

# EMAPS Information

- **IMPORTANT:** Review email from PSC sent 9/19/23 regarding new EMAPS log-in information.
- Required Login.gov account must be set up prior to October 27, 2023.
- All SPP/APR users must create their Login.gov account by going to this website: [https://secure.login.gov/sign\\_up/enter\\_email](https://secure.login.gov/sign_up/enter_email)
- PSC will send a broadcast to all SPP/APR users once the transition is completed, and database is updated with the new usernames.
- SPP/APR users will have access to log in to their SPP/APR using their newly created Login.gov accounts on 10/30/23.
- Contact PSC if you have questions.

# STATE GENERAL SUPERVISION RESPONSIBILITIES UNDER PARTS B AND C OF THE IDEA

**MONITORING, TECHNICAL ASSISTANCE AND ENFORCEMENT**

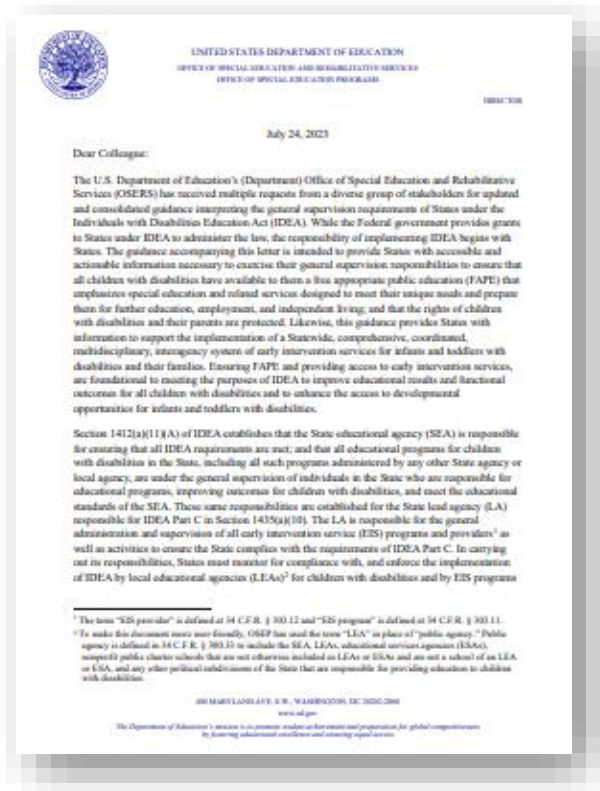
**QA 23-01**

OCTOBER 12, 2023

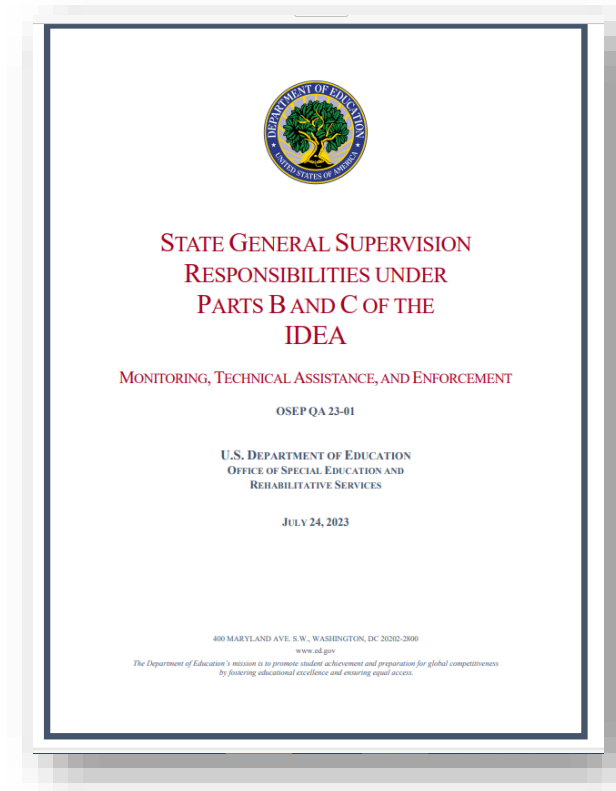
# Agenda

- ▶ Why OSEP Issued the General Supervision Guidance
- ▶ General Supervision Overview
- ▶ Expectations for Local Monitoring
- ▶ Area of Concern and Credible Allegation
- ▶ Alignment with the SPP/APR
- ▶ State Enforcement through Determinations and Other Methods
- ▶ Resources and Technical Assistance

# OSEP QA 23-01



OSEP Dear Colleague Letter  
on General Supervision  
Responsibilities. July 24, 2023.  
([ed.gov](https://www.ed.gov))



State General Supervision  
Responsibilities under  
Parts B and C of the IDEA  
([ed.gov](https://www.ed.gov))

“A State’s general supervision system is the foundation on which the house of opportunity is built.”

