



OKLAHOMA STATE DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION SERVICES  
**GENERAL SUPERVISION  
SYSTEM**

2024



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## Overview

States have a responsibility under federal law to have a system of general supervision to monitor the implementation of the Individuals with Disabilities Education Improvement Act (IDEA) of 2004 IDEA 34 CFR § 300.600. The purpose of the general supervision system is to supervise the implementation of IDEA by local education agencies (LEAs). Using this system, states are accountable for enforcing compliance and ensuring continuous improvement. This system is designed to: a) ensure compliance with federal and state regulations and b) improve services and results for students with disabilities. These correspond to the monitoring and results-based accountability elements of the General Supervision System in Oklahoma.

The Oklahoma General Supervision System (GSS) consists of eight components focused on improved outcomes for students with disabilities.

- State Performance Plan and Annual Performance Report
- Policies, Procedures & Effective Instruction
- Fiscal Management
- Effective Dispute Resolution
- Data on Processes and Results
- Integrated Monitoring Activities
- Targeted Technical Assistance and Professional Development
- Improvement, Corrections, Incentives & Sanctions



All components have been developed according to the high standards set by the Federal Office of Special Education Programs (OSEP). Please refer to the Oklahoma State Department of Education Office of Special Education Services (OSDE-SES) website at <http://ok.gov/sde/special-education> for associated documents.

## IDEA State Performance Plan and Annual Performance Report

In accordance with the IDEA, states are required to develop a performance plan that evaluates the state's implementation of Part B and describes how the state will improve its implementation. This plan, called the Part B State Performance Plan (SPP), is incorporated into the Annual Performance Report (APR). Each February, states must report to the public and OSEP the performance of the state educational agency (SEA) and the state's local educational agencies (LEAs) on a set of Federal compliance and performance indicators through the [APR report](#).

1. **Graduation** - % of youth with IEPs graduating with a regular diploma
2. **Dropout** - % of youth with IEPs dropping out (ages 14-21)
3. **Assessment** -
  - (A) Participation rate for children with IEPs
  - (B) Proficiency rate for children with IEPs against grade-level academic achievement standards
  - (C) Proficiency rate for children with IEPs against alternate academic achievement standards
  - (D) Gap in proficiency rates for children with IEPs and for all students against grade-level academic achievement standards
4. **Suspension and Expulsion**
  - (A) % of LEAs with significant discrepancy
  - (B) % of LEAs with significant discrepancy by race/ethnicity
5. **Educational Environments** - % of children with IEPs, age 5 and enrolled in kindergarten and ages 6-21, served
  - (A) Inside regular class 80% or more of day
  - (B) Inside regular class less than 40% of day
  - (C) In separate schools, residential facilities, or homebound/hospital placements
6. **Preschool Environments** - % of children with IEPs ages 3, 4, and 5 who are enrolled in a preschool program
  - (A) Receiving majority of special education and related services in regular early childhood program
  - (B) Attending separate special education class, separate school, or residential facility
  - (C) Receiving special education and related services in the home
7. **Preschool Outcomes** - % of preschool children ages 3-5 with IEPs with improved
  - (A) Positive social-emotional skills

(B) Acquisition and use of knowledge and skills

(C) Use of appropriate behaviors to meet their needs

8. **Parent Involvement** - % of parents who report that the school facilitated parent involvement
9. **Disproportionate Representation** - % of districts with disproportionate representation of racial/ethnic groups in special education and related services due to inappropriate identification.
10. **Disproportionate Representation in Specific Disability Category** - % of districts with disproportionate representation of racial/ethnic grounds in specific disability categories due to inappropriate identification.
11. **Child Find** - % of children evaluated within 45 school days of parental consent for initial evaluation.
12. **Early Childhood Transition** - % of Part C referrals for which Part B eligibility and IEP's, if needed, were completed on or before the child's 3<sup>rd</sup> birthday.
13. **Secondary Transition** - % of youth ages 15+ with measurable, annually updated IEP goals and appropriate transition assessment, services and courses.
14. **Post-School Outcomes** - % of youth with IEPs, no longer in school
  - (A) Enrolled in higher education
  - (B) Enrolled in higher education or competitively employed
  - (C) Enrolled in higher education, other postsecondary education, or training program or competitively employed or in some other employment, within one year of leaving high school.
15. **Resolution Sessions** - % of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.
16. **Mediation** - % of mediations held resulting in mediation agreements.
17. **State Systemic Improvement Plan (SSIP)** - SPP/APR includes comprehensive, ambitious, yet achievable multi-year SSIP, with stakeholder engagement in all phases, for improving results for children with disabilities.
18. **General Supervision** - % of findings of noncompliance corrected within one year of identification.

## Policies, Procedures & Effective Instruction

### Policies and Procedures

The Oklahoma Special Education Policies and Procedures are in alignment with the IDEA and Federal and State regulations. In an effort to assist LEAs and other entities providing special education and related services in Oklahoma, the OSDE-SES has outlined specific procedures for implementation of the IDEA in the Oklahoma Special Education Policy and Procedures Manual, available on the OSDE-SES [website](#).

Local Education Agencies are responsible for the provision of special education and related services and must abide by Oklahoma State law, policies, procedures, and the Federal regulations for the IDEA Part B. Agencies having these responsibilities include: local education agencies (LEAs), public

charter schools not otherwise included as LEAs, inter-locals and co-ops, other public agencies (e.g., State schools for students with deafness and blindness and State and local juvenile and adult correctional facilities), and accredited private schools and facilities as described in the applicable Federal regulations and established by Oklahoma State laws.

LEAs must develop policies and procedures (34 CFR §300.201) at the local level to ensure effective implementation of the IDEA and the Oklahoma Policy and Procedures. In Free Appropriate Public Education (FAPE) (34 CFR § 300.17), LEAs are required annually to complete the *LEA Agreement for Special Education* (34 CFR § 300.200) in the Grants management System (GMS) located in Single Sign-On. Failure to complete these required assurances and agreements in a timely manner can directly affect sub-recipient allocations, approval of budget applications, and other fiscal-related issues. Timeliness factors into District Determinations and the level of support assigned an LEA through differential monitoring or selective reviews.

## Effective Instruction

34 CFR §300.1(d) identifies a key purpose of the IDEA is to **assess and ensure the effectiveness of efforts to educate** children with disabilities. The Oklahoma Special Education Policies and Procedures manual includes [chapter 3](#) on effective instruction based on a Multi-tiered System of Supports (MTSS). MTSS is a system framework to align evidence-based instructional practices to address all students' academic and social-emotional behavioral skills, with regular data collection to facilitate data-based instructional decision making. It is a multi-level, proactive, prevention system to maximize all student achievement and reduce problem behaviors throughout the school community. The Office of Special Education Services provides support for the implementation of effective instruction through the State Systemic Improvement Plan (SSIP) and through the State Personnel Development Grant (SPDG). The Oklahoma State Department of Education supports effective instruction through the use of an Oklahoma Multi-tiered System of Support (OKMTSS) framework.

## Fiscal Management

Federal legislation enacted in 1975 (Education for All Handicapped Children's Act, Part B, as amended, Public Law (P.L.) 101-476, P.L. 98-199 and P.L. 99-457) provides funds for special education and related services to local educational agencies (LEA) through the Oklahoma State Department of Education (OSDE) Office of Special Education Services (SES). In 1990, P.L. 101-476 amended the wording from Education of the Handicapped Children's Act to Individuals with Disabilities Education Act (IDEA). On June 4, 1997, the IDEA Amendments of 1997 were enacted into law as P.L. 105-17. December 3, 2004, the IDEA amendments of 2004 were enacted into law as P.L. 108-446.

The majority of Oklahoma's IDEA Part B funds will be awarded to LEAs on the basis of a noncompetitive application. Funds are awarded to the OSDE by the United States Department of Education (USDE), Office of Special Education Programs (OSEP), to "flow-through" to the LEA contingent upon the LEA's consolidated application for IDEA Part B funds.

Section 611, or flow-through funds, will be awarded on a formula based on the number of students with disabilities ages 3 through 21 served on December 1, 1999, as well as the total student enrollment in the LEA (in both public and private schools located in the LEA) and the poverty level

of the LEA (defined as the free and reduced lunch count within the LEA). The calculation comes from the October 1 child count of the previous year.

Section 619, or Preschool, (P.L. 94-112 as amended by P.L. 99-457, 102-119, 105-17, and 108446) funds are earmarked for children with disabilities ages 3 through 5, and are awarded on a formula based on the number of children with disabilities ages 3, 4, and 5 served on December 1, 1999, as well as the total enrollment in the LEA (in both public and private schools located in the LEA) and the poverty level of the LEA (defined as the free and reduced lunch count within the LEA). The calculation comes from the October 1 child count of the previous year.

