

# PART X

## COMPLIANCE MONITORING

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## **LEGAL CITATIONS**

### **Section 1. Information Needed Prior to Review**

34 CFR §300.120  
4AAC 52.770

### **Section 2. Information Needed During Review**

34 CFR §300.112  
34 CFR §300.120  
34 CFR §300.149  
34 CFR §300.211  
4 AAC 52.770

### **Section 3. Maintaining Student Records**

34 CFR §300.112  
34 CFR §300.120  
34 CFR §300.149  
4 AAC 52.760

### **Section 4. Continuous Improvement Monitoring Process (CIMP)**

34 CFR §300.1  
34 CFR §300.704  
20 USC 1412 a15

### **Section 5. Student File Review Instrument**

34 CFR §300.120  
34 CFR §300.704  
4 AAC 52.770

### **Section 6. Administrative Review Instrument**

### **Section 7. Post Monitoring Activity**

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## **PART X – COMPLIANCE MONITORING**

This Part summarizes the information the Department will review when monitoring district Special Education Programs. The Department has revised the current monitoring process to better reflect the U.S. Department of Education, Office of Special Education Programs, revised monitoring system that is referred to as the Continuous Improvement Monitoring Process (CIMP). The CIMP will be described in more detail later in this Part.

### **SECTION 1 ❖ INFORMATION NEEDED PRIOR TO REVIEW**

Prior to a compliance monitoring review, a district must send the following information to the Department **at least 30 days in advance of the review:**

1. A list of schools within your district that includes daily time schedules for each school.
2. Personnel list by position  
A list of special education teachers, administrators, related service providers and interpreters for the deaf. **Please email this list in an Excel spreadsheet.** The personnel list must include:
  - A. Names
  - B. Positions
  - C. Teacher certification numbers
3. Behavioral Issues  
Please include a list of students who have been through any of the following processes in-school suspensions, out-of-school suspensions, expulsions, manifestation determination meetings, and/or referrals to law enforcement
4. A list of private schools, charter schools, correspondence schools, juvenile detention facilities, adult correctional facilities, community transition agencies (for early childhood and secondary transition) in the District. Please include addresses and phone numbers.
5. Dispute resolution  
A list of students that were the subject of a complaint, mediation, and/or due process hearing over the past 5 years

### **SECTION 2 ❖ INFORMATION NEEDED DURING REVIEW**

**Districts will need to provide the following information to Department staff during the site review. Please refer to the Administrative Review Instrument for specific information pertaining to each of the following categories.**

1. The District's policy and procedures manual (unless the District has adopted the Alaska Special Education Handbook, in which case, a statement to that effect)

2. The District's Child Find Plan and related information
3. The District's Surrogate Parent Plan and related information
4. Documentation regarding student placement options and processes
5. The District's procedures related to Independent Education Evaluations and a current list of persons and/or agencies from which they may be obtained
6. A copy of the District's LD criteria
7. Copies of Interagency Agreements with:
  - A. Juvenile corrections facilities and adult correctional facilities
  - B. Correspondence schools
  - C. Charter schools
  - D. Community mental health providers
  - E. Private schools
  - F. Local Infant Learning Programs
  - G. Head Start programs
  - H. Secondary transition agencies, including vocational rehabilitation
8. Documentation that district is following procedural safeguards
9. Documentation that district is following appropriate confidentiality procedures
10. Documentation that district is following appropriate personnel procedures
11. A list of paraprofessionals who work with students receiving special education services
12. Discipline procedures and records

### **SECTION 3 ❖ MAINTAINING STUDENT RECORDS**

During the monitoring review, a representative sample of student files will be reviewed. The File Review Instrument (located later in this Part) will be used to review and evaluate the selected files. The items listed in this instrument must be maintained for each special education student.

When a student moves from one district to another, both districts must maintain all the records necessary to document that the student was appropriately served. A district shall maintain records until no longer needed to provide educational services, but not less than five years.

## **SECTION 4 ❖ CONTINUOUS IMPROVEMENT MONITORING PROCESS (CIMP)**

The U.S. Department of Education, Office of Special Education Programs (OSEP) has revised its federal monitoring practices. OSEP now requires each state to conduct a self-assessment of its implementation of IDEA 2004 and submit a summary report. This is a data-driven process that focuses on improved results for children with disabilities. The report is based on the work of cluster teams of stakeholders who review relevant data to determine the level of compliance/non-compliance with state and federal special education requirements. Strategies for addressing identified compliance issues are also included.

This process grew from a bi-annual progress report to an annual progress report. The Annual Performance Report is submitted each year to OSEP. The report is submitted each February and reviews the performance goals and objectives from the previous year.

### **ANNUAL PROGRESS REPORT (APR) AND STATE PERFORMANCE PLAN (SPP)**

The State is required to report annually on established goals for the performance of children with disabilities that are the same as the State's definition of Adequate Yearly Progress (AYP), including the State's objectives for progress. Graduation and drop out rates, as well as other factors deemed by the State will be addressed. These indicators must be consistent, to the extent appropriate, with any other goals and standards for children. Performance indicators must be established for the State to be able to assess progress toward achieving goals, including measurable annual objectives. The State will report annually to the Secretary and the public on the progress of children with disabilities.

