Current Policy

Title 28
EDUCATION

Part XCI. Bulletin 1922—Compliance Monitoring Procedures

Chapter 1. Overview

§101. Monitoring

A. Monitoring is a process to ensure a free, appropriate, public education for all children with disabilities and to assess and ensure program effectiveness for all children with disabilities in public schools. This includes students with disabilities, ages 3-21.

B. The monitoring system for Louisiana, through the analysis of various quantitative and qualitative data, will focus state resources on improving educational program outcomes for students with disabilities through a comprehensive, data-based process. Annually, the Louisiana Department of Education (LDE) will select a list of specific variables and performance indicators for comparative purposes for all local educational agencies providing services to children with disabilities. This list is may be a combination of federally-required indicators, state performance indicators or goal areas.

C. The quantitative data will be used to determine specific performance profiles for local educational agencies (LEAs) using data relative to a set of variables referenced in 101B. Performance profiles will be issued annually. The quantitative data will be collected in relation to a set of variables selected by a statewide group of stakeholders from various agencies and entities called the Continuous Improvement Monitoring Process (CIMP) Steering Committee. This group will meet at least annually with the Louisiana Department of Education (LDE) to select only specific indicators that will be used to determine a LEA's performance status.

D. LEAs will be placed in one of two performance categories within one of four population groups based on the total population of students attending public schools. Upon validation of quantitative data, LEAs will be notified of their performance status. The performance categories are focus and continuous improvement.

1. LEAs designated as focus will receive an on-site compliance monitoring visit in order to review qualitative data specific to selected qualitative indicators that focus on the LEA's lowest performing indicator areas. Additional data may be reviewed prior to and during the on-site visit.

2. The LEAs designated as continuous improvement will not be targeted to receive an on-site compliance visit. Some districts may be required to develop a corrective action plan because of triggers within the data that signify concerns such as when the performance of students with disabilities is disproportionately below the state average in any of the required performance indicators. These performance indicators include, but are not limited to suspension, diploma, dropout, and state-wide assessment rates.

3. When critical issues of noncompliance are identified by means other than the performance profiles (including, but not limited to complaint logs, evaluation extension requests, and financial risk assessments), a targeted on-site compliance monitoring visit of the LEA may be required by the LDE.

E. Embodied in this process are proactive measures of self-evaluation, support, and technical assistance to ensure compliance with all regulatory requirements at the federal and state levels. Findings from data analysis, as well as findings from the on-site compliance visit, will be used to determine and allocate various resources for technical assistance and support to the LEA by the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.
HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30.414 (March 2004), amended LR 31:3104 (December 2005), LR 37:3216 (November 2011).

§105. Local Educational Agencies (LEAs)

A. Local Educational Agencies (LEAs) to be monitored are:

1. city or parish school systems;

2. special school district;

3. state board of elementary and secondary special schools;

4. Type 2 and 5 Charter Schools; and

5. University Laboratory Schools not under the administration of a school district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.
HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 31:3105 (December 2005).

§107. Corrective Action and Sanctions

A. The LDE has the responsibility to monitor all public educational agencies with programs for children with disabilities within the state for compliance with applicable state and federal laws, regulations, and standards.

B. The LDE is authorized to take actions, consistent with applicable law, necessary to ensure compliance. Failure on the part of a participating agency to comply may result in the LDE, with the approval of its governing authority, the Board of Elementary and Secondary Education, withholding funds from the said agency. Prior to withholding any funds under this Section, the LDE shall provide reasonable notice and an opportunity for a hearing conducted by the State Board of Elementary and Secondary Education (BESE) to the LEA involved.

C. LDE determines the need for a corrective action plan (CAP) to address findings of non-compliance on an individual LEA case-by-case basis. If the LDE requires a CAP, it will be developed in collaboration with the LDE following the LEA's receipt of the LDE's monitoring report. The CAP shall be submitted for approval to the LDE within 35 business days of receipt of the monitoring report for However, upon receipt of the report, the LEA shall immediately begin correcting the findings of non-compliance documented in the report. The plan will address the activities the LEA

will implement to correct the areas of non-compliance identified during the on-site visit. as soon as possible, but in no case more than one year from the date of the notification report from the LDE.

