FY22 IDEA Monitoring Trends

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Recognition

- We all have different areas of expertise.
- We all have a different number of years in our positions.
  - **Fun fact!** If all IDEA Directors were in this meeting today, we would collectively have over 780 years of IDEA Director experience.
- We all want what is best for students.

Types of Monitoring
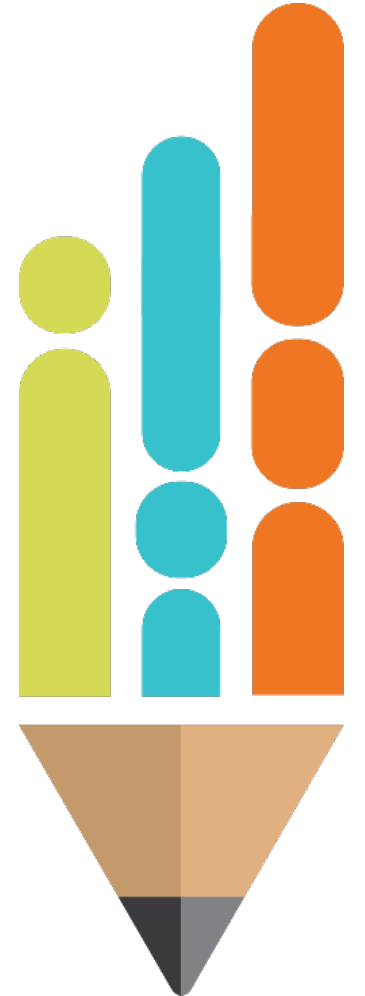
- Results-Based Monitoring
- IEP Monitoring
- CEIS/CCEIS Monitoring
- Focus Monitoring

The Department's Monitoring Commitments

- Engage in meaningful and open dialogue;
- Reduce the number of findings of non-compliance through trainings and technical assistance prior to monitoring;
- Provide an accurate, comprehensive review of the state of compliance for ESSA, IDEA, Perkins V, and ESSER programs, including fiscal and cross-cutting components;
- Highlight areas that exceed requirements;
- Provide individualized follow-up assistance based on results; and
- Empower LEAs and schools to build on compliance to implement and execute effective programs.
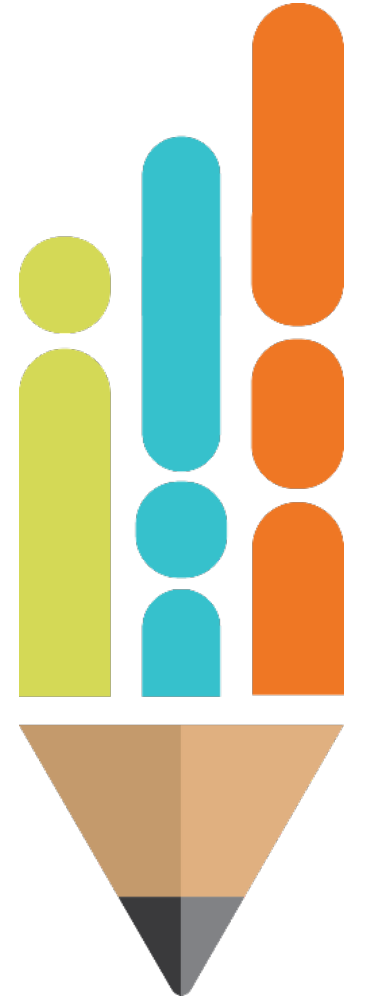
The Components of Results-Based Monitoring

