Demystifying ESS Programmatic Monitoring

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Purpose of Training

- Collaborative effort between the Arizona Department of Education (ADE) and the Arizona Association of School Psychologists (AASP) to address some commonly misunderstood programmatic compliance areas

- Content developed in response to AASP survey

- Provide attendees with some best practice ideas, tips, and tricks for implementation

Please Remember:

- Programmatic compliance does not address all requirements under IDEA

- Programmatic compliance is not the same as legal compliance

- This presentation is not meant to be comprehensive

- Questions should be related to process, not to district or specific students

- ADE strives to ensure consistency in feedback—interpretations change daily (federal, legal, etc.)

What is ADE/ESS Programmatic Monitoring?

Required under IDEA general supervision mandates

- Compliance and outcomes
- When noncompliance is found, ADE/ESS is required to issue a finding (OSEP 09-02 Memo 2008, Arizona Administrative code)

Continuous improvement process to aid in improving programs for students with disabilities

Who Is Monitored?

All public education agencies (PEAs)—includes secure care entities and for-profit charter schools

ADE/ESS is monitored by the Office of Special Education Programs (OSEP)

- ADE/ESS has been issued findings from OSEP without a formal notification of monitoring and without being monitored
- OSEP is currently reviewing states' website information around COVID and issuing findings if there is noncompliance found

Native Language Requirements

Evaluation

- Assessed in language and form to yield accurate results
- Impact of language on progress in the general curriculum
- Possibly consent for assessment

IEP

- How language needs are being addressed

Notices

- Meeting notices, Prior Written Notices (PWN), and Procedural Safeguards

Tips: Putting It Into Practice—Part 1

- Do not rely on standard comments to meet this requirement. What did your team do and discuss?

- Make sure the process and tools used are clear and follow best practices.

- Review ELL files each fall and share findings with your teams.

- ADE has excellent resources to help refresh training in this area for your teams
  - [Training on SPED and EL](#)
  - [Hot topic](#)

Great ADE Resources

Special Education and English Learners

ARIZONA DEPARTMENT OF EDUCATION

EXCEPTIONAL STUDENT SERVICES

*DISCLAIMER: THIS PRESENTATION REFLECTS CURRENT FEDERAL AND STATE COMPLIANCE REQUIREMENTS INCLUDED IN THE ARIZONA EXCEPTIONAL STUDENT SERVICES MONITORING SYSTEM. IT DOES NOT INCLUDE LOCAL PEA POLICY, PROCEDURE, OR PRACTICE THAT MAY EXCEED COMPLIANCE REQUIREMENTS.

State of Arizona
Department of Education

Hot TOPIC

July 2019

Alert to Special Education Directors and Program Administrators: English Learner Requirements under IDEA

As required by the regulations that implement the Individuals with Disabilities Education Act (IDEA), outlined specifically in 34 C.F.R. §300.306 (b)(iii), a child must not be determined to be a child with a disability if the determinant factor is limited English proficiency. Arizona Revised Statute further delineates this in 15-761 (2)(b)(iii) stating that eligibility cannot be determined "if the determinant factor for the classification is ... difficulty in writing, speaking or understanding the English language due to an environmental background in which a language other than English is primarily or exclusively used." Further, IDEA requires administration of assessments in a language and form that will yield accurate results to ensure eligibility is not based on a discriminatory basis, as outlined in 34 C.F.R. §300.304(c)(1) and (3).

Consent for Assessment

Consent means that

- The parent has been fully informed of all information relevant to the activity for which consent is sought, in <mark>his or her native language</mark>, or through another mode of communication

- The parent <mark>understands and agrees in writing</mark> to the carrying out of the activity for which his or her consent is sought, and <mark>the consent describes that activity</mark> and lists the records (if any) that will be released and to whom

Consent (cont)

Must describe the type of information being collected, not just the test area

Must be in native language, have an interpreter present, or describe in the PWN provided in native language

PWN should be dated in conjunction with the consent. The consent for assessment is a proposed action by the PEA that requires notice to parents before acting on the decision

Tips: Putting It Into Practice—Part 2

- Have permission and/or PWN template forms ready in the most used languages within the district so all requirements are met.

- Clearly list and discuss all of the possible referral questions in the Review of Existing Data (RED) meeting/report for true informed consent.

- Discuss how the assessments on the permission form connect to the referral questions.

- Consider documenting the referral questions as well as the assessments on the PWN.

- Make sure all of the referral questions are answered at the eligibility determination.

