Why Does ADE/ESS Monitor PEAs?

Director Check-In
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Angela Odom
Director, Program Support and Monitoring

Alissa Trollinger
DAS, Exceptional Student Services
## Definitions 101: SEA and PEA

<table>
<thead>
<tr>
<th>SEAs</th>
<th>PEAs</th>
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<tr>
<td>• Set policy and regulations</td>
<td>• Operate schools</td>
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<tr>
<td>• Ensure compliance with federal and state laws that apply to SWD</td>
<td>• Enforce federal and state laws, policies, and standards that apply to SWD</td>
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<tr>
<td>• Acquire and distribute IDEA funding</td>
<td>• Develop and implement local educational policies and curriculum</td>
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<td>• Assess PEA performance</td>
<td>• Hire and supervise teaching staff</td>
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<td>• Monitor schools</td>
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Why do we provide special education services?

**Federal Law: IDEA**

- The Individuals with Disabilities Education Act makes a free appropriate public education (FAPE) available to eligible children with disabilities aged 3–21 and ensures special education and related services are provided.
- FAPE is provided at public expense, under public supervision and direction, without charge to parents, and in conformity with an IEP.
Special education is expensive!

Federal Funding

- IDEA provides funding for the education of children with disabilities as well as for early intervention services
- Available to all public schools, excluding for-profit charters (that still must follow the IDEA)
- Comes in the form of formula grants and SEA administrative funds to support professional development and projects
But there’s a catch...

In order to receive IDEA federal funding:

1. SEAs must ensure that PEAs have a system that ensures that FAPE is provided for students with disabilities who are enrolled in their schools
2. PEAs must have a system that provides FAPE!

NOTE: Even if a PEA does NOT receive IDEA federal funding, it is still responsible for implementing IDEA regulations – just without fiscal support.
How does ADE ensure a FAPE is provided?

- The IDEA requires SEAs to have a system of General Supervision
  - Outlines SEA’s accountability for enforcing the implementation of the IDEA and ensures continuous improvement, resulting in improved educational and functional outcomes
  - Ensures PEAs are able to provide a FAPE to children with disabilities
What are the components of General Supervision?

- Programmatic & Fiscal Monitoring
- Professional Development & Technical Assistance
- Fiscal & Data Operations
- Dispute Resolution
What does programmatic monitoring mean?

• Programmatic monitoring requirements are outlined in the IDEA (§300.600-602, §300.606-608):

State must monitor implementation of IDEA and annually report on performance:
→ PSM does this through monitoring activities

Focus of monitoring must be on improving educational and functional outcomes **and** ensuring that PEAs meet the requirements of IDEA:
→ PSM does this by using data to identify outcome focus areas and SSIP
→ PSM conducts file review through differentiated monitoring activities
Why does ADE monitor the way it does?

- Balances outcomes and compliance
- SSIP and outcome focus area analysis
- File review

- Includes all outcome focus areas required by federal reporting
And why else?

The monitoring cycle year system, with designated activities each year, helps with predictability for PEAs.

Differentiated monitoring activities are based on individual PEA performance related to APR indicators outlined in Risk Analysis tool.

- ESS: Realigned indicators
  - Phrased all targets as positive
  - Added preschool indicators
  - Removed duplications (PEA Determinations)
Why does the Risk Analysis tool use so much global data?

• The RA tool helps ESS understand the special education system “data story” at the PEA level
• General supervision of PEAs includes quantitative and qualitative indicators according to targets identified in Arizona’s SPP
  – These indicators measure compliance and performance in the areas of FAPE, LRE, child find, student achievement, dispute resolution, secondary transition planning, and more
  – 17 indicators in total
RA Tool, continued

• If the data story overall looks positive, the special education system is probably in good shape
  – This means that when it is time to monitor, a less SEA-intensive support type of monitoring (data review or self assessment) may be considered

• If the data story does not look positive, the system may be at higher risk of not providing FAPE to children with disabilities
  – This means that when it is time to monitor, a more SEA-intensive support type of monitoring (onsite) may be considered
Who holds the SEAs accountable?

