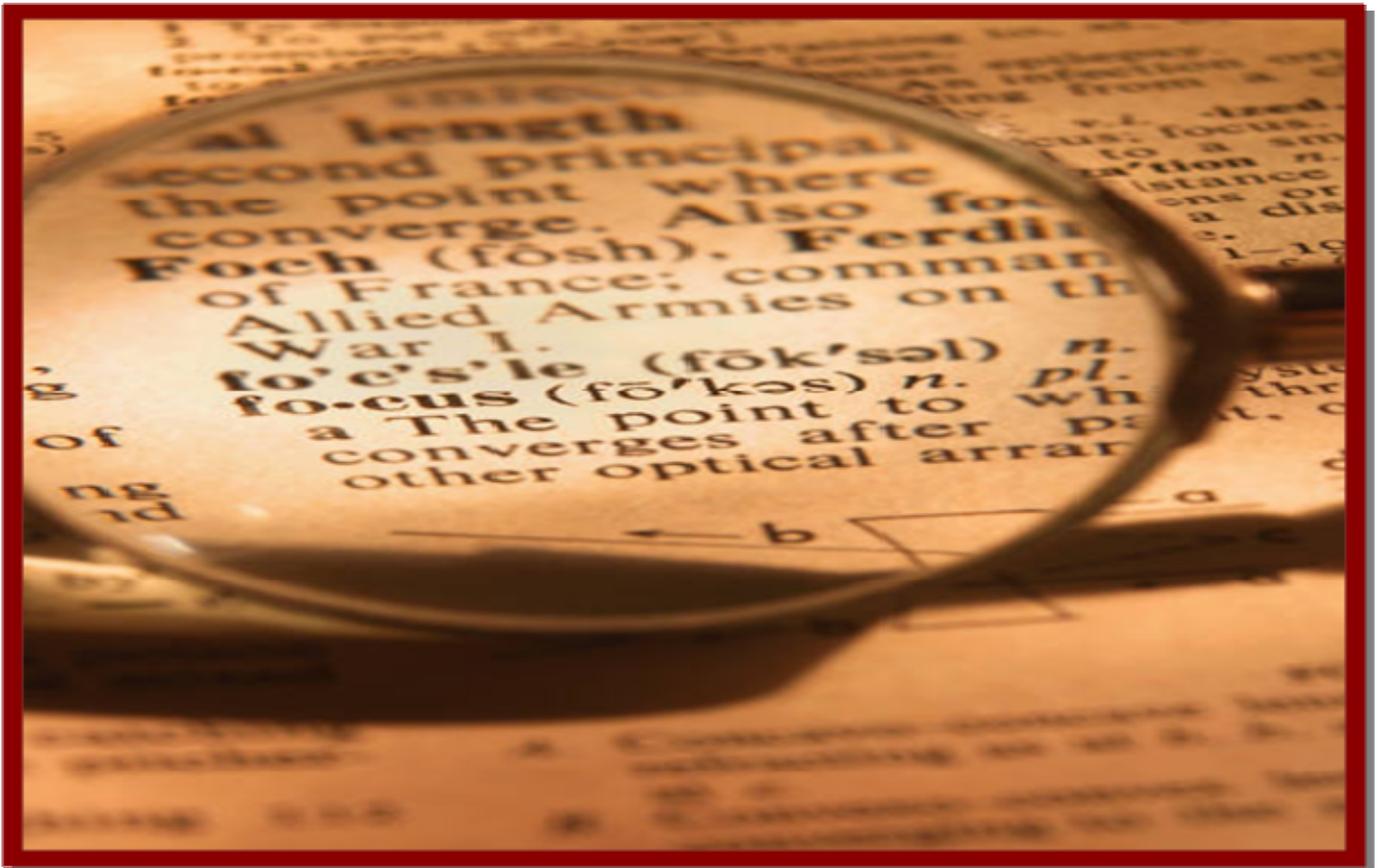


**Missouri Department of Elementary and Secondary Education**

**Office of Special Education**

# **Part B Program Monitoring Manual**



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## **INTRODUCTION**

Within the Missouri Department of Elementary and Secondary Education (DESE), Division of Learning Services, the Office of Special Education (OSE) administers state and federal funds to support services for students and adults with disabilities. This office also oversees the operation of three school systems and Sheltered Workshops administered by the State Board of Education. The three school systems include the Missouri School for the Blind (MSB), the Missouri School for the Deaf (MSD), and the Missouri Schools for the Severely Disabled (MSSD). Through their outreach programs and consulting services, these school systems assist local school personnel and families throughout the state in meeting the needs of children with disabilities. Sheltered workshops provide employment for adults with disabilities. The Office of Special Education provides financial and technical support for all approved sheltered workshops in the state.

OSE is comprised of the following sections:

**First Steps (Birth to 3)** works with other state and local agencies to coordinate the Missouri First Steps program, which provides early intervention services for infants and toddlers with disabilities and their families.

**Effective Practices** works with public agencies in developing and improving special education services for students (ages 3-21) with disabilities.

**Compliance** is responsible for ensuring public agencies implement all laws and regulations related to the Individuals with Disabilities Education Act (IDEA). This is done through monitoring special education programs for students with disabilities ages 3-21, in all public schools, providing technical assistance, and investigating child complaints.

**Data** assists public agencies in reporting and using special education data, is responsible for special education federal data submissions and public reporting, and supports the work of other sections through data analysis and use.

The following section is housed within DESE's Division of Financial and Administrative Services but also plays an integral role in OSE activities:

**Special Education Finance** is responsible for calculating and distributing IDEA Special Education Part B (611), Early Childhood Special Education, High Need Fund, Public Placement Fund, Readers for the Blind Program, and various other grant payments to public agencies throughout Missouri. The section provides technical assistance to public agencies on topics pertaining to federal finance regulations such as the calculation of IDEA Maintenance of Effort (MOE) and determining Proportionate Share obligations. Special Education Finance also conducts onsite, desk monitoring, and desk audit reviews on an annual basis.

## Purpose of the Manual

The purpose of this manual is to provide an overview of the general supervision and monitoring responsibilities of the OSE, Part B which involves the work of the sections named above. The manual is comprised of two sections:

- I. General Supervision
  - Nine components of general supervision that comprise the major activities of OSE to ensure implementation and monitoring of the IDEA.
- II. Special Education Monitoring
  - Annual Monitoring
  - Cyclical Monitoring

## **I. GENERAL SUPERVISION**

Under federal statute and regulations, each state has a responsibility to have a system of general supervision that monitors the implementation of IDEA by public agencies. The system should be accountable for enforcing the requirements of IDEA and for ensuring continuous improvement. DESE ensures that each educational program for children with disabilities administered in the state, including each program administered by another state or local agency, is under the general supervision of OSE and that their programs meet the educational standards of DESE. The General Supervision System in Missouri is comprised of the nine components that connect, interact, and interrelate to form a comprehensive system.

### **A. Components of General Supervision**

The following nine components of general supervision combine to form an integrated system for the purpose of ensuring the state's compliance with IDEA. It is the activities within these nine components that drive the work of OSE.

#### **1. State Performance Plan (SPP)**

The SPP (<http://dese.mo.gov/special-education/state-performance-plan>) for Part B serves as an accountability mechanism for states and public agencies. Each SPP indicator provides a measureable indication of a state's performance in specific statutory priority areas under Part B of the IDEA. Whether the indicators are related to student performance results, compliance, transition, or timely and accurate data, the SPP is designed for the purpose of ultimately improving outcomes for students with disabilities. Within the SPP, measurable and rigorous targets are established with broad stakeholder input and specify the challenging levels of improved performance to be reached within a particular timeframe. Annual state performance on the SPP is reported through the Annual Performance Report (APR) (<http://dese.mo.gov/special-education/state-performance-plan>). Individual public agency performance on the SPP is available through <http://dese.mo.gov/special-education/program-monitoring> and the Missouri Comprehensive Data Portal <https://mcds.dese.mo.gov/guidedinquiry/Pages/Special-Education.aspx>.

#### **2. Policies, Procedures, and Effective Implementation**

States must have policies, procedures, and effective implementation of practices that are aligned with and support the implementation of IDEA and must establish effective methods for ensuring public agencies follow these policies, procedures, and implement effective practices. To ensure public agencies meet this requirement, they are required to submit assurance statements with their local application for funds. Additionally, DESE, through its integrated monitoring procedures, examines public agencies' use of effective practices. To assist public agencies in the appropriate provision of services to students with disabilities, the following documents are critical to understand:

- Federal regulations (<http://dese.mo.gov/special-education/compliance/laws-regulations>)
- Missouri State Plan for Special Education (<http://dese.mo.gov/special-education/state-plan-special-education>)

- Special Education Compliance Program Review Standards and Indicators (<http://dese.mo.gov/special-education/compliance/laws-regulations>)
- Local Compliance Plan (<http://dese.mo.gov/special-education/compliance/local-compliance-plan>)
- Local Board Policies

### 3. Effective Dispute Resolutions

The timely resolution of complaints, mediations, and due process actions is required for compliant dispute resolutions. Effective dispute resolution data enables DESE to track the issues identified to determine whether patterns or trends exist. Tracking of dispute resolution topics informs DESE about areas of clarification needed by the field via technical assistance through online communication (webinars, technical assistance bulletin, and Special Education Listserv (SELS) messages) and training by Regional Professional Development Center (RPDC) consultants that allows DESE to evaluate if these issues diminish over time.