## **SECTION 5 ❖ STUDENT FILE REVIEW INSTRUMENT**

The Student File Review Instrument (September 2007) is used to review a selection of student files during the on site compliance monitoring visit. This instrument contains standards that are used to determine compliance with specific federal and state requirements. Districts may use this instrument as a self-monitoring tool.

<b>Standard Category Code</b>	<b>Standard Category Description</b>	<b>Standard Code Citation</b>	<b>Student Standard Criteria</b>	<b>Federal / State Citation</b>
1	Confidentiality	1.01	Parental consent for release of information is obtained before personally identifiable information is disclosed to anyone other than officials of the participating agency or to be used for any purpose other than the requirements of IDEA 2004.	34 CFR 300.622; 4AAC 52.530; 20 USC 1412(a)(8); 20 USC 1417(c)

## PART X – COMPLIANCE MONITORING

Standard Category Code	Standard Category Description	Standard Code Citation	Student Standard Criteria	Federal / State Citation
1	Confidentiality	1.02	Persons accessing the file that are not the student's parents or authorized employees of the participating agency sign record of access, which includes name, date, purpose and agency affiliation.	34 CFR 300.614; 4AAC 52.765(d); 20 USC 1412(a)(8); 20 USC 1417(c)
1	Confidentiality	1.03	f district changes or destroys information in district that personally identifies the student, parent/guardian/student (at age of majority) received prior written notice.	34 CFR 300.624; 4AAC 52.765(b); 4AAC 52.190; 20 USC 1415 (b)(3&4)
2	Referral / Evaluation	2.01	* Interventions are documented and attempted for a reasonable length of time before referral.	20 USC 1415 (b)(5)(A-C); 34 CFR 300.309 (b&c)
2	Referral / Evaluation	2.02	The referral form documents a summary of existing information (ages 6-21) or screening results (ages 3-5).	4 AAC 52.100 (a)(2); AS 14.30.127(a); 34 CFR 300.111; 34 CFR 300.301-306; 20 USC 1412 (a) (6) (B), (7); 1414 (a)(1), (b)(2-3)
2	Referral / Evaluation	2.03	A signed consent for initial evaluation and evidence that Procedural Safeguards were given to parents are present in the file and dated prior to evaluation being conducted.	34 CFR 300.9; 34 CFR 300.300; 34 CFR 300.503-504; 4AAC 52.200; AS 14.30.191(a)
2	Referral / Evaluation	2.04	Parents received Prior Written Notice of initial evaluation before evaluations were conducted.	20 USC 1414(b)(1); 20 USC 1415(b)(3-4), 20 USC 1415 (c)(1)(A-F); 34 CFR 300.503-504
2	Referral / Evaluation	2.05	Parents receive Prior Written Notice for initial evaluation if the parents REFUSED to have their child evaluated.	20 USC 1414(b)(1); 20 USC 1415(b)(3-4), 20 USC 1415 (c)(1)(A-F); 34 CFR 300.503-504; 4 AAC 52.190
2	Referral / Evaluation	2.06	Each evaluation indicated on the Consent for Evaluation or Re-Evaluation is conducted prior to placement.	34 CFR 300.301(a); 4 AAC 52.120; 4AAC 52.180; AS 14.30.191(d)(2); 20 USC 1414(b&c)
2	Referral / Evaluation	2.07	* More than one evaluation was conducted and addresses the areas of need identified in the referral.	34 CFR 300.304(a)(1&2); 20 USC 1414 (b); 20 USC 1412(a)(6)(B)
2	Referral / Evaluation	2.08	The file contains documentation of request(s) for Independent Educational Evaluation(s), a copy of the IEE(s) that was conducted and the IEE is considered on the ESER.	34 CFR 300.502(a)(2)&(c)(1); 4 AAC 52.540; 20 USC 1415(b)(1) & (d)(2)(A)
2	Referral / Evaluation	2.09	Evaluation and placement in special education are completed within 45 school days of INITIAL CONSENT for evaluation.	4 AAC 52.115; 34 CFR 300.301 (c)(1)(ii); 20 USC 1414 (a)(1)(C)(i)
3	Eligibility Process	3.01	* Parents were invited to participate in the eligibility determination meeting early enough to ensure they had an opportunity to attend as evidenced by a copy of the invitation to attend a meeting.	34 CFR 300.503; 4AAC 52.210; 20 USC 1415(b)(1)

