


**MEMORANDUM**

February 10, 2014

TO: Alana Walls, Head of School  
The New Maurice J. Moyer Academy

FROM: Mary Ann Mieczkowski   
Director, Exceptional Children Resources

RE: Special Education Compliance Monitoring 2013-2014  
Report and Instructions

---

As you know, the Department of Education (“DOE”) is responsible for monitoring local education agencies (“LEAs”) for special education compliance. Your LEA was identified for monitoring in 2013-2014 through a risk-based analysis conducted by DOE staff. Enclosed with this memorandum is a Monitoring Report summarizing the DOE’s findings for your LEA. This memorandum provides an overview of the local responsibilities for corrective action and summarizes information we have previously discussed at special education leadership meetings. A team from the Exceptional Children Resources Group will meet with your LEA representatives on **February 28, 2014 at 9 AM** to discuss the findings and next steps.

**A. DOE's Monitoring Activities**

DOE monitors used a protocol to review student files in multiple regulatory areas, including eligibility determination, IEP development, LRE, secondary transition, and IEP meeting participants. The Monitoring Report describes any findings of noncompliance based on the protocol at both the LEA and student levels. The findings trigger different levels of required corrective action. If, for example, noncompliance is found at the individual student level, the LEA must correct the student records as soon as possible. Additional corrective actions may also be required, such as staff training, depending on the total percentage of noncompliance for a particular regulatory item. DOE representatives will work with your LEA to develop a corrective action plan, to include the timelines for correction of noncompliance and the specific strategies to be used. Your LEA will be responsible for reviewing the findings, and conducting a "root cause analysis" to identify the reasons the noncompliance is occurring.

***B. Student Level Corrective Action***

As mentioned, all noncompliance must be corrected at the individual student level, and is described in Section 3 of the Monitoring Report. Student IEPs must be corrected by the LEA as soon as possible, but no later than **April 1, 2014**.

Note, however, the correction of IEPs is not required if: (a) the student is no longer enrolled in the LEA; (b) the student was dismissed from receiving special education services; or (c) the student no longer attends school due to graduation or other reasons. The Monitoring Report contains a section for your LEA to report when these circumstances occur.

***C. LEA Level Corrective Action***

The DOE will be reviewing records for any regulatory item that is less than 100% compliant. The percentage levels for your LEA are found in Section 4 of the Monitoring Report. Before starting any corrective actions, however, the LEA must conduct a “root cause” analysis to identify the specific reasons the problem exists within the LEA. Depending on the reasons identified, the LEA should then tailor specific action steps to remedy the problem. Corrective actions can include, but are not limited to, self-audits and LEA review of student records, review of compliance data by teacher/school, specific trainings for targeted staff, and review of policies and practices at the LEA and school levels. Your staff should discuss plans and technical assistance options with the DOE team assigned to your LEA. The DOE team will oversee the development of a corrective action plan with you, and review a timeline for submitting a plan to the DOE.

Note, the DOE is requiring each LEA to provide training to staff in the areas that noncompliance is identified below 100%. The training should be specifically developed by each LEA to ensure staff will be properly implementing the regulations. “Training” can include: (a) presentations to staff by an expert or consultant in special education regulations; (2) distribution of written materials to staff; and/or (3) use of technical assistance documents and professional development modules sanctioned and approved by the U.S. Department of Education.

We are asking LEAs to report to the DOE on the completion of their corrective actions by **May 1, 2014**.

***D. State Verification Activities***

As corrections are completed, the DOE will begin to review additional student records for compliance verification. The number of additional records reviewed will depend upon the percentage level of noncompliance at the LEA and other factors.

***E. Additional Notes About the DOE’s Compliance Findings***

Items IEP 24-26 on the DOE’s file review protocol addresses whether IEPs contain: 1) a statement of a student’s present level of academic achievement and functional performance (IEP 24); **and** 2) a description of how a student’s progress towards meeting annual goals will be

measured (IEP 25); **and** 3) a statement of measurable annual goals (IEP 26). Please note that these items were reviewed as a single protocol item to ensure alignment between present level of academic performance, benchmarks, and annual goal. As such, noncompliance in any one of these items (IEP 24, IEP 25, or IEP 26) resulted in a finding of noncompliance as to all three items. DOE monitors selected a single annual reading or literacy goal in each IEP to review for measurability and compliance with each of these regulations. If the IEP did not contain an annual reading or literacy goal, DOE monitors reviewed the next academic IEP goal. If noncompliance was found, the Monitoring Report identifies the specific goal(s) that must be corrected.

Item IEP 12 on the DOE's file review protocol examines whether, for students who are deaf or hard of hearing, the student's language and communication needs are addressed in the IEP. However, no compliance findings were made for IEP 12 related to Part B of the IDEA this year. The monitoring data from IEP 12 will be shared with your LEA, and staff from the Exceptional Children Resources group will be providing technical assistance to LEAs to clarify this regulatory area, if necessary.

***F. Summary***

In closing, we hope that this memorandum is helpful to you. As always, we appreciate the cooperation, commitment, and courtesy displayed by your staff throughout the monitoring process. As your LEA works through its corrective action steps, please be sure to direct your questions and comments to the team working with your LEA. Thank you and we look forward to working with you throughout the year.

MAM:MEW:ljl

cc: Mark Murphy, Secretary of Education  
Jennifer Nagourney, Charter School Office  
Exceptional Children Resources Work Group