### 4. Child Complaint Investigations

Any individual or organization who believes IDEA has been violated, may file a child complaint with OSE. OSE widely disseminates the state complaint (child complaint) procedures via the OSE website, SELs messages, webinars, presentations, and patron phone calls throughout the year. In resolving a child complaint, the remedies for a denial of appropriate services include ordering corrective action appropriate to address the needs of the child (such as compensatory services or monetary reimbursement) and appropriate future provision of services for all children with disabilities.

The following investigation procedures are followed by staff in OSE, Compliance Section during the investigation of a child complaint:

- The child complaint allegation is received by OSE and date stamped. Allegations received after 4:30 p.m. are date stamped for the following business day.
- Within ten calendar days of receipt, the child complaint allegation is reviewed by Compliance Section staff, a Child Complaint Action Form drafting the child complaint is sent to legal counsel for review, and once the child complaint is finalized, the legal assistant sends the child complaint to all parties. An investigator is assigned to the child complaint.
- Within approximately twenty days of receipt, the public agency provides the documentation requested for the investigation of the child complaint.
- The assigned investigator reviews the public agency's documentation and the complainant's documentation and formulates interview questions. A decision is made regarding the necessity of an onsite visit to investigate the child complaint.
- The assigned investigator conducts interviews with appropriate public agency staff, the complainant, and other relevant persons (as needed) to investigate the child complaint. If necessary, an onsite visit is conducted to gather data relevant to the investigation.

- Within approximately 30 calendar days of receipt, the investigator creates a draft version of the child complaint findings and decision. All findings must be verified through interview and documentation. The decision must be based on an analysis of the IDEA compliance requirements.
- The draft child complaint findings and decision is reviewed by the Assistant Director of Special Education - Part B Compliance and Legal Counsel. Based upon that review, additional documentation may be requested and/or additional interviews may be conducted. This process continues until a final draft of the child complaint findings and decision is written.
- Within approximately 37 calendar days of receipt, the final draft of the child complaint findings and decision is sent to the Assistant Commissioner of OSE for review. Based upon that review, additional documentation may be requested and/or additional interviews may be conducted. This process continues until the final child complaint findings and decision is written.
- Within no more than 60 calendar days of receipt (unless an extension has been granted), the final child complaint findings and decision is sent to all parties.

#### 5. Targeted Technical Assistance

A public agency with identified noncompliance and areas of performance in need of improvement are encouraged to receive targeted technical assistance and professional development from DESE and their local Regional Professional Development Center (RPDC). Technical assistance and professional development are also available at any time through OSE and the RPDCs on a voluntary basis.

#### 6. Improvement, Correction, Incentives, and Sanctions

The enforcement of regulations, policies, and procedures is required by IDEA and state regulations. As an incentive, when district performance on the SPP indicators is met, the district is not required to address all indicators within the cohort monitoring system. All correction of noncompliance must be corrected within one year from the date of the Special Education Program Review Monitoring Report.

In the event a responsible public agency is unwilling or unable to comply with the provisions of IDEA, including progress toward meeting the targets in the SPP, failure to provide a Free and Appropriate Public Education (FAPE), or the public agency's refusal or failure to comply with a corrective action or hearing decision, DESE shall take one or more of the following enforcement actions or any other action deemed necessary within DESE's discretion:

- Advise the agency of available sources that may help the agency address the areas in which assistance is needed.
- Require the agency to prepare a corrective action plan which incorporates all of the required elements for such plan.
- Require the agency to prepare an improvement plan which incorporates all of the required elements for such plan.
- Direct the use of state and/or federal funds on the area or areas in which the agency needs assistance.

- Identify the agency as a high-risk grantee and impose special conditions on the agency's Part B grant.
- Initiate action to withhold, in whole or in part, state and/or federal funds paid to the agency to support the provision of services to children with disabilities.

#### 7. Fiscal Management

Missouri's system of general supervision includes mechanisms to provide oversight in the distribution and use of the IDEA funds at the state and local levels. Procedures are in place to ensure fiscal resources are directed to areas needing improvement as noted in the APR. Supervision of fiscal activities includes a review of required corrective actions as a result of monitoring activities. The Office of Special Education procedures for fiscal monitoring are available at <http://dese.mo.gov/financial-admin-services/special-education-finance/fiscal-monitoring>.

#### 8. Data on Processes and Results

As part of Missouri's general supervision responsibilities, data is reported and collected through Core Data and the Missouri Student Information System (MOSIS). These data collection systems are managed by the Office of Data System Management at DESE. The Core Data System is a data collection system which consists of integrated screens used to directly enter or update information from public agencies. Data in several Core Data screens are now directly populated from files submitted in the MOSIS data collection system.

There are two components of MOSIS, the Identification (ID) assignment and data collection. The ID assignment system maintains a unique ID for every student receiving educational service in Missouri public schools. The MOSIS data collection system collects information at the individual level and derives from these data the counts needed for aggregate reports. More information related to special education data collection is available at <http://dese.mo.gov/data-system-management/core-datamosis>.

Data about each public agency's performance on the SPP indicators is reported by OSE to the U.S. Department of Education, Office of Special Education Programs (OSEP) through the Annual Performance Report (<http://dese.mo.gov/special-education/state-performance-plan>). OSEP uses this data to make determinations about the performance of the state as a whole. The state uses individual public agency data to make determinations about each public agency related to the SPP indicators. Both the state and each public agency's performance on the SPP indicators are categorized as:

- meets requirements
- needs assistance
- needs intervention
- needs substantial intervention

Determinations criteria established by OSEP and the state's performance results may be found by APR submission year at (<http://dese.mo.gov/special-education/state-performance-plan>). Determinations criteria established by OSE that are applied to

individual public agency performance are available through the Special Education District Profile at <http://dese.mo.gov/special-education/program-monitoring>. Multiple data sources and methods are used to monitor each public agency annually. The data are reviewed and publicly reported annually. Certain SPP indicators require a review of data for all public agencies each year. Subsequent reviews are required for public agencies that fail to meet the state's criteria and may be conducted onsite or offsite at the discretion of OSE. All monitoring activities are geared toward identifying areas in which there can be improved performance and correcting identified noncompliance, as appropriate.

## 9. Integrated Monitoring Activities

During the 2011-12 school year, DESE developed and implemented a tiered monitoring system for the purpose of consolidating monitoring for all federal programs into a single process. The tiered monitoring process was implemented to ensure adequate monitoring of all public agencies with additional opportunities to monitor those agencies with high risk characteristics. This allows a comprehensive Public Agency Tiered Monitoring Profile to be created and over time, this profile is used to track trend data to assist DESE in identifying areas where technical assistance may be needed. The "tiers" within the monitoring system reflect levels of assistance needed by public agencies. All public agencies are divided into three cohorts and are monitored every three years. This cohort structure allows DESE to equalize the monitoring work across the state and across each of the regions. See No Child Left Behind (NCLB) Tiered Monitoring <http://dese.mo.gov/quality-schools/federal-programs/nclb-tiered-monitoring>.

IDEA 2004 emphasizes that monitoring activities should focus primarily on two objectives:

- to improve educational outcomes for all students with disabilities
- to ensure compliance with Part B

To achieve this end and work within an integrated monitoring system, the OSE cyclical monitoring is one of many partners in the DESE-wide federal tiered monitoring process. OSE staff work closely with other DESE staff regarding scheduling and alignment of monitoring activities. Under the tiered monitoring process for special education, public agencies are sorted into three cohorts, with approximately 200 public agencies per cohort.

## **II. SPECIAL EDUCATION MONITORING**

It is the responsibility of OSE to ensure requirements of Part B of IDEA are implemented by public agencies. To achieve this, each public agency in the state is subject to a cyclical monitoring of compliance with IDEA. In addition to monitoring all local school programs (which includes two Special School Districts: SSD of St. Louis County and SSD of Pemiscot County), MSB, MSD, and MSSD, OSE also monitors all charter schools, the Department of Mental Health (DMH), Division of Youth Services (DYS), and the Department of Corrections (DOC). Charter schools are added to or deleted from a cohort as they come into existence or close. The monitoring process requires that all public agencies are placed within one of the three permanent cohorts. However, OSE may conduct an onsite or offsite “off cycle” review if deemed necessary. For a list of public agencies and corresponding cohort years, see cohort list <http://dese.mo.gov/sites/default/files/qs-fc-cohort-list-aug-2015.pdf>.