## IDEA Fiscal Accountability Overview

The OSDE - SES must ensure fiscal accountability at each phase in the distribution and use of the IDEA Part B funds. The purpose of the OSDE - SES's IDEA [Funding](#) Manual is to provide a comprehensive overview of fiscal policies, procedures, and mechanisms by which the OSDE accounts for the IDEA funds requirements, including:

### Use of Amounts

- Ensure Local Education Agencies (LEAs) use the IDEA funds only to pay excess costs of providing special education and related services to children with disabilities;
- Ensure the IDEA funds are used to supplement and not supplant State, local, and other federal funds;
- Ensure that funds provided to an LEA under IDEA Part B must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year;
- Ensure proper use of exceptions and adjustments to maintenance of effort (MOE); and
- Prohibit reduction in the level of expenditures under 34 CFR 300.205(a), if the LEA is not meeting IDEA Part B requirements.

## Requirements for Use of Special Education Federal Funds

### ***Federal Requirement***

- Each LEA must have in effect policies and procedures that are consistent with the State Education Agency's (SEA) policies and procedures and demonstrate to the satisfaction of the SEA that it meets those conditions.
- Each LEA must be able to establish and maintain a program of sufficient size and scope to effectively meet the needs of children with disabilities.
- Each LEA must meet the excess cost requirement.
  - Amounts provided to an LEA under IDEA Part B may be used only to pay the excess cost of providing special education and related services to students with disabilities.
  - Excess costs are those costs over and above what the LEA spends on average for students enrolled at elementary or secondary level.
  - If an LEA can show that it has (on average) spent the minimum amount for the education of each of its students with disabilities, it has met the excess cost



requirement and all additional costs are excess. The IDEA Part B funds can then be used to pay for these additional costs.

### ***Each LEA Must Meet The Non-Supplanting Requirement***

IDEA Part B funds must be used by the LEA to supplement the level of federal, State, and local funds expended for special education and related services provided to students with disabilities and in no case to supplant these federal, State, and local funds.

### **Excess Cost**

Local educational agencies (LEAs) must follow certain requirements when accepting federal funds. One of the federal requirements under the Individuals with Disabilities Education Act, Part B (IDEAB) is the concept of excess costs. If your LEA receives a federal grant awarded under IDEA-B, you must spend those funds only on the excess costs of providing special education and related services to eligible students. LEAs may not use IDEA-B funds to pay all the costs of educating students with disabilities. Excess costs are those costs over and above what the LEA spends on average for students enrolled at the elementary or secondary level, including special education students.

### **Maintenance of Effort**

Each LEA must meet Maintenance of Effort (MOE) requirements. Funds provided to the LEA under IDEA Part B may not be used to reduce the level of expenditures for the education of students with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.

### **Time and Effort Reporting**

Federal regulation requires that any salaries and benefits charged to a federal award(s) must be documented in writing. The Time and Effort reports must be prepared for any staff with salary and benefits that are paid out of one or more than one Federal award. The Time and Effort reports must be kept on file at the district level and available when requested.

### **IDEA Consolidated Application – Early Intervening (Project 623)**

An LEA may not use more than 15 percent of the amount such LEA receives under IDEA Part B for any fiscal year, less any amount reduced by the agency, in combination with other amounts; this may include amounts other than education funds to develop and implement CEIS. CEIS may include interagency financing structures for students in kindergarten through grade 12 (with a particular emphasis on students enrolled in kindergarten through grade 3), 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.

### **Comprehensive Coordinated Early Intervening Services**

In December 2016, the Office of Special Education Programs (OSEP) finalized new regulations on significant disproportionality (34 CFR §300.646). These regulations enforce the use of Individuals with Disabilities Education Act (IDEA) funds for mandatory Comprehensive Coordinated Early



Intervening Services (CCEIS), which local education agencies (LEAs) provide upon identification of significant disproportionality, and distinguish use of funds for CCEIS from the use of IDEA funds for voluntary Coordinated Early Intervening Services (CEIS).

LEAs identified as being significantly disproportionate are required to set aside 15 percent of their joint Project 621 and Project 641 IDEA current year allocation. The LEA must address any policy, practice, or procedure it identifies as contributing to the significant disproportionality, including any that result in a failure to identify or the inappropriate identification of a racial or ethnic group or groups. The LEA is required to publicly report on the revision of policies, practices, and procedures. The LEA retains full flexibility regarding whether the reservation is made with project 621 funds, project 641 funds, or both.

For additional information regarding IDEA Part B Funding, refer to the IDEA Part B Funding Manual located on the home page of the Special Education Services under Manuals.

## Effective Dispute Resolution

A key purpose of the IDEA according to 34 CFR §300.1(d) is to ensure that the rights of children with disabilities and their parents are protected. Under 34 CFR §300.140, parents are afforded procedural safeguards which include the ability to engage in dispute resolution. When conflicts arise between Local Education Agencies (LEA) and parents and/or adult students, the Oklahoma State Department of Education will engage in effective dispute resolution to assist in resolving disputes. The State will address dispute resolution timely and in accordance with the requirements of IDEA. The resolution options offered through the OSDE include individualized education program (IEP) facilitation, mediation, formal state complaints, due process hearings, facilitated resolution sessions, and expedited due process hearings.

### Individualized Education Program (IEP) Facilitation

IEP facilitation is a voluntary process for which a facilitator is appointed to facilitate an IEP team meeting. The role of the facilitator is to help team members communicate more effectively and efficiently. IEP facilitation supports early dispute resolution, providing assistance to the IEP team before a potential conflict develops into a more serious dispute. The facilitator is an impartial third party, not a member of the IEP team, and has no stake in decisions made by the team. For the parties to enter into IEP facilitation, both parties must agree to the use of IEP facilitation.

### Mediation

Mediation is a structured, voluntary process in which an impartial third party (a mediator) assists parents and/or adult student and LEA personnel resolve disputes. Mediation builds positive working relationships, encourages mutual understanding, and helps the parties focus on their common interest – the student. For the parties to enter into mediation, both parties must agree to the use of mediation.

### Formal State Complaints

A formal state complaint may be filed with the OSDE by any individual or organization who believes the LEA or other education agency has violated, within one year, a requirement of IDEA. The complaint will be thoroughly investigated and will result in a written decision of findings. If

noncompliance is identified, the district will be issued a corrective action plan and must correct the non-compliance as outlined in the decision and in all cases within one year.

## Due Process Hearings

A request for a due process hearing may be made by a parent, adult student, attorney representing the parent/adult student, or the LEA. A due process hearing must be initiated within two years of the date the parent and/or adult student knew or should have known of the dispute. The hearing officer will preside over and conduct the proceedings in a fair and impartial manner, permitting all parties an opportunity to present their information and opinions pursuant to the IDEA requirements. The hearing officer will issue a written decision which will include findings of facts and conclusions of law, including an order, if appropriate.

## Dispute Resolution Issues

The State tracks issues that arise through the dispute resolution process and uses that data to inform the need for targeted technical assistance and professional development.

## Data on Processes and Results

The State is responsible for the collection and validation of data related to special education. The State examines and analyzes the data to inform of regional and district-level concerns, including noncompliance. These identified concerns inform the State's targeted technical assistance and professional development.

In order to determine compliance and performance results based on the 18 Federal indicators outlined in the State Performance Plan (SPP) section of this document, Student-level data and district-level data will be collected annually from districts. Some data elements are pulled directly from the online IEP system, while others are provided from the OSDE Office of Accountability. This data is aggregated and reported as state-level data to OSEP through the SPP.

States must use the indicator targets established in the SPP under 34 CFR § 300.601 and the priority areas described in 34 CFR §300.600(d) to analyze the performance of each LEA. Subsequently, the SEA will report the disaggregated compliance and results data back to each district in the form of the District Data Profile (DDP) in November of each year. Certain compliance and performance results are then transferred for use in the annual district determinations (see Differentiated Monitoring Results in this document for more information). Districts must strive to meet the established indicator targets. The annual targets are set periodically by a group of statewide stakeholders and the IDEA B State Advisory Panel. Oklahoma's SPP/APR and each district's DDP reports are available on the [OSDE-SES Data Website](#).

Beyond the data for the specified indicators, the state collects student level demographic data that is reported for annual child count, counts for disability category and disability category by race. It is also used in calculating significant disproportionality.

For additional information regarding IDEA Part B Data, refer to the [General Supervision System Data Collection Manual](#) located on the home page of the Special Education Services under Manuals.

## Integrated Monitoring Activities

The primary purpose of integrated monitoring activities is two-fold; investigation related to program improvement and investigation related to non-compliance. Integrated means that information is collected from all parts of the general supervision system (e.g., fiscal management, data on processes and results, effective dispute resolution), using multiple methods to detect noncompliance and ensure correction of noncompliance. This in-turn, informs the State of general and specific needs of technical assistance and professional development that are designed to ultimately lead to program improvement.

While not an exhaustive list, the State employs the use of systems, including Differentiated Monitoring Results, Selective Review, longstanding noncompliance, fiscal, and Significant Disproportionality to monitor compliance with the IDEA. If noncompliance is identified through these processes, it results in a written notice of findings of noncompliance to the district and is inclusive of a corrective action that must occur within a stated timeframe, not greater than one calendar year of the notice of findings.