- Valerie C. Williams, OSEP Director



# Results Driven Accountability

- ▶ **Strong Systems:** OSEP supports the development of robust general supervision systems to ensure Statewide accountability and full implementation of IDEA.
- ▶ **Improved Outcomes:** Strengthening IDEA compliance can help facilitate improved educational results and functional outcomes for infants, toddlers, children, and youth with disabilities and their families.



# Purpose



States will have the information necessary to exercise their general supervision responsibilities under IDEA.



Reaffirms the importance of general supervision and the expectation that **monitoring the implementation of IDEA** will **improve** early intervention and educational **results** and functional **outcomes** for children with disabilities and their families.



Incorporates **longstanding policy** and **supersedes** and **consolidates** **previously issued guidance** documents.



Addresses **common questions** that OSEP has received from parents, States, local programs and other stakeholders.

# General Supervision Guidance Overview

State General  
Supervision  
Responsibilities

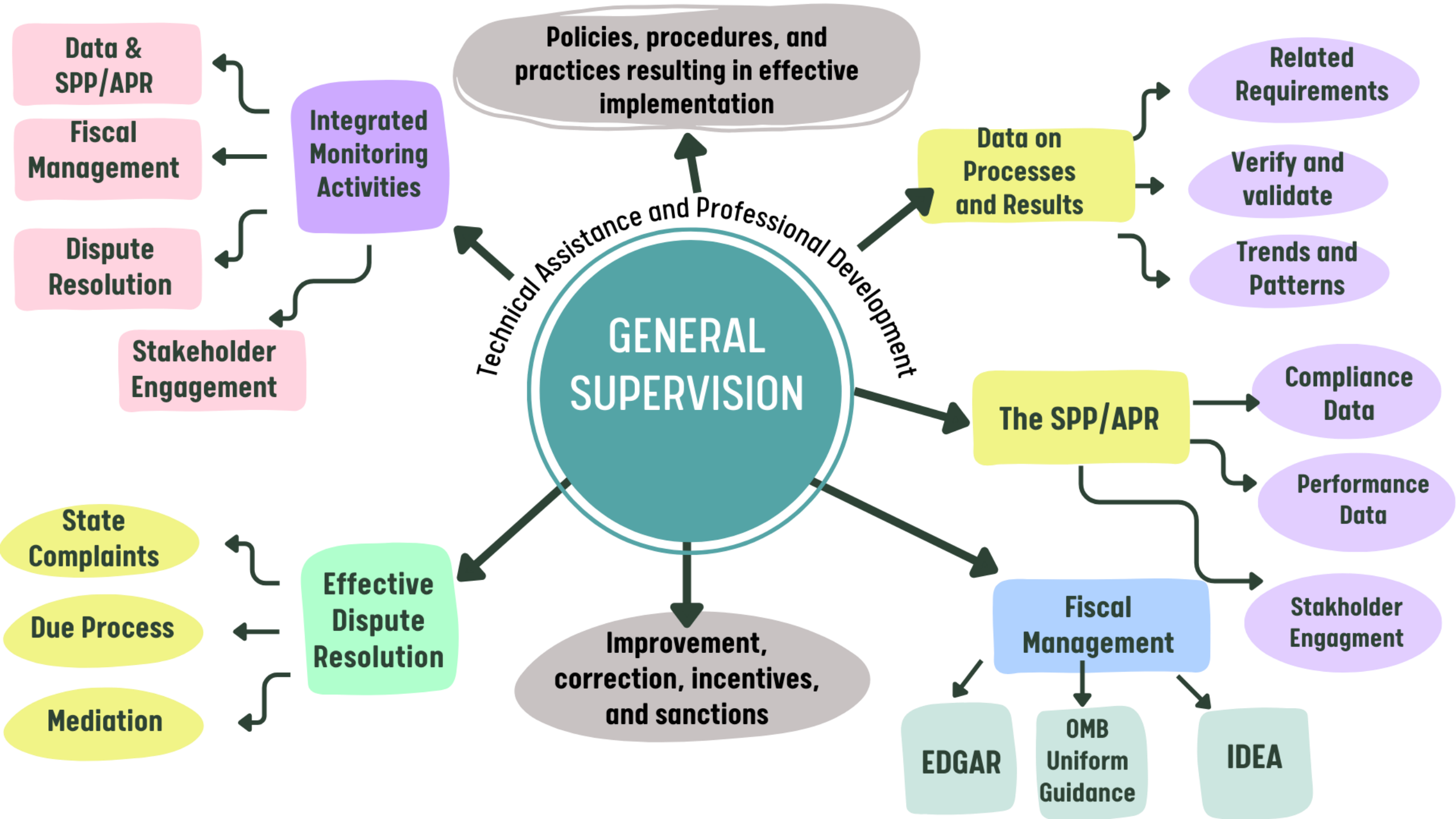
Identification and  
Correction of  
Noncompliance

State Performance  
Plan/Annual  
Performance  
Report

State Annual  
Determinations

State Enforcement  
Through  
Determinations and  
Other Methods





# Clarified or Expanded Positions

## Reasonably Designed General Supervision

- Credible allegation regarding IDEA, that raises potential implementation or compliance issues if confirmed true.

