

# 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

## SEAs

- Set policy and regulations
- Ensure compliance with federal and state laws that apply to SWD
- Acquire and distribute IDEA funding
- Assess PEA performance
- Monitor schools

## PEAs

- Operate schools
- Enforce federal and state laws, policies, and standards that apply to SWD
- Develop and implement local educational policies and curriculum
- Hire and supervise teaching staff

# 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.

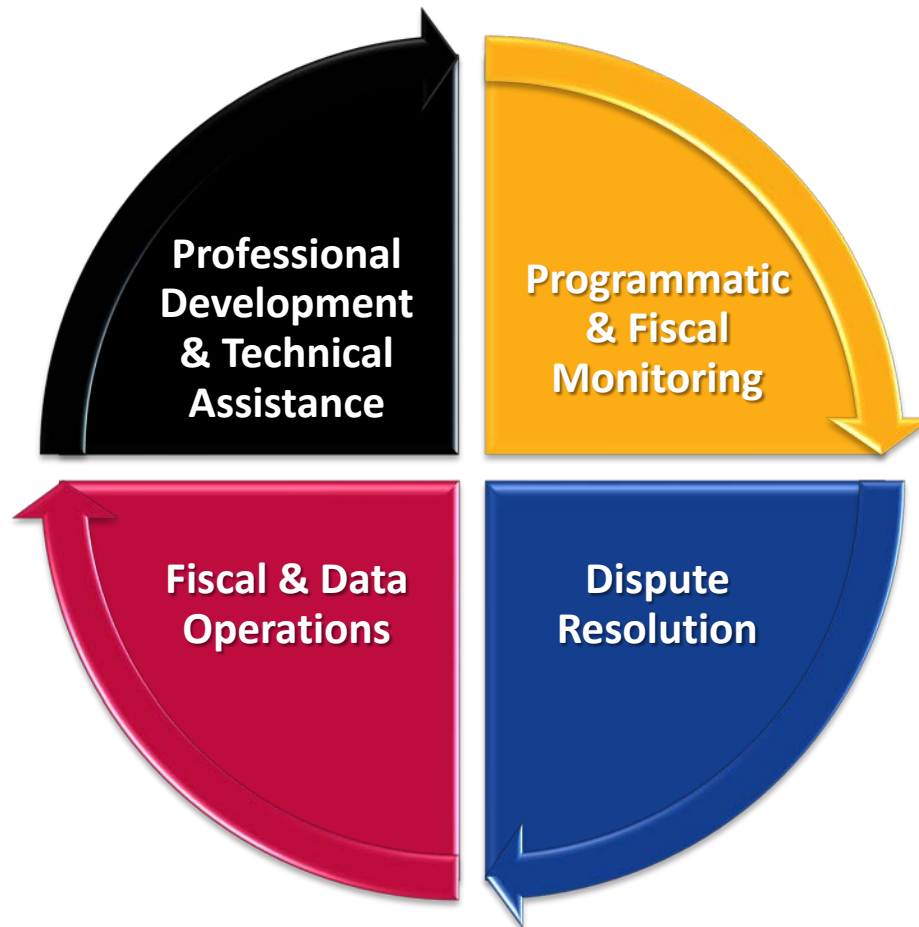
# How does ADE ensure a FAPE is provided?



## General Supervision

- 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?



# 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](mailto:Alissa.Trollinger@azed.gov)

Angela Odom

[Angela.Odom@azed.gov](mailto:Angela.Odom@azed.gov)

Jeff Studer

[Jeffrey.Studer@azed.gov](mailto:Jeffrey.Studer@azed.gov)

Scott Dobkovsky

[Scott.Dobkovsky@azed.gov](mailto:Scott.Dobkovsky@azed.gov)

Heidi Putnam

[Heidi.Putnam@azed.gov](mailto:Heidi.Putnam@azed.gov)