## PART X – COMPLIANCE MONITORING

Standard Category Code	Standard Category Description	Standard Code Citation	Student Standard Criteria	Federal / State Citation
3	Eligibility Process	3.02	Comparison of dates on CONSENT FOR EVALUATION and the Evaluation Summary and Eligibility Report indicates that DETERMINATION OF ELIGIBILITY was made within 45 school days of parental consent for evaluation.	4AAC 52.115; 34 CFR 300.301 (c)(1)(ii); 20 USC 1414 (A)(1)(C)(i)
3	Eligibility Process	3.03	Parent information and observation are documented on the Evaluation Summary and Eligibility Report.	34 CFR 300.306(c)(i & ii); 4 AAC 52.125 (a)(1); 20 USC 1414(b)(4)(A) & (c)(1)(A&B)
3	Eligibility Process	3.04	* The Evaluation Summary and Eligibility Report, documents that the student meets each requirement for eligibility under the selected certification category.	34 CFR 300.8; 34 CFR 300.306; 4AAC 52.130; 20 USC 1414(b)(4); 20 USC 1401(3)
3	Eligibility Process	3.05	* Eligibility determination is supported by, and consistent with, the other information contained in the Evaluation Summary and Eligibility Report.	34 CFR 300.306; 4 AAC 52.125; 20 USC 1414(b)
3	Eligibility Process	3.06	* Educational needs and recommendations are documented on the Evaluation Summary and Eligibility Report and are consistent with findings from the evaluations (or reevaluations) consented and conducted.	34 CFR 300.304-306; 4AAC 52.120; 20 USC 1414 (a)(1)(C)(i)(II); 20 USC 1414 (b)(4)
3	Eligibility Process	3.07	* The Evaluation Summary and Eligibility Report contains evidence of team participation - a group of qualified professionals and the parent (signatures of the student's parent(s)/guardian/trained surrogate parent, the student, when appropriate, a representative of the school district, an appropriately certified special education teacher, at least one general education teacher and district staff to interpret instructional implications of evaluation results. When appropriate the following representatives should also be present: a private school representative, transition service providers and related service personnel).	20 USC 1414(b)(4), 34 CFR 300.306(a)(1); 4 AAC 52.125 (a)(2)
3	Eligibility Process	3.08	Documentation verifies that parents/guardian/student (if at age of majority) received verbal or written notice of a reevaluation without further assessments being conducted.	34 CFR 300.305(d); 4 AAC 52.190; 20 USC 1414 (c)(2-4); 20 USC 1414 (b)(1); 20 USC 1415(b)(3-4) & (c)
3	Eligibility Process	3.09	Documentation verifies that parents/guardian/student, (if at age of majority) received prior written notice of a reevaluation, including assessment before the assessment was conducted.	34 CFR 300.503; 4 AAC 52.190; 20 USC 1415 (b)(3-4) & (c)
3	Eligibility Process	3.10	A signed consent for reevaluation with assessment is present in the file and dated prior to evaluation being conducted.	34 CFR 300.300(c); 4 AAC 52.200; 20 USC 1414 (c)(3)
4	The IEP Process	4.01	Parent/student were invited to participate in the IEP meeting early enough to ensure they had an opportunity to attend.	34 CFR 300.322(a)(1); 4 AAC 52.210; 20 USC 1415 (b)(1)

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Standard Category Code	Standard Category Description	Standard Code Citation	Student Standard Criteria	Federal / State Citation
4	The IEP Process	4.02	Comparison of date of eligibility determination (ESER) with date of IEP meeting shows IEP is implemented within 30 days of eligibility determination.	34 CFR 300.323(c)(1); 4 AAC 52.140(b)(2); 20 USC 1414(d)(2); 1413 (a)(1)
4	The IEP Process	4.03	* IEP documents a single certification category that matches that determined in Eligibility Determination Meeting as documented on the ESER.	34 CFR 300.8; 20 USC 1414 (b)(4-5); 4AAC 52.130
4	The IEP Process	4.04	* The CURRENT IEP contains evidence of complete IEP team participation (signatures of the student's parent(s)/guardian/trained surrogate parent, the student, when appropriate, a representative of the school district, at least one appropriately certified special education teacher, at least one general education teacher and district staff to interpret instructional implications of evaluation results. When appropriate the following representatives should also be present: a private school representative, transition service providers and related service personnel or other individuals with the consent of parents or age of majority child.	20 USC 1414(d)(1)(B) and 34 CFR 300.321(b)(3); 4AAC 52.140 (b)(1)
4	The IEP Process	4.05	* The IEP documents contribution from parent(s)/student and transition agencies or documentation is present to verify attempts to encourage their participation	34 CFR 300.324(a)(1)(ii); 4AAC 52.140 (b)(1); 20 USC 1414 (d) (1) (B) (i, iii, vi-vii); 20 USC 1414 (d)(1)(D)
4	The IEP Process	4.06	* Present Levels Academic Achievement and Functional Performance are supported by and consistent with areas of educational need as identified in the ESER.	20 USC 1414(d)(1)(A), 34 CFR 300.324 (a)(1)(iv)
4	The IEP Process	4.07	PLAAFP includes: 1. Transition needs (ages 16-21) 2. A narrative description of the student's current functioning 3. The student's performance on state- and district-wide assessments. 4. The effect of the student's disability on the student's involvement and progress in the general education curriculum or the effect of the disability on the participation of a preschool child on appropriate activities and transition needs.	34 CFR 300.324(a)(1); 20 USC 1412 (a)(9); 20 USC 1414 (d)(1)(A)
4	The IEP Process	4.08	* Special factors have been considered and are supported by and consistent with the Present Levels Academic Achievement and Functional Performance.	34 CFR 300.324 (a)(2); 20 USC 1414 (d)(3)(B); 4 AAC 52.140
4	The IEP Process	4.09	* Participation and any necessary accommodations for state-wide and district-wide testing are documented in the IEP and are supported by and consistent with the special factors considered.	34 CFR 300.320(a)(6); 4AAC 06.775; 20 USC 1414(d)(1)(A)(vi)