- Results-Based Monitoring is a cross-cutting monitoring instrument that includes the following:
  - Every Student Succeeds Act (**ESSA**),
  - Individuals with Disabilities Education Act (**IDEA**),
  - Strengthening Career and Technical Education for the 21st Century Act (**Perkins V**)
  - Elementary and Secondary School Emergency Relief Fund (**ESSER 1.0**),
  - Coronavirus Response and Relief Supplemental Appropriations Act (**ESSER 2.0**)
  - American Rescue Plan Act (**ESSER 3.0**), and
 - Related fiscal components.
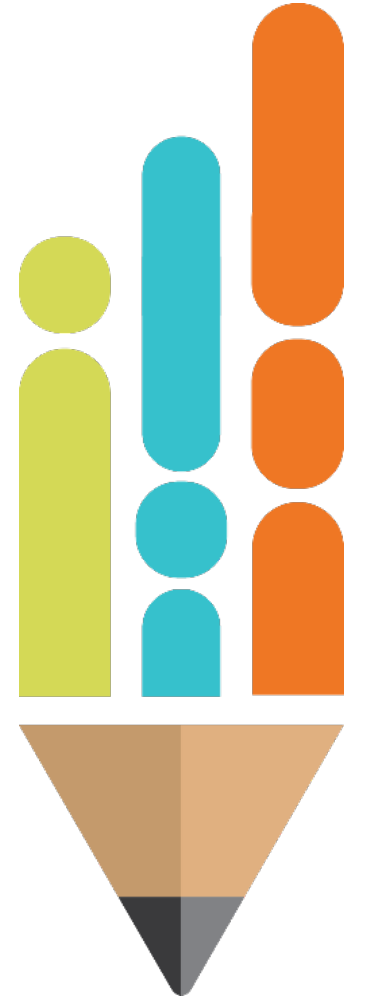
The Components of Results-Based Monitoring

- LEAs must upload documents, respond to statements, and provide narratives to questions.
- Reviewers at the department hold discussions, review all content, and write Monitoring Results to share with the LEA.

Trend 1: Isolation/Restraint Policies/Procedures

- **Common Issue:** Based on the information uploaded, there is evidence the LEA has procedures for governing the use of isolation and restraint, training requirements, and incident report procedures, although they do not reflect current requirements consistent with **T.C.A. § 49-10-1304** and **TN SBE Rule 0520-01-09.23** including personnel authorized to use of an isolation room and/or restraint.
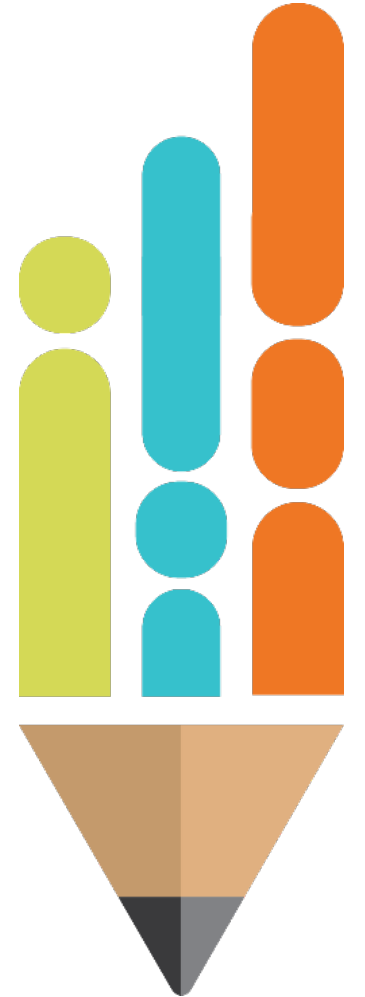
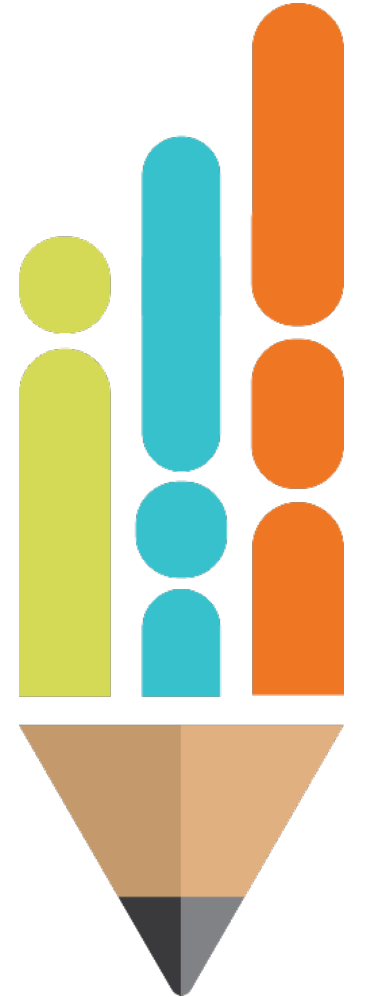# Trend 1: Isolation/Restraint Policies/Procedures

- **Solution:** Revise procedures for the implementation of isolation and restraint to include the use of an isolation room.

