



OSEP MONTHLY
TECHNICAL ASSISTANCE CALL
INTEGRATED MONITORING PROTOCOL (MON)
SUSTAINING COMPLIANCE & IMPROVEMENT PROTOCOL (IMP)

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Agenda

- ▶ General Supervision and Results in DMS
- ▶ Protocol Structure Review
- ▶ Integrated Monitoring -- Sustaining Compliance & Improvement Protocols
 - Framework
 - Definition
 - Overarching Questions
 - Related Requirements
 - Historical Findings

General Supervision and DMS

► Focus of DMS is on State systems of General Supervision with the goal of:

(1) Improving educational results and functional outcomes for all children with disabilities; and

(2) Ensuring that public agencies meet the program requirements under Part B/Part C of the Act, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

[34 C.F.R. § 300.600\(b\)](#); [34 C.F.R. § 303.700\(b\)](#)

Results in DMS

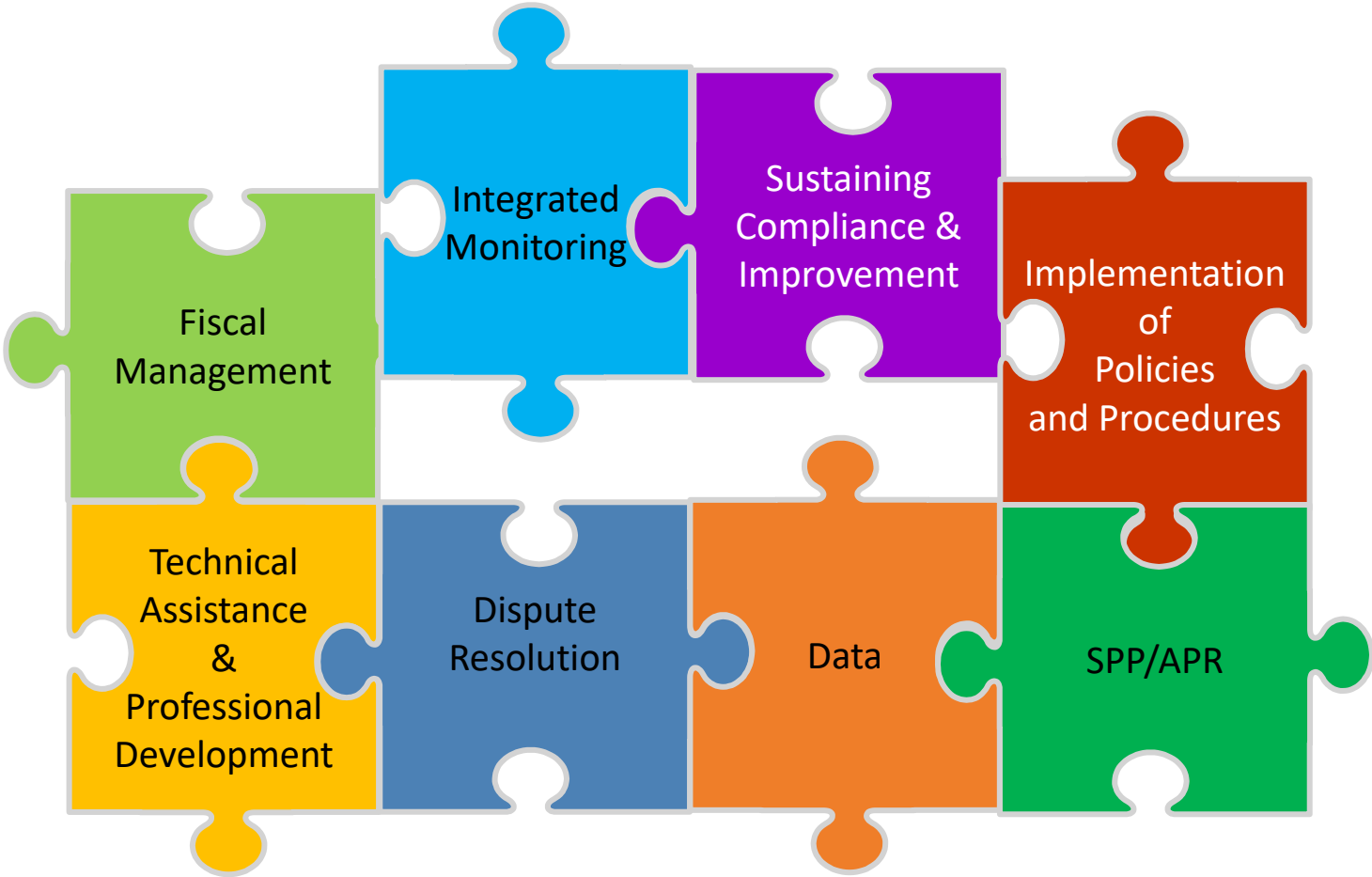
- ▶ DMS 2.0 will address results and compliance as integrated components
- ▶ General Supervision includes working with local programs towards improved results
- ▶ Protocols address improved results and performance
- ▶ The goal of DMS 2.0 is improved outcomes for infants, toddlers, children and youth with disabilities