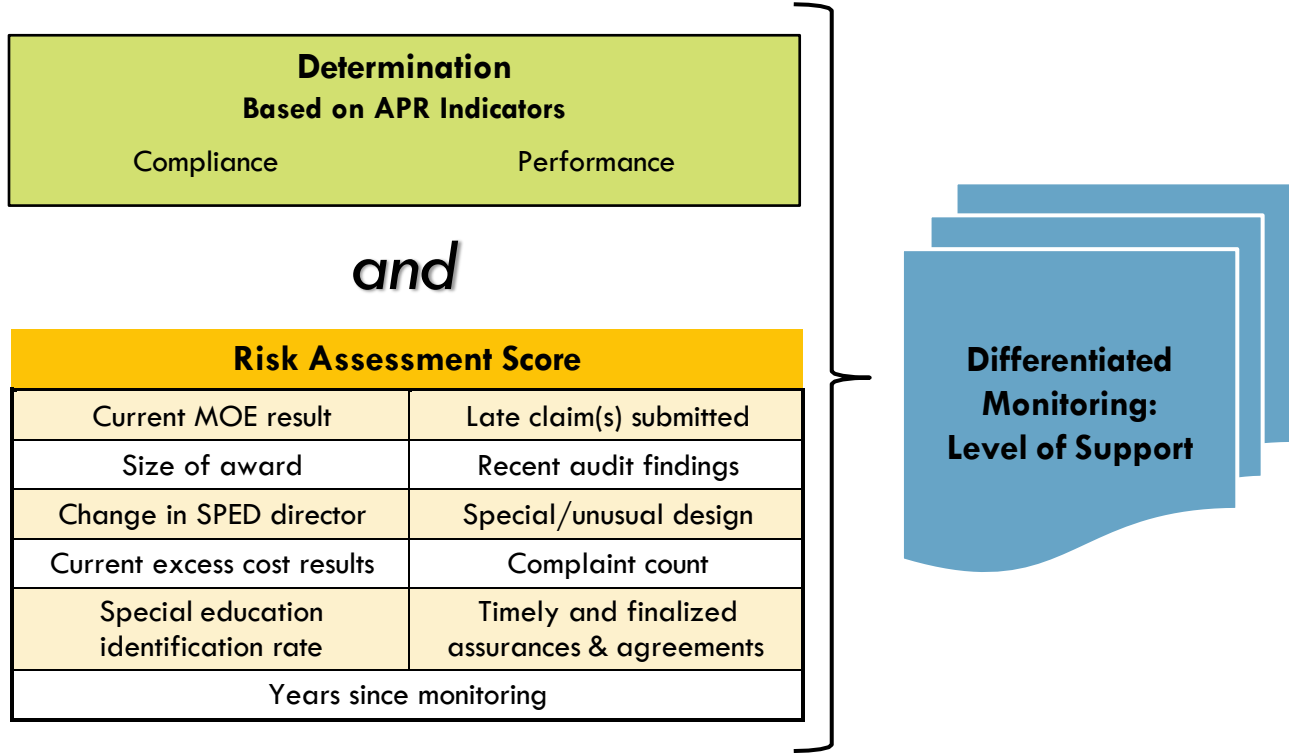
## Differentiated Monitoring Results

OSDE-SES applies a differentiated monitoring result (DMR) for each LEA in Oklahoma based on the LEA's determination rating and an assessment of risk. The DMR initiates a series of integrated monitoring and improvement activities that must be completed by the LEA. These activities correspond with a "level of support" that the OSDE-SES determines is necessary for the LEA to achieve a "meets requirements" designation and mitigate risk in subsequent years. Diagram 1 displays the overall model of the DMR, while table 5 describes the required activities associated with each of the four levels of support.

The OSDE-SES incorporates a risk assessment calculation as part of the DMR in order to meet federal Uniform Grant Guidance requirements (2 CFR §200.331). This risk assessment gauges the risk any LEA poses to the SEA in fiscal responsibilities, including recent maintenance of effort (MOE) results, excess cost, audit findings, special education identification rate, complaint counts, and directors' experience, among a few other things. Each year, factors included in the risk assessment are evaluated for their usefulness in measuring risk to the SEA, and revised as appropriate.

An LEA's DMR and associated level of support are determined through a comparison of the LEA's determination rating and risk score. Based on the greatest need of the district, the LEA will be placed in the corresponding determination rating or risk. The determination and risk assessment are described in more detail in the following paragraphs.

**Diagram 1: Differentiated Monitoring**



**Determinations**

Annual LEA determinations are required by the IDEA 34 CFR § 300.600. Determinations identify each LEA’s quality of compliance and performance for several indicators that the SEA reports to OSEP. The indicator data used are reported annually to the LEAs in the District Data Profile document. Based on the quality of its compliance and performance data, the OSDE-SES assigns each LEA a determination rating tier: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

Determinations are made in November via notification directly to special education directors and Superintendents. The District Data Profile and determination documentation includes a set of instructions for interpreting the data, the calculation matrix, and scores from the current and prior years. Please see Appendix B for a sample determination to view the calculation matrix and reporting template.

The calculation matrix has two parts: one focusing on compliance indicators (4B, 9, 10, 11, 12, 13) and the other on performance (results-based) indicators (1, 3A, 3B, 7 A1-B1-C1). Determination is made by adding the points together that the LEA has earned on compliance and performance by meeting the indicator targets and dividing by the total possible points. Every indicator may not apply to every LEA. Bonus points are available for meeting various criteria that are area of focus for improvement by the SEA. If the LEA score falls close to the target (“approaching” the target),

it may receive partial credit for indicators other than assessment results (indicator 3). LEA targets align with state APR targets as shown on the District Data Profile.

Please refer to the district determination template in Appendix B for the list of indicators included and the points allocated to each, as well as a description of the possible bonus points.

### **Compliance Indicator Descriptions**

- Indicator 4B – Significant discrepancy, by race or ethnicity, in the rate of long-term suspensions/expulsions for children with IEPs.
- Indicator 9 – Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification.
- Indicator 10 – Disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification.
- Indicator 11 – Initial eligibilities completed within 45 school days from the date of parent consent to the date of the eligibility meeting.
- Indicator 12 – Children who transfer from SoonerStart Part C to public education Part B with an IEP in place by the student's 3<sup>rd</sup> birthday.
- Indicator 13 – Student who are turning age 15 or before the first day of 9<sup>th</sup> grade must have an IEP addressing secondary transition completed timely and finalized within 30 calendar days.

Longstanding Noncompliance - LEAs that have been identified for one or more of the compliance indicators for two or more consecutive years will be identified by not earning two points to the LEAs determinations.

Timely Completion of Monitoring Requirements - LEAs that have submitted the required information or data timely will be identified by adding two points to the LEAs determinations.

### **Performance (Results Based) Indicator Descriptions**

- Indicator 1a – Percent of youth with IEPs who graduated high school the previous school year with a regular diploma.
- Indicator 1b – Percent of youth with IEPs who graduated high school the previous school year with a regular diploma and an alternate diploma.
- Indicator 3A – Percent of all students with IEPs participating in a state assessment, for grades 4, 8, 11.
- Indicator 3B – Percent of students with IEPs who achieve proficient+ on the regular (OSTP) assessment for reading and math grades 4, 8, and 11.
- Indicator 7 (A1, B1, C1) – For each Outcome, the percentage of children ages 3-5 who improved functioning to a level nearer to or comparable to same-aged peers when exiting the preschool special education program.

### **Bonus Points**

Districts may earn bonus points for the following activities

- Timely submission and certification for both Child Count & End-of-Year Data (must submit both timely) (1 point possible)
- Attendance at the Child Count and end of Year Training (must attend both) (1 point possible)

- Parent Survey Response Rate increase 5% or 50% (1 point possible)
- Professional Development (maximum two points). Up to two professional development (PD) bonus points may be earned if the PD meets the following requirements: 1) PD for all district staff over a topic related to students with disabilities for a minimum of three hours. 2) The second PD must be related to the district’s secondary transition program such as participation at the local/area transition team meeting, observing another district’s secondary transition program to replicate/build/expand your program, or attendance at the annual Secondary Transition Institute (OTI) held in the fall.

**Note:** LEAs’ with any indicators that fall below the target must be addressed regardless of the DMR Level status.

**Determination Rating Tiers**

Each determination level corresponds to a total percentage calculation measuring the LEA’s achievement in the compliance and performance indicators. Table 1 shows the percentage calculation corresponding to each determination tier. The LEA’s tier contributes to its DMR and corresponding level of support. LEAs identified as *Meets Requirements* demonstrate adequate compliance and performance on targeted indicators for the implementation of IDEA. An LEA assigned to any tier that *does not* adequately meet compliance and performance on targeted indicators for the implementation of the IDEA, will be required to engage in various monitoring and/or improvement activities, as described by its overall DMR and level of support.