D. The progress toward completing the activities in the plan will be tracked by the LDE to determine if the timelines are being met. LEAs will submit evidence and data as requested by the LDE to show completion of activities and evidence of change in the LEA as a result of the corrective action plan. Based on a review of submitted evidence, the LDE will decide whether the LEA has met compliance requirements or determine whether a follow-up, on-site visit must be conducted to determine if the LEA has made systemic changes to correct the noncompliance addressed in the corrective action plan.

E. A written report of the findings from a review of the submitted evidence or from a follow-up visit will be issued to the LEA by the LDE within 30 business days of the review of the evidence or the on-site visit.

F. When continuing non-compliance is identified, the LDOE will require that an Intensive Corrective Action Plan (ICAP) be developed by the LEA in collaboration with the department, to address the continuing noncompliance. In conjunction with the implementation of the approved plan, the department will impose one or more of the following sanctions described below.

1. Advise the LEA of available sources of technical assistance that may help the LEA.

2. Direct the LEA to present the ICAP to the local school board for approval.

3. Direct the LEA to use IDEA Part B flow-through funds on the area or areas that the LEA is non-compliant. The LEA will submit evidence to the department of the specific funds targeted for areas of non-compliance. The department will monitor the expenditure of such funds on a consistent basis.

4. The LDE may determine that a special consultant or management team is necessary to assist the LEA in addressing areas of non-compliance. The LDE will select a special consultant or management team to collaborate with the LEA in developing and implementing an intensive corrective action plan. The special consultant and the ICAP activities must be approved by the local board and will be funded at the local level.

5. Identify the LEA as a high-risk grantee and impose special conditions on the LEA's IDEA Part B grant. The department will impose one or more of the following special conditions.

a. For each year of continuing non-compliance, withhold not less than 20 percent and not more than 50 percent of the LEA's IDEA Part B grant until the department determines the LEA has sufficiently addressed the areas in which the LEA needs intervention.

b. Seek to recover funds under section 452 of the General Education Provisions Act.

c. Withhold, in whole or in part, any further payments to the LEA under this part pursuant to Subparagraph a.

d. Refer the matter for other appropriate enforcement action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.
HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 31:3105 (December 2005), LR 32:1839 (October 2006), LR 37:3216 (November 2011).

§109. Components of the Continuous Improvement Monitoring Process

A. The monitoring system will be implemented as a process that includes various components. This process will be comprehensive and continuous to include the use of various data sources. The monitoring system will be an ongoing process through the use of different components, rather than a cyclical process occurring on a scheduled basis.

B. The monitoring system may incorporate and utilize strategies and components as listed below.

1. Analyze current data elements and databases that are captured by the LDE and are directly related to student outcomes.

2. Analyze the LEA grant application to track and monitor the allocation and use of Part B funds targeted to address priorities revealed through previous data sources in the monitoring process, as well as policy and procedural assurances.

3. Review complaint management logs regarding specific complaints in individual LEA.

4. Analyze Extended School Year Program data.

5. Analyze district and school accountability profiles.

6. Analyze FAPE tables and other mandated federal data reporting (i.e., e.g. personnel tables, child count data).

7. Analyze Pupil Progression Assurances/Reviews.

8. Review the personnel files related to certification, experience and training documentation.

9. Track corrective action on areas of non-compliance and validate previous corrective action reviews, documentation, and on-site reviews.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.
HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005), LR 32:1840 (October 2006), LR 37:3217 (November 2011).

Chapter 3. Operational Procedures for Compliance Monitoring

§301. Categories of Monitoring

A. All LEAs are placed in performance profile categories on an annual basis. The performance profile is based upon an analysis of quantitative data collected by the LDE.

B. Monitoring will focus on the variables selected annually as focus indicators. LEAs will be profiled on the focus indicators in defined population groups. On-site visits will be determined based on performance profiles rather than on cyclical scheduled on-site visits. LEAs designated as focus will be subject to on-site compliance visits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.
HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3106 (December 2005), LR 37:3217 (November 2011).