- **Solution:** Provide training (in-person or virtual) to special education staff, school administrators, and any other relevant staff on revised procedures regarding isolation and restraint including the use of an isolation room.
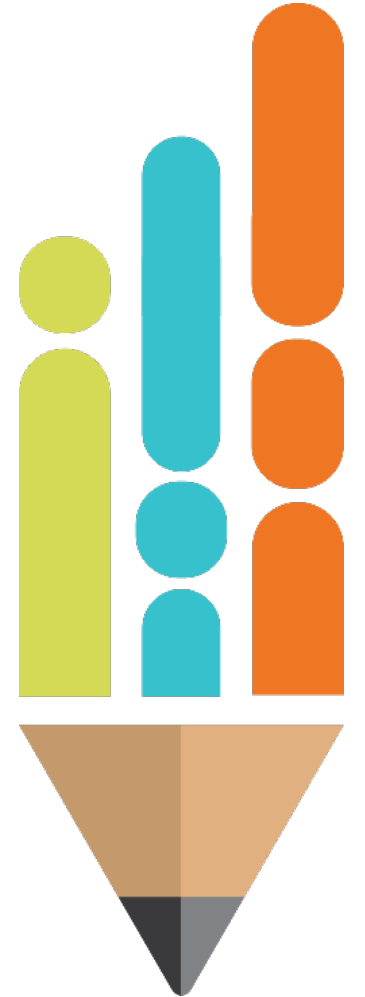
Trend 2: Child Find: Gifted

- **Common Issue:** Based on uploaded documentation and discussions during the monitoring process, there is inadequate evidence the LEA has procedures to identify, locate, and evaluate children suspected of intellectual giftedness consistent under child find requirements consistent with **TSBE Rule 0520-01-09-.06**.
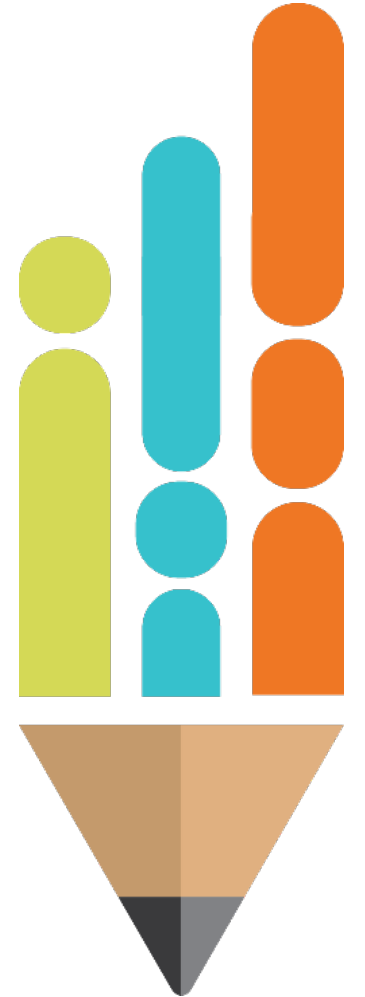
Trend 2: Child Find: Gifted