**Table 1: Determination Tiers**

Determination Rating	Rating Percentage
Tier 1: Meets Requirements	85% to 100%
Tier 2: Needs Assistance	70% to 84.9%
Tier 3: Needs Intervention	55% to 69.9%
Tier 4: Needs Substantial Intervention	less than 55%

**Risk Assessment**

The risk score is a measure of an LEA’s risk to the SEA. Each LEA is assigned a risk category based on its risk score that contributes to the LEA’s DMR and corresponding level of support. Table 2 lists the eleven factors included in the risk factor score and their factor weights.

**Risk Factor Definitions**

- MOE Results: – LEAs must expend an equal amount of state and/or local funds from year to year. LEAs not meeting Maintenance of Effort (MOE) are subject to a penalty for failure to meet MOE and funds could be withheld from State Aid, increasing the risk to the SEA.
- Timely & Finalized Assurances and LEA Agreements – LEAs must complete the Oklahoma Assurances and LEA Agreement by June 30 annually.
- Size of Award – The higher the award amount, the higher the financial risk to the SEA.

- Change in SPED Director – LEAs who have appointed or assigned the special education duties to a new individual in the past two years will receive a higher risk score.
- Excess Cost Results: – Excess Costs are costs over and above what the LEA spends on average for all students enrolled at the elementary or secondary level. Any LEA found not meeting excess cost could incur a penalty, requiring SEA to withhold a portion of funds from State Aid, increasing the risk to the SEA.
- Special Education Identification Rate – LEAs with very high special education identification rates may need additional support, increasing the risk to the SEA.
- Recent Audit Findings – Any Independent Audit findings related to special education increase the LEAs risk to the SEA.
- Special Design – LEAs that participate in COOPs or Interlocal, and/or are designated as a charter or virtual school increase the LEAs risk to the SEA.
- Significantly Disproportionate – The LEA has been identified as significantly disproportionate.
- Late Claim Submitted – Claims must be submitted by August 1st. Any claim submitted after the due date must go before the State Board of Education for approval. Late claims pose a risk to the SEA.
- Complaint Count – Higher numbers of complaints that resulted in findings against the LEA are a greater risk to the SEA. IF the LEA has two or more complaints in a single school year that results in findings against the LEA, then the LEA is a greater risk to the SEA.
- Years Since Prior On-site Monitoring – LEAs that have not received a monitoring of the Special Education Program including a student confidential file review in more than six years are at greater risk to the SEA.

**Table 2: Risk Factor Scoring**

Factors	Scoring Elements					
	Met	Not met, no exception				
<b>MOE Results</b>	0	10				
<b>Timely &amp; Finalized Assurances and/or LEA Agreement</b>	Timely & Finalized	Late or Unfinished	Late or Unfinished: two or more years in a row			
	0	1	3			
<b>Size of Award (Allocation)</b>	<\$100,000	\$100,000 to 500,000	\$500,000 to 900,000	>\$900,000		
	0	1	2	3		
<b>Change in SPED Director</b>	No Change in Two+ Years	Second Year	First Year/New Change			
	0	1	3			



<b>Excess Cost Results</b>	Met	Not met			
	0	10			
<b>Special Education Identification Rate</b>	Less than twice the state average		More than twice the state average		
	0		3		
<b>Recent Audit Findings</b>	No	Other/SPED	SPED (with or without Other)		
	0	3	5		
<b>Special Design</b>	No	Yes			
	0	2			
<b>Significantly Disproportionate</b>	No	Yes			
	0	2			
<b>Late Claim Submitted</b>	No	Yes	Late claims submitted two or more years in a row		
	0	3	5		
<b>State Complaint Findings</b>	Zero or One	Two or More			
	0	3			
<b>Years Since Prior On-site Monitoring</b>	Six or Fewer Years	More than Six Years			
	0	5			

Table 3 lists three mitigating factors used to decrease the overall risk score. LEAs whose fiscal personnel participate in state-provided budget workshops, submit timely budgets, and new special education directors submit a certificate for completion of the First Year Director Training are a lower risk to the SEA (negative scores reduce risk). See Appendix A for the reporting template for the District Risk Score and Category.

**Table 3: Mitigating Factors to Reduce Risk**

	Scoring Elements	
<b>Fiscal Representative Attended “Hands on Budget” Training</b>	No	Yes
	0	-1
<b>Budget Application submitted by October 31st</b>	No	Yes
	0	-1
<b>Attended First Year Director’s Training</b>	No	Yes
	0	-1

**Risk categories**

Table 4 describes the risk categories and associated point spread for each. LEAs in risk category 1 are considered very low risk. An LEA assigned any other risk category does not adequately meet risk targets and will be required to engage in various monitoring and/or improvement activities, as described by its overall DMR and level of support. The risk factors are scored according to the values listed in Table 2, then all factor values are summed. The total possible risk score is 50, which OSDE-SES would interpret as an imminent failure. A score of zero would be interpreted as extremely low risk.

**Table 4: Risk Categories**

Risk Category	Risk Score
Category 1: Very Low Risk	0 – 9 points
Category 2: Low Risk	10 – 18 points
Category 3: Moderate Risk	19 – 32 points
Category 4: High Risk	33 – 50 points

**Differentiated Monitoring Result**

The Differentiated Monitoring Result (DMR) is the state’s tool for identifying an LEAs’ required level of support and associated monitoring and/or improvement activities. Determination Tiers and Risk Categories are designated according to the formulas outlined previously. Each LEA receives one Determination Tier and one Risk Category. Whichever outcome demonstrates the higher need is the DMR. For example, if LEA X is rated a Tier 2 on its Determination Tier and a Category 3 on its Risk Category, its designated DMR is “Level 3.” If LEA Y receives a determination Tier 1 and a Category 1 on its Risk Rating, its designated DMR is “Level 1.” This DMR directly corresponds to the assigned level of support during the next fiscal year.

**Levels of support**

Based on the LEA’s assigned level of support, corresponding “integrated monitoring” activities are required of the LEA that are intended to improve LEA compliance and/or performance. The activities associated with each level of support are listed in Table 5. Note for those responses to findings of noncompliance for indicators 4, 9, 10, 11, 12, & 13 data is required regardless of the level of support assigned to a LEA. Activities associated with the letters in the table below are described in the following sections.

**Table 5: Levels of Support**

			Required Activities												
Level of Support	Corresponding...		Integrated Monitoring									Response to Noncompliance			
	Risk	Determination	A	B	C	D	E	F	G	H	I	W	X	Y	Z
1	VL	MR	x	x	x	x	x				x	x	x	x	x
2	L	NA	x	x	x	x	x				x	x	x	x	x
3	M	NI	x	x	x	x	x	x		x	x	x	x	x	x
4	H	NSI	x	x	x	x	x	x		x	x	x	x	x	x

**List of required activities**

- A. Targeted Technical Assistance
- B. Self-Assessment Toolkits/Root Cause
- C. Improvement Plan
- D. Progress Monitoring
- E. District Professional Development
- F. Data Retreat
- G. Targeted Review
- H. Comprehensive Review
- I. Withheld Funds

**Integrated monitoring activities**

- W. Letter of Assurance
- X. Data correction (prong 1)
- Y. Improvement plan
- Z. Data verification (prong 2)

**Response to noncompliance activities**

**Required Integrated Monitoring Activities**

**A. Targeted Technical Assistance (TTA)**

Targeted technical assistance (TTA), in the form of an integrated monitoring activity, is a purposeful and planned series of activities. TTA activities are selected and coordinated for each LEA by the OSDE-SES. The LEA then carries out these activities at the school or districtwide level with continued

support from the OSDE-SES. As a result, these activities increase the capacity of the LEA to support improved outcomes for students.

TTA activities are concern specific, highly focused, and supported by data. Examples of data the OSDE-SES may use when creating TTA for an LEA include the LEA's level of IDEA compliance, the LEA's performance on results-based indicators, the LEA's performance on compliance-based indicators or a combination of any of these components. Ultimately, TTA is designed to build the capacity of individuals, schools, and LEAs to plan, implement, and support improved outcomes for their students with Individualized Education Programs.

### ***B. Self-Assessment Toolkits/Root Cause Analysis***

Self-assessment toolkits are required of all districts assigned to levels of support 1, 2, 3, and 4. The goal is to encourage districts to consider their strengths, weaknesses, and root cause related to one or more indicators on the determination rating or risk factors. They are meant to give an accurate picture of LEA, school and teacher practices and are supported by documentation. The use of self-assessments is an important part of the TTA process described above. They are also an important part of improving teaching and learning in schools. Honest self-assessment lays the groundwork for reflective practice that is focused on improving outcomes.

### ***C. Improvement Plan/Progress Monitoring***

The improvement plan is required of LEAs completing a Self-Assessment Toolkit. It is intended to serve as a tool for LEAs to use to guide improvement in risk, compliance and/or student performance. OSDE-SES will assist the LEA in defining what should be included in the improvement plan, deadlines, and support. OSDE-SES will support and monitor the implementation of the improvement plan over time.

### ***D. District Professional Development***

LEAs required to conduct this activity will work with an OSDE-SES specialist to determine the appropriate module(s)/training. Professional development must be related to the indicators on the determination rating or risk factors in need of improvement.