OSE cyclical monitoring provides a process to ensure adequate monitoring of all public agencies with additional opportunities to monitor those public agencies with high-risk characteristics. The Improvement, Monitoring, Accountability, and Compliance System (IMACS) is used for the management of the special education monitoring system. IMACS is a means of communication between the public agency and OSE during the monitoring process. Each public agency is assigned in one of the three cohort years. While the public agency stays in this cohort group across years, the activities that occur for the entire cohort group differ across the three year monitoring cycle.

In addition to cyclical monitoring, data in some areas (SPP and IDEA) must be collected, publicly reported, and monitored annually. Therefore monitoring of this data occurs annually and exists outside the three year cohort cycle. Subsequent reviews are required for public agencies that meet the state’s criteria in these areas and may be conducted onsite or offsite at the discretion of OSE. All monitoring activities are geared toward identifying areas in which there can be improved performance and correcting identified noncompliance, as appropriate.

### **A. Annual Monitoring Process**

#### **1. Annual Data Review**

OSE reviews data throughout the year and on an annual basis. The table below indicates when data is shared with OSE and RPDC staff. OSE staff reviews state, RPDC, and district-level data by enrollment size groups and/or by RPDC region. District-level data are used for the purposes of public agency selection of the following: targeted technical assistance through RPDC staff, onsite reviews, work with technical assistance centers, participation in various initiatives, and annual disproportionality and discipline reviews. Data are also reviewed annually for those districts implementing Coordinated Early Intervening Services (CEIS), either voluntarily or required, to ensure reporting requirements for these funds are met.

<b>Data Collection/Report</b>	<b>Date of Action</b>	<b>Federal Report Due Date</b>	<b>Data by district are shared with RPDC consultants</b>
Child Count/Educational Environments (SPP Indicator 5)	December	618: April 1 APR: February 1	March
Exit Data (SPP Indicators 1 and 2 - Graduation and Dropout Rates)	July	618: November 1 APR: February 1	September
Missouri Assessment Program (MAP)/AMO (SPP Indicator 3)	NA	618: December APR: February 1	September
Parent Advance Questionnaire (AQ) (SPP Indicator 8)	NA	APR: February 1	September
Initial Evaluations (SPP Indicator 11)	May	APR: February 1	October
Part C to Part B Transition (SPP Indicator 12)	May	APR: February 1	October
Secondary Transition Plans (SPP Indicator 13)	May	APR: February 1	October
Discipline (SPP Indicator 4)	July	618: November 1 APR: February 1	October
Disproportionality	December	APR: February 1	April
Significant Disproportionality	December: (Identification, Placement) July: (Discipline)	618: May 1	April

## 2. Disproportionate Representation

The reauthorization of the IDEA in 2004 required states to develop and submit a State Performance Plan (SPP) to the U.S. Department of Education on December 2, 2005. SPP Indicators 9 and 10 require states to report the percent of districts identified as having disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification policies, procedures, and/or practices.

Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Beginning in 2007-08, the method used to identify public agencies with disproportionate representation employs a risk ratio. The risk ratio, when applied to a disability category, answers the question, “What is a specific racial/ethnic group’s risk of receiving special education and related services for a particular disability as compared to the risk for all other students?”

The U.S. Department of Education, OSEP requires each state to analyze data for all disabilities as well as for each of the following specific disability categories: specific learning disabilities (SLD), autism, speech/language (S/L), emotional disturbance (ED), intellectual disability (ID), and other health impairments (OHI). These data are analyzed across all racial/ethnic categories for overrepresentation of students receiving special education and related services.

To meet the requirements of the SPP, OSE calculates the following risk ratio:

- child count (racial/ethnic group and category of disability) divided by (racial/ethnic group) enrollment  
COMPARED TO
- child count (racial/ethnic group and category of disability) divided by (not specified racial/ethnic group) enrollment

Based upon data for the six categories listed above, public agencies are identified as having disproportionate representation if the following criteria are met:

- risk ratio of 2.5 or greater (overrepresentation)
- minimum cell size of 20
- two consecutive years of data meeting the above criteria (data years)

a. Monitoring Cycle and Review Process for Districts Identified as having Disproportionate Representation

Once a public agency has met the criteria and is identified as having disproportionate representation, OSE is required to review the public agency's policies, practices, and procedures for identification to determine if the disproportionate representation is the result of inappropriate identification. Based upon consecutive years of identification, the reviews occur across a five year monitoring cycle. The first year a public agency is identified, a comprehensive review is required. The second through fifth consecutive years a public agency is identified, a modified review is required. If a public agency is identified another consecutive year following the fifth year, the monitoring cycle begins again and the public agency participates in a comprehensive review starting the monitoring cycle again.

The comprehensive review is comprised of a self-assessment, file reviews, and interviews. The modified review is comprised of a self-assessment and interviews. Whether a comprehensive or modified review takes place, no onsite visit is typically conducted; however, at any point in the process, OSE may determine that an onsite review is necessary. The district may also be required to work with the compliance consultant from the area's RPDC.

For further information regarding SPP indicators and the associated review process related to disproportionate representation, see <https://dese.mo.gov/special-education/compliance/annual-disproportionality-review>.

This graphic illustrates the disproportionate representation identification process and monitoring cycle:

Area and SPP Indicator	Data Collection/ Analysis Process	Criteria (All must be met)	Data Year 1	Data Year 2	Data Year 3	Data Year 4	Data Year 5	Data Year 6
<b>5 Year Monitoring Cycle (Review Years)</b>								
DISPROPORTIONATE REPRESENTATION (SPP Indicators 9 and 10)	<ul style="list-style-type: none"> <li>December 1 child count due from districts</li> <li>Data analysis in February/ March</li> <li>Data verification letters sent in April</li> </ul>	<ul style="list-style-type: none"> <li>Risk ratio of 2.5 or greater (overrepresentation)</li> <li>Minimum cell size of 20</li> <li>Two consecutive years</li> </ul>	Status (notification of risk) letter in April	Status (notification of review) letter in April  Comprehensive Review - fall of following school year	Status (review) letter in April  Modified Review - fall of following school year	Status (review) letter in April  Modified Review - fall of following school year	Status (review) letter in April  Modified Review - fall of following school year	Status (review) letter in April  Modified Review - fall of following school year

Data Year 1: The first year a public agency’s December 1 child count data reveals that the public agency meets the risk ratio (> or = 2.5) and cell size (minimum n=20) criteria and no change in data after the verification period, they are determined “at risk” for being identified as having disproportionate representation for identification of students with disabilities. OSE notifies the public agency of their risk and provides resources and technical assistance in the identified area(s).

Data Year 2: The second consecutive year a public agency’s December 1 child count data reveals that the public agency meets the risk ratio (> or = 2.5) and cell size (minimum n=20) criteria and no change in data after the verification period, they are identified as having disproportionate representation for identification. OSE is required to conduct a comprehensive review to determine if the public agency has appropriate policies, procedures, and/or practices related to the identification of students with disabilities. The comprehensive review is comprised of a self-assessment, file reviews, and interviews.

Data Years 3-6: If the public agency, in subsequent, consecutive years (3-6), meets the risk ratio (> or = 2.5) and cell size (minimum n=20) criteria and no change in data after the verification period, the public agency is identified as having disproportionate representation for identification and required to participate in a modified review to determine if policies, procedures, and/or practices continue to be appropriate. If the public agency is consecutively identified the following year, the monitoring cycle begins again and the public agency is required to complete the comprehensive review process.

b. Disproportionate Representation Review Process Timeline

SUGGESTED DATE OF ACTION	ACTION
December	Public agency submits disproportionality data (SPP Indicators 9 and 10) to DESE through Core Data
March	<ul style="list-style-type: none"> <li>• Internal request for data review</li> <li>• Initial letter to public agency notifying of two week data verification period</li> <li>• Public agency data verification due to DESE</li> </ul>
April	<ul style="list-style-type: none"> <li>• Letter sent to public agency meeting criteria for one year alerting them of potential risk of identification</li> <li>• Letters sent to identified public agency meeting criteria for two years or more assigning comprehensive or modified review process</li> </ul>
August	Letter outlining review process sent to identified public agencies
September	Public agency self-assessment due
October - November	Desk reviews, file reviews, and interviews
November - December	Conduct onsite review (if needed)
December	Final disproportionality review report sent to identified public agencies
March	New identification process begins
December of following year	All individual and systemic noncompliance identified from previous year's disproportionate representation reviews are cleared (one year from date of final disproportionality review report)

3. Discipline

The reauthorization of the IDEA required states to develop and submit a SPP to the U.S. Department of Education on December 2, 2005. SPP performance indicator 4 A and B requires states to conduct an annual review of suspension/expulsion data:

Indicator 4A: Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with Individualized Education Programs (IEP).

