PART B MONITORING DESCRIPTION

SHOW-ME STUDENT OUTCOMES: Monitoring for results in Missouri

As a result of the Reauthorization of the Individuals with Disabilities Education Act (IDEA) in 1997, the implementation of the Office of Special Education Program's (OSEP) Continuous Monitoring Improvement Plan (CIMP) and the beginning of the third cycle of the Missouri School Improvement Process (MSIP) in 2001-2002, the Compliance Section of the Division of Special Education in the Spring of 1998 convened a group of stakeholders. This group of school administrators, special and regular educators, parents, advocates and state department staff reviewed the current special education monitoring process and made recommendations for the future of those activities. As part of their review, the committee examined several monitoring models, as well as the OSEP CIMP process.

The discussions of the committee focused around concerns with the present system, implementing monitoring activities that measure quality and results and methods to ensure that both monitoring activities and corrective actions will address systemic change. The committee established the following goals for the monitoring system in Missouri:

- Must be a useful tool in the process of comprehensive school improvement in the state.
- Must be a continuous, self-directed activity.
- Must allow for individual differences between and among districts.
- Must include input from parents and students.
- Must include a performance profile for each district.
- Must examine district progress toward the State Performance Goals and Indicators.
- Must initiate district self-analysis that focuses on improved services for students with disabilities and not just improved paperwork.

Revisions to the state's monitoring system were based on the desire to meet the IDEA requirements that State Education Agencies (SEA) monitor all agencies responsible for the provision of services to students with disabilities and at the same time provide a mechanism that would increase the capacity at the local level to address compliance issues on a daily basis. The primary goal is that each responsible public agency will have the tools and the knowledge to review and validate its own special education programs. By building this capacity, it is anticipated that more time, energy, and resources can be directed at both the state and local level toward the improvement of student performance and provision of appropriate special education services.

Monitoring System Components

The Monitoring system includes the following components:

- Training and on-going technical assistance
- Agency self-assessment
- State level review of:
  - Agency self-assessment
  - Performance profile
  - Public inputs (phone calls, letters, complaints)
  - Past compliance review results
  - Unique/emerging factors
- Determination of "level of involvement"
- On-site review in limited number of agencies
- Final Compliance Report to all agencies
- Corrective Action/Improvement Planning
- Follow-up activities
- Annual Performance Profiles

Missouri School Accreditation Process

The Missouri School Improvement Program (MSIP) is Missouri's system for school accreditation. It was mandated by the State Legislature and implemented during the 1990-1991 school year. MSIP reviews districts on a five-year cycle. The 2001-2002 school year was the beginning of the third five-year cycle for MSIP. Since its inception, all state and federal programs, including special education, have conducted their monitoring activities in conjunction with the MSIP review.

Special Education Monitoring Cycle

In keeping with the MSIP model of a five-year review cycle, special education compliance monitoring occurs on the same cycle. Each agency enters the special education review cycle one year prior to its scheduled MSIP review.

In Year One, agencies are provided with in-depth training on the monitoring system and how to conduct their self-assessment. This training generally occurs in October of each year. Between November 1 and April 1, the agency conducts their self-assessment. Between April 1 and August 1, the Compliance section reviews each self-assessment and develops a district composite using various pieces of information including the self-assessment, a review of submitted student files, data from the complaint systems, anecdotal data collected on districts through the year(s), performance data and state 618 data. From this composite a determination of one of the following three "levels of involvement" is made:

Level I: Review complete. No further information is needed. Final report can be issued.
Level II: Limited verification. Additional information is needed from the agency before a final report can be issued.
Level III: On-site. A comprehensive on-site visit is needed prior to the issuance of a final report.

In Year Two, the following activities take place, based upon the level of involvement:

Level I districts: A final report is issued. If there were any areas of non-compliance identified, a Corrective Action Assurance Statement is submitted and an Improvement Plan is developed through the agency's Annual Program Evaluation and Comprehensive School Improvement Plan (CSIP). A follow-up is conducted within one year to review any areas of non-compliance.

Level II districts: Additional verification information is submitted to the Department of Elementary and Secondary Education (DESE). Once this information has been reviewed and final compliance calls made, a final report is issued. If there were any areas of non-compliance identified, a Corrective Action Assurance Statement is submitted and an Improvement Plan is developed through the agency's Annual Program Evaluation and CSIP. A follow-up is conducted within one year to review any areas of non-compliance.

Level III districts: A comprehensive on-site review is conducted in conjunction with the MSIP reviews. Districts are chosen for an on-site visit when a review of the district's self-assessment and evaluation of the information found in the Performance Profile indicates a need for a more comprehensive review. Additional on-site reviews are randomly selected using a lottery system. This process selects one district from each of the nine regional training areas across the state. Through the lottery system, the Division is able to track the effectiveness of the self-assessment process for determining compliance with the Individuals with Disabilities Education Act (IDEA) regulations. At the conclusion of the review, a final report is issued. If there were any areas of non-compliance identified, a Corrective Action Assurance Statement is submitted and an Improvement Plan is developed through the agency's Annual Program Evaluation and CSIP. A follow-up is conducted within one year to review any areas of non-compliance.

Level of Involvement Summary

		Number of Districts Reviewed	
		FY 2002	FY 2003
Level I	Review Complete	20	11
Level II	Additional Verification	40	44
Level III	On-site	42	48
	• Lottery	7	9
	• Profile	28	31
	• Special Districts/ Components	7	8

How Monitoring is tied to the Continuous Improvement Monitoring Process (CIMP)

The monitoring system addresses special education compliance standards and indicators that were developed around the Office of Special Education Programs (OSEP) cluster areas and indicators as well as the State Performance Goals and Indicators. The compliance standards and indicators not only emphasize procedural compliance, but also student performance. Districts are provided with an annual District Performance Profile so that they can monitor their progress in meeting performance goals.