### ***E. Data Retreat***

LEAs assigned levels of support of 3 and 4 are required to send personnel responsible for data management to a data retreat provided by the compliance team. These training events will be held annually and will guide personnel through how to conduct root cause analyses and how to use data to inform program improvement. The retreat will also be open for participation of personnel in LEAs assigned to 'lower' levels of support, as space permits.

### ***F & G: Targeted or Comprehensive Reviews***

Level 3 LEAs will receive a targeted or comprehensive monitoring, depending on an initial review of LEA needs by OSDE personnel. Level 4 LEAs will automatically receive a comprehensive monitoring.

### **Targeted compliance and performance review**

Targeted monitoring activities are administered with the intent to assess how an LEA is implementing certain requirements of the IDEA. An entire review of the LEA's special education program is not the main focus; instead, the goal is to target an area in need of improvement and review appropriate sources of information to determine root causes. This type of monitoring activity may include (but is not limited to) such actions as: 1) IDEA Part B fiscal reviews; 2) review of LEA policy and procedure (administrative records); 3) review of student records; 4) data verification review; 5) interviews with LEA personnel; 6) individual student tracking; 7) parent interviews; and/or 8) other activities as needed. A finding is issued for each area of noncompliance identified. OSDE-SES may also prescribe a Corrective Action Plan (CAP) or Improvement Plan that addresses identified areas of non-compliance and improvement strategies to ensure timely corrections.

### **Comprehensive compliance and performance review**

Comprehensive monitoring activities are administered with the intent to assess how an LEA is implementing the full set of requirements of the IDEA. A review of the LEA's special education program in its entirety include: 1) IDEA Part B fiscal reviews; 2) review of LEA policy and procedure (administrative records); 3) review of student records; 4) data verification review; 5) interviews with LEA personnel; 6) individual student tracking; 7) parent interviews; and 8) other activities as needed. A finding is issued for each area of noncompliance identified. OSDE-SES may also prescribe a Corrective Action Plan (CAP) or Improvement Plan that addresses identified areas of non-compliance and improvement strategies to ensure timely corrections.

### ***H: Withheld Funds***

The OSDE-SES may withhold funds, in whole or in part, in accordance with the federal regulations at 34 CFR §§ 300.604 and 300.605. OSDE may choose to withhold funds if required deadlines are not met during the differentiated monitoring process.

### **Required Activities in Response to Noncompliance**

As stated previously, each state is required to report all findings of noncompliance on APR indicators 4 and 9 through 13. Any LEA that is not 100 percent compliant must resolve all noncompliance in student records and confirm its resolution ("prong 1" activities) and then be monitored for continuous compliance ("prong 2" activities). These are federally required monitoring activities.

### ***I: Letter of Assurance***

LEAs found in noncompliance are required to provide the OSDE-SES with a letter of assurance. The purpose of the letter is for the LEA to inform the OSDE-SES that LEA will correct its noncompliance to 100%. In accordance with 34 CFR 300.600(e), noncompliance must be corrected as soon as possible, and in no case later than one year from the date on which the LEA is notified of a finding of noncompliance.

### ***J: Prong 1: Data Correction***

LEAs with identified noncompliance for indicators 11, 12, and 13 must correct all records in noncompliance. For example, if a student does not have a compliant secondary transition plan in his or her IEP, that plan and IEP must be updated and finalized. LEAs will be notified of all findings of noncompliance in the fall of each year, in conjunction with the distribution of the District Data Profile. All data corrections must be reported to OSDE-SES by the spring deadline provided. LEAs that do not correct noncompliance in a timely manner will face additional sanctions and monitoring, including a possible increase in its level of support.

### ***K: Improvement Plan for Noncompliance***

If a LEA is below the 100 percent target on one or more indicators, the LEA is also required to submit an improvement plan to address the sources of noncompliance for the indicator(s). The improvement plan will identify current areas of strengths, improvement areas, barriers, SMART goal(s), action steps, person(s) responsible, a timeline for completion, and expected outcomes.

### ***L: Prong 2: Continuous Compliance (Indicators 11, 12, 13) and Student Confidential Records Review***

OSEP requires states to review “Prong 1” LEAs within one year of any finding of noncompliance to ensure that LEAs have not maintained noncompliance in the indicator(s) of interest and for correction of all noncompliance identified in the student confidential record reviews. OSDE-SES will conduct continuous compliance reviews through a random sampling process, by which student records will be randomly selected for compliance. If all records are compliant, the LEA will be resolved and removed from the compliance watch-list for the fiscal year. If noncompliance is found, additional sanctions may be applied, and the level of support may increase.

Random samples of student records selected to complete prong 2 data reviews for indicators 11, 12, and 13, will be pulled from the LEA’s full set of student records relevant to the indicator. For example, only records of students with initial evaluations in the most recent fiscal year will be sampled for indicator 11. Thus, the number of records sampled depends on the number of relevant records as listed in Table 6. If the total number of relevant LEA records is in the left column, then the number of records sampled is in the right column. The sample sizes are determined using the following assumptions:

**Table 6: Sampling Sizes**

Relevant Record Count	Sample Size
10 and under	Same #
11 - 15	11
16 - 20	13
21 - 25	15
26 - 30	17
31 - 40	19
41 - 50	21
51 - 75	24
76 - 100	26
101 - 150	29
151 - 300	32
301+	34

1. Margin of error of 10 percent: this is the chance of missing (not finding) noncompliance in the sample when it exists.
2. Confidence level of 95 percent: this is the level of confidence that results found are true and representative.
3. Expected response distribution of 90 percent compliance.

LEAs that were identified as a DMR level 3 or 4 supports will also have a Prong II review for student confidential record review in the fall of the following school year from the school year of notification. The Prong II sample review for confidential records must occur within one calendar year of notification of noncompliance (Monitoring report). Example, the LEA is notified November 15<sup>th</sup> of their DMR status. In the spring of the same school year, the student file monitoring occurs, a monitoring report is issued, LEAs bring confidential records into compliance, Prong I is then closed. In the fall of the following school year, the LEA will participate in the Prong II described above.

### Selective Review

Office of Special Education Programs (OSEP) issued an OSEP QA 23-01 document to assist states in meeting the general supervision responsibilities under Part B of the IDEA. According to the OSEP QA 23-01, the following guidance aligns with the Selective Review process.

B1: What is an “area of concern”?

Answer: Although not defined in IDEA and its implementing regulation an “area of concern” means a credible allegation regarding an IDEA policy, procedure, or practice, or other requirement that raises one or more potential implementation or compliance issues, if confirmed true. Such credible allegations (e.g., information and awareness) may come from integrated monitoring activities, data reviews, grant reviews, stakeholder calls, media reports, dispute resolution systems, or other mechanisms that relate to IDEA implementation.

B2: What actions must a State take when made aware of an area of concern with an LEA’s program’s implementation of IDEA?

Answer: The State must ensure that its general supervision system includes policies, procedures, and practices that are reasonably designed to consider and address areas of concern (i.e., credible allegations of LEAs program) in a timely manner. 34 CFR §§300.149 and 303.120. A State must



conduct proper due diligence when made aware of an area of concern regarding an LEA's program implementation of IDEA and reach a conclusion in a reasonable amount of time. A State's proper due diligence activities may include but are not limited to: conducting clarifying legal research, interviewing staff, parents of children with disabilities, children with disabilities, and groups that represent the families and communities served but the LEA's program, and reviewing and analyzing data or information.

The selective review process is intended to enable the SDE to investigate credible allegations of noncompliance in an effort to support LEAs. When issues of concern are brought to OSDE-SES's attention regarding an LEA's implementation of IDEA, a selective review may be conducted to determine any noncompliance and the level of assistance needed. For example, OSDE-SES may determine an LEA needs a comprehensive on-site review or targeted technical assistance, depending on the information provided, the source of that information, and other relevant factors. Selective reviews consider (but are not limited to) the following data elements: stakeholder concerns, phone log information, complaint log information, due process hearing requests or hearing results, mediation, email correspondence, District Data Profile (DDP), Differentiated Monitoring Results (DMR), fiscal, and critical and/or special investigative audits and findings related to special education. These may happen at any time and are unrelated to the differentiated monitoring process, except that a selective review may be deemed necessary as a result of the DMR process.

The selective review process also incorporates a cyclical monitoring process for interlocal coops.

## Significant Disproportionality

In accordance with IDEA 34 CFR § 300.223, comprehensive coordinated early intervening services (CCEIS) are services provided to children and youth in early childhood and /or kindergarten through grades 12 who are not currently identified as needing special education and related services, but who need additional academic and behavioral supports to succeed in a general education environment. The 2016 regulations, which went into effect in May 2019, governing CCEIS required states to incorporate early childhood data in the risk ratio calculations beginning in July 2020. Oklahoma uses a three-year pattern to identify LEAs as having significant disproportionality.