Indicator 4B: Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

To meet the requirements of the SPP, OSE calculates the rates of discipline incidents for students with disabilities and nondisabled students using district reported data reported in MOSIS Discipline Incidents file/Screen 09 of Core Data. For the purpose

of this analysis, discipline incidents include any incident resulting in out of school suspension for more than 10 days and multiple short sessions summing to more than 10 days. Multiple short sessions are counted as a single incident.

To meet the requirements of the SPP, OSE calculates the following risk ratio:

Indicator 4A: Discrepancies in the rates of suspension/expulsions for children with IEPs

Discipline incident rate for students with disabilities (number of incidents for students with disabilities / special education child count)

COMPARED TO /

Discipline incident rate for nondisabled students (number of incidents for nondisabled students / enrollment)

Indicator 4B: Discrepancies, by race or ethnicity, in the rates of suspension/expulsions for children with IEPs

Discipline incident rate for students with disabilities in the racial/ethnic group (number of incidents for students with disabilities / special education child count)

COMPARED TO /

Discipline incident rate for nondisabled students of all racial/ethnic groups (number of incidents for nondisabled students / enrollment)

Based upon suspension/expulsion data submitted twice a year, public agencies are identified as having a significant discrepancy in the rates of suspensions and expulsions if the following criteria are met:

Indicator 4AB:

- risk ratio of 4.0 or greater
- ten discipline incidents for students with disabilities
- average number of incidents per 100 students with disabilities is greater than 2.0 and/or the average number of incidents per 100 nondisabled students is greater than 1.0
- two consecutive years of data meeting the above criteria (data years)

a. Monitoring Cycle and Review Process for Districts Identified with Significant Discrepancies in Discipline Rates

Once a public agency has met the specific criteria and is identified as having a significant discrepancy in discipline rates, OSE is required to review the public agency's policies, practices, and procedures for identification to determine if the disproportionate representation is the result of inappropriate policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and

implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Based upon consecutive years of identification, the reviews occur across a five year monitoring cycle. The first year a public agency is identified, a comprehensive review is required. The second through fifth consecutive years a public agency is identified, a modified review is required. If a public agency is identified another consecutive year following the fifth year, the monitoring cycle begins again and the public agency participates in a comprehensive review starting the monitoring cycle again.

The comprehensive review is comprised of a self-assessment, file reviews, and interviews. The modified review is comprised of a self-assessment and interviews. Whether a comprehensive or modified review takes place, no onsite visit is typically conducted; however, at any point in the process, OSE may determine that an onsite review is necessary. The public agency may also be required to work with the compliance consultant from the area's RPDC.

For further information regarding SPP indicators and the associated review process related to discipline, see <https://dese.mo.gov/special-education/compliance/annual-disproportionality-review>.

This graphic illustrates the discipline identification process and monitoring cycle:

Area and SPP Indicator	Data/Process	Criteria (All must be met)	Data Year 1	Data Year 2	Data Year 3	Data Year 4	Data Year 5	Data Year 6
<b>5 Year Monitoring Cycle (Review Years)</b>								
DISCIPLINE (SPP Indicators 4A/4B)	<ul style="list-style-type: none"> <li>Discipline data due from districts June</li> <li>Data analysis in August</li> <li>Data verification letters sent September</li> </ul>	<ul style="list-style-type: none"> <li>Ratio exceeds 4.0 for two consecutive years</li> <li>Average number of incidents per 100 students with disabilities is greater than 2.0 <b>and/or</b></li> <li>Average number of incidents per 100 nondisabled students is greater than 1.0</li> </ul>	Status (warning) letter in September	Status (review) letter in September  Comprehensive Review - fall/winter of following school year	Status (review) letter in September  Modified Review - fall/winter of following school year	Status (review) letter in September  Modified Review - fall/winter of following school year	Status (review) letter in September  Modified Review - fall/winter of following school year	Status (review) letter in September  Modified Review - fall/winter of following school year

Data Year 1: The first year a public agency’s data reveals that the public agency meets the risk ratio (> or = 4.0) and cell size (minimum n=10 disciplinary incidents for students with disabilities and possibly in specific racial/ethnic groups) criteria and no change in data after the verification period, the district is determined to be “at risk” for being identified as having a significant discrepancy in the rates of discipline of students with disabilities and possibly in specific racial/ethnic groups. OSE notifies the public agency of their risk and provides resources and technical assistance in the identified area(s).

Data Year 2: The second consecutive year a public agency’s data reveals that the public agency meets the risk ratio (> or = 4.0) and cell size (minimum n=10 disciplinary incidents for students with disabilities) criteria and no change in data after the verification period, the district is identified as having a significant discrepancy in the rates of discipline of students with disabilities and possibly in specific racial/ethnic groups. OSE is required to conduct a comprehensive review to determine if the public agency has appropriate policies, procedures, and/or practices related to the discipline of students with disabilities in specific racial/ethnic groups. The comprehensive review is comprised of a self-assessment, file reviews, and interviews.

Data Years 3-6: If identified in subsequent, consecutive years (3-6), and no change in data after the verification period, the public agency is required to participate in a modified review to determine if policies, procedures, and/or practices related to discipline continue to be appropriate. The modified review is comprised of a self-assessment and interviews. If the public agency is identified the year following a sixth consecutive year, the public agency is again subject to the comprehensive review process.

b. Discipline Review Process Timeline

COMPLETION DATE	ACTION
July	<ul style="list-style-type: none"> <li>• Internal request for data review (SPP Indicators 4A and 4B)</li> <li>• Initial letter to public agency notifying of two week data verification period</li> <li>• Public agency data verification due to DESE</li> </ul>
August	<ul style="list-style-type: none"> <li>• Letters sent to public agencies meeting criteria for one year alerting them of potential risk of identification</li> <li>• Letters sent to identified public agencies meeting criteria for two years or more assigning comprehensive or modified review process</li> </ul>
September	Public agency self-assessment due
October - November	Desk reviews, file reviews, and interviews
November	Conduct onsite review (if needed)
December	Final discipline review report sent to public agencies
July	New identification process begins
December (following year)	All individual and systemic noncompliance identified from previous year's discipline reviews are cleared (one year from date of final discipline review report)

4. Significant Disproportionality

The state must have in effect, consistent with the purposes of 34 CFR Part 300 and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR 300.8 of IDEA regulations [34 CFR 300.173] [20 U.S.C. 1412(a)(24)].

Each state that receives assistance under Part B of the Act and the Secretary of the Interior must provide for the collection and examination of data to determine if significant disproportionality based on race/ethnicity is occurring in the state and the public agencies of the state with respect to:

- The ***identification*** of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3) of the Act
- The ***placement*** in particular educational settings of these children
- The incidence, duration, and type of ***disciplinary actions*** including suspensions and expulsions

Review of policies, practices, and procedures:

In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities or the placement in particular

educational settings of these children, in accordance with §300.646(a) of IDEA regulations, the state must:

- Provide for the review and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure policies, procedures, and practices comply with the requirements of the Act.
- Require any public agency identified under §300.646(a) of IDEA to reserve the maximum amount of funds under section 613(f) of the Act to provide comprehensive coordinated early intervening services to serve children in the public agency, particularly, but not exclusively, children in those groups that were significantly over-identified under §300.646(a) of IDEA regulations; and,
- Require the public agency to publicly report on the revision of policies, practices, and procedures described under §300.646(b)(1) of IDEA regulations.

To meet the requirements of IDEA, the following data is examined for significant disproportionality:

AREA	DATA EXAMINED
Identification (All special education)	All special education
Identification (Specific Disability Categories)	Six disability categories (autism, emotionally disturbed, learning disabled, intellectually disabled, other health impaired, speech/language) across all racial/ethnic categories
Placement	placements (inside regular 40-79%, inside regular < 40%, separate school placements)
Discipline (by racial/ethnic category)	Ratio of discipline rates for students with disabilities to the discipline rates for nondisabled students by each racial/ethnic category.

