 days of request.</p> <p>NA = No State complaints have been filed against the LEA.</p>			<p>LEA must develop and implement a plan that addresses timely compliance with dispute resolution activities.</p> <p>Provide documentation of the above to OSSE.</p>
<p>DSP – 7 §300.600(e)</p>	<p>The LEA timely implements corrective actions contained in the State complaint decision letter.</p>	<p>Yes = State complaint files document timely correction of noncompliance identified in the decision letter.</p> <p>No = State complaint files do NOT document timely correction of noncompliance identified in the decision letter.</p> <p>NA = No State complaints have been filed against the LEA.</p>			<p>LEA must develop and implement a plan that addresses timely compliance with dispute resolution activities.</p> <p>Provide documentation of the above to OSSE.</p>
<p>NIM – 8 §300.172</p>	<p>The LEA provides instructional materials to blind students or other students with print disabilities.</p>	<p>Yes = The LEA coordinates with NIMAC or provided documentation that blind students or other students with print disabilities receive instructional materials in a timely manner.</p> <p>No = The LEA does NOT coordinate with NIMAC OR did NOT provide documentation that blind students or other students with print disabilities receive instructional materials in a timely manner.</p> <p>NA = The LEA does not serve blind students or other students with print disabilities.</p>			<p>LEA must provide documentation of communication with NIMAC or documentation of providing students with instructional materials.</p> <p>Provide documentation of the above to OSSE.</p>
<p>FIS – 9 §80.20</p>	<p>The LEA has a policy/procedure governing the preparation and approval of budgets and budget amendments for all funds.</p>	<p>Yes = The LEA has demonstrated that it has such a policy/procedure.</p> <p>No = The LEA has NOT demonstrated that it has such a policy/procedure.</p>			<p>The LEA must develop policy/procedure for governing the preparation and approval of budgets and budget amendments for all funds.</p> <p>Provide documentation of the above to OSSE.</p>

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<p>FIS – 10 §§80.36(b)(1), (b)(2)</p>	<p>The LEA has procurement policies/procedures which conform to applicable Federal law and regulations and a contract administration system in place which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.</p>	<p>Yes = The LEA has demonstrated that it has procurement policies/procedure (standards) aligned with 34 CFR §§80.36(b)(1) and (b)(2). No = The LEA has NOT demonstrated that it has procurement policies/procedure (standards) aligned with 34 CFR §§80.36(b)(1) and (b)(2).</p>			<p>The LEA must develop policies/procedures that conform to applicable Federal, state and local laws and regulations that shows the LEA has a contract administration system in place which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders including ensuring that grant funds are used for allowable costs.</p> <p>Provide documentation of the above to OSSE.</p>
<p>FIS – 11 OSSE GAN</p>	<p>The LEA has policies and procedures that ensure expenditures in the IDEA Reimbursement Workbooks (RW) are reviewed to ensure that expenses align to its approved grant application, IDEA, and OMB Circular A-87.</p>	<p>Yes = The LEA has demonstrated that it has a policy/procedure to ensure expenditure approval in IDEA RW. No = The LEA has NOT demonstrated that it has policy/procedure to ensure expenditure approval in IDEA RW.</p>			<p>The LEA must develop policy/procedure that ensures expenditures included in the IDEA RW are reviewed and approved by the appropriate grant director/supervisor before the RW is submitted.</p> <p>Provide documentation of the above to OSSE.</p>
<p>FIS – 12 §80.23</p>	<p>The LEA has documentation sufficient to determine whether federal funds were obligated and reimbursement was sought within the approved grant period.</p>	<p>Yes = Based on the sample tested, the LEA has demonstrated that it obligated IDEA expenditures within the appropriate grant period. No = Based on the sample tested, the LEA has NOT demonstrated that it obligated IDEA expenditures within the appropriate grant period.</p>			<p>The LEA must submit to OSSE evidence of tracking the following: awarded amount for each grant it receives, grant availability period, date of reimbursements requests submitted, dates of obligation periods. The LEA must also submit to OSSE invoices for expenditures incurred within the correct grant period, that equate to the amount deemed to be allowable. These invoices must not have been paid for by any other federal funding source previously.</p>
<p>FIS – 13 §80.42 GEPA</p>	<p>The LEA retains financial records and relevant supporting documentation for the required time period, which is 5 years.</p>	<p>Yes = The LEA has demonstrated that is has a records retention policy that ensures financial records are retained for 5 years. No = The LEA has NOT demonstrated that is has a records retention policy that ensures financial records are retained for 5 years.</p>			<p>The LEA must develop policy/procedure that ensures financial records are retained for 5 years.</p> <p>Provide documentation of the above to OSSE.</p>
<p>FIS – 14 §80.32</p>	<p>The LEA has (controls) policies/procedures protect equipment acquired with IDEA funds costing more than \$5,000.</p>	<p>Yes = The LEA has demonstrated that it has (controls) policies/procedures in place to protect assets acquired with federal funds costing more than \$5,000. No = The LEA has NOT demonstrated that it has (controls) policies/procedures in place to protect assets acquired with federal funds costing more than \$5,000.</p>			<p>The LEA must develop policy/procedure that ensures all assets procured with federal funds are protected, particularly those assets costing more than \$5,000. If applicable, an inventory list must be submitted by the LEA.</p> <p>Provide documentation of the above to OSSE.</p>