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Standard Category Code	Standard Category Description	Standard Code Citation	Student Standard Criteria	Federal / State Citation
4	The IEP Process	4.10	* The measurable academic and functional goals and short-term objectives are aligned with state standards and address each area identified as a need/recommendation in the Present Levels Academic Achievement and Functional Performance.	34 CFR 300.320 (a)(2); 20 USC 1414(d)(1)(A)(iii)
4	The IEP Process	4.11	An evaluation procedure is identified and used to measure progress toward Goals (academic and functional) and objectives (when appropriate) throughout the IEP year.	34 CFR 300.320 (a)(3)(i); 20 USC 1414(d)(1)(A)
4	The IEP Process	4.12	Goals (academic and functional) and objectives are updated and revised as appropriate.	34 CFR 300.324(b)(1); 4 AAC 52.140; 20 USC 1414(d)(4)
4	The IEP Process	4.13	* Progress reports in the file document student progress toward each annual goal (academic and functional) and objective and have been sent to parents at least as often as students without disabilities in the school.	34 CFR 300.320(a)(3)(ii); 34 CFR 300.324(b)(1)(i); 4 AAC 52.140; 20 USC 1414(d)(4)(i)
4	The IEP Process	4.14	Progress reports document plan to revise/update goals and objectives if progress is not sufficient for student to meet goal and objective by end of IEP year, file contains evidence that plan is being followed.	34 CFR 300.320(a)(3); 34 CFR 300.324(b)(1); 4 AAC 52.140; 20 USC 1414(d)(4)(ii)
4	The IEP Process	4.15	* Program modifications are supported by and consistent with the goals and objectives; be involved in and progress in the general education curriculum; and participate in extracurricular and other nonacademic activities.	34 CFR 300.320(a)(4)(ii); 4 AAC 52.140; 20 USC 1414 (d)(1)(A)(iv)
4	The IEP Process	4.16	IEP documents supports for school personnel that help the student to advance appropriately toward annual goals; be involved in and progress in the general education curriculum; and participate in extracurricular and other nonacademic activities.	34 CFR 300.320(a)(4); 4 AAC 52.140; 20 USC 1414(d)(1)(A)(iv)
4	The IEP Process	4.17	* IEP documents ESY services were considered and decision regarding provision of ESY services is justified within 90 days of school year and is supported by and consistent with the student's IEP.	34 CFR 300.106; 4AAC 52.140; 20 USC 1412(a)(1)
4	The IEP Process	4.18	* Areas of Special Education and Related Services are supported by and consistent with areas of educational need and recommendations identified in the Evaluation Summary and Eligibility Report and address each need identified in Present Levels of Academic Achievement and Functional Performance.	34 CFR 300.34; 4 AAC 52.140; 20 USC 1414(d)(1)(A)(iv)
4	The IEP Process	4.19	* Areas of special education and related services are supported by and consistent with the goals and objectives.	34 CFR 300.34; 4 AAC 52.140; 20 USC 1414(d)(1)(A)(iv)

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Standard Category Code	Standard Category Description	Standard Code Citation	Student Standard Criteria	Federal / State Citation
4	The IEP Process	4.20	Areas of special education and related services include the location, projected start and end dates, provider, frequency, amount of time and frequency of site supervision by certificated or licensed service providers.	34 CFR 300.34; 4 AAC 52.140; 20 USC 1414(d)(1)(A)(vii)
4	The IEP Process	4.21	* IEP documents regular education participation including location, provider, frequency and time.	34 CFR 300.323 (d); 4 AAC 52.140; 20 USC 1414(d)(1)(A)(iv)
4	The IEP Process	4.22	The IEP is implemented as soon as possible following the IEP meeting.	34 CFR 300.323(c); 4 AAC 52.140; 20 USC 1414(d)(2)(A)
4	The IEP Process	4.23	* The justification for placement is determined annually, is supported by and consistent with the PLAAFP, goals and objectives, supports for school personnel and special education and related services.	34 CFR 300.116; 34 CFR 300.324(b); 4AAC 52.140; 20 USC 1414(d)(4)
4	The IEP Process	4.24	The extent of student participation in the regular education program is included (in the justification for placement) with an explanation of the extent if any that the student will not be participating with children without disabilities.	34 CFR 300.116; 4 AAC 52.140; 20 USC 1414(d)(1)(A)(iv & v)
4	The IEP Process	4.25	Student's placement is with age-appropriate peers in academic and extra-curricular courses and activities.	34 CFR 300.114; 34 CFR 300.116 & 117; 4 AAC 52.140; 20 USC 1412 (a); 20 USC 1414(d)(1)(A)(iv)
4	The IEP Process	4.26	Student attends his/her resident school (i.e., the student would attend if not disabled) or documentation verifies that the IEP team considered the feasibility of providing services in the student's residing school.	34 CFR 300.116(c); 4 AAC 52.140; 20 USC 1412(a)(5)
4	The IEP Process	4.27	* If student is enrolled in private school, correspondence schools, and charter schools documentation verifies that special education services are provided.	34 CFR 300.118; 4 AAC 52.140; 20 USC 1412(a)(10)
4	The IEP Process	4.28	Copy of signed Consent-for-Special Education Services form is present and dated prior to any delivery of special education or related services.	34 CFR 300.300(b); 4 AAC 52.140; 20 USC 1414(a)(1)(D)(i)(II)
4	The IEP Process	4.29	Parents received Prior Written Notice for initial student placement.	34 CFR 300.503(a); 4 AAC 52.140; 20 USC 1415 (c)
4	The IEP Process	4.30	Documentation verifies that Procedural Safeguards were given to the parents/guardian or student (if student has reached age of majority) at the IEP meeting.	34 CFR 300.504; 4 AAC 52.140; 20 USC 1415(d)
4	The IEP Process	4.31	There is evidence of a request for a due process hearing and evidence that a copy of Procedural Safeguards were given to the parent/guardian or student, if student has reached age of majority.	34 CFR 300.504; 4 AAC 52.140; 20 USC 1415(d)