To meet the requirements of the SPP, OSE calculates the following risk ratio in each area:

<p><b><u>IDENTIFICATION AND PLACEMENT:</u></b></p> <ul style="list-style-type: none"> <li>• Child count (race category/disability or placement category) / (race category) enrollment COMPARED TO</li> <li>• Child count (not race category/disability or placement category) / (not race category) enrollment</li> </ul> <p><b><u>DISCIPLINE:</u></b></p> <ul style="list-style-type: none"> <li>• Discipline incident rate for students with disabilities for each race/ethnicity (number of incidents for students with disabilities / special education child count) COMPARED TO</li> <li>• Discipline incident rate for nondisabled students (number of incidents for nondisabled students / (enrollment - child count))</li> </ul>
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Based upon data analysis, public agencies are identified as having significant disproportionality if the following criteria are met:

## Identification and Placement

- Risk Ratio > 3.5
- Minimum n size of 30
- Three consecutive years of data (data years)

\*all special education, six disability categories (Autism, ED, LD, MR, OHI, Speech/Language), placements (inside regular 40-79%, inside regular < 40%, separate school placements)

## Discipline

- Risk Ratio > 5.0
- Minimum n size of 20 disciplinary incidents for students with disabilities
- Three consecutive years of data (data years)

### a. Monitoring Cycle and Review Process for Districts Identified with Significant Disproportionality

Once a public agency has met the specific criteria and is identified as having a significant discrepancy in discipline rates, OSE is required to review the public agency's policies, practices, and procedures for identification to determine if the disproportionate representation is the result of inappropriate policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Based upon consecutive years of identification, the reviews occur across a five year monitoring cycle. The first year a public agency is identified, a comprehensive review is required. The second through fifth consecutive years a public agency is identified, a modified review is required. If a public agency is identified another consecutive year following the fifth year, the monitoring cycle begins again and the public agency participates in a comprehensive review starting the monitoring cycle again.

The comprehensive review is comprised of a self-assessment, file reviews, and interviews. The modified review is comprised of a self-assessment and interviews. Whether a comprehensive or modified review takes place, no onsite visit is typically conducted; however, at any point in the process, OSE may determine that an onsite review is necessary. The district may also be required to work with the compliance consultant from the area's RPDC.

For further information regarding SPP indicators and the associated review process related to significant disproportionality, see <https://dese.mo.gov/special-education/compliance/annual-disproportionality-review>.

This graphic illustrates the significant disproportionality (identification, placement, and discipline by race) identification process and monitoring cycle:

Significant Disproportionality	Data/Process	Criteria	Data Year 1	Data Year 2	Data Year 3	Data Year 4	Data Year 5	Data Year 6	Data Year 7
See areas of significant disproportionality below:	See descriptions and criteria that correspond to each area in the boxes below:		<b>5 Year Monitoring Cycle</b>						
			No requirement in year 1	Require draft plan for implementing Coordinated Early Intervening Services (CEIS) for potential identification in following year	Review in following school year; public agency required to reserve 15% of Part B money for following year	Review in following school year; public agency required to reserve 15% of Part B money for following year	Review in following school year; public agency required to reserve 15% of Part B money for following year	Review in following school year; public agency required to reserve 15% of Part B money for following year	Review in following school year; public agency required to reserve 15% of Part B money for following year
Identification	<ul style="list-style-type: none"> <li>Child Count due from districts December 1</li> <li>Data analysis in March</li> <li>Data verification letters sent in March</li> </ul>	<ul style="list-style-type: none"> <li>three consecutive years:</li> <li>Risk ratio &gt; 3.5</li> <li>Cell size of at least 30 for both the racial/ethnic disability group being examined and the comparison group</li> </ul>	Status (warning) letter in April	Status (warning) letter in April	Status (comprehensive review and 15%) letter in April	Status (modified review and 15%) letter in April	Status (modified review and 15%) letter in April	Status (modified review and 15%) letter in April	Status (modified review and 15%) letter in April
Placement	Child Count due from districts December 1; data analysis in February/March; data verification letters sent in March	<ul style="list-style-type: none"> <li>three consecutive years of risk ratio &gt; 3.5</li> <li>cell size of at least 30 for both the racial/ethnic and disability group being examined and the comparison group</li> </ul>	Status (warning) letter in April	Status (warning) letter in April	Status (comprehensive review and 15%) letter in April	Status (modified review and 15%) letter in April	Status (modified review and 15%) letter in April	Status (modified review and 15%) letter in April	Status (modified review and 15%) letter in April

Discipline by race	Discipline data due from districts June; data analysis in July; data verification letters sent September; reviews occur year following data year	<ul style="list-style-type: none"> <li>• three consecutive years of risk ratio &gt; 5.0</li> <li>• cell size of at least 20 discipline incidents for the racial/ethnic group being examined</li> <li>• AND/OR an average number of incidents per 100 students greater than 2.0 for students with disabilities and 1.0 for nondisabled students</li> </ul>	Status (warning) letter in August	Status (warning) letter in August	Fast-track data verification process to send status (comprehensive review and 15%) letter in August	Fast-track data verification process to send status (modified review and 15%) letter in August	Fast-track data verification process to send status (modified review and 15%) letter in August	Fast-track data verification process to send status (modified review and 15%) letter in August	Fast-track data verification process to send status (modified review and 15%) letter in August
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Data Year 1: The first year a public agency meets the specified criteria, they are determined at risk for being identified as having significant disproportionality in the one or more of the identified area(s). OSE notifies the public agency of their risk and provides resources and technical assistance in the identified area(s).

Data Year 2: The second consecutive year a public agency meets the specified criteria, they are determined at risk for being identified as having significant disproportionality in the identified area(s). OSE notifies the public agency of their risk and may require technical assistance from the RPDC to address the area(s) identified with significant disproportionality. OSE also requires the development of a draft plan for the purpose of preliminary planning for implementation of CEIS.

Data Year 3: The third consecutive year a public agency meets the specified criteria, they are identified as having significant disproportionality in the identified area(s). OSE notifies the public agency of the identification and the requirement to receive technical assistance to address the area(s) identified with significant disproportionality. The public agency is required to withhold 15% of Part B funds for CEIS and to participate in a comprehensive review to determine whether the public agency’s significant disproportionality in the identified area(s) is due to inappropriate policies, procedures, and/or practices, regardless of whether or not the significant disproportionality is or is not the result of inappropriate identification. If the public agency was identified in the previous year as having significant disproportionality and participated in a comprehensive review to determine if policies, procedures, and/or practices were appropriate and the findings of this review revealed no inappropriate policies, procedures, and/or practices, the public agency is required to participate in a modified review the following year. If the public agency is identified the year following a fifth consecutive year or any lapse occurs regarding identification within this five year period, the public agency is again subject to the comprehensive review process.

b. Significant Disproportionality Review Process Timeline

SUGGESTED DATE OF ACTION	ACTION
March (Identification and Placement)	<ul style="list-style-type: none"> <li>• Internal request for data review</li> <li>• Initial letters to public agency notifying of two week data verification period</li> <li>• Public agency data verification due to DESE</li> </ul>
April (Identification and Placement)	<ul style="list-style-type: none"> <li>• Letters sent to public agency meeting criteria for <u>one</u> year alerting them of risk of identification</li> <li>• Letters sent to identified public agency meeting criteria for <u>three</u> years or more assigning comprehensive or modified review process and notification of 15% of special education funds for CEIS required in next school year’s budget (July 1)</li> </ul>
July (Discipline)	<ul style="list-style-type: none"> <li>• Internal request for data review</li> <li>• Initial letters to public agency notifying of two week data verification period</li> <li>• Public agency data verification due to DESE</li> </ul>
August (Discipline)	<ul style="list-style-type: none"> <li>• Letters sent to public agency meeting criteria for one or two years alerting them of risk of identification</li> <li>• Letters sent to identified public agency meeting criteria for <u>three</u> years or more assigning comprehensive or modified review process and notification of 15% of special education funds for CEIS required in next school year’s budget (July 1)</li> </ul>
September (Identification, Placement, and Discipline)	District self-assessment due
October – November (Identification, Placement, and Discipline)	Desk reviews, file reviews, and interviews
November – December (Identification, Placement, and Discipline)	Conduct onsite review (if needed)
December (Identification, Placement, and Discipline)	Final Significant Disproportionality Review Report letters sent to public agency
March (following year) (Identification and Placement)	New identification process begins
December (following year) (Identification, Placement, and Discipline)	All individual and systemic noncompliance identified from previous year’s significant proportionality review are cleared
December (following year) (Identification, Placement, and Discipline)	All Corrective Action Plan (CAP) and Individual Corrective Action Plan (I-CAP) are cleared

## 5. Coordinated Early Intervening Services (CEIS)

CEIS are services provided to students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment.