Data Collection and Analysis

A Special Education Compliance Management System (CMS) provides a vehicle to collect and analyze monitoring data. This system provides monitoring results on all of the standards and indicators on a state and district basis, as well as for other demographics (regions of the state, agency size, etc.). A database has also been developed for complaints that are filed. For child complaints, allegations are tracked by issue and can be correlated back to compliance standards and indicators. This information is used when reviewing agency self-assessments, as well as for making decisions about other initiatives that may be needed.

FY2002 monitoring data referenced in this report was collected via the CMS. The data represents approximately one-fifth of the districts in the state.

PART C MONITORING DESCRIPTION

Background

Monitoring of the Part C system has not been conducted during the development and implementation of the Part C System Redesign. With the implementation of Phase I of the redesign, monitoring of the Phase I System Point of Entry (SPOEs) will be conducted beginning in October of 2002. Monitoring of the remainder of the state will commence with implementation in February of 2003.

System Components

A system for monitoring of compliance with state and federal regulations implementing Part C of the Individuals with Disabilities Education Act (IDEA) is being developed to incorporate elements of the new Part C system redesign.

Elements of the monitoring system will be:

- Review of data from Central Finance Office (CFO) reports
- On-site reviews at the SPOE to include:
  - Individual child record reviews
  - Staff interviews
  - Review of compliance with contractual obligations
- Review of System Satisfaction Surveys
  - Families
  - Providers
- Review of other public inputs
  - Phone calls
  - Mail (including e-mail)
  - Child complaints and due process hearing results

With the implementation of the CFO and the data system that it provides, a number of compliance requirements will be monitored on a continuous basis through review of CFO reports. When review of these reports indicates potential compliance concerns, an immediate contact will be made with the SPOE to investigate the issue.

Regular on-site reviews will also be scheduled with each SPOE. Prior to an on-site review, data reports will be analyzed, as well as review of information from System Satisfaction Surveys and other public inputs.

The monitoring system will address Early Intervention compliance standards and indicators developed around the Office of Special Education Programs (OSEP) cluster areas and indicators as well as the State Performance Goals and Indicators.

The State is presently developing a system of progressive sanctions for system providers and SPOEs to be implemented whenever issues of non-compliance are identified.

DUE PROCESS HEARING AND CHILD COMPLAINT SYSTEMS

Due Process

The Due Process Hearing system in the State of Missouri is a one-tier system consisting of a state-level, three-member Hearing Panel for Part B, a single Hearing Officer for Part C and a single Hearing Officer for Expedited Hearings in Part B. The Part C Hearing Officer and the Part B Expedited Hearing Officer are attorneys under contract with the State of Missouri. The Part B hearing panel is composed of two trained lay officers, one selected by each party, and a Hearing Chair who is an attorney on contract with the State of Missouri. Both the Part B and Part C Due Process Hearing systems incorporate all requirements as specified in the Part B Federal Regulations at 300.506 through 300.514 and the Part C Federal Regulations at 303.419 through 303.425.

Requests for a Due Process Hearing must be made in writing to the Department of Elementary and Secondary Education, Division of Special Education. For the Part B hearing system, within (10) days of the date of the filing of a request, the parties must have identified their choice for a hearing officer. Within fifteen (15) days of the receipt of the request, a Hearing Chair is selected and the panel empowered.

Upon receipt of a request for a hearing, both parties are offered the opportunity for Mediation. Both parties must agree to enter into Mediation and agree on a trained Mediator from a list that is provided. In the Part B system, prior to filing a request for a Due Process Hearing, the parent may submit a request to the Local Education Agency (LEA) for an Informal Resolution Conference. A parent request for a Due Process Hearing is considered to be a waiver of their right to an Information Resolution Conference. In this case, the LEA may conduct the Resolution Conference and notify the parent of the results or they may waive the conduct of the conference.

If either party does not agree with the hearing decision, they may appeal the findings and decision in either state or federal court. The decision of the Due Process Hearing Panel is a final decision, unless a party to the hearing appeals.

Child Complaints

A child complaint may be filed by any individual or organization that believes there has been a violation of any state or federal regulation implementing the IDEA in either the Part B or Part C system. The complaint must be filed in writing with the Department of Elementary and Secondary Education, Division of Special Education, unless it is determined that the requirement to file in writing effectively denies the individual the right to file the complaint. The child complaint procedures for Parts B and C incorporate all of the requirements as specified in the Part B Federal Regulations at 300.660 through 300.662 and the Part C Federal Regulations at 303.510 through 303.512.

Child complaints are investigated by a staff member of the Division of Special Education. Decisions are issued by the Commissioner of Education within sixty (60) days of the receipt of the complaint, unless it is determined that a longer period is necessary due to exceptional circumstances that exist with respect to an particular complaint.

In resolving a complaint in which it is found that a Responsible Public Agency is out of compliance, the Department addresses within its decision how to remediate the compliance violation, including as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child; and appropriate future provision of services for all children with disabilities. If needed, technical assistance activities and negotiations are undertaken.

If a written complaint is received that is also the subject of a due process hearing or contains multiple issues of which one or more are part of that hearing, the part(s) of the complaint that are being addressed in the due process hearing are set aside until the conclusion of the hearing.

If an issue is raised in a complaint that has previously been decided in a due process hearing involving the same parties, the hearing decision is binding. A complaint alleging a school district's failure to implement a due process decision is resolved by the Department of Elementary and Secondary Education (DESE).