## SPP/APR Reporting

- Ensure all LEAs or EIS programs are monitored at least once within the six-year cycle of the State's SPP/APR

## Timeline for Identification of Noncompliance

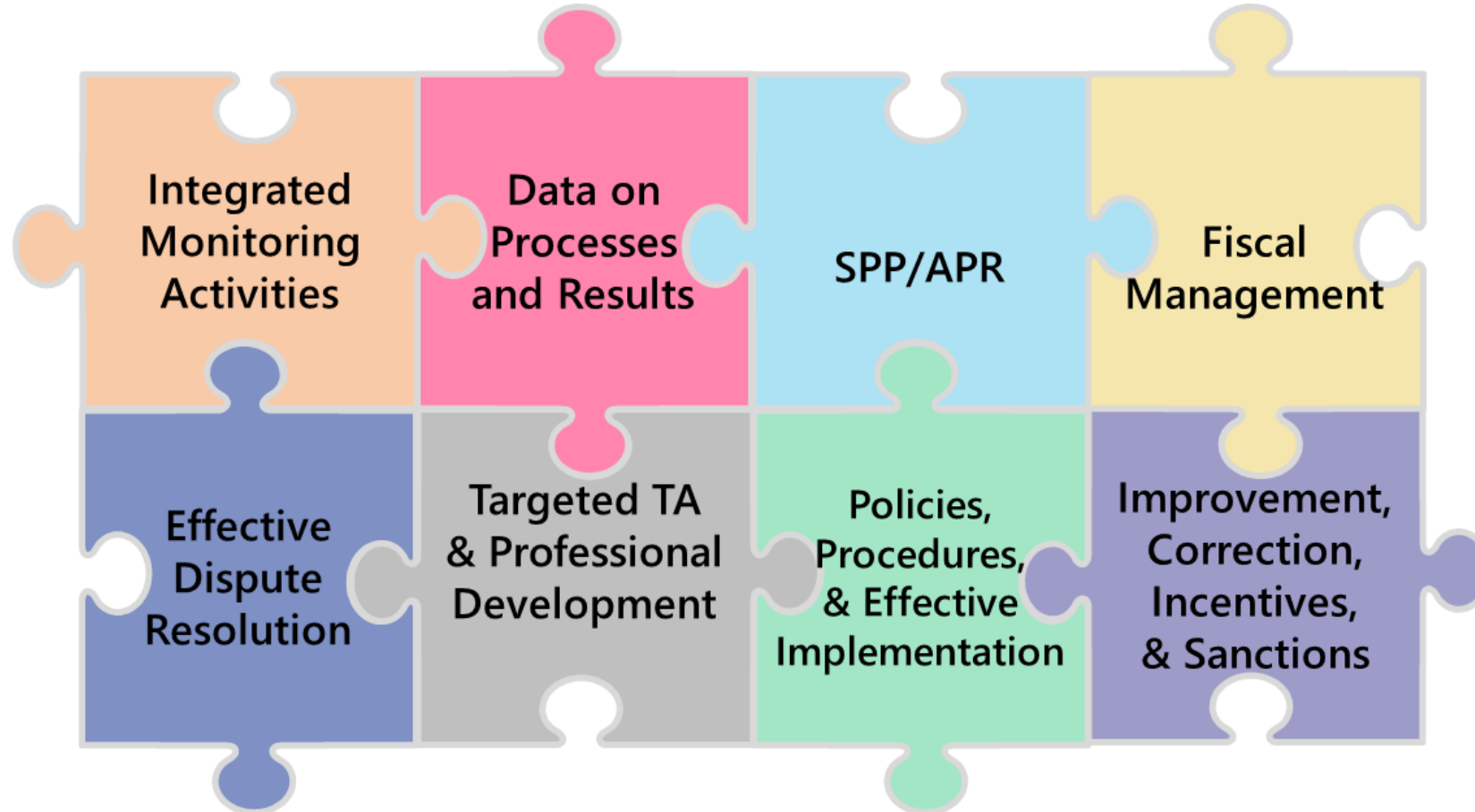
- States must issue a finding of noncompliance, generally within three months of the State's identification of the noncompliance.