Local Education Agencies (LEAs) identified as having significant disproportionality, as defined by the state, are required to set aside 15% of their new IDEA allocations for the development and provisions of comprehensive coordinated early intervening services (CCEIS) for student's not currently identified as needing special education services. LEAs may also voluntarily set aside funds (up to 15%) for the development and provisions of CCEIS.

The rationale for using IDEA funds for CCEIS is based on research showing that the earlier a child's learning problems or difficulties are identified, the more quickly and effectively the problems and difficulties can be addressed and the greater the chance that the child's problems will be ameliorated or decreased in severity.

The current CCEIS District Profiles include the federally required seven racial and ethnic groups in the areas of identification, disability category, education environment category, and five disciplinary action categories.

For additional information regarding significant disproportionality, refer to the [OSDE-SES website](#).

## Targeted Technical Assistance and Professional Development

Implementing effective PD requires responsiveness to educators' needs and the contexts in which teaching and learning will occur. OSDE-Special Education Services is committed to their ongoing and effective professional development. OSDE-SES partners with districts in providing educators with professional learning options. OSDE-SES provides professional development in a variety of formats for varying purposes. OSDE-SES makes use of asynchronous modules for building foundational knowledge, webinars to build basic knowledge and regional in-person training to provide depth and breath of knowledge. Professional development sessions include relevant background information, activities, and/or a presentation for special education compliance and instructional topics. These PD Sessions are perfect to support administrators, educators, and support staff. To learn more about the module descriptions, please view the [District-Level Professional Development](#).

For additional information regarding targeted technical assistance and professional development, visit the OSDE-SES website under the [professional development tab](#).

## Improvement, Corrections, Incentives & Sanctions

The improvement, corrections, incentives and sanctions below detail the supports and steps a LEA may be required to complete as a result of continuous noncompliance related to the differentiated monitoring process (DMR). The tiered process described below is designed to encourage LEAs to continually monitor data towards the required improvement plans. As the LEAs make progress, the LEA will remain at the assigned tier until the LEA has met the expected target. However, if the LEA does not make progress, the LEA will move to the tier below and will then be required to complete additional activities in an effort to facilitate moving towards compliance.

### Continuous Noncompliance and/or not Meeting Target for Multiple Years

LEAs will have additional required activities if found in noncompliance and/or have not met the state target in the same area/indicator across three consecutive years. The purpose of these activities is for the LEA to work with district staff and the community as a team to meet compliance requirements and performance expectations.

Below outlines two types of tiered processes.

- Indicators 4, 9, & 10 concerns but policy, procedures & practices are not problematic
- LEAs not meeting indicator(s) target(s) for multiple years

### Indicators 4, 9, & 10 concerns but policy, procedures & practices are not problematic

#### ***Indicators 4, 9, and/or 10***

If the LEA has exceeded the target for two or more consecutive years but the district Policies Procedures, and Practices (PPP) appear to **not** be problematic, the LEA still has to work to bring the indicator into compliance and will be required to identify the root cause and implement a plan.

### ***Tiered Process***

The activities below are assigned on a tiered system depending on the number of consecutive years of noncompliance for one area with a growth measure built in. The tiered process is designed to provide additional supports to the LEAs special education department as they implement changes. As the changes are implemented, the LEA should continuously monitor and adjust the plan to ensure growth.

**Tier 1: 2<sup>nd</sup> year** exceeding the target for one or more of the indicators above. The LEA is required to complete the following additional activities:

- Identify the root cause related to the specific indicator.
- Update/develop and implement the LEAs policy, internal procedures, and document the LEAs practices related to the specific indicator. Submit to the SDE for review.

-If the district has demonstrated a 10% or more growth while implementing their improvement plan, they will remain at their current tier for the next year. If there is no growth or decline, they will move to the next tier below their current placement.

**Tier 2: 3<sup>rd</sup> year** exceeding the target for one or more of the indicators above. The LEA is required to complete the following additional activities:

- Review the previous years' root cause findings to assist in developing an improvement plan related to the specific indicator.
- Review the implementation of the PPP implemented the previous year. Make any necessary updates or changes to ensure progress in the specific indicator. Submit to the SDE for review.
- Develop a plan for improvement, implement, and monitor not less than twice in a school year aligned to the specific indicator.

-If the district has demonstrated a 10% or more growth while implementing their improvement plan, they will remain at their current tier for the next year. If there is no growth or decline, they will move to the next tier below their current placement.

**Tier 3: 4<sup>th</sup> plus** years or more of consecutive noncompliance in one or more areas listed above. The LEA is required to complete the following additional activities:

- Review the past two years' root cause findings to assist in developing an improvement plan related to the specific indicator. One SDE staff or contracted outside representative will participate in the team planning to support the identification of the root cause, data review, and the plan for improvement.
- Use 615 professional development funds to address the improvement plan implementation related to the specific indicator. The amount or percentage of funds directed will be determined in consultation with OSDE-SES.

- Develop or utilize a parent Advisory Board, meeting quarterly, to discuss the root cause, the improvement plan developed, how the 615 funds will be utilized to support the plan and share progress towards the plan related to the specific indicator.
- Discuss in a school board meeting the LEAs efforts and data trends for the past three years related to the area of noncompliance. Extend an invitation to parents of students with disabilities to attend the school board meeting.

If the district has demonstrated a 10% or more growth while implementing their improvement plan, they will remain at their current tier for the next year. If there is no growth or decline, they will move to the next tier below their current placement.

## LEA not meeting Indicator Targets for Multiple Years

### **Indicators 4, 9 and/or 10**

If the LEA has been notified for three consecutive years that their policies, procedures, and/or practices (PPP) **are** contributing to overidentification, the LEA will be required to complete the appropriate tier activities below.

### **Indicators 11, 12 and/or 13**

If the LEA has been identified as noncompliant (less than 100%) for three consecutive years for the same indicator will be required to complete the appropriate tier activities below.

**Note:** Beginning the 2023-2024 school year, LEAs that have been identified as noncompliant for Indicator 11, 12, and/or 13 and did not demonstrate compliance for two consecutive years as a part of the Prong II review may receive a Notice on their accreditation report.

### **DMR Level 3 and/or Level 4**

If the LEA has been identified as a DMR Level 3 and/or DMR Level 4 in the same focus/target area of improvement for three consecutive years will be require to complete the appropriate tier activities below.

**Note:** Beginning the 2023-2024 school year, LEAs that have been identified as a DMR Level 3 or 4 and did not complete the confidential student file monitoring by the deadline may receive a Notice on their accreditation report.

### **Tiered Process**

The activities below are assigned on a tiered system depending on the number of consecutive years of noncompliance for one area with a growth measure built in. The tiered process is designed to provide additional supports to the LEAs special education department as they implement changes. As the changes are implemented, the LEA should continuously monitor and adjust the plan to ensure growth.

**Tier 1: 3<sup>rd</sup> year** of consecutive noncompliance in one or more areas listed above. The LEA is required to complete the following additional activities:

- Review the past two years' root cause findings to assist in developing an improvement plan.

- Use 615 professional development funds to address the improvement plan implementation. The amount or percentage of funds directed will be determined in consultation with OSDE-SES.

If the district has demonstrated a 10% or more growth while implementing their improvement plan, they will remain at their current tier for the next year. If there is no growth or decline, they will move to the next tier below their current placement.

**Tier 2: 4<sup>th</sup> year** of consecutive noncompliance in one or more areas listed above. The LEA is required to complete the following additional activities:

- Review the past three years' root cause findings to assist in developing an improvement plan.
- Use 615 professional development funds to address the improvement plan implementation. The amount or percentage of funds directed will be determined in consultation with OSDE-SES.
- Develop or utilize a parent Advisory Board, meeting quarterly, to discuss the root cause, the plan developed, how the 615 professional development funds will be utilized to support the plan and share progress towards the plan. The parent advisory board must include at least one parent of a child with disabilities for elementary, middle, and high school.

If the district has demonstrated a 10% or more growth while implementing their improvement plan, they will remain at their current tier for the next year. If there is no growth or decline, they will move to the next tier below their current placement.

**Tier 3: 5<sup>th</sup> plus** years of consecutive noncompliance in one or more areas listed above. The LEA is required to complete the following additional activities:

- Review the past four years' root cause findings to assist in developing an improvement plan. One SDE staff or contracted outside representative will participate in the team planning to support the identification of the root cause, data review, and the plan for improvement.
- Use 615 professional development funds to address the improvement plan implementation. The amount or percentage of funds directed will be determined in consultation with OSDE-SES.
- Develop or utilize a parent Advisory Board, meeting quarterly, to discuss the root cause, the improvement plan developed, how the 615 professional development funds will be utilized to support the plan and share progress towards the plan.
- Discuss in a school board meeting the LEAs efforts and data trends for the past three years related to the area of noncompliance. Extend an invitation to parents of students with disabilities to attend the school board meeting.

If the district has demonstrated a 10% or more growth while implementing their improvement plan, they will remain at their current tier for the next year. If there is no growth or decline, they will move to the next tier below their current placement.