§303. Timelines

A. A schedule of on-site visits will be issued to LEAs by September of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.
HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3106 (December 2005), LR 37:3217 (November 2011).

§305. On-Site Visits

A. On-site visits will be conducted by teams of qualified individuals with training and experience in the program areas that they will be monitoring.

B. Non-employees selected to serve as team members will be initially required to receive a minimum of eight hours of professional development specific to conducting on-site monitoring, conducted by the LDE, In addition, team leaders, serving in coordination with staff team leaders, will be required to receive 24 hours of professional development specific to leadership, investigative techniques for specific regulatory areas, and assimilating data for report writing conducted by the LDE, with follow-up training as necessary as determined by the state monitoring coordinator. Participants will receive a certificate that indicates their completion of the require professional development activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.
HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3106 (December 2005), LR 37:3218 (November 2011).

§307. Regulatory Issues Reviewed On-Site

A. For focus category LEAs, the regulatory issues, qualitative and quantitative indicators reviewed will be specific to the variables targeted in the LEA's performance profile. These visits will focus on selected issues. In the event that other critical issues or triggers are identified by means other than the performance profiles, the LDE will direct the team to monitor those issues for non-compliance. These other means may include, but are not limited to, complaint logs, evaluation extension requests, and financial risk assessments.

B. The LDE will reserve the right to direct the team to review any and all regulatory issues that indicate non-compliance status in a LEA.

C. Data for the following major regulatory issues may be analyzed, reviewed, and utilized in the on-site monitoring process:

1. child identification;
2. individual evaluation;
3. IEP development;
4. provision of a free, appropriate, public education;
5. participation in statewide assessment;
6. transition at different programming levels;
7. placement in the least restrictive environment;
8. professional development and personnel standards;
9. program comparability (ASR);
10. facility accessibility and comparability;
11. procedural safeguards;
12. extended school year programming; and
13. discipline procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.
HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3107 (December 2005), LR 37:3218 (November 2011).

§311. Activities Conducted During the On-Site Visit

A. The monitoring team will meet briefly with the representatives of the LEA to discuss how the visit will be conducted and to discuss any logistical or travel issues of concern.

B. The parent team member will conduct a parent focus group meeting and interview parents to collect data/information on their satisfaction of the services provided to their children and their involvement in their children's program.

C. Team members will visit sites, make observations, review records, and interview personnel.

D. The team leader will meet with the LEA special education director to review administrative issues. Additional data/information may be requested if further analysis is required for determining compliance status for specific regulatory issues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.
HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30.418 (March 2004), amended LR 31:3107 (December 2005), LR 37:3218 (November 2011).

§313. Activities/Procedures at the Completion of the On-Site Visit

A. At the completion of the on-site visit, the team will meet to discuss, review, and analyze the team findings and to summarize their findings on LDE-issued forms. A department staff team member will meet with representatives of the LEA at the conclusion of the on-site visit.

B. A preliminary draft of a Summary of Findings will be compiled no later than 10 business days after the completion of the on-site visit.

C. The LDE will mail the Summary of Findings to the LEA no later than 60 business days after the completion of the on-site monitoring visit.

D. Upon receipt of the report, the LEA will have 20 business days from the date of receipt of the report to respond to any findings, and 15 additional business days to develop a plan of corrective action to address findings of non-compliance described in the summary.

E. The LEA, in collaboration with the LDE, will be required to design a corrective action plan that defines specific supports and resources that the LEA must have in order to implement the corrective action plan. The CAP must demonstrate how the LEA will:

1. correct each individual case of noncompliance

2. correctly implement the specific regulatory requirement

F. Timelines must be developed that are specific to the corrective action required and to the issues of noncompliance. The LEA must return the report to the LDE in hard copy and electronically. The timeline must indicate how the findings will be corrected as soon as possible, but in no case more than one year from identification by the LDE.

G. The LDE will allocate resources from the state level, both human and monetary, when determined necessary by the LDE and the LEA in question, on an annual basis to address the issues specific to implementing the corrective action required in LEA.

H. If there is no responses from the LEA within the established timelines, the state director of special education will, notify the state superintendent of education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.
HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005), LR 37:3218 (November 2011).