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<p>FIS – 15 §80.36(b)</p>	<p>The LEA maintains a code of conduct standard/conflict of interest policy for employees involved in the administration of contracts.</p>	<p>Yes = The LEA has demonstrated that it has code of conduct/conflict of interest policies/procedures. No = The LEA has NOT demonstrated that it has code of conduct/conflict of interest policies/procedures.</p>			<p>The LEA must develop code of conduct/conflict of interest policy for employees involved in the administration of contracts. Provide documentation of the above to OSSE.</p>
<p>FIS – 16 §80.20</p>	<p>The LEA has an accounting record that ensures federal funds are not co-mingled.</p>	<p>Yes = Based on the sample tested, the LEA has demonstrated that federal funds are not co-mingled. No = Based on the sample tested, the LEA has NOT demonstrated federal funds are not co-mingled.</p>			<p>The LEA must develop policy/procedure that ensures federal grant funds are not co-mingled. Provide documentation of the above to OSSE.</p>
<p>FIS – 17 §80.20</p>	<p>The LEA accurately tracks expenditures assigned to each of its IDEA grants, applicable budgets and set-asides.</p>	<p>Yes = Based on the sample tested, the LEA has demonstrated that it accurately tracks expenditures and records revenue received from its IDEA grants at a detailed level. No = Based on the sample tested, the LEA has NOT demonstrated that it accurately tracks expenditures OR that it records revenue received from its IDEA grants at a detailed level.</p>			<p>The LEA must develop policy/procedure that ensures expenditures are accurately tracked. Provide documentation of the above to OSSE.</p>
<p>FIS – 18 OMB Circular A-87</p>	<p>The LEA appropriately charges salaries of personnel working on IDEA grant objectives and are supported with IDEA grant funds.</p>	<p>Yes = Based on the sample tested, the LEA has demonstrated that salaries are appropriately charged to its IDEA grant programs. No = Based on the sample tested, the LEA has NOT demonstrated that salaries are appropriately charged to its IDEA grant programs. NA = The LEA did not use IDEA grant funds for salaries.</p>			<p>The LEA must develop policy/procedure that ensures salaries of personnel who are paid with grant funds are charged appropriately. Provide documentation of the above to OSSE.</p>
<p>FIS – 19 OMB Circular A-87</p>	<p>The LEA appropriately tracks the time and effort of personnel who are supported by IDEA grant funds.</p>	<p>Yes = Based on the sample tested, The LEA has demonstrated it keeps the appropriate time and effort records for personnel working on IDEA cost objectives. No = Based on the sample tested, the LEA has NOT demonstrated it keeps the appropriate time and effort records for personnel working on IDEA cost objectives. NA = The LEA did not use IDEA grant funds for personnel.</p>			<p>The LEA must maintain either Semi-Annual Certifications or Personnel Activity Reports (PARs) for all employees paid out of federal funds. Provide documentation of the above to OSSE.</p>
<p>FIS – 20 §80.20(b)(6)</p>	<p>The LEA has source documentation for items it purchased and sought reimbursement for from IDEA funds.</p>	<p>Yes = Based on the sample tested, the LEA has verified it purchased and received the items it sought IDEA reimbursement for in the IDEA RW. No = Based on the sample tested, the LEA has NOT verified it purchased and received the items it sought IDEA reimbursement for in the IDEA RW. NA = Based on the sample tested, the LEA has not used any IDEA funds for non-personnel expenditures.</p>			<p>The LEA must (1) submit invoices to OSSE for allowable expenditures that equate to the amount deemed allowable; and (2) include proof of payment documentation for all items included in the sample request. Provide documentation of the above to OSSE.</p>

OSSE LEA Part B Compliance Monitoring Tool (8/31/2012)

<p>FIS – 21 §80.36</p>	<p>The LEA has followed procurement procedures consistent with EDGAR and OMB Circular A-87 for developing and awarding contracts for services, supplies, and materials.</p>	<p>Yes = Based on the sample tested, the LEA has demonstrated that it followed the appropriate procurement procedures for developing and awarding contracts.</p> <p>No = Based on the sample tested, the LEA has NOT demonstrated that it followed the appropriate procurement procedures for developing and awarding contracts.</p> <p>NA = The LEA did not use IDEA grant funds for contracts for services, supplies or materials.</p>			<p>The LEA must submit contracts for all vendors listed under Contractual Services on the sample request to OSSE. The contracts must (1) cover the date range of the expenditures listed on the sample, and (2) be signed by all representing parties responsible for the contract.</p> <p>Provide documentation of the above to OSSE.</p>
<p>FIS – 22 §80.20 & OMB Circular A-87</p>	<p>The LEA has followed procedures consistent with IDEA, EDGAR, and OMB Circular A-87 to ensure that IDEA funds were expended only for allowable activities.</p>	<p>Yes = Based on the sample tested, the LEA has demonstrated that only allowable costs were charged to its IDEA grants.</p> <p>No = Based on the sample tested, the LEA has NOT demonstrated that only allowable costs were charged to its IDEA grants.</p>			<p>The LEA must (1) submit invoices to OSSE for allowable expenditures that equate to the amount deemed allowable; and (2) include invoices and proof of payment documentation for all items included in the sample request.</p> <p>Provide documentation of the above to OSSE.</p>
<p>FIS – 23 §80.20 & OSSE GAN</p>	<p>The LEA correctly paid and retained invoices for expenditures it included in its IDEA RW.</p>	<p>Yes = Based on the sample tested, the LEA has demonstrated that it correctly reviewed, paid, and retained records of invoices for expenditures included in its RW.</p> <p>No = Based on the sample tested, the LEA has NOT demonstrated that it correctly reviewed, paid, and retained records of invoices for expenditures included in its RW.</p> <p>NA = Based on the sample tested, the LEA was not required to retain invoices.</p>			<p>The LEA must (1) submit invoices to OSSE for allowable expenditures that equate to the amount deemed allowable; and (2) include invoices and proof of payment documentation for all items included in the sample request.</p> <p>Provide documentation of the above to OSSE.</p>
<p>FIS – 24 OMB Circular A-87</p>	<p>The LEA procured, utilized, and charged construction expenses to its IDEA grants in a manner consistent with its approved application, EDGAR, Curricular A-87, and IDEA ARRA guidance.</p>	<p>Yes = Based on the sample tested, the LEA has demonstrated that it procures, utilizes, and charges construction expenses to its IDEA grants appropriately.</p> <p>No = Based on the sample tested, the LEA has NOT demonstrated that that it procures, utilizes, and charges construction expenses to its IDEA grants appropriately.</p> <p>NA = LEA has not used IDEA funds for construction.</p>			<p>The LEA must submit documents for the construction project paid for with IDEA funds.</p>