### **Multiple Areas of Noncompliance or Non-Performance**

If the LEA has been identified as a DMR Level 3 and/or 4, the same performance indicators (1, 2, 3, and 7) for three consecutive years, and has been noncompliant for indicators 11, 12, and/or 13 for the same three consecutive years, any longstanding non-compliance that would reflect on the SEA receiving a deficiency from OSEP the LEA will also receive a deficiency on its accreditation report.

### **Accreditation Notice**

An accreditation notice is not a deficiency but could move to a deficiency in the future if the concern is not corrected at the LEA level. The Oklahoma State Department of Education will issue an accreditation notice to the district superintendent and local school board in an effort to provide a final alert to a concern that may be elevated to a deficiency if not addressed. Areas of concern that are subject to accreditation notice include:

- DMR Level 3 or 4 with untimely student file corrections from the monitoring report (not completed by June 25<sup>th</sup>).
- DMR Level 1-4 identified as noncompliant for indicator (1, 3, 7, 11, 12, 13) and have not submitted an improvement plan by May 15<sup>th</sup>.
- Continuous Noncompliance – Two consecutive years not demonstrating continued compliance through Prong II for indicators 11, 12, & 13.
- Untimely Submission for both Child Count and End-of-Year data for two consecutive years (FY 23 and FY24).
- Fiscal Noncompliance for Two Consecutive Years including not meeting Maintenance of Effort, Excess Cost, Missing deadlines for submission of IDEA budget, or Late claims that require State Board Approval.
- Other identified concerns.

### **Withholding of IDEA Funds**

#### **34 CFR §300.600 State Monitoring and Enforcement**

(1) The State must –

1. Monitor the implementation of this part;
2. Make determinations annually about the performance of each LEA using the categories;
3. Enforce this part, consistent with §300.604, using appropriate enforcement mechanisms, which must include, if applicable, the enforcement mechanisms identified in §300.604 (a)(1) (technical assistance), (a)(3) (conditions on funding of an LEA), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part by the SEA), and (c)(2) (withholding funds, in whole or in part, by the SEA)

### **34 CFR §300.605 Withholding funds**

300.605 outlines the processes the US Department of Education, Office of Special Education will use to withhold IDEA funds from states. Likewise, the Oklahoma State Department of Education, Office of Special Services will mirror this process to withhold IDEA funds from the local education agency (LEA). This process will ensure that every opportunity is afforded to LEAs in correcting non-compliance. In this case, the authority designated to the Secretary at the Federal level will be designated to the State Director at the State level.

(a) Opportunity for hearing. Prior to withholding any funds under Part B of the Act, the Secretary provides reasonable notice and an opportunity for a hearing to the SEA involved pursuant to the procedures.

(b) Suspension. Pending the outcome of any hearing to withhold payments under paragraph (a) of this section, the secretary may suspend payments to a recipient, suspend the authority of the recipients to obligate funds under Part B of the Act, or both, after the recipient has been given reasonable notice and an opportunity to show cause why future payments or authority to obligate funds under Part B of the Act should not be suspended.

(c) Nature of withholding

1. If the secretary determines that it is appropriate to withhold further payments under §300.640 9B0920 or (C)(2), the secretary may determine –

- i. That the withholding will be limited to programs or projects, or portions of programs or projects, that affected the secretary's determination under §300.603 (b)(1); or
- ii. That the SEA must not make further payments under Part B of the Act to specified State agencies or LEAs that caused or were involved in the Secretary's determinations

2. Until the Secretary is satisfied that the condition that caused the initial withholding has been substantially rectified –

- i. Payments to the State under Part B of the Act must be withheld in whole or in part; and
- ii. Payments by the SEA under Part B of the Act must be limited to State agencies and LEAs whose actions did not cause or were not involved in the Secretary's determination under §300.603 (b)(1), as the case may be.

### **Oklahoma Statute 70.18-116 (J)**

State statutes further clarifies the expectations of the LEA. OS 70.18-116 states: "Any school district that is not in compliance with the standards and requirements established by the State Board of Education related to the state student record system as provided in Section 3-160 of this title shall forfeit its State Aid for the time of noncompliance."

The Oklahoma State Department of Education (OSDE), Office of Special Education Services (SES) has the authority to withhold all or part of a local educational agency (LEA), Charter School, or any other school that receives IDEA funds to support the education of students with disabilities.



### Conditions That May Trigger Withholding of IDEA Funds

Continuous noncompliance in one or more indicators with little to no improvement in the district's data and/or plan of improvement over a two or more year period.

Selective Review – Credible allegation that has been brought to the attention of the SDE-SES, that results in a written findings of noncompliance report with corrective actions has been issued, and directives not met within the required timelines.

State Complaint or Due Process - a written State Complaint Decision or a Due Process Decision of noncompliance report with corrective actions that have been issued and the LEA has not met the corrective action directives within the required timelines.

Other concerns – May include, but not limited to, lack of certified teachers or paraprofessionals, caseload, class size concerns.

### Notifications of Withholding IDEA Funds

Prior to withholding any funds under Part B of the Act, the OSDE-SES will provide reasonable notice to the LEA. The LEA will have an opportunity to submit an appeal. The OSDE-SES will consider the LEA's request through a hearing. The notice provided to the LEA will detail:

- Areas of noncompliance that have not been corrected to satisfy the OSDE-SES
- Timeline of support provided to assist the LEA in correcting the noncompliance.
- Date of the hearing

The letter will also notify the LEA of the OSDE-SES's intention to

- Withhold IDEA funds in whole or in part
- Suspend payments to a recipient, in whole or in part
- Suspend the authority of the recipients to obligate funds under Part B

After the recipient has been given reasonable notice, the LEA will have an opportunity to show cause why future payments or authority to obligate funds under Part B of the Act should not be withheld or suspended.

The hearing team will consist of the following:

- OSDE-SES General Counsel or a designee
- State Director of Special Education Services
- Program Manager of Finance
- Compliance or Monitoring staff
- Chief Academic Officer or a designee

The hearing team will consist of no less than three members from above.

The final decision of the appeal team will be provided to the LEA in a formal letter. The letter will also be provided to the Office of Accreditation and State Aid. The letter will provide the following information:

- The final decision
- The amount of allocation withheld, if any
- The date allocation funds will be withheld, if any
- Detailed corrective actions and due date, if any
- Date of the next appeal team review (within one month from the date of the final decision) to determine if the LEA has met the obligation for the funds to be released.

There will be up to three appeal team meetings, each one month apart, to review the LEA progress and determine if the LEA has met the obligation for the funds to be released. If after the third appeal team meeting, the LEA has made inadequate progress or no attempts to meet obligations, the appeal team may consider one or all of the following actions:

- Withhold the remaining funds
- Withhold all the next allocation funds
- Accreditation Warning
- Accreditation Deficiency
- Submit to State School Board for consideration to remove accreditation status

**Timeline and Deadlines**

The state’s timeline for issuing risk scores and determinations, assigning levels of support, and LEA fulfillment of requirements is described in Table 7. Some target deadlines are flexible, depending on the available of data. Others are firm deadlines to align with federal reporting requirements.

Table 7: Timeline of District Reporting Results

Prong	State Action	State Timeframe	LEA Timeframe
Prong I	District Data Profile (DDP)	Draft issued each fall between <b>October 15 and November 1<sup>st</sup></b> using data collected during prior school years. Final version is sent with the <b>November 15<sup>th</sup></b> Data Packet.	May respond within two weeks with questions and concerns.
	Differentiated Monitoring Results (DMR)	Result is issued each fall around <b>November 15</b> via a letter dictating the assigned level of support and all required LEA activities.	All required activities must be completed by <b>June 30</b> , though specific activities may have earlier deadlines.
	Risk Assessment	Issued each fall around <b>November 15</b> in the Data Packet.	May respond within two weeks with questions and concerns.
	Determination	Issued each fall around <b>November 15</b> in the Data Packet.	May respond within two weeks with questions and concerns.

<b>Prong II</b>	Review for compliance (Indicators 4, 9, 10, 11, 12, & 13)	Conducted by <b>September 30</b> . Results issued by <b>October 30</b> by letter.	If continued noncompliance, additional LEA activities will be assigned.
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\*Noncompliance may also be identified during monitoring activities. If found, additional correction will be required in a different timeframe.

LEAs assigned a DMR level 3 or 4 will participate in a student confidential file audit. Table 8 provides the expectations and timelines for participating LEAs.