IDEA [20 U.S.C. § 1413(f)(2)] and its regulations [34 CFR § 300.226(b)] identify the activities a public agency may carry out in implementing CEIS:

- professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically-based academic instruction and behavioral interventions, including scientifically-based literacy instruction and, where appropriate, instruction on the use of adaptive and instructional software; and,
- providing educational and behavioral evaluations, services, and supports, including scientifically-based literacy instruction. For example, a public agency might use CEIS funds to provide behavioral interventions to nondisabled students who receive a certain number of disciplinary office referrals, perhaps as part of a Positive Behavioral Intervention Supports (PBIS) initiative. CEIS might also be used to help fund reading or math specialists or fund after-school tutoring to work with nondisabled students who have not reached grade-level proficiency in those subjects.

More information regarding the use of CEIS funds is located at:

<http://dese.mo.gov/financial-admin-services/special-education-finance/coordinated-early-intervening-services>.

### a. Monitoring Process for any Public Agency that Reports using IDEA Funds for CEIS

State and federal regulations allow a public agency to use not more than 15% of the amount the agency receives under Part B for any fiscal year, **less any amount reduced by the agency under adjustments to local fiscal year effort [34 CFR 300.205], if any**, in combination with other amounts (which may include amounts other than education funds), to develop and implement CEIS, which may include interagency financing structures for students in kindergarten through grade 12 who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.

A public agency that uses Part B funds for CEIS expenditures is monitored annually to ensure CEIS funds are being expended appropriately. This monitoring is accomplished through the following procedures:

1. The public agency is required to submit detailed expenditure information on the CEIS Reporting Verification Form, a part of the Part B Final Expenditure Report (FER) submitted in the electronic Planning and electronic Grants system (ePeGs). The CEIS Reporting Verification Form collects the following information:
  - the date the CEIS activity occurred
  - the amount of Part B funds expended on the CEIS activity
  - the description of the CEIS activity that occurred and how the activity benefitted students identified for CEIS services
  - the number by grade of special education students served by the CEIS activity (this number should be zero as CEIS is for students without an IEP)
  - the number by grade of non-IEP students served by the CEIS activity
  - the group(s) benefiting from the CEIS activity
  - whether the CEIS activity is a new activity, expanded activity paid with CEIS funds, or activity previously paid with other funds
2. Staff in the Special Education Finance Section review the CEIS Reporting Verification Form in conjunction with the Part B FER for the following requirements:
  - verify professional development provided to teachers and other school staff that enable such personnel to deliver scientifically-based academic and behavioral interventions, including scientifically-based literacy instructions, and, where appropriate, instruction on the use of adaptive and instructional software was appropriate under CEIS
  - verify the educational and behavioral evaluations, services, and supports, including scientifically-based literacy instruction being provided were appropriate under CEIS
  - the CEIS expenditure did not exceed the total allowed CEIS allocation
  - students receiving CEIS services were not identified as special education students
  - funds for CEIS activities supplemented and not supplanted Elementary and Secondary Education Act (ESEA) activities
3. Staff from OSE contact public agencies implementing CEIS services to ensure the public agency is budgeting funds for CEIS appropriately.
4. Upon review of public agency information, Special Education Finance staff collaborates with staff from Compliance, Effective Practices, and Data if questions arise and additional review is necessary.
5. Special Education Finance staff records CEIS information saved in a file accessible to Compliance, Effective Practices, and Data.

If findings conclude misuse of funds, the public agency is required to return these funds to DESE.

b. Federal Guidance

OSEP has posted several resources for public agencies implementing CEIS including a topic brief, video clip, questions and answers, and professional development module. To view this information, go to: <https://dese.mo.gov/financial-admin-services/special-education-finance/coordinated-early-intervening-services>. We encourage public agencies to read this information as there are requirements that must be followed for the use of funds and many scenarios with which public agencies must be familiar to ensure the use of these monies is permitted.

6. Determinations

The state of Missouri makes determinations for all public agencies annually. These determinations are based on criteria required by OSEP and any additional criteria DESE determines appropriate. Data from all public agencies' performance on these criteria are reviewed annually in early summer, and the determinations are made and letters sent to all public agencies by the end of August. All public agencies receive a numeric score (1 – 4) for each of the criteria and these are averaged for a total score. In some instances, unique agencies receive a “Not Applicable” (NA) in areas not relevant to them. Some examples are:

- the minimum “n” size is not met
- the public agency is a K-8 school district and does not have graduates

The total score falls into one of four determination categories:

- meets requirements
- needs assistance
- needs intervention
- needs substantial intervention

If a public agency receives the level “Meets Requirements,” no enforcement action is taken. When the level is “Needs Assistance,” DESE notifies those public agencies of available resources and advises them if they continue to be classified in this category or lower a second year, the public agency could be subject to one or more of the enforcement options outlined in the Missouri State Plan for Special Education. These enforcement options are described in letters received by the public agency.

Public agencies determined in “Needs Intervention” or “Needs Substantial Intervention” categories are required to address the indicators not met. Field staff will be assigned to work with the public agency. Progressive sanctions, as specified in state regulations, may be initiated.

7. Annual State and District Performance Profiles

Special Education State and District Profiles are produced annually by OSE. The profiles serve as Missouri’s public report of public agency data compared to SPP targets. The first page of the profile is a summary of the public agency’s performance by SPP indicator (including Met/Not Met calls) and the remainder of the profile is detailed supporting data and calculations.

Preliminary versions of the profiles are made available to public agencies for review in September/October, with the final version posted on DESE’s website in December each year. The public reports are available at <http://mcds.DESE.mo.gov/quickfacts/SitePages/DistrictInfo.aspx>. The profile for a particular public agency is accessed by selecting the public agency name. The Special Education Profile for that district is a link in the “Summary Reports” box.

**B. Cyclical Monitoring**

1. General Monitoring Procedures

The cyclical monitoring process occurs across a three year period and includes all agencies that implement the requirements of IDEA. The term agency refers to public agencies as well as other state agencies including Department of Mental Health (DMH), Department of Social Services (DSS), Division of Youth Services (DYS), Department of Corrections (DOC), and State Board Operated Programs (SBOPs) which includes Missouri Schools for the Severely Disabled (MSSD), Missouri School for the Blind (MSB), and Missouri School for the Deaf (MSD). Each agency is assigned to one of three cohorts to ensure participation in the cyclical monitoring process. The following table offers two ways to illustrate the activities that comprise the cyclical monitoring process across the three year cycle:

<b>THREE YEAR CYCLICAL MONITORING CYCLE</b>	
First Year Activities	Self-Assessment DESE Desk Review
Second Year Activities	Special Education Program Review Report Corrective Action Plan (CAP) Correction of Identified Noncompliance
Third Year Activities	Maintain and Retrain Professional Development Prepare for Self-Assessment

Note: Within the three year cyclical monitoring process, districts may receive an onsite monitoring visit, if selected.

a. Monitoring Timeline

# Three-year Cyclical Monitoring Cycle

## Self-Assessment (Year 1)

October-November  
Training for Self-Assessment

November-January  
Conduct Self-Assessment

February 1  
Submit Self-Assessment in IMACS

3<sup>rd</sup> Quarter  
Conduct Parent Survey

April 1  
Submit Verification Documentation for the Desk Review

May 15  
Submit Timelines (Initial/C to B)

## Corrective Action Plans (Year 2)

September  
Watch CAP Webinar / Receive Special Education Program Review Report

October  
Complete Step 1 in IMACS 30 Days From the Date of the Special Education Program Review Report

November-April  
DESE Onsite Selection and Monitoring Conducted

December 31 or sooner  
Submit Documentation to Clear I-CAPs

March 20 or sooner  
Submit Follow-up Timelines

April 1 or sooner  
Submit Documentation to clear CAPs; Complete Step 2 in IMACS

ALL noncompliance cleared within 1 year of Special Education Program Review Report

**YES**  
**Monitoring Complete for the Cycle**

**NO**  
Sanctions Determined

## Maintain and Retrain (Year 3)

Public agency is IN compliance – Identify areas needing retraining or improvement to maintain compliance

Work with RPDC for targeted training

Review, maintain, and/or establish policies, procedures, and practices to ensure special education compliance

b. First Year Activities

During the first year of the cyclical monitoring process, the public agency must participate in the following activities:

- **Self-assessment Training** – OSE provides training on the self-assessment process in October.
- **Self-assessment** – The public agency conducts a self-assessment of its student files November through January. The process includes selecting files to review and completing the indicator checklist in IMACS for each file selected. The self-assessment file review is submitted to OSE the first working day of February.

- The Special Education Program Review Standards and Indicators serve as the tool for the special education monitoring review. While all public agencies are monitored on common identified standards and indicators, each public agency's file review is individualized based on the public agency's performance data related to the SPP indicators "not met." See the district's Special Education Profile for a list of these SPP indicators

<http://mcds.dese.mo.gov/quickfacts/SitePages/DistrictInfo.aspx>.