OSSE LEA Part B Compliance Monitoring Tool (8/31/2012)

<p>FIS – 25 §300.226 & §300.646</p>	<p>The LEA utilized IDEA funds for providing Coordinated Early Intervening Services (CEIS) for appropriate uses.</p>	<p>Yes = Based on the sample tested, the LEA demonstrated that it utilized the CEIS funds for appropriate uses.</p> <p>No = Based on the sample tested, the LEA has NOT demonstrated that it utilized the CEIS funds for appropriate uses.</p> <p>NA = The LEA was not required to or did not opt to reserve funds for CEIS.</p>				<ul style="list-style-type: none"> • Voluntary Elections - the LEA must modify its existing budgets and spending plans. • Required Election – the LEA must report on CEIS expenditures in the designated area of the fiscal workbook.
<p>FIS – 26 §300.226(d)</p>	<p>The LEA is properly tracking students who receive CEIS.</p>	<p>Yes = The LEA demonstrated that it tracks the number of students who received CEIS and the number of students who subsequently received special education.</p> <p>No = The LEA did NOT demonstrate that it tracks the number of students who received CEIS OR the number of students who subsequently received special education.</p> <p>NA = The LEA was not required to or did not opt to reserve funds for CEIS.</p>				<p>The LEA has a policy/procedure to track students receiving CEIS and subsequent special education services for two years and the LEA can demonstrate that they have begun tracking students who received CEIS (if applicable).</p>
<p>FIS – 27 §300.134</p>	<p>The LEA has undergone timely meaningful consultation with private school representatives and representatives of parents of parentally-placed private school students with disabilities.</p>	<p>Yes = The LEA has documentation that it engaged in meaningful consultation with representatives as required.</p> <p>No = The LEA has NOT documented meaningful consultation with representatives as required.</p> <p>NA = LEA not required to engage in consultation.</p>				<p>The LEA must provide documentation of meaningful consultation regarding child find, proportionate share, consultation process and provision of services (including written explanation if needed).</p>
<p>FIS – 28 §300.134</p>	<p>The LEA has sought reimbursement for serving parentally placed students with disabilities in private schools in a manner consistent with IDEA.</p>	<p>Yes = Based on the sample tested, the LEA has sought reimbursement for Equitable Services as required.</p> <p>No = Based on the sample tested, the LEA has NOT sought reimbursement for Equitable Services as required.</p> <p>NA = The LEA is not responsible for serving parentally placed students with disabilities in private schools in a manner consistent with IDEA.</p>				<p>The LEA must submit documentation / certifications showing that meaningful consultation occurred between the LEA and private school(s).</p>

OSSE LEA Part B Compliance Monitoring Tool (8/31/2012)

<p>FIS – 29 §300.203</p>	<p>The LEA did not reduce its level of expenditures for the education of students with disabilities made from state and local funds below the level of expenditures for the preceding fiscal year.</p>	<p>Yes = The LEA has provided supporting documentation necessary to demonstrate that it has not reduced its level of expenditures for the education of students with disabilities made from state and local funds below the level of expenditures for the preceding fiscal year.</p> <p>No = The LEA has NOT provided supporting documentation necessary to demonstrate that it has not reduced its level of expenditures for the education of students with disabilities made from state and local funds below the level of expenditures for the preceding fiscal year.</p> <p>NA = The LEA was not operating in the preceding fiscal year.</p>				<p>The LEA must provide OSSE with local funds in the amount of the reduction that does not qualify for an exception under §300.204 or an adjustment under §300.205.</p>
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OSSE Nonpublic School Monitoring Tool (8/31/2012)