Review of Existing Data

Eligibility Determination

- Impact of disability
- Educational needs to access general curriculum
- Additions and modifications to programming

Tips: Putting It Into Practice—Part 3

- Observations can be conducted by any of the evaluation team members and referenced in the RED.

- Observations can be referenced in the RED when discussing classroom performance.

- The eligibility section must tell the how and the why
  - How does the disability manifest for the individual student in the classroom (what does it look like)?

- Software systems can lead to errors in this section.

Tips: Putting It Into Practice—Part 4

Eligibility Determination

- Statements must be individualized for student across areas of need.

- Must discuss impact of disability and needed supports.

- Use the examples in the monitoring manual to guide the format.

- Teachers are a great resource to assist the team in documenting the impacts of the disability in the classroom.

- Clearly link the referral concerns to the proposed assessments. Both should be linked to eligibility.

- Use all sources of data to support educational need.

- ADE has wonderful training resources:
  - AZTAS
  - Guidesteps

Guide Steps

Guide Steps

These guide steps contain the major elements that constitute the provision of a free appropriate public education (FAPE) for students with disabilities. Each monitoring must provide a representative picture of the public education agency's (PEA's) compliance status. The larger PEAs—districts, charter schools, and secure care facilities—will select files by stratified random sampling. Smaller districts, charter schools, and secure care facilities will review all student files.

For a guide to the minimum number of files to review for a Data Review, see DRM-2; for Self- Assessment, see SAM-2; for an On-Site Monitoring, see OSM-2.

The following instructions include all of the compliance items within the Arizona monitoring system. It is incumbent upon the PEA to meet each of these requirements as well as all other requirements of IDEA, State Statute, and State Administrative Code.

General Instructions	
Step 1	Record the demographic information requested. All demographic information **must** be entered on the student form. If a student does not have an SSID number, use the student's birth date and initials. Use the AzEDS category from the most recent census submitted to the Arizona Department of Education (ADE). When reviewing the evaluation timeline for a student who was found to be not eligible for special education, record the SSID number and mark the eligibility category as "Not Special Education" (NSE).
Step 2	Determine the primary language spoken by the parent (to ensure that the PEA has met the parent notification requirements). **Student File Review Method:** Review the file for the language of the home, as indicated **by the parent**, and write the language in the space provided. Use any parent source (language survey [PHLOTE], registration, developmental history), but **do not** use a secondary source, such as the evaluation report summary.

Procedural Safeguards Notice (PSN)

Federal requirements ensure provision annually and in native language

Arizona administrative code requires the PEA to have written procedures to ensure parents are afforded their PSN in accordance with state and federal requirements

Tips: Putting It Into Practice—Part 5

- Investigate how your district can get documents interpreted when needed. This should be set up in advance.

- AASP and ADE are working on a resource list of Procedural Safeguards (PSG) in various native languages. Many lead psychologists have a variety of different PSGs.

Key Things ADE Looks for in Programmatic Monitoring: Tips from the Experts

Share this great [ADE resource](#) with your teams!

Arizona Technical Assistance System

AZ-TAS

EVALUATION PROCESS

Exceptional Student Services
Updated January 2021
Sample Forms Removed

Evaluation Process

1. Evaluation is current.

Noncompliance	Compliance	Best Practice
• There is no current evaluation dated within 3 years of the date of the file review.	• There is a current evaluation dated within 3 years of the date of the file review.	• There is a current evaluation dated within 3 years of the date of the file review.
• There is no evaluation.	• There is documentation of agreement to waive a reevaluation, and there is a previous evaluation.	• There is documentation of agreement to waive a reevaluation, and there is a previous evaluation.
• There is no documentation of a waiver, and there is not a current evaluation.		

2. Parent provided current information during the review of existing data.

Noncompliance	Compliance	Best Practice
• There is no evidence that the parent or adult student provided any input during the review of existing data.	• Parent or adult student provided information during the review of existing data.	• Parent(s) or adult student has included a written statement.
• The parent or adult student was not a member of the	• For a reevaluation, there are documented attempts to obtain information from	• A questionnaire completed by parent(s) or adult student is included.

Preparing for Programmatic Monitoring: Suggestions from the Field

- Start each year with trainings for new hires and returning staff.

- Each year, have teams/psychs/SLPs complete a Student Monitoring form for one initial and one re-evaluation.

- Provide feedback/answer questions.

- After each monitoring, provide a training with updates on expectations and procedures.

What If We Have Questions After the Completion of Our Programmatic Monitoring?

ADE is here to help!

- Contact assigned specialist
- Contact Lead Specialist
- Contact PSM Director

Questions

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