

<b>CRITICAL ELEMENT: GENERAL SUPERVISION (GS)</b>	
<b>Critical Element General Supervision (GS)-1: Does the State have a general supervision system that is reasonably designed to identify noncompliance in a timely manner using its different components?</b>	
<b>Related Question</b>	<b>Response</b>
A. What components of the State's general supervision system are used to identify noncompliance?	Data on Processes & Results - the State uses its database to identify noncompliance (as described in GS-1 C). Effective Dispute Resolution –due process and complaints (SEDS) tracking system Integrated Monitoring Activities - Focused Monitoring process (SPP 5) State Performance Plan - Indicators 4, 9, 10, 11, 12, 13, and 20 through State database Policies, Procedures & Effective Implementation – self-assessments for SPP 4, 9, and 10 and FM for 5
	Notes:
B. (If applicable) How does the State use its database to identify noncompliance?	The State examines its database annually to identify noncompliance for all LEAs, once final (verified) data are submitted by LEAs. For Indicators 11 & 13, the state receives verified data in August and makes findings when any instance of noncompliance is found (less than 100%) based on these data in September/October. For Indicator 12, the state receives verified data in January and makes findings when any instance of noncompliance is found (less than 100%) based on these data in February/March. Data verification activities are also completed for Indicator 4 and 13 for which findings are made when necessary. LEAs are notified of findings in a letter and told that any noncompliance must be corrected within one year. The State tracks the correction of noncompliance for all findings.
	Notes:

C. How does the State use its database to inform monitoring priorities (e.g. districts, areas for focused monitoring, policies, etc.)?

ISBE utilizes data from the State’s Special Education Monitoring/Reporting System (SEMRS) to rank LEAs on the focused monitoring (FM) critical performance indicators (CPIs). The selection process includes dividing LEAs into similar groups based upon type and enrollment in order to rank each LEA according to the data measuring the LEA’s performance on the priority area. The process allows comparability between “like” LEAs.

	<b>Like Group (Size/Type)</b>	<b>District Enrollment Range</b>	<b>Number of Districts</b>
Group 1	Small Elementary Districts	Less than 284	94
Group 2	Medium Elementary Districts	284-1881	189
Group 3	Large Elementary Districts	More than 1881	96
Group 4	Small Unit Districts	Less than 546	98
Group 5	Medium Unit Districts	546-1907	193
Group 6	Large Unit Districts	More than 1907	98
Group 7	High School Districts	All districts included	100
<b>TOTAL</b>			<b>868</b>

LEAs are selected for an on-site FM review based on their ranking within their group on the selected CPI. Using LEA supplied data, SEMRS generates a CPI Comparison report. Those LEAs in each group performing lowest on the CPI will receive an on-site review. LEAs that received an on-site review the previous year and are currently implementing an improvement plan are exempt from selection for the same priority area. In addition, LEAs that have completed a FM review within the past 3 school years and are in the process of collecting trend data on their progress are exempt from selection for the same priority area. The following formula is used to rank LEAs within the indicator: *Each LEA is ranked on the percent of students with disabilities served under EE code 01 (inside the general education classroom more than 80% of the school day). N size = 30 total students with IEPs in the LEA. If there are no LEAs (or very few LEAs) within a cluster that meet the N size, LEAs will be selected randomly from that cluster. Any ties are reconciled by selecting the LEA serving the largest number of students with disabilities. The following number of LEAs from each cluster were chosen for FM during the 2010-11 School Year.*

<b>Group</b>	<b>Number of Districts</b>
Small Elementary	1
Medium Elementary	9
Large Elementary	2
Small Unit	1
Medium Unit	8
Large Unit	5
High School	7
Total	33