- The following represents general guidelines regarding the number of files public agencies should review for self-assessment. Based on the most recent December 1 child count for the agency, the following number of files should be used as a guideline for conducting the file reviews for submission to OSE:

Child Count

Less than 10	all files reviewed
11-100	minimum of 10 files reviewed
101-200	minimum of 15-25 files reviewed
201-1000	minimum of 25-40 files reviewed
1001+	minimum of 40-60 files reviewed

- Public agencies select files representing students who were initially evaluated as well as those students who have had a reevaluation in the present or preceding school year. The public agency must select a portion of files for children who were initially evaluated and for children who have had a reevaluation in the present or preceding school year.
- Student files selected may serve more than one purpose regarding the area of review. For example, the areas of transition, IEP, Least Restrictive Environment (LRE), discipline (long-term suspension), and reevaluation may be reviewed using the same student file.
- Review files for three to five long-term suspended students or all available if fewer than five long-term suspended students.
- When making compliance calls, it is important to refer to the Special Education Program Review Standards and Indicators Manual. Read

the entire indicator and not just the brief checklist summary language to be sure the compliance call is made correctly.

- Select files from both current and prior school year.
- Transition indicators apply only to files for students ages 16+ unless the box for transition on the demographic screen in the IMACS has been selected for that student.
- Do not review files of students found ineligible.
- Files should be selected randomly and should include:
  - a cross section of the public agency’s buildings
  - a variety of disabilities
  - a variety of placements
  - a variety of ages and grades, including Early Childhood Special Education (ECSE) if applicable
- Some SPP indicators trigger a checklist for discipline documentation for students. If files include discipline documentation, please include at least one of those students in the file review selection.
- **Verification of File Review Submission** – After the file review submission in February, OSE compliance supervisors review the agency’s self-assessment. The supervisors contact the public agency during February and March with the list of student files to be submitted for DESE desk review verification.
- **Desk File Review** – During May through July, OSE compliance supervisors conduct desk file reviews of the self-assessment documentation submitted by the public agency. Results of these file reviews are recorded in IMACS.
- **Initial Evaluation and Part C to B Evaluation Timelines** – The agency submits initial evaluation timelines through IMACS. The timeline information must be submitted to OSE by May 15. OSE Compliance supervisors review and verify the agency’s timeline information. The table below identifies the type of information included in the timeline collection for all children referred between July 1 and April 30 of the current school year.

Initial Evaluation Timeline	Part C to B Timelines
<ul style="list-style-type: none"> <li>● Student's Initials</li> <li>● Date of Parental Consent to Evaluate</li> <li>● Date of Eligibility</li> <li>● Student Eligible</li> <li>● Eligibility Determined within 60 Days</li> <li>● If not within 60 days, reason for the delay</li> </ul>	<ul style="list-style-type: none"> <li>● Student's Initials</li> <li>● Date of Birth</li> <li>● Date of Referral</li> <li>● Parental Consent Received</li> <li>● Date of Eligibility</li> <li>● Date of IEP</li> <li>● IEP in place by third birthday</li> <li>● If not in place by third birthday, reason for the delay</li> </ul>

- **Issuance of Reports** – Following the completion of the desk review by August, the agency is issued a Special Education Program Review Report in September. This report outlines the results of the self-assessment, desk file review verification, and the timeline verification. If applicable, a corrective action plan may be required.

c. Second Year Activities

**Corrective Action Plan (CAP)** – After the public agency receives the Special Education Program Review Report, the public agency must develop strategies and timelines for correcting each indicator not in compliance identified through the monitoring review. This information is entered into IMACS as a CAP and must be submitted no later than 30 days from the date of the Special Education Program Review Report. The CAP must address noncompliance and is intended to result in correction of individual student noncompliance or systemic noncompliance. Both individual noncompliance and systemic noncompliance result in a CAP.

- **Correction of Individual Noncompliance** – Within 90 days of receiving the Special Education Program Review Report, public agencies must submit documentation that provides evidence of correction of individual student file noncompliance. For individual noncompliance not able to be corrected (e.g., insufficiencies in the meeting notice for a meeting already held), the public agency is required to submit evidence of correction as described below. An assurance statement may be required.
- **Evidence of Correction** – Public agencies must submit evidence of correction for each indicator of noncompliance. Following the submission and correction of individual student noncompliance, additional evidence of correction found out of compliance (five samples for each indicator) must be submitted to OSE for review. Even though an individual student file of noncompliance may not be able to be corrected, evidence of correction is still required. The evidence of correction of the indicator must be approved within 12 months from the date of the Special Education Program Review Report in order to clear the CAP. If evidence of correction is not submitted to OSE and approved within 12 months from the date of the report, enforcement actions may be imposed.

d. Third Year Activities

**Maintain and Retrain** – Public agencies strive to maintain 100% compliance. During this year, public agencies are encouraged to work with the compliance consultants who are located at the RPDCs to provide targeted technical assistance to public agency staff on special education compliance issues. This is also the year to fine tune policies, procedures, and practices, within the public agency to maintain special education compliance. Finally, this is an opportunity for the public agency to prepare for the coming year to once again conduct a self-assessment during the beginning of another three year cycle.

2. Special School Districts (SSD)

Missouri statute § 162.825 provides any county in the state of Missouri the authority to establish a special school district for the purpose of provision of special education services to identified students with disabilities. Currently, two Missouri counties have chosen to establish this structure: St. Louis County and Pemiscot County.

SSDs and Early Childhood Special Education (ECSE)

Both St. Louis County and Pemiscot County SSDs provide special education services including related services, career training programs, and ECSE. Missouri law also allows partner districts of a special school district to either access the early childhood special education program from the special school district or the partner districts may choose to provide their own ECSE program. Within Special School District of St. Louis County, eight of the twenty-two partner districts make use of this provision (see partner districts in the table below). Special School District of Pemiscot County provides early childhood special education programs in all eight of the partner districts.

<u>SPECIAL SCHOOL DISTRICT OF ST. LOUIS COUNTY</u>	<u>PARTNER DISTRICTS OF SSD OF ST. LOUIS COUNTY</u>
Partner Districts Served: 22 SSD Special Education Schools: 5 Technical Education High Schools: 2 Early Childhood Special Education Coalition Districts: 8	Affton School District Bayless School District Brentwood School District Clayton School District* Ferguson-Florissant School District* Hancock Place School District Hazelwood School District* Jennings School District Kirkwood School District* Ladue School District Lindbergh School District Maplewood-Richmond Heights School District Mehlville School District* Normandy School District Parkway School District Pattonville School District* Ritenour School District Riverview Gardens School District Rockwood School District* University City School District* Valley Park School District Webster Groves School District
	*Does not access ECSE services from the SSD. ECSE services are provided by the partner district.

<p><u>PEMISCOT COUNTY SPECIAL SCHOOL DISTRICT</u>  Partner Districts Served: 7  SSD Special Education School: 1  Career and Technology School: 1  Early Childhood Special Education Services  Diagnostic Clinic</p>	<p><u>PARTNER DISTRICTS OF SSD OF PEMISCOT COUNTY</u>  North Pemiscot County R-I  Hayti R-II  Pemiscot County R-III  Cooter R-IV  South Pemiscot County R-V  Pemiscot County C-7  Caruthersville 18</p> <p>All districts access ECSE services from the Pemiscot County R-III SSD.</p>
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a. General Monitoring of Partner Districts

When partner districts are scheduled to participate in the cyclical special education monitoring process, the Special School Districts of St. Louis County and Pemiscot County also participate in this monitoring process. While it is the responsibility of the SSD to correct any noncompliance issued to the partner districts, it is OSE’s expectation that the partner district and the SSD work together to correct noncompliance. Public agencies are required to submit a general assurance statement to ensure all regulations related to the implementation of IDEA are employed. Due to the unique structure of special school districts, attainment and submission of the general assurance statement for all partner districts is the responsibility of the special school district.

b. Monitoring of Partner Districts That Provide Early Childhood Special Education (ECSE) Services

Assurances as to areas of joint and separate compliance for the partner district and the special school district are addressed through the SSD compliance plan or through joint ratification of a general assurance to the special district compliance plan. ECSE services provided by the SSD and located within the partner districts are monitored during the SSD’s cyclical monitoring.

Monitoring of partner districts which have retained the responsibility for providing ECSE services is the same as monitoring all other partner districts, except when ECSE student files are reviewed. Partner district staff conduct the review of these files and when noncompliance is identified, the partner district is solely responsible for correction of noncompliance identified in the ECSE student files. In addition to the general assurance statement requirement referenced in the above paragraph, these districts must also submit to OSE a signed annual assurance statement to ensure all regulations related to the implementation of IDEA are employed. This assurance statement applies to the ECSE program only.

c. Basis for Compliance

State regulations implementing Part B of IDEA (State Plan) set forth the requirements to assure compliance with IDEA. These requirements are binding regardless of whether an agency is a direct recipient of funds under IDEA 34 CFR § 300.2. SSD submits the Local Compliance Plan Certification Statement for SSD operated buildings upon revision of the State Plan (<https://dese.mo.gov/sites/default/files/Local%20Compliance%20Plan%20Certification%20Statement.pdf>). In addition, the SSD Interagency Assurance Statement is completed by SSD with partner districts.