**Table 8 Timeline for DMR Level 3 and 4 LEAs File Reviews**

Prong	Monitoring Process	State Timeframe	LEA Timeframe
Prong I	DMR Status	Determinations are issued each fall by November 15 via a letter emailed to the superintendent and special education director, designating the assigned level of support and all required LEA activities.	None
	Required DMR/Compliance PD	Scheduled between November 15 <sup>th</sup> and December 15 <sup>th</sup> of the required PD to attend. The goal is to provide guidance and expected due dates.	LEAs will be notified regarding the PD to attend as well as the time and date. LEA participation is required.
	Toolkits/Corrective action plans for indicators identified as not meeting target	The SEA provides instructions and expectations at the time of the required professional development that will occur after the November Data Packet has been provided to the LEAs.	Toolkits are due January 15 <sup>th</sup> .
	Student File Monitoring	Required for all DMR Level 3 and 4 LEAs. After the LEA submits student file monitoring, the SDE will review and issue a monitoring report of the findings. The reports will be issued between February and April. The monitoring meeting will occur about two weeks after the LEA receives their monitoring report.	LEA reviews begin by December 1 and end mid-January.  Following the SDE review, the monitoring report of findings is completed after the SDE review. The report will be issued two weeks prior to the virtual or on-site monitoring with SDE staff. The LEA will have 6 weeks to make the corrections for Prong I as outlined in the monitoring report.
	Close	SDE will review the student file corrections and if the corrections bring the files into compliance, a Prong I close letter will be sent to the LEA. The timeframe is February through the end of March for reports to be issued to LEAs.	The timeline will be different for each LEA depending on when the monitoring report was issued.

Prong II	Systemic Compliance Review	<p>Required PD occurs between <b>August 25<sup>th</sup> - September 15<sup>th</sup></b> to provide information regarding the process and expectations. Between October – December the SDE will conduct a sampling of new eligibilities and IEPs to ensure systemic compliance.</p> <p>Prong II close letter will be sent if systemic compliance is verified.</p>	Attend assigned PD <b>August 25<sup>th</sup> - September 15<sup>th</sup></b> .
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## Appendix A: FY 2022 District Risk Score *Example*

District: **EXAMPLE DISTRICT**

FACTOR (FY)	District Result	District Score
Current MOE Result (2023)	Met	0
Timely & Finalized Assurances and LEA Agreement (FY 2023 and 2024)	Yes	0
Size of Award (23-24 Allocation)	\$100K to \$500K	1
Change in SPED Director (2024-25)	Second Year	1
Current Excess Cost Result (2024)	Met	0
Special Education Identification Rate (2024)	11.97%	0
Recent Audit Findings (2023-2024)	Findings	1
Special District Design (2024)	Charter	2
Late Claim Submitted (2024)	None	0
Complaint Count (2023-24)	None	0
Years Since Prior On-site Monitoring	More than Ten	5
Significantly Disproportionate	No	0
<b>BONUS: Budget Training (Fall 2024)</b>	No	0
<b>BONUS: Timely Budget Application (Oct. 31, 2024)</b>	Late	1
<b>BONUS: 1<sup>st</sup> Year Director Project (2024)</b>	N/A	0
<b>TOTAL RISK SCORE*</b>		<b>11</b>

RISK CATEGORY 2: **Low Risk**

Risk Category	Risk Score
<b>Category 1: Very Low Risk</b>	0 – 9 points
<b>Category 2: Low Risk</b>	10 – 18 points
<b>Category 3: Moderate Risk</b>	19 – 27 points
<b>Category 4: High Risk</b>	28 – 50 points

## Appendix B: FY 2022 District Determination *Example*

District: **Example District**

Determination: **1: Meets Requirements**

<b>IDEA Part B Compliance Matrix</b>			
<b>Compliance Elements</b>	<b>District</b>	<b>Target Met</b>	<b>Score</b>
<b>Indicator 4B:</b> Significant discrepancy, by race or ethnicity, in the rate of long-term suspensions/ expulsions for children with IEPs	<b>1.75</b>	<b>yes</b>	<b>2</b>
<b>Indicator 9:</b> Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification	<b>1.16</b>	<b>Yes</b>	<b>2</b>
<b>Indicator 10:</b> Disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification (Area of concern: Identification/White)	<b>2.75</b>	<b>***</b>	<b>1</b>
<b>Indicator 11:</b> Child Find; timely initial evaluation	<b>100.00%</b>	<b>Yes</b>	<b>2</b>
<b>Indicator 12:</b> Early Childhood Transition; IEP developed/implemented by third birthday	<b>100.00%</b>	<b>Yes</b>	<b>2</b>
<b>Indicator 13:</b> Secondary Transition; full documentation	<b>100.00%</b>	<b>Yes</b>	<b>2</b>
<b>Timely Completion of Monitoring Requirements</b>	<b>Timely</b>		<b>2</b>
<b>Longstanding Noncompliance*</b>	<b>Compliant</b>		<b>2</b>
<b>Bonus:</b> Timely on both Child Count <b>&amp;</b> End of Year Data Submissions <b>&amp;</b> Certification. Maximum 1 point possible.	<b>Yes</b>		<b>1</b>
<b>Bonus:</b> Attendance at both Child Count <b>&amp;</b> End of Year Training. Maximum 1 point possible.	<b>Yes</b>		<b>1</b>
<b>Compliance Points Earned</b>	<b>Total Points Possible</b>	<b>Rating</b>	
<b>16</b>	<b>16</b>	<b>100.00%</b>	
*** Indicates that a significant discrepancy was found, and OSDE-SE will review policy, procedures, and practices before the final "meets target" can be determined.			

<b>IDEA Part B Results Driven Accountability Matrix</b>			
<b>Results Elements</b>	<b>District</b>	<b>State Target Met</b>	<b>Score*</b>
<b>Indicator 1:</b> Percent of youth with IEPs who exited in 23-24 with a regular diploma (ages 14-21).*	<b>82.27%</b>	<b>Approaching</b>	<b>1.5</b>

<b>Indicator 1:</b> Percent of <b>all</b> youth with IEPs who exited in 23-24 including regular and alternate diplomas (ages 14-21). *	<b>97.27%</b>	<b>NA</b>	<b>NA</b>
<b>Indicator 2:</b> Percent of youth with IEPs dropping out (ages 14-21).	<b>12%</b>	<b>Yes</b>	<b>2</b>
<b>Indicator 3A:</b> Percent of all students with IEPs participating in a state assessment, for grades 4, 8, 11			
Reading Assessment Participation Rate	<b>91.30%</b>	<b>Yes</b>	<b>1</b>
Math Assessment Participation Rate	<b>91.30%</b>	<b>Yes</b>	<b>1</b>
<b>Indicator 3B:</b> Percent of students with IEPs who achieve Proficient+ in a state assessment.			
4 <sup>th</sup> General Assessment Reading Proficiency Rate	<b>10.00%</b>	<b>Yes</b>	<b>1</b>
8 <sup>th</sup> General Assessment Reading Proficiency Rate	<b>0.00%</b>	<b>No</b>	<b>0</b>
11 <sup>th</sup> General Assessment Reading Proficiency Rate	<b>0.00%</b>	<b>No</b>	<b>0</b>
4 <sup>th</sup> General Assessment Math Proficiency Rate	<b>0.00%</b>	<b>No</b>	<b>0</b>
8 <sup>th</sup> General Assessment Math Proficiency Rate	<b>0.00%</b>	<b>No</b>	<b>0</b>
11 <sup>th</sup> General Assessment Math Proficiency Rate	<b>0.00%</b>	<b>No</b>	<b>0</b>
<b>Year-to-Year Proficiency Growth Bonus (+1 Possible)</b>			<b>1</b>
<b>Indicator 7:</b> For each Outcome, the percentage of children who improved functioning to a level nearer to or comparable to same-aged peers when exiting the preschool special education program.			
<b>Outcome A1:</b> Positive social-emotional skills	<b>72.00%</b>	<b>No</b>	<b>0</b>
<b>Outcome B1:</b> Acquisition and use of knowledge and skills	<b>96.00%</b>	<b>Yes</b>	<b>1</b>
<b>Outcome C1:</b> Use of appropriate behaviors to meet their needs	<b>92.00%</b>	<b>Approaching</b>	<b>1</b>
<b>Bonus Parent Survey Response:</b> 50% or greater response rate on or annual response increase of 5%. Maximum 1 point possible.	<b>Response Rate: 31%</b>	<b>No</b>	<b>0</b>
<b>Bonus:</b> Professional development options: provided to all staff to support students with disabilities and Improvement activities for secondary transition program, attendance at OTI, or parent advisory board. Maximum 2 points possible.	<b>2</b>	<b>Yes</b>	<b>2</b>

<b>Results Points Earned</b>	<b>Total Points Possible</b>	<b>Rating</b>
<b>11.5</b>	<b>16</b>	<b>71.88%</b>



<b>DETERMINATION SUMMARY for Example District</b>		
Compliance Points Available	Compliance Points Earned	Compliance Performance
16	16	<b>100.00%</b>
Results Points Available	Results Points Earned	Results Performance
16	11.5	<b>71.88%</b>
<b>TOTAL POINTS AVAILABLE</b>	<b>TOTAL POINTS EARNED</b>	<b>PERCENT TARGETS MET</b>
<b>32</b>	<b>27.5</b>	<b>93.75%</b>
<b>1: Meets Requirements</b>		

<b>Percentage of Points Earned</b>	<b>Level of Determination</b>
85% to 100%	Meets Requirements
70% to 84.9%	Needs Assistance
55% to 69.9%	Needs Intervention
less than 55%	Needs Substantial Intervention