- **Solution:** Develop and/or edit written Child Find procedures to identify, locate, and evaluate children suspected of intellectual giftedness.
- **Solution:** Upon approval of written procedures, provide training (in-person or virtual) to all teachers, school administrators, and any other relevant staff on Child Find Procedures.
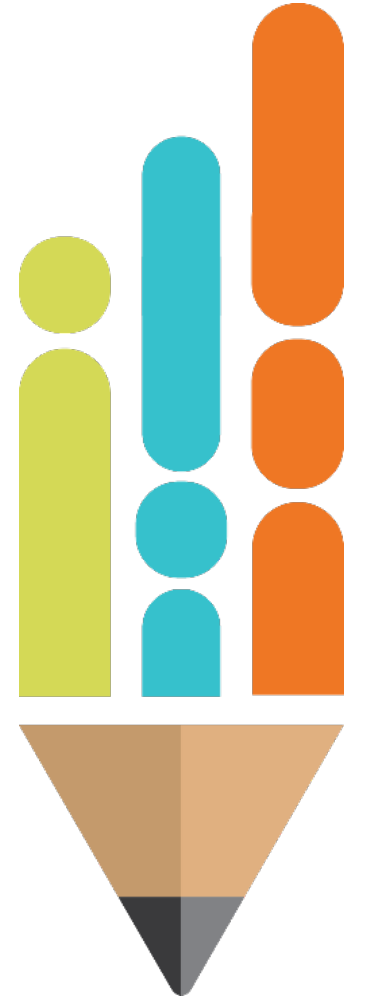
Trend 3: Suspension/Expulsion for Ages 3-5 (and all ages)

- **Common Issue:** Based on uploaded documentation, there is inadequate evidence the LEA is implementing the discipline procedures outlined in **34 CFR § 300.530** - Authority of school personnel concerning the suspension and expulsion of students with disabilities ages 3-5.

Trend 3: Suspension/Expulsion for Ages 3-5 (and all ages)

- **Solution:** Develop suspension and expulsion procedures for IDEA Pre-K students that are being served via an IEP to ensure discipline procedures outlined in **34 CFR § 300.530** - Authority of school personnel are followed.

- **Solution:** Upon approval of written procedures, train all special education staff and school-level administrators on the discipline procedures outlined in **34 CFR § 300.530** regarding students identified with an educational disability ages 3-5.
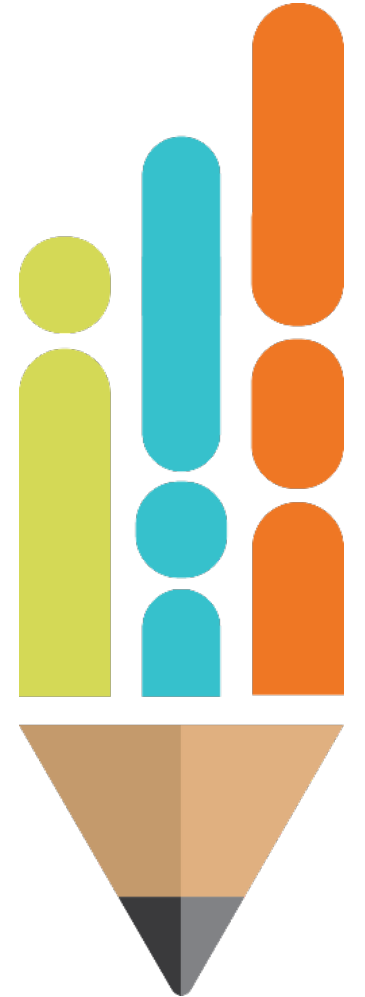
IEP Monitoring and Trends

The Components of IEP Monitoring

- IEP Monitoring is a standalone monitoring process independent from Results-Based Monitoring.
- LEAs receive a notification to upload files for specific student IDs into a monitoring platform connected to EasyIEP (EdPlan).
  - Based on previous non-compliance, LEAs must complete between 6 and 20 IEP reviews as part of this process.
  - This review is based in compliance and uses an IEP Monitoring Protocol, published each year, to provide a rubric used to determine compliance at the LEA and state levels.
- Reviewers at the department review all content through a four-step process and write Monitoring Results to share with the LEA.
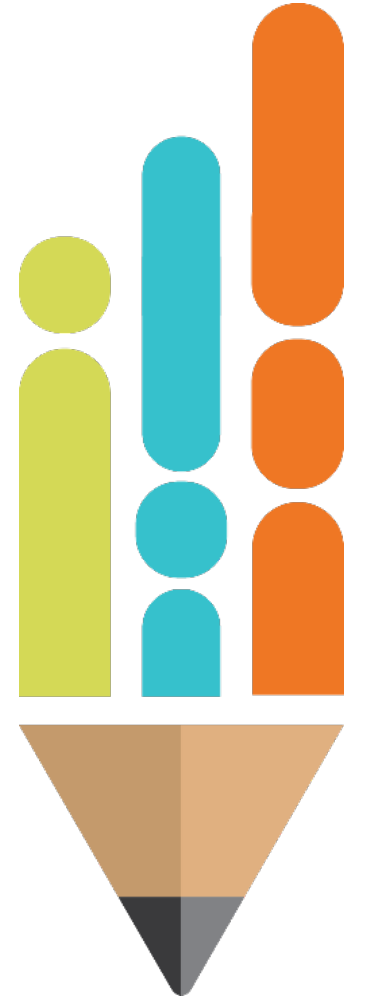
Who, What, When, Where, and Why of IEP Monitoring