## Correction of Child-Specific Noncompliance

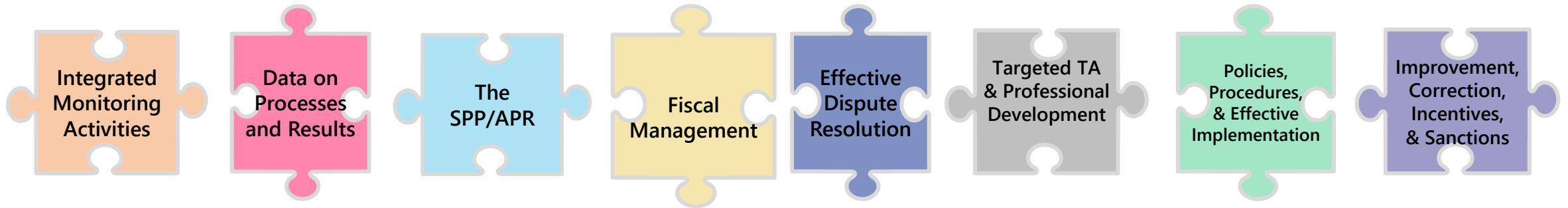
- States must verify the correction of each individual case of identified noncompliance (not a subset or sample) of previously noncompliant files, records, data files, or whatever data source was used to identify the original noncompliance.

# State General Supervision Responsibilities

A reasonably designed State general supervision system should include eight integrated components, including:



Monitoring the implementation of  
IDEA will improve results and  
functional outcomes for infants,  
toddlers, and children with disabilities  
and their families.



# Section A: State General Supervision Responsibilities

- ▶ Components of a reasonably designed State general supervision system (A1,2)
- ▶ Integrated monitoring activities: description and examples for analysis (A-3)
- ▶ Data on processes and results: collection, reporting, examination and analysis (A-5)
- ▶ Fiscal management and compliance with IDEA and OMB Uniform Guidance requirements (A-6)
- ▶ Effective dispute resolution (A-7)
- ▶ Priority Areas
  - Child find responsibilities (A-8)
  - Significant disproportionality (A-9)

# Expectations for Local Monitoring

- ▶ Ensure all LEAs or EIS programs meet the requirements of IDEA with an emphasis on improving results and outcomes
- ▶ Data system that collects and reports valid and reliable data
  - Used to identify noncompliance
  - Monitoring policies cannot delay the identification of noncompliance until the submission of the SPP/APR or determination process
- ▶ Integrated monitoring activities
  - Equitable implementation of IDEA
- ▶ All LEAs or EIS programs should be monitored at least once within the six-year cycle of the State's SPP/APR

# Part C Expectations for Local Monitoring

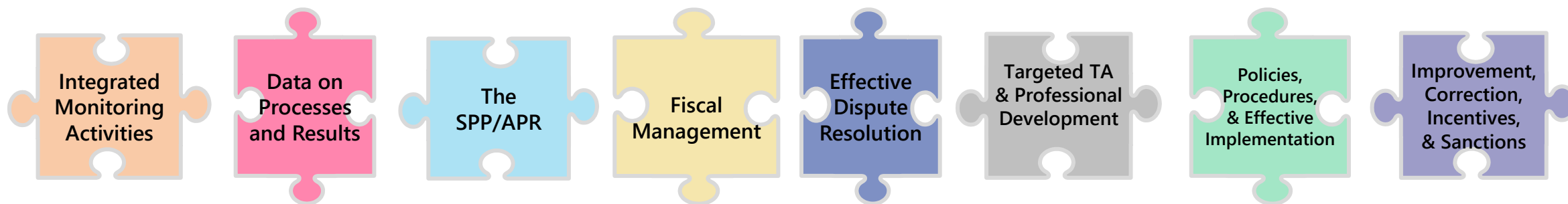
- ▶ Regulatory Authority: 34 C.F.R. §§ 303.120 and 303.700 through 303.708
- ▶ Improve early intervention results and functional outcomes for infants and toddlers with disabilities and their families
- ▶ EIS program or provider
- ▶ Priority areas: early intervention services in the natural environment; child find; general supervision, including effective monitoring; system of transition services; use of resolution systems; and mediation 34 C.F.R. § 303.700(d)

# Part B Expectations for Local Monitoring

- ▶ Regulatory Authority: 34 C.F.R. §§ 300.149 and 300.600 through 300.608
- ▶ Improve educational results and functional outcomes for children with disabilities
- ▶ Priority areas: provision of FAPE in the LRE; general supervision, including effective monitoring; child find; system of transition services; use of resolution meetings; mediation; and disproportionate representation 34 C.F.R. § 300.600(d)