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Standard Category Code	Standard Category Description	Standard Code Citation	Student Standard Criteria	Federal / State Citation
4	The IEP Process	4.32	If district accepts an out of district IEP and eligibility category, parents/guardian/student, if at age of majority, receive prior written notice.	34 CFR 300.503; 4 AAC 52.140; 20 USC 1414 (d)(2)(C)
6	Behavior	6.01	Functional Behavior Assessment is conducted and implemented when there is misconduct resulting in suspension/expulsions/IAES of more than 10 school/business days.	34 CFR 300.530(d)(ii); 20 USC 1415 (k)(1)(D)(ii)
6	Behavior	6.02	The Functional Behavior Assessment contains a clear written description of the problem conduct.	34 CFR 300.530(d)(ii); 20 USC 1415 (k)(1)(D)(ii)
6	Behavior	6.03	The FBA includes consideration of specific biological, physiological or environmental factors that may have a causal effect on the misconduct.	34 CFR 300.530(d)(ii); 20 USC 1415 (k)(1)(D)(ii)
6	Behavior	6.04	The FBA provides information helpful in predicting when and in which situations the misconduct may occur.	34 CFR 300.530(d)(ii); 20 USC 1415 (k)(1)(D)(ii)
6	Behavior	6.05	The FBA identifies the consequences that maintain the misconduct.	34 CFR 300.530(d)(ii); 20 USC 1415 (k)(1)(D)(ii)
6	Behavior	6.06	The FBA determines the main purpose or function of the misconduct.	34 CFR 300.530(d)(ii); 20 USC 1415 (k)(1)(D)(ii)
6	Behavior	6.07	If the IEP determines the misconduct impedes student's learning or that of others, a Behavior Intervention Plan (BIP) is developed and implemented based on the FBA and is supported by and consistent with the ESER, PLAAFP, Goals and Objectives and areas of special education and related services.	34 CFR 300.530(d)(ii); 20 USC 1414 (d)(3)(B)(i)
6	Behavior	6.08	The BIP defines the target behavior(s) in measureable terms.	34 CFR 300.530(d)(ii); 20 USC 1414 (d)(3)(B)(i)
6	Behavior	6.09	The BIP lists the Positive Behavioral Interventions to be used with the student. (Types of reinforcement teaching strategies, activities, ETC.)	34 CFR 300.530(d)(ii); 20 USC 1414 (d)(3)(B)(i)
6	Behavior	6.10	The BIP lists the Positive Behavioral Supports to be used with the student. (tokens rewards, personnel, assistive technology, etc.)	20 USC 1415 (b)(3); 34 CFR 300.503; 34 CFR 300.102 (a)(3)(iii); 4AAC 52.620; 4AAC 52.190
6	Behavior	6.11	The BIP states how the performance will be monitored and what data will be collected.	20 USC 1415 (b)(3); 34 CFR 300.503; 34 CFR 300.102 (a)(3)(iii); 4AAC 52.620; 4AAC 52.190