1. LEA Case Manager (teacher)

Receives IDs

Uses IEP Protocol to determine compliance for own files

Submits review to the LEA IDEA Director

2. LEA IDEA Director

Receives teacher's work

Uses IEP Protocol to determine compliance

Views each document

Agrees/Disagrees with decision of case manager

Submits review to the SEA IEP Monitoring Specialist

3. SEA IEP Monitoring Specialist

Receives IDEA Director's work

Uses IEP Protocol to determine compliance

Views each document

Agrees/Disagrees with decision of IDEA Director

Submits review to the SEA IDEA Compliance Manager

4. SEA IDEA Compliance Manager

Receives IEP Monitoring Specialist's work

Uses IEP Protocol to determine compliance

Views each document

Agrees/Disagrees with decision of IEP Monitoring Specialist
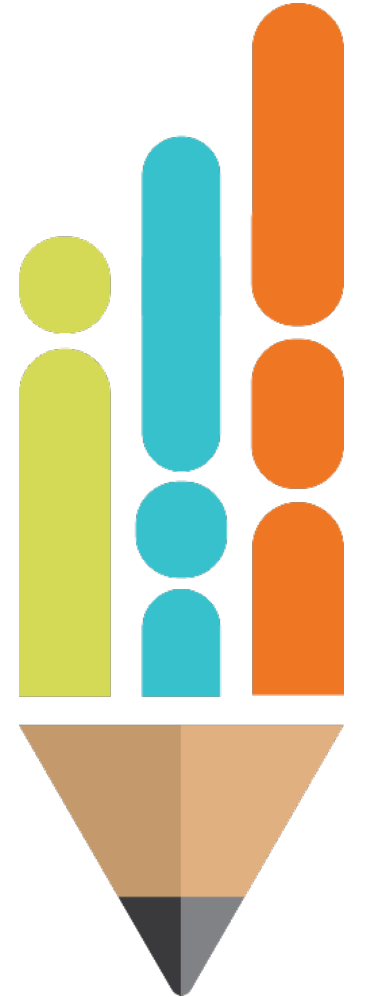
Shares Monitoring Results report with LEA (corrective actions)

Trend 1: Measurable Annual Goals

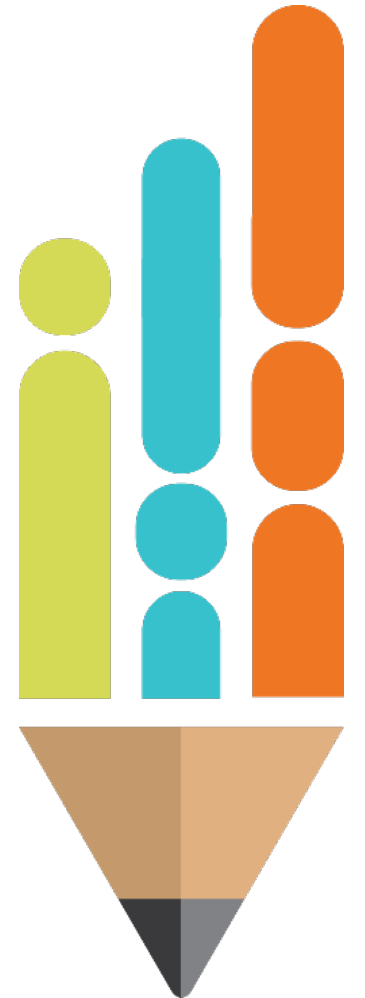| Item	Category	Response Criteria: Meet response criteria for compliance for each item.	Required
24	**Measurable Annual Goals** *34 C.F.R. § 300.320(a)(2)-(4)*	The measurable annual goals address each area identified as exceptional in the present levels of performance and contain the criteria for mastery and method of evaluation to provide, at a minimum: • given conditions to advance toward attaining the annual goals, • the student's name, • what the student will do, • to what extent, • how many chances, • frequency of measurement (how often chances are repeated), • the method of measurement. *Note: Alternate assessment requires measurable goals **and** objectives.*	Current IEP