General Supervision Protocols

General Supervision

- Parts B and C — Integrated Monitoring Protocol **MON** (Word)
- Parts B and C — Sustaining Compliance and Improvement Protocol **IMP** (Word)

8 Key Components



General Protocol Structure

The protocols are developed and organized in the following way—

- ▶ Question
- ▶ General Information
- ▶ Possible Follow-up Questions
- ▶ Areas (or issues) for Follow-up

Integrated Monitoring (MON) Framework

IF A STATE HAS	THEN	THEN	THEN	INTENDED OUTCOME
<p>An effective Integrated monitoring system</p>	<p>The State continuously examines and analyzes data across multiple sources to evaluate its performance, and that of its LEA/EIS programs for improved results and compliance.</p>	<p>The State identifies noncompliance with procedural and programmatic requirements and makes recommendations for performance improvements.</p>	<p>The State requires the LEA/EIS programs to correct identified noncompliance.</p>	<p>An effective integrated monitoring system will contribute to improved outcomes for infants, toddlers, children and youth with disabilities and their families.</p>
<p>DEFINITION</p>	<p>EXAMPLES OF EVIDENCE</p>	<p>EXAMPLES OF EVIDENCE</p>	<p>EXAMPLES OF EVIDENCE</p>	
<p>A multifaceted process or system which is designed to examine and evaluate States with a particular emphasis on educational results, functional outcomes and compliance with IDEA procedural and programmatic requirements.</p>	<ul style="list-style-type: none"> • Monitoring policies/procedures <ul style="list-style-type: none"> ○ Self-assessments (State-level or LEA/EIS programs) • Timeline for monitoring • Criteria for identifying LEA/EIS programs for monitoring • Description of how the State analyzes data for CWD and all students • Additional data sources they are using (IDEA/ESEA) • Documentation of Stakeholder engagement activities and work • Evidence of State cross analysis of different factors and data points that contribute to identified issues 	<ul style="list-style-type: none"> • Monitoring reports with findings • Description of processes in manual • Tools to conduct monitoring • Training of LEA/EIS programs • Examples of improvement plans • Description of Stakeholder engagement and activities related to compliance and performance improvement 	<ul style="list-style-type: none"> • Root cause analysis to identify what is behind the performance data • Evidence of TA provided and outcomes as a result of the TA provided • Documentation of what corrective actions were required and/or improvement plans 	



Integrated Monitoring (MON) Protocol

▶ Integrated Monitoring:

- **Does the State have a general supervision system that is reasonably designed to identify noncompliance and address improved results and functional outcomes in a timely manner using its different components?**
- **Component Definition: INTEGRATED MONITORING** -- A multifaceted process or system that is designed to examine and evaluate each State's general supervision system with an emphasis on improved educational results, functional outcomes and compliance with IDEA statutory and regulatory requirements.

MON Suggested Documents for Review

▶ Integrated Monitoring

▶ Suggested Documents to Review (not exhaustive):

• **PHASE 1**

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

MON Overarching Questions

- A. What components of the State's general supervision system are used to **identify noncompliance and improved results and functional outcomes**?
- B. (If applicable) How does the State **use its data system(s)** to **identify** noncompliance and/or improved results and functional outcomes?
- C. How does the State **use its data system(s)** to **inform monitoring priorities** (e.g., districts/areas for focused monitoring, revision to policies, etc.)?
- D. How does the State **determine which LEAs/EIS providers are monitored and when** they are monitored?
- E. How does the State **define and implement focused monitoring** (if applicable)?