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Standard Category Code	Standard Category Description	Standard Code Citation	Student Standard Criteria	Federal / State Citation
6	Behavior	6.12	The IEP team and other qualified individuals conduct a Manifestation Determination within 10 school days after the district decides to take any disciplinary action constituting a change of placement.	34 CFR 300.530(e)(1); 20 USC 1415 (k)(1)(E)(i)
6	Behavior	6.13	Evaluation results, diagnostic/relevant information supplied by parent / guardian / student, appropriateness of placement, and appropriateness of the IEP are considered by IEP team and qualified personnel when conducting a Manifestation Determination.	34 CFR 300.530(e)(1); 20 USC 1415 (k)(1)(E)(i)
6	Behavior	6.14	During the Manifestation Determination, the IEP team determined the conduct WAS considered a manifestation of the student's disability because of the district's failure to implement the IEP appropriately or misconduct was caused by/had direct, substantial relationship to the student's disability.	34 CFR 300.530(e)(1); 20 USC 1415 (k)(1)(E)(i)
6	Behavior	6.15	During the Manifestation Determination, the IEP team determined the conduct WAS NOT considered a manifestation of the student's disability if the special education, related services and behavior intervention strategies were provided consistent with the student's IEP and placement.	34 CFR 300.530(e)(1); 20 USC 1415 (k)(1)(E)(i)
6	Behavior	6.16	The IEP team conducts/reviews/revises a FBA and develops/reviews/revises and implements a BIP within 10 days of suspension/expulsion/IAES.	34 CFR 300.530(d)(1)(ii); 34 CFR 300.530(e)(1); 20 USC 1415 (k)(1)(D)(ii)
6	Behavior	6.17	Documentation confirms that a student carrying a weapon, using, possessing, selling, or soliciting illegal drugs at school or causing serious bodily injury is placed in an IAES for 45 school days or less.	34 CFR 300.530(g); 20 USC 1415 (k)(G)
6	Behavior	6.18	Documentation confirms that the IAES was determined by the IEP team, allows the student to participate in general education curriculum, includes continuation for services as outlined in the IEP and includes services and modifications to address the behavior so it does not recur.	34 CFR 300.531; 34 CFR 300.530(d)(1)(i); 20 USC 1415 (k)(1)(D)(i)
6	Behavior	6.19	Documentation shows that if parent disagrees with the determination that the student's behavior was NOT a manifestation of the student's disability or disagrees with disciplinary placement, the parent was informed of the right to request a hearing and given Procedural Safeguards.	34 CFR 300.530(h); 20 USC 1415 (k)(3)(A)
6	Behavior	6.20	Documentation confirms that services were provided to the student beginning on the 11th day to the extent necessary, as determined by the IEP team, to enable the student to progress in the general education curriculum and advance toward his/her goals.	34 CFR 300.530(d)(1)(i); 20 USC 1415 (k)(1)(D)(i)

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Standard Category Code	Standard Category Description	Standard Code Citation	Student Standard Criteria	Federal / State Citation
6	Behavior	6.21	LEA notified parents of the disciplinary action no later than when the action becomes effective.	34 CFR 300.530(h); 20 USC 1415 (k)(1)(H)
7	Early Childhood	7.01	For students entering preschool, records indicate that district staff participated in a transition planning conference at least 90 days (and up to 6 months) before the child's third birthday.	20 USC 1412(a)(9) and 34 CFR 300.124
7	Early Childhood	7.03	For students transitioning from ILP, the Invitation shows that the ILP Provider was invited to the IEP Meeting.	34 CFR 300.321 (f)
7	Early Childhood	7.04	For students entering special education services ages 3-5.5 years old, there is a Child Outcome Summary form with entry information.	20 USC 1416(a)(3)(A), 34 CFR 300.43
7	Early Childhood	7.05	For students receiving special education services prior to their sixth birthday, there is a Child Outcome Summary form with exit information.	20 USC 1416(a)(3)(A), 34 CFR 300.43
7	Early Childhood	7.06	Preschool children demonstrate improved acquisition and use of knowledge and skills. (including early language/communication and early literacy)	20 USC 1416(a)(3)(A), 34 CFR 300.43
7	Early Childhood	7.07	Preschool children demonstrate improved use of appropriate behavior to meet their needs.	20 USC 1416(a)(3)(A), 34 CFR 300.43
7	Early Childhood	7.08	Preschool children demonstrate improved positive social emotional skills (including social relationships)	20 USC 1416(a)(3)(A), 34 CFR 300.43
7	Secondary Transition	7.09	A statement of needed transition services for student (age 16-21) are based on student's strengths, preferences, interests, and are supported by and consistent with the PLAAFP, goals and objectives, supports for school personnel and special education and related services.	34 CFR 300.43; 34 CFR 300.320(b)(1); 4AAC 52.145; 20 USC 1414 (d)(1)(A)(viii)
7	Secondary Transition	7.10	The statement of the student's (age 16-21) needed transition services includes measurable post-secondary goals that cover education or training, employment, and, as needed, independent living.	20 USC 1416 (a) (3) (A)
7	Secondary Transition	7.11	The IEP includes annual IEP goals that will reasonably enable the child to meet the post-secondary goals.	20 USC 1416 (a) (3) (A)
7	Secondary Transition	7.12	Transition services in the IEP focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school.	20 USC 1416 (a) (3) (A)

## PART X – COMPLIANCE MONITORING

Standard Category Code	Standard Category Description	Standard Code Citation	Student Standard Criteria	Federal / State Citation
7	Secondary Transition	7.13	For transition services that are likely to be provided or paid for by other agencies with parent (or age of majority student) consent, there is evidence that representatives of the agency(s) were invited to the IEP meeting.	20 USC 1416 (a) (3) (A)
7	Secondary Transition	7.14	The IEP includes measurable post secondary goals related to training, education, employment, and independent living skills based on appropriate transition assessments.	20 USC 1416 (a)(3)(B)
7	Secondary Transition	7.15	A statement of the student's (age 16-21) transition service needs that include courses of study that focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school.	20 USC 1416 (a)(3)(B)
7	Secondary Transition	7.16	The student and parent have been informed of the transfer of rights at least one year before the student has reached the age of 18.	20 USC 1416 (a)(3)(B); 34 CFR 300.320(c)
8	Exit	8.01	Completed Exit form is present documenting student no longer eligible for special education services (ESER and Exit Form needed), graduation with a regular diploma, student reached age of 22, or is deceased (ESER not needed.)	20 USC 1414 (c)(5); 34 CFR 300.306; 34 CFR 300.102; 4AAC 52.125
8	Exit	8.02	Parent/guardian/student, if at age of majority, were provided with Prior Written Notice regarding student's exit from special education services.	20 USC 1415 (b)(3); 34 CFR 300.503; 34 CFR 300.102 (a)(3)(iii); 4AAC 52.620; 4AAC 52.190