Name of Nonpublic School		Record Review Completed By			Date of Record Review	
Item # Regulation/ Authority	Item Text	Response Criteria	Y	N	N A	Corrective Actions
STA – 1 §300.146 and 5 DCMR §A- 2805.2	The nonpublic school teaches in accordance with District of Columbia Standards of Learning.	<p>Yes = Nonpublic school provides data which demonstrates that the nonpublic school teaches in accordance with District of Columbia Standards of Learning.</p> <p>No = Nonpublic school does NOT provide data which demonstrates that the nonpublic school teaches in accordance with District of Columbia Standards of Learning (e.g. the school does not offer District of Columbia History, foreign languages or community service hour support).</p>				The nonpublic school must demonstrate that it teaches in accordance with the District of Columbia Standards of Learning and graduation requirements, and that all teachers at the nonpublic school have been provided training regarding the District of Columbia Standards of Learning and graduation requirements by the date listed on the front of this report. Provide documentation of the above to OSSE.
STA - 2 §300.146 and 5 DCMR §A- 2805.3	The nonpublic school administers the DC CAS/DC CAS-Alt.	<p>Yes = Nonpublic school provides data which demonstrates that the nonpublic school cooperates with LEAs and OSSE to ensure that District of Columbia students participate in the DC CAS/DC CAS-Alt.</p> <p>No = Nonpublic school does NOT provide data which demonstrates that the nonpublic school cooperates with LEAs and OSSE to ensure that District of Columbia students participate in the DC CAS/DC CAS-Alt.</p>				The nonpublic school must submit documentation which demonstrates that the LEA and nonpublic school have communicated regarding the students scheduled to participate in the exam and the plan for administering the exam. Provide documentation of the above to OSSE.

OSSE Nonpublic School Monitoring Tool (8/31/2012)

<p>DIS – 3 5 DCMR §§2806, 2848.3</p>	<p>The school year of the nonpublic school includes a minimum of 180 regular instructional school days and the average number of instructional hours over the course of the school calendar meets or exceeds six hours per day.</p>	<p>Yes = Review of the school calendar and other relevant information shows that the school year includes a minimum of 180 regular instructional school days, exclusive of any extended school year period; and the average number of instructional hours over the course of the school calendar meets or exceeds six hours per day.</p> <p>No = Review of the school calendar and other relevant information shows that the school year does not include a minimum of 180 regular instructional school days, exclusive of any extended school year period; or the average number of instructional hours over the course of the school calendar is less than six hours per day .</p> <p>NA = The school only operates a prekindergarten program or other alternative program approved by OSSE.</p>			<p>The nonpublic school must amend its school calendar to provide a minimum of 180 regular instructional school days and an average of six hours per day of instruction over the course of the school calendar.</p>
<p>DIS – 4 5 DCMR §2816.2</p>	<p>Any physical restraint is applied only by nonpublic school personnel who are trained and certified in the appropriate use of specific, authorized techniques. Copies of those certifications are maintained on file at the nonpublic school.</p>	<p>Yes = Review of incident reports shows that all restraints were applied only by personnel with current certifications in the use of physical restraint.</p> <p>No = There is evidence, in incident reports or elsewhere, that NOT all restraints were applied by personnel with current certifications in the use of physical restraint.</p> <p>NA = There is no evidence that the nonpublic school employs physical restraint.</p>			<p>The nonpublic school must ensure that all staff members who apply physical restraints hold the required certification.</p> <p>OSSE must confirm that the nonpublic school is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>DIS – 5 5 DCMR §2817</p>	<p>The nonpublic school does not use any form of mechanical restraint on a District of Columbia student.</p>	<p>Yes = There is no evidence of the use of mechanical restraint in incident reports, school policies, or interviews.</p> <p>No = There is evidence of the use of mechanical restraints.</p>			<p>The nonpublic school must demonstrate that it does not employ mechanical restraints.</p> <p>Use of mechanical restraints as a policy or practice is grounds for denying or revoking a certificate of approval.</p>
<p>DIS – 6 5 DCMR §2818</p>	<p>The nonpublic school does not use any form of prone restraint on a District of Columbia student.</p>	<p>Yes = There is no evidence of the use of prone restraint in incident reports, school policies, or interviews.</p> <p>No = There is evidence of the use of prone restraints.</p>			<p>The nonpublic school must demonstrate that it does not administer prone restraints.</p> <p>Use of prone restraints as a policy or practice is grounds for denying or revoking a certificate of approval.</p>

OSSE Nonpublic School Monitoring Tool (8/31/2012)

<p>DIS – 7 5 DCMR §2819</p>	<p>The nonpublic school does not use any form of seclusion on a District of Columbia student, except in emergency circumstances as defined in 5 DCMR §2816.1.</p>	<p>Yes = There is evidence in incident reports, school policies, or interviews that seclusion is used only in case of emergency, consistent with the DCMR.</p> <p>No = There is evidence in incident reports, school policies, or interviews that seclusion is used where there is no emergency as defined by the DCMR.</p> <p>NA = There is no evidence that the nonpublic employs any form of seclusion.</p>			<p>The nonpublic school must amend its policies and procedures to ensure that seclusion is only used in the emergency situations.</p> <p>OSSE must confirm that the nonpublic school is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p> <p>Use of seclusion as a policy or practice is grounds for denying or revoking a certificate of approval.</p>
<p>DIS – 8 5 DCMR §2819.2</p>	<p>Any space used for seclusion is free of objects and fixtures with which a student could self-inflict bodily harm, provides school personnel an adequate view of the student from an adjacent area, and provides adequate lighting, ventilation, and appropriate temperature controls.</p>	<p>Yes = Inspection of a space used for seclusion demonstrates that the space meets these regulatory requirements.</p> <p>No = Inspection of a space used for seclusion demonstrates that the space does not meet the regulatory requirements.</p> <p>NA = There is no evidence that the nonpublic school employs any form of seclusion.</p>			<p>The nonpublic school must make adjustments to the space used for seclusion.</p>
<p>DIS – 9 5 DCMR §2819.6</p>	<p>If the space used for seclusion has a locking mechanism, it is only engaged when it is held in position by a person, or if electronically engaged, automatically releases if the building's fire alarm system is activated.</p>	<p>Yes = Inspection of a space used for seclusion demonstrates that the space meets these regulatory requirements.</p> <p>No = Inspection of a space used for seclusion demonstrates that the space does not meet the regulatory requirements.</p> <p>NA = There is no evidence that the nonpublic school employs any form of seclusion or the space does not have a locking mechanism.</p>			<p>The nonpublic school must make adjustments to the space used for seclusion.</p>
<p>DIS – 10 5 DCMR §2819.3</p>	<p>The nonpublic school ensures that personnel provide the student with an explanation of the behavior that resulted in the seclusion and instructions on the behavior required to be released from the seclusion.</p>	<p>Yes = Review of incident reports demonstrates that personnel provided the student with an explanation and instructions consistent with this section.</p> <p>No = Review of incident reports demonstrates that personnel did not provide the student with an explanation and instructions consistent with this section.</p> <p>NA = There were no incidents in which seclusion was employed during the period under review.</p>			<p>The nonpublic school must revise its policies and practices to ensure that seclusion is employed consistent with the requirements of this section.</p> <p>OSSE must confirm that the nonpublic school is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>