# Identifying and correcting noncompliance is critical to improving early intervention and special education



# Section B: Identification and Correction of Noncompliance

## ► Area of concern

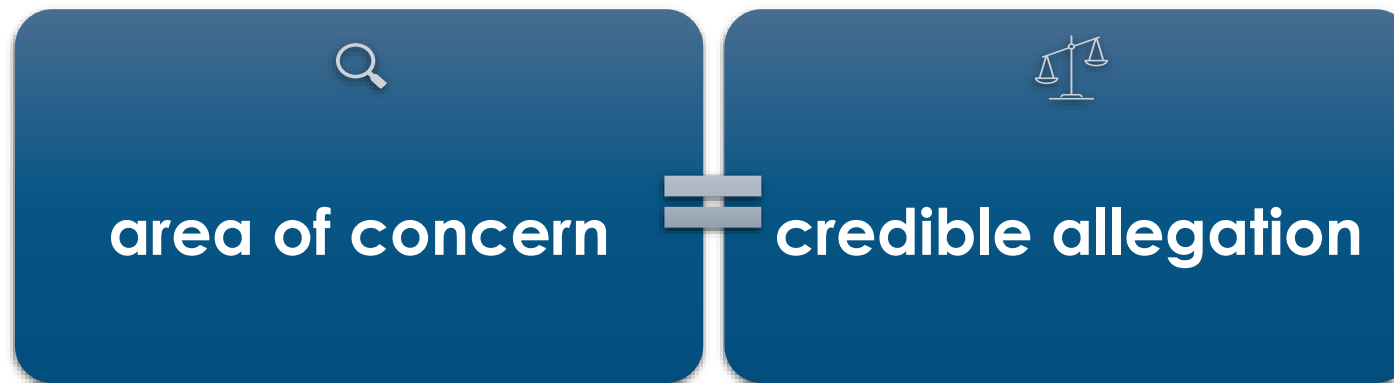
- Credible allegation (B-1)
- Awareness of Concern (B-2)

## ► Identification and correction of noncompliance

- Notification of noncompliance (B-5)
  - Written notification (B-6)
  - Timeline for written notification (B-7)
- Correction of noncompliance (B-10)
  - Pre-finding correction (B-11 and B-12)
  - Systemic (B-14)
  - Child-specific (B-15)
  - Longstanding noncompliance (B-17)

# Area of Concern and Credible Allegation

- ▶ Question B-1: “a credible allegation regarding an IDEA policy, procedure, practice, or other requirement that raises one or more potential implementation or compliance issues, if confirmed true”
  - ❖ **State has awareness and information indicating that the allegation is more likely true than not**
    - Information and awareness may come from integrated monitoring activities, data reviews, grant reviews, stakeholder calls, media reports, dispute resolution systems, or other State mechanisms



# Area of Concern and Due Diligence

**State receives information and is made aware of an area of concern**

- State has a process to determine if the concern is credible and a mechanism to track concerns

**State implements policies, procedures, and practices**

- General supervision system must include policies, procedures, and practices to address areas of concern in a timely manner

**State conducts due diligence and reaches a conclusion**

- Activities might include conducting research; interviewing staff, parents of and children with disabilities; reviewing and analyzing data

**State determines if LEA or EIS program is in compliance with IDEA**

- If LEA or EIS program is out of compliance, State **must** issue a written notification of noncompliance, generally within three months\*

# Considerations for Policies, Procedures, and Practices

## ► Policies and Procedures

- What policies and procedures does the State use to specify when an allegation is deemed credible?

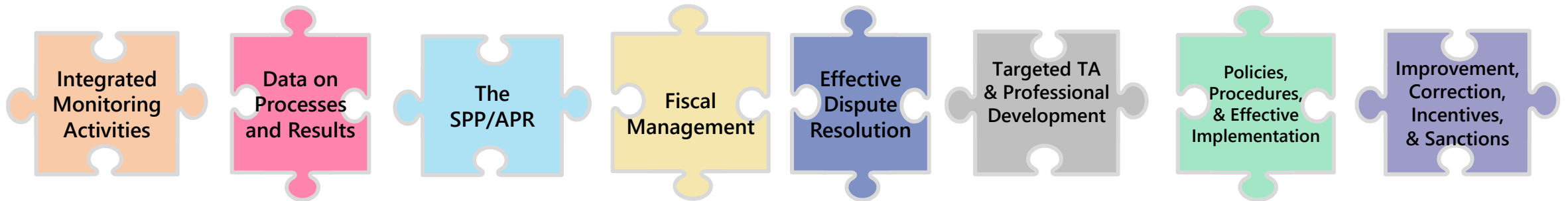
## ► Practices

- How does the State determine whether an allegation is deemed credible?

# Considerations for Policies, Procedures, and Practices +

- ▶ How does the State determine, through policies, procedures, and practices, the extent media attention meets the threshold of a credible allegation?
- ▶ How does the State analyze current and historical information regarding concerns to identify trends?
- ▶ What data does the State review when conducting due diligence? (B-3)
- ▶ How are multiple data sources used to conduct due diligence to reach a conclusion?