### SECTION 6 ❖ ADMINISTRATIVE REVIEW INSTRUMENT

The Administrative Review Instrument (September 2007) is used to review the special education administration processes during the on site compliance monitoring visit. This instrument contains standards that are used to determine compliance with specific federal and state requirements. Districts may use this instrument as a self-monitoring tool.

Administrative Standard	Standard Code	Administrative Standard Description	Federal / State Citation
Child Find	1.01	The district has a written administrative guideline for documenting and attempting interventions for a reasonable length of time before referral.	34 CFR 300.309 (b&c)
Child Find	1.02	Completed screenings are available for children who were determined eligible and ineligible and they document screening process for: vision, hearing, health, motor, language and social development, general basic skills and general development, primary language and culture and daily living skills through home and community and the file contains documentation of the conducted screenings.	4AAC 52.100 (a) (2)

## PART X – COMPLIANCE MONITORING

Administrative Standard	Standard Code	Administrative Standard Description	Federal / State Citation
Child Find	1.03	The Child Find plan identifies the Child Find Coordinator and is for children ages 3-21.	4 AAC 52.100 (a)(1)(F)
Child Find	1.04	Documentation verifies that contact is made to private schools, charter schools, and correspondence schools to identify children with disabilities who need services.	34 CFR 300.131; 20 USC 1412(a)(3)
Child Find	1.05	Documentation verifies child find public notices have been included in TV spots, newspaper announcements (include dates) and/or other forms of media.	4 AAC 52.100(b); 34 CFR 300.111(a)
Child Find	1.06	Documentation verifies child find activities are coordinated with Part C child find activities.	34 CFR 300.124; 20 USC 1412(a)(9)
Child Find	1.07	Each teacher/provider involved the in student's services has been informed of his/her responsibilities, specific accommodations, modifications and supports provided to the student and has access to the student's IEP.	34 CFR 300.323(d)
Child Find	1.08	The child find annual public notice includes the types of disabilities that qualify as disabling conditions, educational needs of children with disabilities, right to FAPE and special services available through the district.	4AAC 52.100(a); 34 CFR 300.111(a)
Child Find	1.09	The child find annual public notice is available in each language in which the district has a bilingual program and is posted in several areas throughout the community.	4AAC 52.100(b); 34 CFR 300.111(a)
Child Find	1.10	Procedures for screening include: vision, hearing, health, motor, language and social development, general basic skills and general development and primary language and culture.	4AAC 52.100(a)(2)
Child Find	1.11	Screening results demonstrating above procedures were conducted, and are available for students who were determined eligible and students who were determined ineligible (random selection of screenings).	34 CFR 300.111(a); 4AAC 52.100(a)(2)
Child Find	1.12	Documentation that staff have been trained in child find referral procedures outlined in child find plan.	34 CFR 300.111; 4AAC 52.100
Surrogate Parent	2.01	The district has a surrogate parent plan or adopted the Alaska Special Education Handbook Surrogate Parent Plan by putting it on their letterhead.	34 CFR 300.519 (b); 4AAC 52.590(a)
Surrogate Parent	2.02	District maintains a current list of trained surrogate parents who meet the criteria to be surrogate parents.	34 CFR 300.519 (d); 4 AAC 52.590; 4AAC 52.600
Surrogate Parent	2.03	Each surrogate parent has received training and the district maintains a record of training each surrogate parent has received.	34 CFR 300.519 (d)(2)(iii); 4AAC 52.590 (c); 4AAC 52.600
Surrogate Parent	2.04	Student files demonstrate surrogate parent represents the child in all matters related to identification, evaluation, educational placement, and provision of FAPE.	34 CFR 300.519 (g); 4AAC 52.600 ©
Surrogate Parent	2.05	If surrogate parent is removed, documentation shows reason(s) for removal (based on surrogate parent plan) and documents proper procedures were followed.	4AAC 52.610; 34 CFR 300.519 (b)
Placement	3.01	Records indicate that the district has a continuum of possible (rather than only those available) placements available and used in recommending placement.	34 CFR 300.115; 4 AAC 52.150; 20 USC 1412(a)(5)