Office of Special Education Programs: Results Driven Accountability (RDA)

- OSEP oversees the implementation of the IDEA
  - OSEP’s monitoring framework is RDA, which combines **results** and **compliance**
    - 1. State Performance Plan /Annual Performance Report (SPP/APR): measures results and compliance
    - 2. SEA Determinations: reflect state performance on results and compliance
    - 3. Differentiated monitoring & support
How does OSEP hold the SEA accountable?

- Through submission of state-level data, which includes the APR and SSIP, among others
- Through SEA Determinations, which are based on a number of indicators, including graduation rate and performance on assessments for students with disabilities
- Through OSEP’s recently revised monitoring system (DMS 2.0), where the SEA’s general supervision policies, procedures, and practices are reviewed
Why does it matter how OSEP holds ADE accountable?

- Flexibility with high-level decision-making and funding comes from positive SEA Determinations
  - ADE’s success in demonstrating it upholds standards of FAPE comes from PEA success in demonstrating provision of FAPE
  - ADE submits data to OSEP to support performance that is largely generated and submitted to ADE by PEAs

ADE and PEA successes are symbiotic!
Comparison of OSEP and ADE Monitoring Activities

OSEP DMS 2.0:
- Cyclical
- Balances outcomes and compliance
- Differentiated based on SEA data and outcomes in SPP/APR
- Review of entire general supervision system
- If noncompliance is found, corrective action is required

ESS PSM:
- Cyclical
- Balances outcomes and compliance
- Differentiated based on PEA data and outcomes in Risk Analysis (RA) tool
- Compliance and outcomes review is system-based
- If noncompliance is found, corrective action is required
What does it mean to have findings of noncompliance after a monitoring?

- If any noncompliance is found as a result of the completion of monitoring activities, a corrective action plan (CAP) will be developed.
- A CAP is developed through a collaborative process between the PEA and ESS.
- The purpose of a CAP is to assist the PEA in putting into place policies, procedures, and practices that will bring the PEA back into compliance and build a model for the PEA to sustain that compliance.
Does every PEA receive a CAP at the conclusion of a monitoring?

Nope!

- ESS is obligated to assign corrective action, per the OSEP 09-02 memo and OSEP guidelines, to any noncompliance at the conclusion of monitoring activities
  - Our purpose is not to create findings – but if we do find noncompliance, it is our obligation to both identify findings and to work with the PEA through corrective action

- Corrective action is not intended to be punitive!
  - It is not held against PEAs unless timelines related to correction are not followed
Speaking of timelines, what about COVID-19?

• **There are no federal waivers** regarding any IDEA requirements
  
  – Timelines must be met by both the SEA and PEA (e.g., initial evaluations, dispute resolution, data reporting)
  
  – SEA must report as IDEA requires (APR, SSIP, PEA determinations, etc.)
  
  – Monitoring must continue in order to accurately report and ensure implementation of general supervision
Does the SEA have any flexibility at all regarding monitoring requirements?

• There is some flexibility in how the SEA mandates enforcement related to CAP timelines, based on mandated closure or other extenuating circumstances
• Due dates adjustments made for SA and DR monitorings during Spring 2020 due to mandated closure, which could potentially be applied again for another closure
• Flexibilities in sample sizes for all monitoring types is being considered on an individual PEA basis, started 2020 and continues this year
• Onsite monitoring activities are being adjusted and individualized to PEA circumstances as needed, including sample size, scheduling, and safety considerations
Questions?

Alissa Trollinger
Alissa.Trollinger@azed.gov

Angela Odom
Angela.Odom@azed.gov

Jeff Studer
Jeffrey.Studer@azed.gov

Scott Dobkovsky
Scott.Dobkovsky@azed.gov

Heidi Putnam
Heidi.Putnam@azed.gov