OSSE Nonpublic School Monitoring Tool (8/31/2012)

<p>DIS – 11 5 DCMR §§2819.3, 2819.5</p>	<p>The nonpublic school ensures that personnel views and continuously monitors a student placed in seclusion, and speaks with the student every 10 minutes at minimum.</p>	<p>Yes = Inspection of a space used for seclusion and review of incident reports demonstrates that personnel were able to continuously monitor students placed in seclusion, and spoke to each student at least every 10 minutes.</p> <p>No = Inspection of a space used for seclusion and review of incident reports demonstrates that personnel did not or were unable to continuously monitor students placed in seclusion, or did not speak to each student at least every 10 minutes.</p> <p>NA = There were no incidents in which seclusion was employed during the period under review.</p>				<p>The nonpublic school must make adjustments to the space used for seclusion, and to its policies and practices to ensure that seclusion is employed consistent with the requirements of this section.</p> <p>OSSE must confirm that the nonpublic school is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>DIS – 12 5 DCMR §2819.5</p>	<p>After 30 minutes, the Director, Head of Special Education or other senior personnel personally observes the student to assess the need for continued seclusion.</p>	<p>Yes = Review of incident reports demonstrates that 30 minutes after a student is placed in seclusion, senior personnel personally observed the student.</p> <p>No = Review of incident reports demonstrates that 30 minutes after a student is placed in seclusion, senior personnel did not personally observe the student.</p> <p>NA = There were no incidents in which seclusion was employed during the period under review.</p>				<p>The nonpublic school must revise its policies and practices to ensure that seclusion is employed consistent with the requirements of this section.</p> <p>OSSE must confirm that the nonpublic school is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>DIS – 13 5 DCMR §2819.5</p>	<p>No seclusion continues longer than 1 hour.</p>	<p>Yes = Review of incident reports demonstrates that no seclusion of any student continued for longer than 1 hour.</p> <p>No = Review of incident reports demonstrates that seclusion of a student continued for longer than 1 hour.</p> <p>NA = There were no incidents in which seclusion was employed during the period under review.</p>				<p>The nonpublic school must revise its policies and practices to ensure that seclusion is employed consistent with the requirements of this section.</p> <p>OSSE must confirm that the nonpublic school is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data.</p>
<p>QUA – 14 5 DCMR 2823.2</p>	<p>Each member of the teaching staff holds a teaching certification from the state or district in which the school is located, to the same level as required for teaching staff in public schools of that state or district.</p>	<p>Yes = The nonpublic school provided proof of teaching certification for each teaching staff member consistent with the requirements of the DCMR.</p> <p>No = The nonpublic school did not provide proof of teaching certification for each teaching staff member consistent with the requirements of the DCMR.</p>				<p>The nonpublic school must provide proof of teaching certification for all teaching staff members consistent with the requirement of the DCMR.</p>

OSSE Nonpublic School Monitoring Tool (8/31/2012)

<p>QUA – 15 5 DCMR 2823.3</p>	<p>Related service providers, whether employed or contracted by the nonpublic special education school or program are appropriately certified, licensed or registered in their professional areas in alignment with requirements from the state or district in which the school is located, to the same level as required for teaching staff in public schools of that state or district.</p>	<p>Yes = The nonpublic school provided proof of certification or licensure for each related service provider consistent with the requirements of the DCMR.</p> <p>No = The nonpublic school did not provide proof of certification or licensure for each related service provider consistent with the requirements of the DCMR.</p>				<p>The nonpublic school must provide proof of certification or licensure for each related service provider consistent with the requirement of the DCMR.</p>
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OSSE Secondary Transition Compliance Monitoring Tool (8/31/2012)

Student Name (Last, First)

Name of LEA

Record Review Completed By

Student ID

Name of School

Date of Record Review

Student Date of Birth

Item # Regulation/ Authority	Item Text	Response Criteria	Y	N	N A	Corrective Actions: Student Level and Additional LEA Level
STR -1 §300.320(b)	There is an appropriate measurable postsecondary goal that addresses education OR training after high school.	<p>Yes = The IEP contains at least one appropriate postsecondary goal in the area of education or training that is:</p> <ul style="list-style-type: none"> • Measurable • Aligns with PLOP AND • Aligns with assessment results <p>No = The IEP does not contain a postsecondary goal in the area of education or training or the goal is not measureable or the goal does not align with present levels of performance and assessment results.</p>				<p>Convene IEP team to develop appropriate goal.</p> <p>LEA must demonstrate 100% compliance on next quarterly review.</p>
STR – 2 §300.320(b)	There is an appropriate measurable postsecondary goal that addresses employment after high school.	<p>Yes = The IEP contains at least one appropriate postsecondary goal in the area of employment that is:</p> <ul style="list-style-type: none"> • Measurable • Aligns with PLOP AND • Aligns with assessment results <p>No = The IEP does not contain a postsecondary goal in the area of employment or the goal is not measureable or the goal does not align with present levels of performance and assessment results.</p>				<p>Convene IEP team to develop appropriate goal.</p> <p>LEA must demonstrate 100% compliance on next quarterly review.</p>

