Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

State Supervision Responsibilities for the Individuals with Disabilities Education Act (DEA): Frequently Asked Questions (FAQs)

The Indiana Department of Education (IDOE) shares the following FAQ resource to provide guidance surrounding IDEA. Pursuant to IDEA Part B, state educational agencies (SEAs) must conduct general supervision to ensure requirements are implemented and that all educational programs for children with disabilities meet SEA standards under this federal law. More information can be found in 34 Code of Federal Regulations (CFR) §§ 300.149, 300.600 through 300.604, and 300.608. The U.S. The Department of Education's Office of Special Education Programs (OSEP) provides guidance related to these supervisory responsibilities here.

Number	Question	Answer
1	**What are the necessary components of a state's general supervision system?**	OSEP considers the following components as necessary: ● Policies, procedures, and practices resulting in effective implementation; ● Data on processes and results; ● The State Performance Plan/Annual Performance Report (SPP/APR); ● Fiscal management; ● Effective dispute resolution; ● Targeted technical assistance and professional development; ● Integrated monitoring activities; and ● Improvement, correction, incentives, and sanctions.
2	**What are integrated monitoring activities?**	Integrated monitoring activities could include the following: ● Examining a local educational agency's (LEA's) policies, procedures, and practices related to program compliance and results and fiscal management; ● Analyzing local data, such as: 　○ Child find; 　○ Compliance with Individualized Education Program (IEP) requirements; 　○ Results indicators, such as graduation, transition, and assessment; 　○ Local budgets and expenditure information; and 　○ Dispute resolution information. ● Interviewing LEA staff, parents, and other interested parties related to compliance and outcomes for children

		with disabilities.
3	**The SPP/APR indicators measure LEA compliance and results. Does that meet the IDEA general supervision responsibilities?**	No, monitoring solely based on the SPP/APR indicators does not represent all IDEA requirements; therefore, it is not considered a reasonably designed general supervision system that meets federal requirements.
4	**How often will IDOE monitor LEAs?**	As outlined in IDEA, SEAs (IDOE) should monitor all LEAs in the state at least once within a six-year period (based on the duration of the SPP/APR which is currently federal fiscal year [FFY] 2020-2025).
5	**How will LEAs know when monitoring will occur?**	IDOE will post a six-year cyclical monitoring schedule on the Special Education webpage, which includes the names of LEAs to be monitored in a given year/cohort. LEAs will also receive a notification prior to the initiation of monitoring activities, including details of the areas to be monitored and any actions required of the LEA. Monitoring of the SPP/APR indicators will continue to occur on an annual basis as posted on the Special Education webpage. If IDOE becomes aware of concerns regarding an LEA's implementation of IDEA, it must take action to address the concerns before IDOE makes a determination related to compliance. This process may occur independently of the LEA's annual and cyclical monitoring. The LEA will be notified of the concern prompting monitoring activities and the generation of the monitoring results/compliance determination.
6	**What is the LEA required to do as part of cyclical monitoring?**	When a LEA is notified of upcoming cyclical monitoring, IDOE will request information related to the LEA's program, fiscal and dispute resolution policies and procedures. Based on a review of the LEA's documentation submission, data available through IDOE systems, and publicly-available information, the LEA may be required to complete additional activities, such as: ● Participate in an interview with IDOE staff (virtual or on-site); ● Conduct activities to identify factors contributing to areas

		in need of improvement, such as:
		    ○ Student file reviews;
		    ○ Needs assessment;
		    ○ Staff and/or parent surveys;
		● Document and submit a root cause analysis report; and/or
		● Develop and submit a corrective action or improvement plan.

7	**What types of documentation, data, and information will be reviewed?**	The LEA must submit written policies and/or procedures related to IDEA and Article 7 requirements, such as child find (511 IAC 7-40-1) and discipline (511 IAC 7-44) procedures. In addition to the indicator data reviewed for annual monitoring, IDOE may review other data representing the LEA's implementation of special education, such as rates of student eligibility/non-eligibility, types of inclusionary/exclusionary discipline practices, and student growth/progress measures. OSEP guidance suggests monitoring activities include interviewing LEA staff and parents of children with disabilities to learn about the LEA's programs and implementation of special education (see QA 23-01 Question A-3 for more information).
8	**Do all LEAs complete the same monitoring activities?**	No, cyclical monitoring is differentiated based on a risk assessment and the results of the review described in question 6. LEAs found to be at high risk, that have longstanding noncompliance, or that have multiple areas in need of improvement will be assigned more intensive monitoring activities. Monitoring activities will also differ based on the specific IDEA requirement being examined.
9	**How will LEAs know the results of monitoring?**	After IDOE completes monitoring, the LEA will receive a report detailing the results of the monitoring activities, including any required actions related to findings. If IDOE confirms the LEA is compliant with IDEA requirements, the monitoring report will close-out monitoring activities. If IDOE identifies *noncompliance* with IDEA requirements, the report will describe the noncompliance, including the regulatory requirement, information used to determine noncompliance, any required corrective action, and the expected timeline for correction. IDOE will continue monitoring activities until

		verifying all noncompliance has been corrected, at which time a close-out monitoring report will be provided to the LEA.
10	**What are the actions the state will take if a LEA does not meet IDEA requirements?**	IDOE's focus is to facilitate improved compliance through clear explanation of required corrective action and the availability of technical assistance and professional development.
		If an LEA does not correct noncompliance in a timely manner (within one year from notification of noncompliance), IDOE will seek to identify the cause of continuing noncompliance and take steps to address the issues through additional support and direction.
		Under 34 CFR §§ 300.604, the state is required to take certain enforcement actions when a LEA is identified as *Needs Assistance* for two consecutive years or *Needs Intervention* for three or more consecutive years, as described below:
		- Needs Assistance for Two Consecutive Years - The LEA is advised of available technical assistance to address the areas that need assistance and is required to engage with the appropriate sources. - The LEA is identified as a high-risk grantee and specific conditions are imposed on the IDEA Part B grant award. - The LEA is prohibited from reducing maintenance of effort (MOE) for any fiscal year. - Needs Intervention for Three or More Consecutive Years - In addition to the actions described for *Needs Assistance*, the state must take on or more of the following actions: - Require the LEA to prepare a corrective action plan or improvement plan to correct the identified area. - Withhold, in part or in whole, further Part B payments to the LEA. - A determination of "Needs Substantional Intervention" must result in the state's withholding, in part or in whole, of any further Part B payments to the LEA.

For additional information, please contact IDOE's Office of Special Education monitoring team.
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