



fast five

Monitoring Beyond the SPP/APR: Five Factors (Plus One!) to Consider



Annually, the U.S. Department of Education requires states to report data on their implementation of the Individuals with Disabilities Education Act (IDEA) through the State Performance Plan/Annual Performance Report (SPP/APR), which includes 17 quantifiable indicators. States must also report to the public on the progress of each local education agency (LEA) toward meeting state targets for these indicators. As such, the SPP/APR is an important tool for states to assess LEA implementation of IDEA. However, reviewing LEA performance on the SPP/APR indicators must not be the *only* tool. This Fast Five introduces five factors (plus one!) other than the SPP/APR indicators that states should consider when monitoring LEA implementation of IDEA, including:

1. Implementation of procedural safeguards
2. Provision of a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)
3. Child find, evaluations, and eligibility

4. Services to children in private schools
5. Personnel qualifications
6. State-specific requirements

Each of these factors is described below, along with suggestions for how states might choose to monitor associated implementation in LEAs.

1. Implementation of procedural safeguards

Procedural safeguards specified under IDEA represent a series of protections afforded to children with disabilities and their families. Some of these procedural safeguards include parents' right to participate in meetings, access independent educational evaluations, provide consent, receive prior written notice, have the opportunity to review records, receive discipline protections, and access a dispute resolution system (including expedited due process hearings). Parents must be advised of all procedural safeguards listed in Part B of IDEA (34 C.F.R. § 300.504) through a written procedural safeguards notice developed and implemented by the state.

States can monitor LEA implementation of these procedural safeguards requirements by reviewing student files and specifically looking for evidence of consent, prior written notice, and parent participation in meetings. Additionally, the written procedures of an LEA and or school should be reviewed for compliance with state policies and IDEA. The review of the procedural safeguards document provided to parents is an additional monitoring consideration. States may also use data collected through the dispute resolution system as part of a risk assessment to determine whether there are issues to examine across the state or within LEAs and include these in monitoring activities.

Additionally, a critical area for states to monitor related to procedural safeguards is the implementation of federal discipline regulations, 34 C.F.R. §§ 300.530 through 300.533. Specifically, states may want to



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consider the following questions when monitoring these discipline regulations:

- Are LEAs developing appropriate IEPs to address behavior that may impede the learning of a student with a disability or other students?
- Are manifestation determinations being conducted as required?
- Do functional behavioral assessments occur when warranted?
- Does the LEA employ positive behavioral supports and strategies to support student behavior?
- Are policies and procedures designed to be fair and not to marginalize any given student populations?

2. Provision of FAPE in the LRE

Monitoring FAPE in the LRE includes looking at a variety of factors to make sure students are afforded the opportunity to progress in the general curriculum and on their IEP goals while receiving services in settings with non-disabled children to the maximum extent appropriate. States should review the documentation for decision-making for each factor as well as look at whether the IEP is being implemented as designed.

Important factors to review when monitoring the provision of FAPE in the LRE:

- Are children receiving their education with non-disabled peers to the greatest extent possible?
- How are the data reviewed to identify patterns or trends in educational environments based on race or ethnicity?

- Are a variety of supports and services (e.g., assistive technology, behavioral supports, instructional accommodations) considered based on individual student need in order to access the curriculum and participate with non-disabled peers?
- Do students have access to nonacademic services?
- Are extended year services considered and based on individual needs?
- Are post-secondary transition goals and services included in the IEP by age 16 and updated at least annually?
- Are the discipline requirements of IDEA (e.g., removals for more than 10 days, manifestation determinations, notice to parents, change of placement, interim alternative setting, appeals, children not yet identified as a child with a disability) implemented appropriately for individual students?
- Are the data and information for children who are state- or LEA-placed in public or private schools or institutions and other nontraditional settings such as juvenile justice, corrections, and state schools for the deaf or blind included in the reviews of FAPE in the LRE and full implementation of the IEP?

When monitoring student records or LEA data, states should review files that are representative of students in the LEA (e.g., grade span, race/ethnicity, gender, disability categories, socioeconomic status, rural/urban as relevant) and also look at files of students in private schools, state schools for the deaf or blind,

and other nontraditional placements if applicable. Common ways states can monitor LEA implementation of FAPE in the LRE include

- a review of written policies and procedures;
- interviews and focus groups with general education and special education teachers;
- interviews with administrators; and
- student file reviews that include evaluations, eligibility decisions, and IEPs.

Data should be disaggregated in various ways, such as based on race/ethnicity, grade level, disability, school level, or school site. To monitor FAPE in the LRE, some states choose to conduct educational benefit reviews. Educational benefit reviews involve examining multiple years of records for the same student to determine if progress is being made and if the IEP teams have responded accordingly to the student's performance over time (e.g., have IEP goals changed from year to year?). For more information on educational benefit reviews, please see related NCSI Fast Five: Five Questions Answered about Educational Benefit Review.

3. Child find, evaluations, and eligibility

Child find, evaluations, and eligibility refer to the activities that LEAs conduct to ensure all children who may have a disability are appropriately located, evaluated in a timely and comprehensive manner, and determined eligible or not eligible with a team that includes a specified set of district staff and the student's parents.