	Notes: Stakeholder group (ISAC) assists with the CPI selection annually. We discuss with them the monitoring priorities for the upcoming year in the Spring.
D. (If applicable) What is the State’s monitoring cycle?	The State collects data from every district every year and looks at all districts every year for compliance. There are many different ways to monitor onsite (primarily for FM but also for complaints, SPP4, other if warranted)
	Notes:
E. (If applicable) How are districts selected for focused monitoring?	See C above.
F. How does the State choose its areas for focused monitoring?	See C above (stakeholder assistance)
	Notes:
G. How does the State use its other components (e.g., self-assessments, desk audits, local APR, due process hearing decisions, State complaint decisions) to identify noncompliance?	Self-assessments that are aligned to federal regulations are used for Indicators 4, 9 & 10. Findings of noncompliance are issued after the review if appropriate (review policies, procedures and practices related to the indicators). For Indicators 9 & 10 we receive verified data in late August. Risk ratio calculations are then made and LEAs are notified in late September re: the need to complete a self-assessment by November for January findings. For Indicator 4 LEAs are notified after Table 5 submission (11/1). ISBE also completes desk audits/data verification for Indicators 4 & 13 (top 10% of districts with the largest overall special education child count that reported 0 instances of disciplinary removals of students with disabilities and all districts that reported the expulsion of students with disabilities without the provision of sped and related services for SPP 4 and a random sample of 30 districts reporting 100% for SPP 13). For Due Process hearing decisions a LEA receives a finding if it doesn’t meet correction. For State complaint decisions a LEA receives a finding if it doesn’t meet correction. For local APR issues there is potential for an ISBE review of EE data followed by an on-site FM review.
	Notes:
H. Under what circumstances does the State make a finding?	When any instance of noncompliance is found, the State issues a finding of noncompliance. When the district does not meet the 100% or 0% compliance target a finding of noncompliance is issued. When the State has verified that the LEA is failing to meet applicable federal or State regulatory requirements a finding is issued.
	Notes:
I. When are local programs notified of findings of noncompliance? (When/how does the State “write the ticket”?)	The LEA is notified of the finding (and applicable regulatory requirement) in writing as soon as possible after the identification of the noncompliance. In no case is this notification issued more than 3 months after the identification of the noncompliance. Hearing decisions are within 10 days of the completion of the hearing. Findings identified through data systems are made at different points during the year, but at least one time per year (September/October for SPP 11 and 13, February/March for SPP 12 after data are verified with DHS, January for SPP 4, 9, 10 and ongoing for SPP 20).
	Notes:

<p>J. If providers of service are from different State agencies or different departments of the State agency or are under contract, how does the State ensure their compliance with Part B regulations e.g., Schools for the Deaf, Schools for the blind, etc).?</p>	<p>In terms of focused monitoring, the team pulls records/files in the resident district of students served in other facilities. Data for students placed in these facilities are also reviewed as part of the database. Department of Juvenile Justice (DJJ) visits are completed. Such issues are also addressed via the complaint process (formal and informal requests). Cyclical reviews of specialty schools are also completed.</p>
<p>K. What are the barriers that impede the State's ability to identify noncompliance?</p>	<p>Notes: ISVI, ISD, Phillip J. Rock</p> <p>A limited number of staff combined with a large state population and a very high number of LEAs. Limited financial resources of the State may limit travel. A large, urban district making timely change (correction v. identification).</p>
<p>L. What is the State doing to address these barriers?</p>	<p>Notes:</p> <p>ISBE is attempting to fill vacant positions more rapidly. ISBE conducts weekly calls with the large, urban district director of special education and the administration at the district working with general and special education. ISBE is working to build relationships with key district contact people. ISBE Springfield staff are working with Chicago ISBE staff to transition to a FM process in Chicago with assistance from the NCRRC and DAC for the transition. ISBE also collaborates with IAASE to address barriers.</p>
<p><b>Document Review</b></p>	<p><b>Notes</b></p>
<p><input type="checkbox"/> State Monitoring Manual</p>	
<p><input type="checkbox"/> Monitoring Reports</p>	
<p><input type="checkbox"/> Training Calendar</p>	
<p><input type="checkbox"/> Database Reports</p>	
<p><input type="checkbox"/> APR Indicator 15</p>	
<p><b>Customer Service Info.</b></p>	<p><b>Notes</b></p>
<p><input type="checkbox"/></p>	
<p><b>OGC Comments</b></p>	<p><b>Notes</b></p>
<p><input type="checkbox"/></p>	
<p><b>Interview Info.</b></p>	<p><b>Interview Summary</b></p>
<p><b>Related Requirements</b></p>	
<p><input type="checkbox"/> <u>§300.100 [Eligibility for assistance]</u> The SEA must submit a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the conditions of 20 U.S.C. 1412.</p>	
<p><input type="checkbox"/> <u>§300.149(a)&amp;(b)[SEA responsibility for general supervision]</u>  (a) The SEA is responsible for ensuring— (1) That the requirements of this part are carried out; and</p>	

(2) That each educational program for children with disabilities administered within the State, including each program administered by any other State or local agency (but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior)— (i) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the SEA; and (ii) Meets the educational standards of the SEA (including the requirements of this part). (3) In carrying out this part with respect to homeless children, the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 *et seq.*) are met.

(b) The State must have in effect policies and procedures to ensure that it complies with the monitoring and enforcement requirements in §§ 300.600 through 300.602 and §§ 300.606 through 300.608.