# SPP/APR: A Tool for Transparency, Reflection and Growth



# Section C: State Performance Plan/Annual Performance Report

## ▶ Introduction

- Description of general supervision system (C-1)

## ▶ Data from State Monitoring and State Data System (C-2)

## ▶ Compliance Indicators

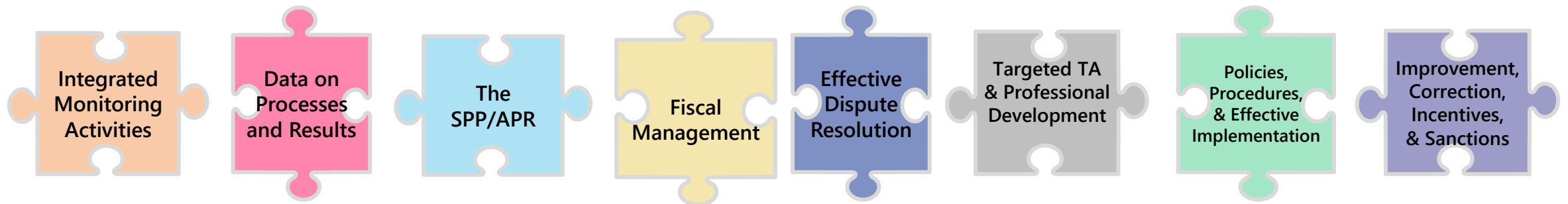
- Identification and correction of noncompliance (C-3, C-4, & C-5)

## ▶ Addressing Race and Ethnicity, Stakeholder Engagement (C-6)

## ▶ Annual Public Reporting (C-8, C-10 & C-11)



# State Determinations of LEA/EIS Programs: Recognize Success, Drive Improvement, Increase Transparency



# Section D: State Annual Determinations

- ▶ State determination categories = OSEP determination categories

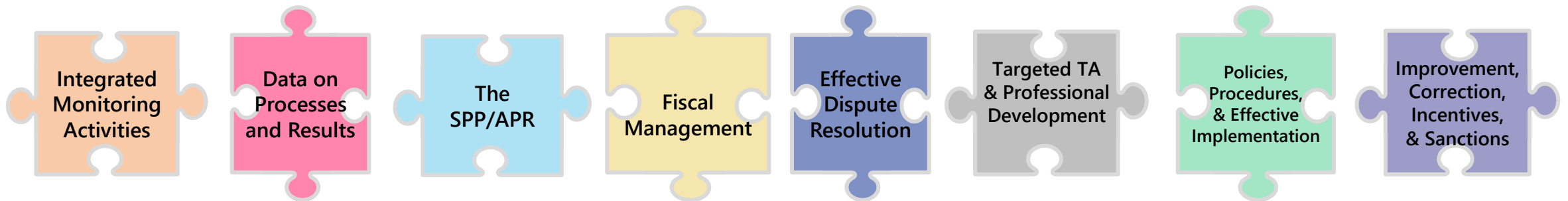
## Required Factors

- Performance on compliance indicators
- Valid, reliable, and timely data
- Correction of identified noncompliance
- Other available data about compliance
- Stakeholder input