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Important questions to consider when monitoring for compliance with child find activities are:

- What expectations does the state have for the LEA to conduct child find in the community, including making public announcements or advertisements? How does the state ensure these activities occur?
 - What policies/practices does the LEA have to identify children who may have a disability who are
 - » homeless?
 - » enrolled by their parents in private schools in the LEA jurisdiction?
 - » wards of the state (also including consideration of surrogate parent regulations)?
 - » preschool children in other programs not yet identified?
 - » transitioning from the Part C agency?
 - How does the LEA track referral information? Is there a separate practice when the child is not enrolled in the LEA?
 - What do the data for the LEA reveal about compliance with evaluation timelines? Can the state verify the data?
 - Are evaluations
 - » conducted with a review of existing data and the determination of what additional data are needed?
 - » conducted with input from the parent(s)?
 - » conducted with a variety of assessment tools and strategies to determine the functional, academic, and behavioral needs of the child (no single measure)?
 - » free of discrimination on a racial and cultural basis?
 - » provided or administered in the child's native language or other mode of communication?
 - » conducted for the purpose for which the assessments are valid and reliable, according to the instructions provided by the producer of the assessment?
 - » conducted by trained and knowledgeable personnel?
 - » assessing the child in all areas of related to the suspected disability?
 - Are eligibility decisions made
 - » by a group of qualified educators and the parent of the child?
 - » on the basis of being a child with a disability who has educational needs that require special education and related services?
 - » with consideration of exclusionary factors that include lack of appropriate instruction in reading or math, or limited English proficiency?
 - » In accordance with the state requirements for each disability category?
 - How timely are reevaluations?
 - Are evaluations and transition services for children referred by Part C conducted within the timeframe with IEPs (as appropriate) in place by the third birthday?
- State monitoring of evaluation and eligibility documentation and decision-making is often conducted though a review of policies and procedures as well as a records review of a sample of student files across schools and disability categories within an LEA. Conducting interviews with personnel involved in evaluation and child find can also be helpful in assessing implementation of policies. When monitoring the student records or data of an LEA, states should review files that are representative of students in the LEA and also files of students in private schools (both parentally-placed and LEA-placed), state schools for the deaf or blind, or other nontraditional placements if applicable. A review of student files and LEA logs can also serve as validation of SPP/APR data for timeline Indicators 11 and 12. Therefore, as part of LEA monitoring, states should consider validating the data reported by an LEA for Indicators 11 and 12 by reviewing logs and sample files (if this is not done when data are initially submitted).

4. Services to children in private schools

An important requirement under IDEA is the opportunity for children with disabilities to receive special education and related services while placed in private schools. IDEA requires LEAs to conduct child find for parentally-placed private school children and provide equitable services in consultation with private school representatives and representatives of parents of parentally-placed private school children with disabilities. States should monitor LEA implementation of these provisions.



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Children placed by their parents in private, non-profit elementary and secondary schools

States should review the procedures LEAs use to conduct child find, conduct ongoing consultation with the private schools, and provision of services for children in private schools within the LEA's jurisdiction who have been placed by their parents (or in some states, those who are homeschooled). States may want to interview private school officials or parents of children enrolled in private school as well. States should also assess whether the correct amount of funds are reserved for children in private schools and are expended on appropriate and allowable activities or items.

Children placed in private schools by the LEA through the IEP process

When the IEP determines the child requires a private school placement to receive FAPE, the LEA is responsible for the costs as well as ensuring that the needs of the child are met. The LEA must assume ultimate responsibility to ensure the implementation of the IEP. The state, therefore, has a responsibility to review and ensure that students are receiving FAPE even when placed outside of the LEA. Some states will monitor files of students who are placed in private schools when reviewing or monitoring the LEA. Other states review the actual private school itself and the files for all the students placed by LEAs within the state.

5. Personnel qualifications

IDEA requires that all educational personnel providing special education and related services are appropriately certified and/or licensed according to state standards. States check an assurance as part of their annual IDEA Part B Grant application that personnel necessary to carry out IDEA Part B are appropriately and adequately prepared and trained and have the content knowledge and skills to serve children with disabilities under 34 CFR § 300.156. States will typically monitor this assurance as part of LEA monitoring by reviewing the licenses of personnel (teachers, paraprofessionals, and related services staff). States could also use a random sample of personnel and request their current license/certificate or other appropriate credential. Because personnel shortages are a concern in most states, states may also review LEA procedures and practices regarding long-term vacancies through interviews with administrators.

6. State-specific requirements

Many states have requirements in place that extend beyond IDEA — such as requirements related to class size, caseload, environmental design, student transition services prior to age 16, etc. — that are also reviewed when an LEA is being monitored. Implementation of these state-specific requirements may be monitored at the LEA level by conducting record reviews, school building walk-throughs, interviews, or other mechanisms.

Additional general supervision resources can be found on NCSI's website including:

- Fast Five: Five Principles (Plus One!) to Guide State Monitoring
- Fast Five: Five State Strategies to Effectively Communicate and Reinforce IDEA Compliance Requirements

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