Trend 1 Examples Non-Compliant Measurable Annual Goal Example

Given computer time, <student> will gather information pertaining to his career choice with 100% accuracy Fall semester 2021 to be evaluated by a regular education/special education teacher.
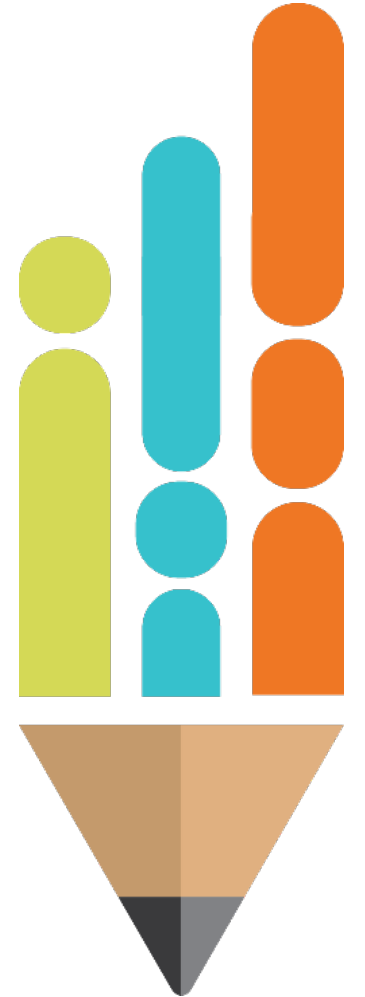
Measurable Annual Goals Template

A	Given... (condition/materials/setting/accommodation)	computer time
B	student name	STUDENT
C	will do what	gather information pertaining to his career choice
D	to what extent/at what mastery	with 100% accuracy Fall semester 2021
E	in this many chances	
F	with chances repeated this often (frequency of measurement)	
G	as measured by	a regular education/special education teacher*

Trend 1: Measurable Annual Goals

- **Most Common Issue:** IEP goals do not contain complete measurement criteria.
- **Solution:** Use IEP goals template to ensure measurable annual goals meet compliance.

Trend 2: Adverse Impact Statements

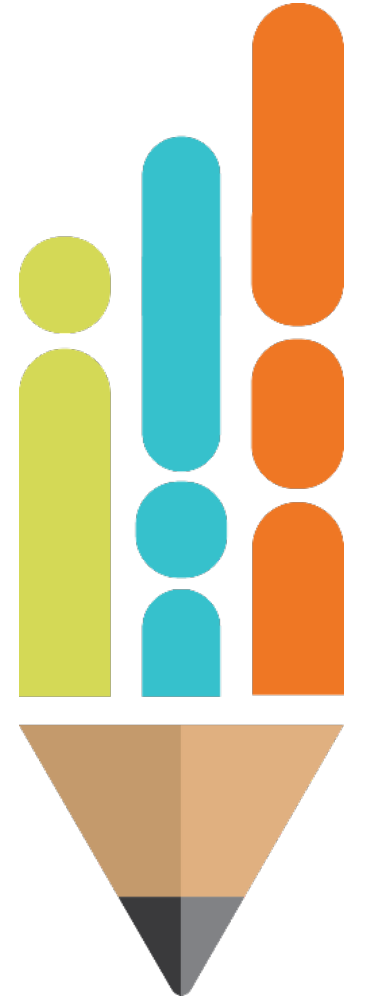| Item	Category	Response Criteria: Meet response criteria for compliance for each item.	Required
20	**Adverse Impact Statement** *34 CFR § 300.320(a)(1)(I-ii)*	There is a statement of *how* the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children) and the statement is aligned to <u>the child's present levels of academic achievement and functional performance.</u> *Note: The statement must describe <u>specifically</u> how the <u>individual</u> student's disability(ies) affect(s) participation and progress in the general curriculum.*	Current IEP