MON Overarching Questions Continued

- F. Describe the State's **monitoring process** and the **areas covered** by the monitoring.
- G. How does the State **use the other components** of its general supervision system (e.g., self-assessments, desk audits, local APRs, due process hearing decisions, State complaint decisions) **to identify noncompliance and address results?**
- H. Under what conditions does the State **make a finding of noncompliance?**
- I. **When** are LEAs/EIS providers **notified of findings of noncompliance** or the **need for improved results?** (When/how does the State “write the ticket”?)
- J. What are the **barriers that impede** the State's ability to **identify noncompliance** or **areas in need of improvement?**

MON Part C, Example 1

- ▶ State staff reported that the State was making findings of noncompliance when a threshold level of 25% noncompliance was identified in relation to a specific requirement.
- ▶ The **use of a 25% threshold to identify noncompliance is not consistent** with Part C requirements for identifying noncompliance in IDEA sections 616, 635(a)(10)(A) and 642 and 34 CFR §303.501.



MON Part C, Example 2

- ▶ OSEP found that the State had two general supervision components – its on-site monitoring (program reviews and focused monitoring) and dispute resolution processes – that it is used to identify noncompliance in a timely manner.
- ▶ OSEP could not conclude that the on-site monitoring component was reasonably designed to identify noncompliance because **the State did not have a standard for identifying what constitutes noncompliance.**


MON Part-B, Example 1

- ▶ OSEP found that the State **did not have** a general supervision system that **monitored to ensure compliance with program requirements**.
- ▶ The State **did not make written findings** notifying the districts of noncompliance for issues that did not rise to the level of a pattern or practice, as defined by the State. The State **did not have a system in place to identify noncompliance** in a timely manner.
- ▶ The State could not provide documentation that it was **monitoring programs providing preschool services** to children with disabilities.

MON Part B, Example 2

- ▶ The State did not have a general supervision system that was reasonably designed to **identify noncompliance in a timely manner** using its different general supervision components.
- ▶ The State was **issuing findings of noncompliance five months after the discovery** and when identifying noncompliance based on the 60-day timeline and Discipline data, the State **issued written findings more than four months** after receiving the data.

Sustaining Compliance & Improvement (IMP)

IF A STATE HAS	THEN	THEN	THEN	INTENDED OUTCOME
<p>A system designed to Sustain Compliance and Improvement</p>	<p>The State uses a system of incentives and sanctions to ensure continued improvement and IDEA compliance.</p>	<p>LEA/EIS programs develop and implement improvement activities and corrective actions to address areas in need of improvement and noncompliance.</p>	<p>The State verifies that LEA/EIS programs have implemented improvement activities and corrected noncompliance.</p>	<p>A system designed to sustain compliance and improvement will contribute to improved outcomes for infants, toddlers, children and youth with disabilities and their families.</p>
<p>DEFINITION</p>	<p>EXAMPLES OF EVIDENCE</p>	<p>EXAMPLES OF EVIDENCE</p>	<p>EXAMPLES OF EVIDENCE</p>	
<p>A system for recognizing, and improving compliance and performance including use of improvement activities, incentives, and sanctions.</p>	<ul style="list-style-type: none"> Evidence of a general supervision system which includes a defined system of incentives and sanctions for compliance with IDEA Documentation of enforcement policies that explain the consequences of violating regulations, policies, and procedures. Policies related to Incentives for improved performance and compliance Written State monitoring procedures Sample of corrective action (reports and timelines) Valid and reliable data on State monitoring of LEA/EIS programs 	<ul style="list-style-type: none"> LEA and EIS procedural manuals including at a minimum; methods for determining non-compliance, steps-to-correct, timelines, sanctions and incentives Evidence of the implementation and evaluation of improvement activities, and how stakeholders are involved Verification of correction of systemic and individual noncompliance Evidence State collects and reviews LEA/EIS program tracking mechanisms for noncompliance Audit reports Sample of Corrective Actions (reports and timelines) 	<ul style="list-style-type: none"> Verification of the correction of systemic and individual noncompliance Records of enforcement actions taken against LEA/EIS programs Records of technical assistance provided to LEA/EIS programs related to noncompliance and program improvement Tracking noncompliance (statistics, frequency, areas of need) Samples of LEA/EIS program documents or compliance reports Close out reports, evidence of correction Revised policies and procedures, if applicable Evidence of the Implementation of the revised policies and procedures Evidence of change in practices from attendees of trainings Updated data showing improvement 	

- ▶ Sustaining Compliance and Improvement:
 - Does the State have a general supervision system that is reasonably designed to ensure correction of identified noncompliance and improved results in a timely manner?
 - **Component Definition: SUSTAINING COMPLIANCE AND IMPROVEMENT** -- A system for recognizing and improving compliance and results, including use of improvement activities, incentives, and sanctions.