§300.200 [Condition of assistance] An LEA is eligible for assistance under Part B of the Act for a fiscal year if the agency submits a plan that provides assurances to the SEA that the LEA meets each of the conditions in §§ 300.201 through 300.213.

§300.600 [State monitoring and enforcement] The State must monitor the implementation of this part, enforce this part in accordance with § 300.604(a)(1) and (a)(3), (b)(2)(i) and (b)(2)(v), and (c)(2), and annually report on performance under this part.

(b) The primary focus of the State’s monitoring activities must be on— (1) Improving educational results and functional outcomes for all children with disabilities; and (2) Ensuring that public agencies meet the program requirements under Part B of the Act, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

(c) As a part of its responsibilities under paragraph (a) of this section, the State must use quantifiable indicators and such qualitative indicators as are needed to adequately measure performance in the priority areas identified in paragraph (d) of this section, and the indicators established by the Secretary for the State performance plans.

(d) The State must monitor the LEAs located in the State, using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

(1) Provision of FAPE in the least restrictive environment.

(2) State exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in § 300.43 and in 20 U.S.C. 1437(a)(9).

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

§300.601 [State performance plans and data collection]

(a) *General.* Not later than December 3, 2005, each State must have in place a performance plan that evaluates the State’s efforts to implement the requirements and purposes of Part B of the Act, and describes how the State will improve such implementation.

(1) Each State must submit the State’s performance plan to the Secretary for approval in accordance with the approval process described in section 616(c) of the Act.

(2) Each State must review its State performance plan at least once every six years, and submit any amendments to the Secretary.

(3) As part of the State performance plan, each State must establish measurable and rigorous targets for the indicators established by the Secretary under the priority areas described in § 300.600(d).

(b) *Data collection.* (1) Each State must collect valid and reliable information as needed to report annually to the Secretary on the indicators established by the Secretary for the State performance plans.

(2) If the Secretary permits States to collect data on specific indicators through State monitoring or sampling, and the State collects the data through State monitoring or sampling, the State must collect data on those indicators for each LEA at least once during the period of the State performance plan.

§300.602(a) [State use of targets and reporting] *General.* Each State must use the targets established in the State’s performance plan under § 300.601 and the priority areas described in § 300.600(d) to analyze the performance of each LEA.

20 U.S.C. 1232d(b)(3)(GEPA) In the case of any State which applies, contracts, or submits a plan for participation in any applicable program in which Federal funds are made available for assistance to LEAs through, or under the supervision of, the SEA of that State, the State provides assurances to the Secretary that the State will adopt and use proper methods of administering each applicable program, including: monitoring of agencies, institutions, and organizations responsible for carrying out each program, and the enforcement of any obligations imposed on those agencies, institutions, and organizations under law; providing technical assistance, where necessary, to such agencies, institutions, and organizations; encouraging the adoption of promising or innovative educational techniques by such agencies, institutions, and organizations; the dissemination throughout the State of information on program requirements and successful practices; and the correction of deficiencies in program operations that are identified through monitoring or evaluation.

**Critical Element General Supervision (GS)-2:** Does the State have a general supervision system that is reasonably designed to ensure correction of identified noncompliance in a timely manner?

Related Question	Response
A. What is the State's definition of timely correction?	<p>Noncompliance is to be corrected as soon as possible, but no later than one year from the date the LEA was notified in writing of the noncompliance.</p> <p>Notes: The APR calendar is a resource to assist with timelines</p>
B. What criteria are used to determine that a finding of noncompliance has been corrected?	<p>Correction of each individual case of noncompliance is required unless the child is no longer within the jurisdiction of the LEA. Verification of correction of noncompliance is required, to show that the LEA is currently implementing specific regulatory requirements at a sustainable level, through evidence provided by the district (documentation, such as IEPs, that policies, procedures and practices that resulted in the finding have been corrected, etc.). The standard of correction varies depending upon the finding/indicator and is spelled out in the letter of finding.</p> <p>Notes: Two prong correction is used where appropriate (district level finding v. due process)</p>
C. How does the State verify that individual child-specific noncompliance is corrected?	<p>Through individual file/IEP reviews for the same students, a random selection of additional student files and/or review of progress data. The State makes both district level and student level findings of noncompliance.</p> <p>Notes:</p>
D. How does the State determine what corrective action is needed?	<p>ISBE utilizes OSEP Memo 09-02 and other OSEP resources. Corrective actions are indicator-specific and can vary depending on the type of findings issued, systemic vs. isolated incidents, intensity, etc. Corrective actions are determined on a case-by-case basis for Due Process decisions and complaints with consideration for the violation, length of the violation, and harm suffered as a result of violation.</p> <p>Notes:</p>
E. What method(s) does the State's general supervision system use to obtain and document timely correction of noncompliance (e.g., TA, sanctions, examining policies and procedures, corrective action plans)?	<p>Various methods are used, including corrective action plans, review and revision of policies and procedures and practices, staff training, accessing technical assistance, providing compensatory services, desk audits/data verification, review of student files and IEPs, review of progress data and sanctions. ISBE staff and ISBE Project staff provide TA and training.</p> <p>Notes:</p>