Chapter 162 of the Revised Statutes of Missouri (RSMo) provides for appropriate educational services for students with disabilities. One of the service options available under state statute is the creation of a special school district pursuant to § 162.825, RSMo. The referendum establishing a special school district creates a distinct public school district for the purpose of providing special education and related services to students with disabilities within the partner districts of which it is comprised.

Although the statutory authority to provide special education and related services under § 162.825, RSMo allows a special school district to become a subgrantee under IDEA, this does not relieve partner districts from compliance responsibilities under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (Section 504). The requirements of Section 504 extend to both special and general education services to students with disabilities. If not for the existence of a special school district, the partner districts would be required to provide both special and general education services. The compliance plan submitted by the special school district permits the partner districts to benefit from the federal grants under IDEA and also meet a major part of its obligations under Section 504.

d. Structure of Compliance

Forms of Compliance: Based on the division of responsibility for educational services resulting from the creation of a special school district, there are three forms of compliance.

- **Direct Compliance:** Those requirements of IDEA that can only be complied with by the state's subgrantee are defined as areas of direct compliance. Here a special school district has immediate responsibility for both policy development and implementation of the federal requirements.
- **Joint Compliance:** Certain issues require joint cooperation between the special and partner districts in order for there to be full compliance with the requirements of IDEA. Although the special district may have primary responsibility to develop policy in these areas, implementation is the joint responsibility of the special and partner districts. This is required because,

for most students with disabilities, special education services are provided in the general education setting. Where sufficient assurances as to these responsibilities are not possible through the compliance plan submitted by the special school district or, when they are a function of state statute, separate assurances may be required of the partner districts.

- **Separate Compliance:** A third category of compliance has to do with matters of separate compliance in which each special or partner district is responsible for compliance. Here compliance can only be obtained by policy established by the Board of Education within each district. This would include the requirements under Section 504 not met through compliance with IDEA under this regulation and the requirements of the Family Education Rights and Privacy Act (FERPA) [20 USC § 1232g].

As a result of the Merry litigation settlement, Parkway School District has some joint compliance responsibilities with Special School District of St. Louis County that exceed responsibilities of other partner districts. Those additional requirements are not reviewed in the monitoring of other districts.

### 3. Charter Schools

In Missouri, charter schools are considered to be public agencies and are allowed in all areas of the state. For a list of charter schools currently operating in the state, go to: <http://dese.mo.gov/quality-schools/charter-schools>.

#### a. Requirements for Provision of Services to Students with Disabilities

Charter schools are obligated under state and federal statute and regulation to meet the same requirements as all public agencies for providing services to students with disabilities and ensuring the requirements for Part B are met. A charter school may elect to contract for the provision of services for students with disabilities, but the charter school continues to have the ultimate responsibility for the child's IEP and the provision of services exactly as specified in the IEP. Charter schools are also responsible for following any applicable state or federal regulations and procedures when contracting for these services.

#### b. Monitoring Process

As charter schools are considered to be a public agency, they are monitored in the same manner as all other public agencies in the state.

### 4. State Board Operated Programs (SBOPs)

DESE provides free appropriate public education services for students with disabilities through three SBOPs: Missouri School for the Deaf (MSD), Missouri School for the Blind (MSB), and Missouri Schools for the Severely Disabled (MSSD). Each educational program for children with disabilities administered by

the State Board of Education is under the general supervision of OSE, and DESE ensures that the programs meet the standards of the State Education Agency (SEA).

- **Missouri School for the Deaf (MSD)** is a separate day school setting with a residential program which serves students who are deaf or hard of hearing referred by public agencies.
- **Missouri School for the Blind (MSB)** is a separate day school setting with a residential program which serves students who are blind or visually impaired referred by public agencies.
- **Missouri Schools for the Severely Disabled (MSSD)** (formerly called the State Schools for the Severely Handicapped (SSSH)) is a separate day school setting which serves students with severe disabilities referred by public agencies. Students who are eligible for MSSD are not eligible for MSD or MSB.

a. Monitoring Process

The monitoring process is the same for SBOPs as it is for public schools with the exception of the following:

- Initial special education referrals, evaluation, identification, IEP, and placement are the responsibility of the public agency.
- Placement at a SBOP requires written justification for placement from the public agency.
- Reevaluations are conducted by the public agency for MSD, MSB, and MSSD (see Missouri State Plan for Special Education, Regulation XVI).
- Onsite monitoring selection of SBOPs follows the regular public agency selection process.

5. Other State Agencies

**Department of Mental Health (DMH)** assists in identification and location of infants, toddlers, and children with suspected disabilities through its Regional Centers for the Developmentally Disabled, State Habilitation Centers, and State Hospitals. Referrals are made to public agencies and the Part C system. DMH is also responsible for the identification and provision of special education services to children who have been placed in the care of DMH because it has been determined they are a danger to themselves or others.

**Department of Social Services (DSS), Division of Youth Services (DYS)** identifies students with disabilities who are placed within the care and custody of DYS. Special education services are provided for these students within the division's facilities.

**Department of Corrections (DOC)** provides for the identification and provision of special education services to individuals with disabilities under the age of 21 years who are placed within its jurisdiction.

a. Monitoring Process

DMH, DSS-DYS, and DOC are monitored on the same cyclical basis as public agencies during each three year cycle and are responsible for all areas of the Missouri Special Education Program Review Standards and Indicators except for those listed below:

The following are not the responsibility of DMH, DYS, or DOC and are not monitored:

- Administrative Checklist
  - Child find public awareness activities (100.10 – 100.40 including all sub-indicators)
  - Contractual services with approved private agencies (100.330 including all sub-indicators)
  - State board operated programs (100.340 – 100.360 including all sub-indicators)
  - SSD partner districts (100.480 – 100.500 including all sub-indicators)
- IEP
  - Transition from Part C to Part B (200.620.c)
  - Notice of action for change in placement/graduation (200.1180 including all sub-indicators)
- Other Procedures
  - Discipline procedures (300.10-300.80 including all sub-indicators)
  - Eligibility Determination using Young Child with a Developmental Delay (YCDD) (2100.10 – 2100.50 including all sub-indicators)

6. Tiered Monitoring Onsite Reviews

OSE coordinates onsite selection and review for special education compliance tiered monitoring reviews with other federal programs in DESE. The major components included in monitoring a public agency include a desk review, desk monitoring, onsite monitoring, and telephone/document monitoring.

OSE tiered monitoring onsite review process is part of the larger DESE Federal Programs tiered monitoring process that focuses on priority areas based on agency data to examine special education compliance in order to maximize resources and emphasize important compliance components.

The onsite reviews for special education compliance focus on targeted compliance requirements related to:

- IEP implementation

- Speech implementer model
- LRE
- Participation in state assessments
- Paraprofessional requirements
- Part C to B transition
- Discipline
- Juvenile Justice Centers (if located within the public agency boundaries)

The intent of the tiered monitoring onsite review process is to monitor for compliance and to conduct data verification. Prior to the onsite review, a review team composed of staff from OSE and special education consultants from the RPDCs are selected. The size of the onsite team is based on public agency size.

a. Public Agency Selection Process

Note: The following data is analyzed annually (August) across three consecutive prior school years. Onsite selection is based on multiple risk factors identified from this data analysis.

- Performance levels and distance from SPP targets (three year trend)
- MAP-A participation
- Graduation and dropout rates
- Public agencies in various size groupings
- Determinations
- Previous child complaints noncompliance/due process hearings
- Self-assessment/desk monitoring results
- Incidence rates
- LRE
- Use of speech implementer model
- Discipline
- Location of Juvenile Justice Center

b. Onsite Monitoring Procedures

A team of OSE staff and RPDC consultants are assigned to each onsite review. The onsite review process includes public agency and OSE student file reviews, interviews with agency administrators and building staff, and may include student observations in the general and special education classrooms to verify implementation of the IEP. Additional file reviews are conducted to confirm the findings of the review, if necessary. Upon completion of the review, an exit conference is held with public agency staff to report preliminary findings and answer any questions. Typically, within four weeks of completion of the review, a Special Education Onsite Review Report is emailed to the public agency to notify of any findings. Any corrections needed must be made within one year of the report.

A webinar describing the special education onsite monitoring process in more detail is available at <https://dese.mo.gov/special-education/compliance/tiered-monitoring-imals-faqs>.



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