OSSE Secondary Transition Compliance Monitoring Tool (8/31/2012)

<p>STR - 3 §300.320(b)</p>	<p>If needed, there is an appropriate measurable postsecondary goal that addresses independent living.</p>	<p>Yes = The IEP contains at least one appropriate postsecondary goal in the area of independent living that is:</p> <ul style="list-style-type: none"> • Measurable • Aligns with PLOP AND • Aligns with assessment results <p>No = The IEP does not contain a postsecondary goal in the area of independent living or the goal is not measurable or the goal does not align with present levels of performance and assessment results.</p> <p>NA = An independent living goal is not appropriate for the student.</p>				<p>Convene IEP team to develop appropriate goal.</p> <p>LEA must demonstrate 100% compliance on next quarterly review.</p>
<p>STR - 4 §300.320(b)</p>	<p>Postsecondary goal(s) are updated annually.</p>	<p>Yes = The file contains evidence that postsecondary goals were updated within the past year. (Or, this is the first IEP for the student which contains transition goals.)</p> <p>No = There is no evidence that the postsecondary goals have been updated within the past year.</p>				<p>Convene IEP team to develop appropriate goal.</p> <p>LEA must demonstrate 100% compliance on next quarterly review.</p>
<p>STR - 5 §300.320(b)</p>	<p>Postsecondary goal(s) are based on age appropriate transition assessments.</p>	<p>Yes = The file contains documentation that age appropriate transition assessment(s) were used (date administered and results listed) to develop student's postsecondary goals.</p> <p>No = The file does NOT contain documentation that age appropriate transition assessment(s) were used to develop student's postsecondary goals.</p>				<p>Conduct age appropriate transition assessment(s) and convene IEP meeting to review results.</p> <p>LEA must demonstrate 100% compliance on next quarterly review.</p>
<p>STR - 6 §300.320</p>	<p>There are transition services in the IEP that will assist the student to meet postsecondary goal(s).</p>	<p>Yes = Transition services are present in the IEP.</p> <p>No = Transition services are NOT present in the IEP.</p>				<p>Convene IEP meeting to identify transition services.</p> <p>LEA must demonstrate 100% compliance on next quarterly review.</p>
<p>STR - 7 §300.320(b)(2)</p>	<p>Transition services include courses of study that will enable the student to meet postsecondary goal(s).</p>	<p>Yes = Courses of study are included in the transition services.</p> <p>No = Courses of study are NOT included in the transition services.</p>				<p>Convene IEP meeting to identify transition services, including courses of study.</p> <p>LEA must demonstrate 100% compliance on next quarterly review.</p>

OSSE Secondary Transition Compliance Monitoring Tool (8/31/2012)

<p>STR - 8 §300.321(b)</p>	<p>There is evidence that the student was invited to the IEP meeting.</p>	<p>Yes = File contains the student's invitation to the IEP meeting.</p> <p>No = File does NOT contain the student's invitation to the IEP meeting.</p>				<p>In student's next annual IEP, invite and document the invitation of, the student to the IEP meeting.</p> <p>LEA must demonstrate 100% compliance on next quarterly review.</p>
<p>STR - 9 §300.321(b)</p>	<p>If appropriate, there is evidence that a representative of any participating agency was invited to the IEP team meeting WITH the prior consent of the parent or student who has reached the age of majority.</p>	<p>Yes = File contains evidence that a representative from a participating agency was invited to the IEP meeting AND parent/student consent for inviting participating agency was obtained.</p> <p>No = One or both of the following documentation was NOT found: - IEP invitation to representative from participating agency, - parent/student consent to invite representative from participating agency.</p> <p>NA = No participating agency appropriate. (If no transition services listed and are likely to be provided/paid for by an outside agency, then NA.)</p>				<p>If appropriate in student's next annual IEP, there is evidence that a representative of any participating agency was invited to the IEP meeting with prior consent of parent or student (who has reached the age of majority).</p> <p>LEA must demonstrate 100% compliance on next quarterly review.</p>



[LEA]
On-Site Monitoring Visit Agenda
[Date]

Day 1: [Date]

[Time - Time] Overview and Introductions

LEA Staff Attendees:

OSSE Staff Attendees:

Location:

- A. Review Purpose of Visit
- B. Review Agenda
- C. Make any Necessary Adjustments

[Time - Time] Classroom Observation

A. Classroom Observation

- a. OSSE Staff:
- b. Location:

[Time - Time] Interviews

B. Head of School (Individual)

- a. LEA Staff:
- b. OSSE Staff:
- c. Location:

C. Special Education Coordinator (Individual)

- a. LEA Staff:
- b. OSSE Staff:
- c. Location:

[Time - Time] Interviews

B. Special Education Teacher (Individual)

- a. LEA Staff:
- b. OSSE Staff:
- c. Location:

C. General Education Teacher (Individual)

- a. LEA Staff:
- b. OSSE Staff:
- c. Location:

[Time - Time] Lunch

[Time - Time] Interviews

- A. Special Education Teacher (Focus Group)
 - a. LEA Staff:
 - b. OSSE Staff:
 - c. Location:
- B. General Education Teachers (Focus Group)
 - a. LEA Staff:
 - b. OSSE Staff:
 - c. Location:

[Time - Time] Interviews

- A. Student Interview (Focus Group)
 - a. LEA Staff:
 - b. OSSE Staff:
 - c. Location:

[Time - Time] Classroom Observation

- A. Classroom Observation
 - a. OSSE Staff:
 - b. Location:

[Time - Time] Administrative Follow-up

- A. OSSE Staff:
- B. Location:



Day 2: [Date]

[Time - Time] Introduction to Day

[Time - Time] Interviews

- A. Related Service Provider (Individual)
 - a. LEA Staff:
 - b. OSSE Staff:
 - c. Location:
- B. Leader of Related Service Providers (Focus Group)
 - a. LEA Staff:
 - b. OSSE Staff:
 - c. Location:

[Time - Time] Classroom Observations

- A. Classrooms Observation
 - a. OSSE Staff:
 - b. Location:
- B. Classroom Observation
 - a. OSSE Staff:
 - b. Location:

[Time - Time] Lunch Break

[Time - Time] Budget Review

- A. Budget Administrator/Fiscal Director
 - a. LEA Staff:
 - b. OSSE Staff:
 - c. Location:

[Time - Time] Interviews

- A. Applicable Staff (Individual)
 - a. LEA Staff:
 - b. OSSE Staff:
 - c. Location:

[Time - Time] Exit Conference

LEA Attendees:
OSSE Staff Attendees:
Location:



Division of Specialized Education
Office of Quality Assurance & Monitoring
Part B State Performance Plan Indicators

Indicator 1 (Graduation): *Percent of youth with IEPs graduating from high school with a regular diploma.*

Indicator 2 (Dropout): *Percent of youth with IEPs dropping out of high school.*

Indicator 3 (Assessment): *Participation and performance of children with IEPs on statewide assessments:*

- A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup;*
- B. Participation rate for children with IEPs;*
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement assessment standards.*

Indicator 4 (Suspension and Expulsion):

- A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and*
- B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.*

Indicator 5 (LRE Settings): *Percent of children with IEPs aged 6 through 21 served*

- A. Inside the regular class 80% or more of the day;*
- B. Inside the regular class less than 40% of the day; and*
- C. In separate schools, residential facilities, or homebound/hospital placements.*

Indicator 6 (Preschool LRE): *Percent of children aged 3 through 5 with IEPs attending a:*

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and*
- B. Separate special education class, separate school or residential facility.*

Indicator 7 (Preschool Outcomes): *Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:*

- A. Positive social-emotional skills (including social relationships);*
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and*
- C. Use of appropriate behaviors to meet their needs.*



Indicator 8 (Parent Involvement): Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Indicator 9 (Disproportionate Representation in Special Education): Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Indicator 10 (Disproportionate Representation by Disability Category): Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Indicator 11 (Evaluation): Percent of children who were evaluated within 60 days (or state- established timeline) of receiving parental consent for initial evaluation.

Indicator 12 (Early Childhood Transition): Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

Indicator 13 (Secondary Transition): Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual postsecondary goals and transition services that will reasonably enable the student to meet the postsecondary goals, and annual IEP goals related to the student's transition services needs.

Indicator 14 (Post-school Outcomes): Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. enrolled in higher education within one year of leaving high school;
- B. enrolled in higher education or competitively employed within one year of leaving high school; and
- C. enrolled in higher education or some other postsecondary education or training or competitively employed or in some other employment within one year of leaving high school.

Indicator 15 (Correction of Noncompliance): General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

Indicator 16 (State Complaint Timelines): Percent of signed written complaints with reports issued that were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

Indicator 17 (Due Process Timelines): Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

Indicator 18 (Resolution Sessions): Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

Indicator 19 (Mediation): Percent of mediations held that resulted in mediation agreements.

Indicator 20 (Valid and Reliable Data): State reported data (Section 618 and State Performance Plan and Annual Performance Report) are timely and accurate



Division of Specialized Education
Office of Quality Assurance & Monitoring
Glossary

APR: *Annual Performance Report* – Measures and reports on the District of Columbia’s progress in meeting the targets and goals specified in the District of Columbia’s State Performance Plan to the **Office of Special Education Programs (OSEP)**.

AYP: *Adequate Yearly Performance* – A measurement defined by the No Child Left Behind Act that allows the U.S. Department of Education to determine how every public school and school district in the country is performing academically according to results on standardized tests.

BIP: *Behavior Intervention Plan* - Written plan that describes how an educational setting will be changed to improve the behavioral success of a student. The intervention must be based on the hypothesized caused (function) of the student’s behavior which is found in his or her **Functional Behavior Assessment (FBA)**.

COA: *Certificate of Approval* - All nonpublic schools must receive a COA from OSSE prior to accepting any referral or placement of a District student with a disability or ward of the District with an IEP funded by the District government. Before receiving a COA, a non-public school must demonstrate to the satisfaction of OSSE that the health and safety of the students is protected and that the school is able to implement the provisions of each student’s IEP.

DC CATS: *District of Columbia Corrective Action Tracking System*

Disproportionality: When there are more children from a particular racial or ethnic group who are experiencing a given situation more than would be expected, based on the group’s representation in the general population.