Trend 2: Non-Compliant Adverse Impact Statement Examples

<Student's> speech is usually understood when speaking in single words however her speech intelligibility _can_ decrease when words are within phrases and sentences and during conversation. <Student> _may_ be eligible for special education services due to decreased speech intelligibility and anxiety regarding speaking including asking or answering questions or communicating wants and needs because her disability _could_ adversely impact her ability to effectively communicate in the classroom.

Trend 2: Adverse Impact Statements

- **Most Common Issue:** The statement does not describe specifically how a student's disability(ies) affects participation and progress in the general curriculum. Some IEPs state, "Student's disability may impact them, and they may benefit from special education support." or "Student has X diagnosis and will receive special education services."

- **Solution:** Ensure adverse impact statements describe ***specifically*** how the individual student's disability(ies) affects (or negatively impacts) participation and progress in the general curriculum.
  - **Do not use may, could, might, or other hypothetical terms. Stay factual.**

Trend 3: Incomplete RSRs

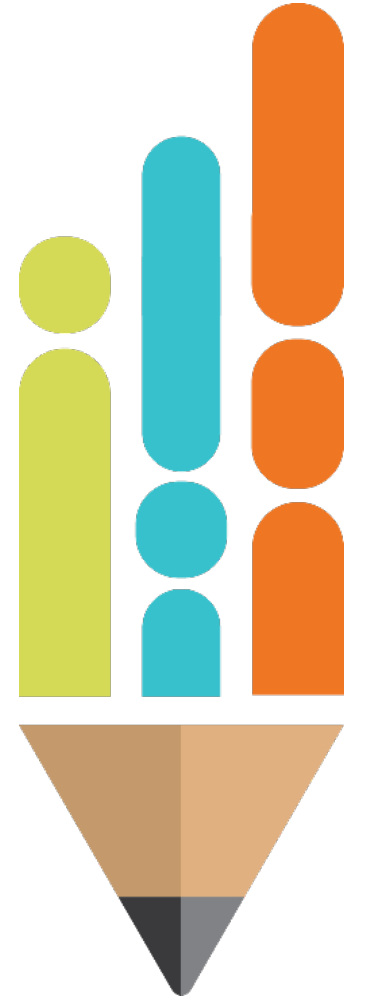| Item	Category	Response Criteria: Meet response criteria for compliance for each item.	Required Document(s)
R.4	Review of IEP Team Decisions: Reevaluation *34 C.F.R. § 300.305*	The IEP team determined **one of the following** and obtained parental permission for the assessment decision: 1. the student continues to remain eligible, and no additional assessment is needed; 2. the student continues to be eligible but requires assessment for program planning; 3. the student continues to be eligible but requires assessment to determine a secondary disability; or 4. a comprehensive evaluation is needed to determine if the student continues to have an educational disability and need for services. ***If the parent* did not attend, attempts to obtain consent are in the file.***	**Signed/ Completed Reevaluation Summary Report**

*also impacts R.5 and R.7.

Trend 3: Incomplete RSRs

- **Most Common Issue:**
  - Team reevaluation decision is not indicated in Reevaluation Summary Report.
  - Parent acknowledgment and signature on the decision page documenting receipt and understanding of procedural safeguards are not present on provided Reevaluation Summary Report.
  - Decision regarding the determination of the need for comprehensive reevaluation is not present in provided Reevaluation Summary Report.
- **Solution:** Ensure the completed versions of documents are signed and in the monitoring instrument in EasyIEP/EdPlan.