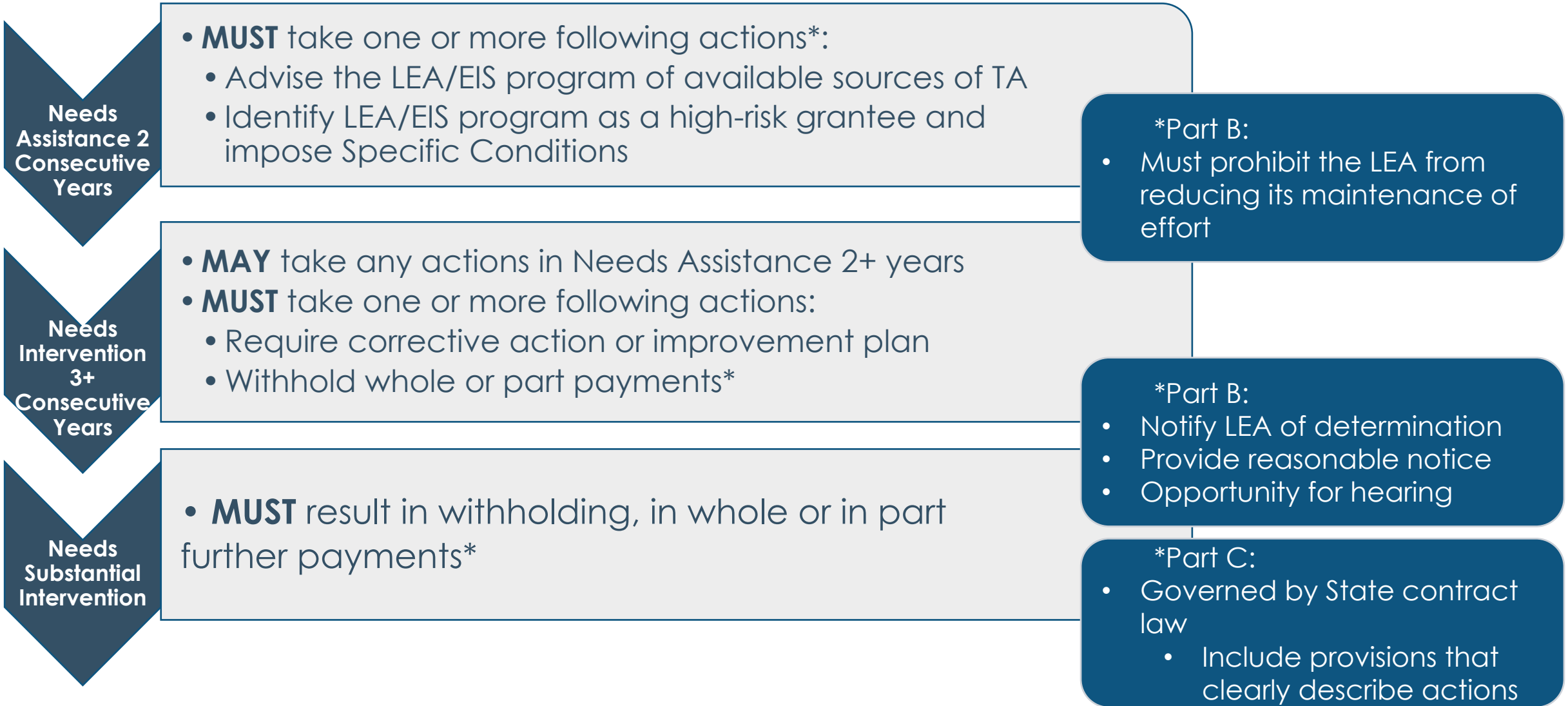
## Additional Considerations

- Results and Functional Outcomes
- Monitoring findings

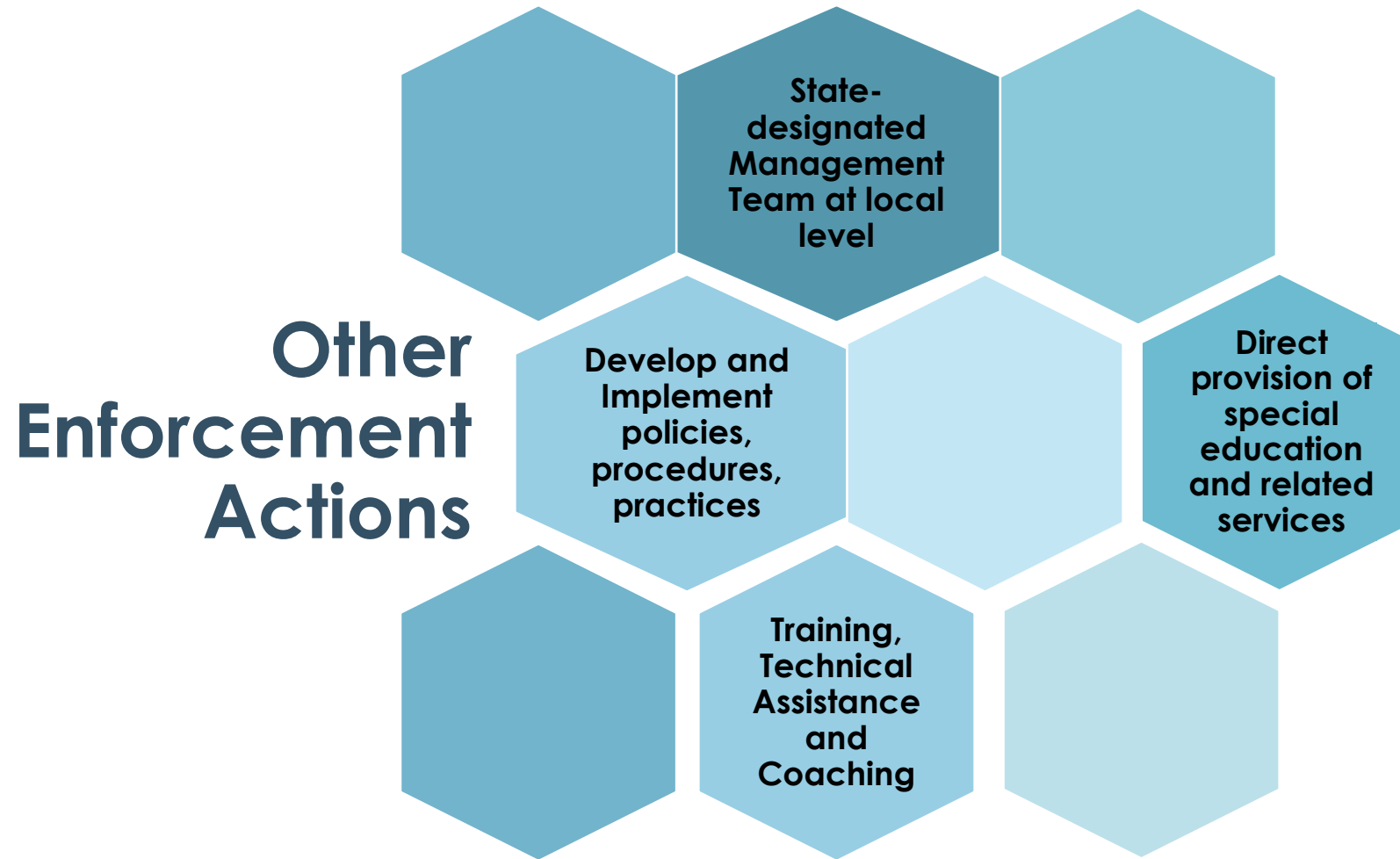
State enforcement through determinations and other methods is key to accountability.