Due Process Hearing: Procedure to resolve disputes between parents and schools; administrative hearing before an impartial hearing officer or administrative law judge.

Early Childhood Transition: All children exiting Part C who received timely transition planning to support the child’s transition to preschool and other appropriate community and receive services by their third birthday.

EDGAR: *Education Department General Administrative Regulations* – The established regulations that the United States Department of Education (DOE) must adhere to; the guidelines that the state and local agencies must follow when working with the DOE.



EIS – Early Intervention Services – Education and services provided to support young children who have a diagnosed physical or mental condition, an existing delay, or who are at risk of developing a delay or special need that may affect their development or impede their education.

FAPE: Free Appropriate Public Education – The **IDEA** requires that a free appropriate public education is made available to all children with disabilities residing in the State between the ages of 3 and 21, including children with disabilities who have been suspended or expelled from school.

FBA: Functional Behavior Assessment - Process of identifying the cause of a student’s behavior before developing an intervention plan for him or her.

FFY: *Federal Fiscal Year*

Focused Monitoring: Monitoring process in which priority areas are purposefully selected to be examined for compliance and results, with a focus on identifying the root cause of noncompliance or poor results.

GEPA: *General Education Provision Act*

IDEA: Individuals with Disabilities Education Act – Federal law that governs how states and public agencies provide early intervention, special education and related services to children with disabilities. Infants and toddlers with disabilities (birth to 2 years old) receive early intervention services under IDEA Part C, and children and youth (3 to 21 years old) receive special education and related services under IDEA Part B.

IEP: Individual Education Plan or Program – Plan developed for every student with a disability who is found to meet the federal and state requirements for special education. The **IEP** must be designed to provide the child with a **Free Appropriate Public Education (FAPE)**.

LEA: Local Educational Agency – An educational agency responsible for providing free public elementary and secondary instruction or education support services within a U.S. state or territory.

LRE: Least Restrictive Environment – Requirement to educate special needs children with children who are not disabled to the maximum extent possible.

Mediation: One method of resolving disputes between parents and schools; must be voluntary, cannot be used to deny or delay right to a due process hearing; must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

Non-Public: Schools which serve District of Columbia students with disabilities that are not part of the District of Columbia Public Schools or any other public school or public charter school system. All nonpublic schools must receive a **Certificate of Approval (COA)** from OSSE prior to accepting any referral or placement of a District student with a disability or ward of the District with an IEP funded by the District government.

OMB: *Office of Management and Budget for the United States*

OSEP: *Office of Special Education Programs for the United States Department of Education*

Performance Improvement Plan: Tool to monitor and measure the results and practices, processes and/or behaviors of a particular **LEA** in an effort to improve performance.

Post-Secondary: Institutes of higher learning beyond secondary schools, e.g. colleges, universities and professional schools.

QSR: Quality Service Review – Established system review used to evaluate the way that individual students are provided services by the District.

Re-Evaluation: Procedure to determine whether a child has a disability and the nature and extent of the **special education** and **related services** that the child needs; re-evaluations shall occur at least once every three years, unless the parent and LEA agree that a reevaluation is unnecessary; reevaluations shall not occur more frequently than once a year, unless the parent and LEA agree otherwise.

Related Services: Services necessary for the child to benefit from special education; includes speech language pathology and audiology services, behavior support services, physical and occupational therapy, etc.

RSMR: *Related Service Management Report* – Report which allows LEAs to proactively manage related service delivery.

SEA: *State Educational Agency* – Formal government label for the **state**-level government agencies within each U.S. **state or territory** responsible for providing information, resources and technical assistance on educational matters to schools and residents; OSSE is the SEA for the District of Columbia.

Secondary Transition: When the child turns 16 (or younger if determined appropriate by the IEP Team), and updated annually thereafter, the IEP must include:

1. Appropriate measureable postsecondary goals based upon age appropriate transition assessments related to training, education, employment and where appropriate, independent living skills; **and**
2. Transition services (including courses of study) needed to assist the child in reaching those goals.

SEDS: *Special Education Data System* – Electronic data system for developing and recording Individualized Education Programs and evaluations and reevaluations within the District of Columbia.; SEDS is the **system of record** for the District of Columbia.

Self-Assessment: Process that allows an organization to clearly discern its strengths and areas in which improvements can be made, and culminates in planned improvement actions which are then monitored for progress.

SHO: Student Hearing Office - OSSE office which is responsible for the conduct of special education due process hearings. SHO ensures that parents of children with disabilities and public educational agencies

have an opportunity to seek due process hearings to resolve disagreements over the identification, evaluation, educational placement of a child with disabilities, or the provision of a free appropriate public education to the child.

Special Education: Specially designed instruction, at no cost to parent, to meet the unique needs of a student with a disability, including instruction conducted in the classroom, in the home, in hospitals, institutions and other settings.

SPP: *State Performance Plan* – Plan developed by OSSE with 20 indicators for improving outcomes of children with disabilities in the District of Columbia; the SPP serves as a road map that outlines performance goals and annual targets that ensure accelerated reform.

TA: *Technical Assistance* – Assistance in carrying out policy studies, providing advice, supporting project preparation and implementation, and enhancing capabilities of an organization.

US ED: United States Department of Education – Cabinet-level department of the United States government. Created by the Department of Education Organization Act (Public Law 96-88), it was signed into law by President Jimmy Carter on October 17, 1979 and began operating on May 4, 1980.