

# KIAS Indicator 13 & IDEA Requirements File Review

### **April 11, 2011 Conference Call Q&A Summary**

### What are the changes to the IDEA Requirements File Review and Indicator 13 monitoring process and why were the changes necessary?

- 1. Correction of all noncompliance identified through the recent 2010-11 IDEA Requirements and Indicator 13 reviews will include a *review of updated data*.
  - During the Fall 2010 OSEP Verification Visit, OSEP clarified that correction of all noncompliance (including self-correction), must include both *individual correction* of child-specific noncompliance and evidence of correct implementation of the specific regulatory requirements based on a *review of updated data*.
  - The OSEP Verification Visit follow-up letter required that KSDE disseminate clarifications to the field regarding the correction procedures for Indicator 13 and IDEA Requirements and provide an assurance to OSEP that as of SY 10-11, KSDE has implemented procedures that ensure both individual correction and a review of updated data for all noncompliance. (See Verification Visit Letter, pp. 4 of 9)
- 2. Self-correction will not be permitted effective for the 2011-12 data collections for IDEA Requirements and Indicator 13.
  - o Procedurally, the correction process is the same whether a self-correction or a finding.
  - Further, data demonstrates that permitting self-correction has often resulted in repeated noncompliance. In other words, self-correction has ensured that individual files are corrected, but the *root cause* of the problem may never be addressed.
  - Finally, the corrective action plan, a required step already in place for correcting findings of noncompliance, includes a root cause analysis to ensure 100% compliance with the specific regulatory requirement is achieved. This analysis has been missing from the process of self-correction, but is essential to ensure that intervention occurs to address and correct the root cause of the noncompliance.

### What does this mean for correction of SY 10-11 Indicator 13, Secondary Transition and IDEA Requirements File Review noncompliance?

- The updated data reviews for SY 10-11 IDEA Requirements and SY 10-11 Indicator 13 are being coordinated with the SY 09-10 Indicator 11 updated data review.
- The first part of correction—individual correction of child-specific noncompliance—hasn't changed. Each district has previously received information about correction of each individual case of child-specific noncompliance.
- For the review of updated data, districts with noncompliance (self-correction or findings) in IDEA Requirements, Indicator 13, and/or Indicator 11 will first receive a letter identifying the areas of noncompliance where updated data is required.
  - The letter will include a link to a survey which will provide information to KSDE about the preferred format for the updated data collection:
    - giving KSDE permission to review computerized IEPs that can be accessed through the internet during a designated two-week period of time;

- submitting copies of IEPs and related documents to KSDE for review; or
- conducting a self-review of student files and submitting the updated data to KSDE for verification.
- Next, KSDE will compile the survey results and begin the process for identifying the random sample of student files to be reviewed.
  - The KSDE-identified student files will be selected from those IEPs dated between August 15 and October 15, 2011.
  - The maximum number of files to be reviewed is based on total enrollment of the district, as used with IDEA Requirements File Review, Indicator 13, and Indicator 11 initial data collections (10, 15, 20).
  - Only updated data from a random sample of student files related specifically to area(s) of noncompliance will be reviewed.
- Note: For those districts that have no new files to review during the designated period of time, OSEP requires KSDE to verify that the district has addressed the root cause of the original noncompliance.
   So, districts with no updated data that had not previously completed a CAP will be required to complete a root cause analysis form for this purpose.
- Finally, a notification of correction of noncompliance will be issued to the district once updated data is received and KSDE has verified that both individual correction has been made and updated data demonstrates 100% compliance.

#### Is this updated data process what districts must follow in the future?

This is a transition year, with KSDE adapting procedures to OSEP's requirements from the verification visit. During the July Leadership Conference KSDE will outline updated procedures and timelines for future years. In the meantime, KSDE will be gathering stakeholder input on KIAS identification and correction of noncompliance procedures, particularly streamlining timelines, making data collections more uniform, and combining multiple monitoring areas during the correction process. This meeting/collaboration is anticipated for May, and KSDE would welcome any volunteers from the field to participate. If interested, contact Stacie Martin at smartin@ksde.org.

### Does this change in the IDEA Requirements File Review and Indicator 13 monitoring process impact Levels of Determination (LODs)?

Only findings of noncompliance impact LODs. IDEA Requirements findings of noncompliance impact a district's LOD if those findings are not corrected within one year per Indicator 15. For Indicator 13, findings of noncompliance could impact a district's LOD if the district does not meet substantial compliance on that indicator. \*Note: The April 15, 2011 Director Call discussed IDEA reports, including LODs.

## Is there a standard rule we can apply to any correction of noncompliance identified through KIAS compliance monitoring?

Yes—before concluding a district has corrected noncompliance, KSDE must ensure that the district:

- 1. has corrected each individual case of child-specific noncompliance, AND
- 2. is correctly implementing the regulatory requirement based on a review of updated data.

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