F. What is the range of enforcement options available for the State to enforce correction of noncompliance?	Corrective action plans, mandatory technical assistance and/or training, on-site visits, formal meetings with LEA representatives, initiation of a systemic complaint, prohibition on the LEA's ability to reduce MOE, freezing of funds(have used it before), financial reimbursement, directing the use of funds, withholding funds, revoking the administrator's certificate, non-recognition status for the district. Notes:
G. What authority does the State have, under State law, to use enforcement actions and sanctions?	The Illinois School Code and state special education regulations at 226.760 gives the SEA authority to determine if the LEA is fulfilling requirements, issue reports with recommendations or actions to the local board, and be a factor in the consideration of the LEA's recognition status. Notes:
H. When and under what conditions does the State use enforcement actions and sanctions if an LEA cannot demonstrate correction in a timely manner?	If the LEA has not satisfactorily completed corrective action, and provision of additional TA has not assisted in correcting noncompliance. ISBE has addressed this on a case-by-case basis in the past with documentation via letters to the district and with progressive steps if noncompliance continues. Enforcement actions (increased TA, training, onsite TA and visits, increased use of available resources, etc.) Notes:
I. What are the barriers that impede the State's ability to correct noncompliance in a timely manner?	Limitations in numbers of staff. A political environment in which LEAs effectively "push back" against the SEA in some circumstances. Notes:
J. What is the State doing to address these barriers?	Attempts have been made to address staff vacancies in a more timely manner. Building relationships with key stakeholders and increasing their knowledge has also taken place. Notes:
<b>Document Review</b>	<b>Notes</b>
<input type="checkbox"/> State Monitoring Manual	
<input type="checkbox"/> Monitoring Reports	
<input type="checkbox"/> State Rules and Regulations	
<input type="checkbox"/> Database Reports	
<input type="checkbox"/> Corrective Action Reports	
<input type="checkbox"/> APR Indicator 15	
<b>Customer Service Info.</b>	<b>Notes</b>
<input type="checkbox"/>	
<b>OGC Comments</b>	<b>Notes</b>
<input type="checkbox"/>	
<b>Interview Info.</b>	<b>Interview Summary</b>
<b>Related Requirements</b>	
<input type="checkbox"/> §§300.167 through 169 [State advisory panel] The State shall establish and maintain an advisory panel whose duties should include: advising the SEA of needs within the State; commenting publicly on any rules or regulations proposed by the State; advising the SEA in developing	

evaluations and reporting on data to the Secretary under 20 U.S.C. 1418; advising the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B; and advising the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.

§300.200 [Condition of assistance] The SEA must ensure that each LEA submits a plan and provides assurances that the plan is implemented consistent with State policies and procedures as established under 20 U.S.C. 1412.

20 U.S.C. 1232d(b)(3)(GEPA) In the case of any State which applies, contracts, or submits a plan for participation in any applicable program in which Federal funds are made available for assistance to LEAs through, or under the supervision of, the SEA of that State, the State provides assurances to the Secretary that the State will adopt and use proper methods of administering each applicable program, including: monitoring of agencies, institutions, and organizations responsible for carrying out each program, and the enforcement of any obligations imposed on those agencies, institutions, and organizations under law; providing technical assistance, where necessary, to such agencies, institutions, and organizations; encouraging the adoption of promising or innovative educational techniques by such agencies, institutions, and organizations; the dissemination throughout the State of information on program requirements and successful practices; and the correction of deficiencies in program operations that are identified through monitoring or evaluation.

§300.608 [State enforcement] If an SEA determines that an LEA is not meeting the requirements of Part B, including the targets in the SPP, the SEA must prohibit the LEA from reducing the LEA's maintenance of effort under 20 U.S.C. 1413(a)(2)(C) for any fiscal year. [20 U.S.C. 1416(f); 34 CFR §300.608]