Trend 4: Incomplete Signatures for IEPs

| Item	Category	Response Criteria: Meet response criteria for compliance for each item.	Required Document(s)
35	IEP Team Members *34 C.F.R. § 300.321*	All required IEP team members, including the parent(s)* of the child, a special education teacher, a general education teacher, an LEA representative, an interpreter of results, the student (as appropriate), and others with knowledge or special expertise about the student, were present, and there is documentation of participation.	Current IEP Signature Page

*also impacts 36 and 39.

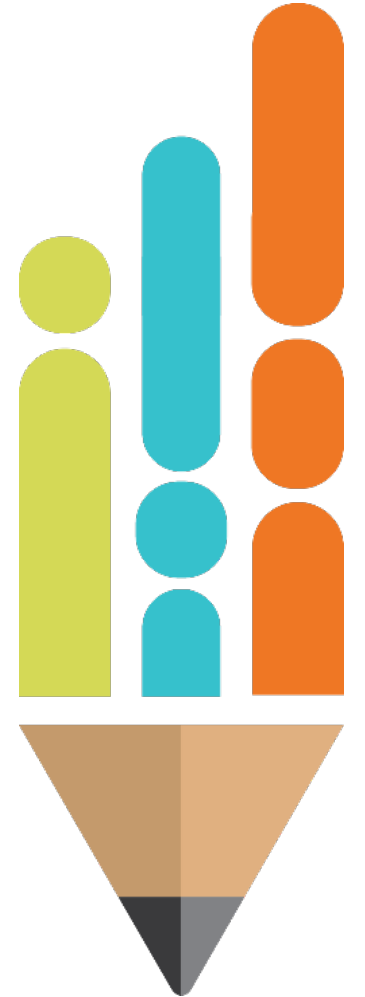# Trend 4: Non-Compliant Signatures for IEPs

- **Most Common Issue:**
  - Evidence of participation by all required team members is not provided.
  - Parent signature indicating receipt / understanding of Procedural Safeguards is not provided.
  - Disposition of 48-hour draft IEP is not addressed on Informed Parental Consent page of IEP.
- **Solution:** Ensure the completed versions of documents are signed and in the monitoring instrument in EasyIEP/EdPlan.
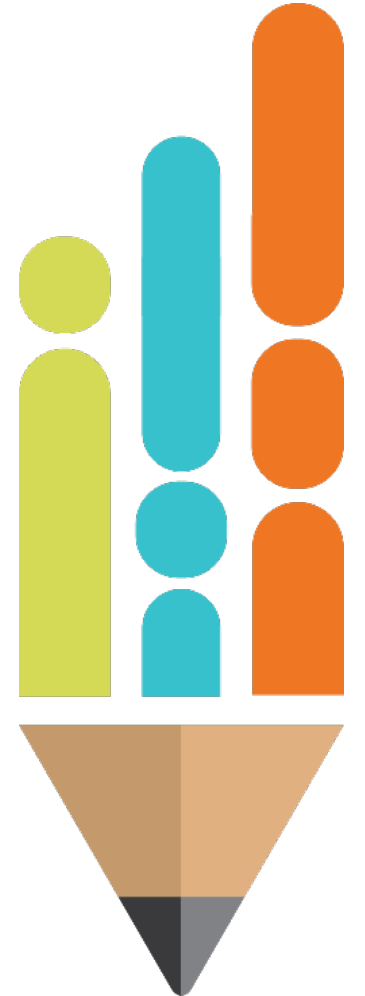
Other Trends:

- LEAs with the highest overall percentages of non-compliance were the *least* likely to self-identify non-compliance.

Fraud, Waste, or Abuse

Citizens and agencies are encouraged to report fraud, waste, or abuse in State and Local government.

NOTICE: This agency is a recipient of taxpayer funding. If you observe an agency director or employee engaging in any activity which you consider to be illegal, improper, or wasteful, please call the state Comptroller's toll-free Hotline:

1-800-232-5454

Notifications can also be submitted electronically at:

http:/www.comptroller.tn.gov/hotline

Questions?