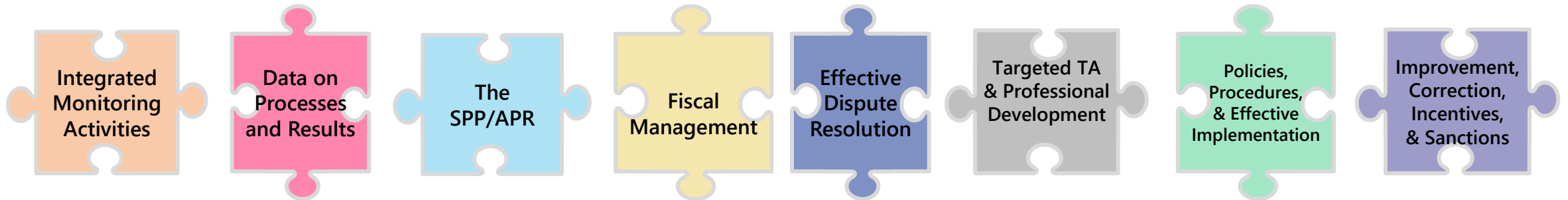
# Section E: State Enforcement Through Determinations & Other Methods



# Other Enforcement Actions



# Resources & Technical Assistance



“To help States and stakeholders reflect on and improve general supervision systems, OSEP is proud to invest in and partner with numerous technical assistance centers that provide relevant, concrete, and actionable resources and tools.”

- David Cantrell, OSEP Deputy Director



# Resources and Technical Assistance

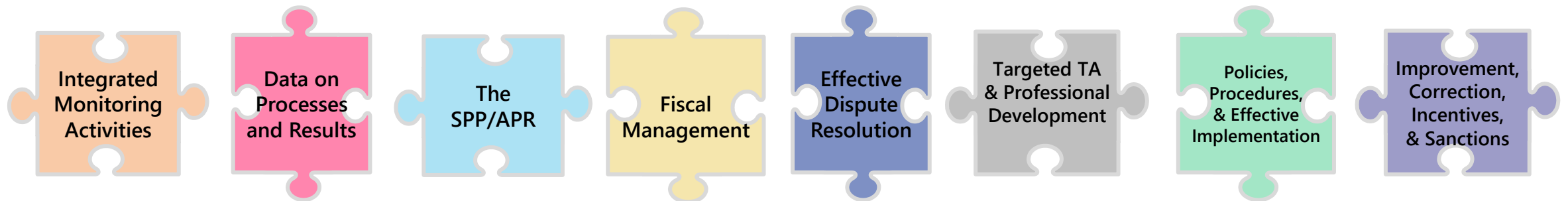
- IDEA Department of Education Page
  - [Monitoring and Enforcement Topic Area](#)
- Early Childhood Technical Assistance Center (ECTA)
  - [ECTA Differentiated Monitoring and Support \(DMS\) 2.0 page](#)
- The IDEA Data Center (IDC)
  - [IDC Tools and Toolkits](#)
- The Center for IDEA Early Childhood Data Systems (DaSy)
  - [DaSy Differentiated Monitoring and Support \(DMS\) 2.0 page](#)
- Center for Appropriate Dispute Resolution in Special Education (CADRE)
  - [CADRE website](#) and [Self-Assessments](#)





- ▶ National Center for Systemic Improvement (NCSI)
  - [NCSI's Differentiated Monitoring and Support \(DMS\) 2.0 page and Toolkit](#)
- ▶ Center for IDEA Fiscal Reporting (CIFR)
  - [CIFR website and resources](#)
- ▶ CIFR and NCSI will host an Open Door to review the fiscal implications with OSEP QA 23-01
  - **Event:** CIFR 2023 Fiscal Open Door: Unpacking the Fiscal Elements of OSEP's New General Supervision Guidance
  - **Date and Time:** November 14, 1:00–2:30 p.m. ET / 12:00–1:30 p.m. CT / 11:00 a.m.–12:30 p.m. MT / 10:00–11:30 a.m. PT
  - **Register:** [http://bit.ly/General\\_Supervision](http://bit.ly/General_Supervision)

# QUESTIONS



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# Thank You

OFFICE OF SPECIAL EDUCATION PROGRAMS  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
U.S. DEPARTMENT OF EDUCATION