IMP Suggested Documents for Review

- ▶ Sustaining Compliance and Improvement
- ▶ Suggested Documents to Review (not exhaustive):
 - **PHASE 1**
 - Guidance documents provided by the State and/or made available to the public
 - State's written policies and procedures on monitoring
 - Documentation of correction procedures, including at a minimum:
 - methods for determining correction of noncompliance,
 - documentation of correction,
 - sanctions for outstanding areas of noncompliance not corrected within one year of the State's identification of the noncompliance
 - Incentives used to improve local educational agency (LEA)/early intervention service (EIS) provider compliance and results
 - Procedures used to identify and assess improved results

IMP Overarching Questions

- A. How does the State **ensure timely correction of noncompliance**?
- B. What **criteria are used to determine** that a finding of noncompliance has been **corrected**?
- C. How does the State **verify that individual child-specific noncompliance is corrected** as soon as possible and in no case later than one year after the State's identification of the noncompliance?
- D. How does the State **determine the nature and scope** of any corrective action needed to **correct the noncompliance**?
- E. What **methods** does the State's general supervision system use **to ensure and document** timely **correction of noncompliance** (e.g., technical assistance, revision of policies and procedures, corrective action plans, sanctions, etc.)?

IMP Overarching Questions

- F. What **authority** does the State educational agency (SEA)/Lead Agency (LA) have, under State law (if broader or narrower than IDEA), **to use enforcement actions and sanctions**?
- G. What are the **barriers that impede** the State's ability to ensure LEAs/EIS providers **correct noncompliance in a timely manner**?
- H. Describe the **various methods the State uses to engage** with its LEAs/EIS providers to **improve** educational or early intervention **results and functional outcomes** for infants, toddlers, children, and youth with disabilities.
- I. For LEAs/EIS providers that have demonstrated improved performance, how does the State work with the LEAs/EIS providers to **ensure and sustain improvement**?
- J. What is the **role of the State Advisory Panel (SAP)/State Interagency Coordinating Council (SICC)** in the State's efforts in sustaining compliance and improvement for children with disabilities?

IMP Part C, Example 1

- ▶ The State was **inconsistently reporting on the correction** of noncompliance.
- ▶ OSEP could not determine if the State's system for correcting noncompliance was reasonably designed to correct noncompliance.

IMP Part C, Example 2

- ▶ The State was **not verifying correction of all identified noncompliance in a timely manner**, specifically correction of those findings that were not verified through focused reviews or data submissions analysis.
- ▶ In addition, the State's previous year's FFY data indicated that it had **not timely corrected all findings** of noncompliance that they had identified.

IMP Part B, Example 1

- ▶ Although, OSEP found that the State had procedures in place to ensure the timely resolution of noncompliance in accordance with IDEA requirements, the State **did not have a mechanism to ensure correction** of individual items of noncompliance that were noted by the State that did not rise to the standard of pattern and practice.

IMP Part-B Example 2

- ▶ Although the State's oversight of the corrective action plans had resulted in the reporting of some timely correction, in several of the reports reviewed by OSEP, the State reported that an LEA had noncompliance that was not timely corrected and in several instances the noncompliance dated back two or three years.
- ▶ OSEP found that in three of eight on-site monitoring reports submitted by the State for review, **there was no written notice to the LEA to indicate that identified noncompliance had been timely corrected or the basis for that conclusion.**

IMP Part-B Example 3

- ▶ OSEP found that when the State identified noncompliance as child-specific, rather than systemic, **it did not review updated data or otherwise monitor** to ensure that the LEA was currently implementing the specific regulatory requirements that formed the basis of the finding of noncompliance.

TA Center Resources: Part B & Part C

- ▶ [A State Guide on Identifying, Correcting and Reporting on Noncompliance—Guide](#)
- ▶ [A State Guide on Identifying, Correcting and Reporting on Noncompliance—Visual Representation](#)
- ▶ This resource was collaboratively produced by ECTA, DaSY, NCSI, and IDC



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