## PART X – COMPLIANCE MONITORING

Administrative Standard	Standard Code	Administrative Standard Description	Federal / State Citation
Placement	3.02	The district has a continuum of alternative placements available to students with disabilities at each school site/or a plan to provide alternative placement if necessary.	34 CFR 300.115; 20 USC 1412 (a)(5)
Placement	3.03	Evidence that district provides services to eligible preschoolers.	34 CFR 300.111(b); 4AAC 52.090(a); 20 USC 1412 (a)(1)(B)(i)
Placement	3.04	Evidence of students participating in academic and extracurricular activities with their same age peers.	34 CFR 300.114; 34 CFR 300.116; 34 CFR 300.117; 4AAC 52.140; 20 USC 1414(d)(1); 20 USC 1412(a)
Placement	3.05	District has an effective model for ensuring special education services are provided to students in private schools, correspondence schools, and charter schools.	34 CFR 300.118; 20 USC 1412(a)(10)
Placement	3.06	Documentation is present that shows services are being provided to students in private schools, correspondence schools, and charter schools.	34 CFR 300.118; 4AAC 52.140; 20 USC 1412 (a)(10)
Placement	3.07	Documentation shows ESY services are provided beyond the regular school year at no cost to parents.	34 CFR 300.106(b)(1); 20 USC 1412(a)(1)
Placement	3.08	The district has Individualized Cooperative agreements between the district and statewide correspondence study programs for each student in special education.	4AAC 52.090(b)
Miscellaneous	4.01	The district has adopted a written criteria for determining students to meet eligibility as Learning Disabled consistent with state and federal regulations.	34 CFR 300.7; 34 CFR 300.309 to 300.311
Miscellaneous	4.02	Records document that the district has and supplies parents with a list of places independent evaluations may be obtained and a list of the criteria the district uses when providing an evaluation.	34 CFR 300.502 (a) (2); 4AAC 52.540(b)
Miscellaneous	4.03	Documentation shows that the district periodically inspects hearing aids worn by students who are deaf or hearing impaired to ensure proper functioning.	34 CFR 300.113
Interagency Agreements	5.01	There are district level interagency agreements in place with Juvenile corrections facilities and adult corrections facilities.	34 CFR 300.2 (b)(1)(iv); 34 CFR 300.118
Interagency Agreements	5.02	There is a district level interagency agreement in place with correspondence schools.	34 CFR 300.2 (b) (ii); 4 AAC 33.432; 4AAC 52.090(b)
Interagency Agreements	5.03	There are district level interagency agreements in place with community mental health providers.	34 CFR 300.2 (b) (1) (iii)
Interagency Agreements	5.04	There are district level interagency agreements in place with private schools.	34 CFR 300.2(c)
Interagency Agreements	5.05	There are district level interagency agreements in place with the local infant learning program.	34 CFR 300.2 (b) (1)(iii)
Interagency Agreements	5.06	There are district level interagency agreements in place with the local Head Start program, if appropriate.	34 CFR 300.2 (b)(1)(iii)

## PART X – COMPLIANCE MONITORING

Administrative Standard	Standard Code	Administrative Standard Description	Federal / State Citation
Interagency Agreements	5.07	There are district level interagency agreements in place with community agencies involved in providing transition services for secondary transition, including vocational rehabilitation.	34 CFR 300.2 (b) (1) (iii); 4AAC 52.145
Procedural Safeguards	6.01	Parents receive procedural safeguards that include their rights for mediation, due process and complaints.	20 USC 1415(d)(2); 34 CFR 300.504(c); 4AAC 52.480
Procedural Safeguards	6.02	Prior Written notice is made available in all languages for which the district has a bilingual program.	20 USC 1415 (b)(4); 34 CFR 300.503(c); 4AAC 52.190
Procedural Safeguards	6.03	If native language is not a written language a taped version of Prior Written Notice is available as are other alternative methods of communication (eg. Braille, Interpreter).	34 CFR 300.503(c); 4AAC 52.190; 20 USC 1415(b)(4) 34 CFR 300.504 (b) (9)
Procedural Safeguards	6.04	Records show that the district provided written notice to parents initiating a due process hearing, offering mediation and the notice included a copy of the Notice of Procedural Safeguards.	20 USC 1415 (d)(1)(ii); 34 CFR 300.504 (a)(2); 4AAC 52.480
Procedural Safeguards	6.05	Records show that the district notified the department when a parent requested a due process hearing.	34 CFR 300.508(a)(2); 4AAC 52.500; 20 USC 1415 (b)(7)(A)
Procedural Safeguards	6.06	Records indicate that the district complied with corrective actions assigned in due process hearings and complaint investigations.	34 CFR 300.152(b)(2); 4AAC 52.500(c)(8)
Procedural Safeguards	6.07	Records document that district informs parents of their rights to have copies of hearing transcripts, keeps transcripts on file and shares them with parents when requested.	34 CFR 300.512(c)(3); 20 USC 1415(h)
Procedural Safeguards	6.08	Student records show student remained in educational placement that preceded proceedings unless parties agreed otherwise.	34 CFR 30.518; 4AAC 52.580(a); 20 USC 1415(j)
Procedural Safeguards	6.09	If proceedings concern admission to school the child was admitted to school pending outcome of the hearing (with parent consent).	34 CFR 30.518 (b); 4AAC 52.580(b); 20 USC 1415(j)
Procedural Safeguards	6.10	Records document that district convened a resolution meeting with the parents and the IEP team within 15 days of receiving notice of the parent's due process complaint	34 CFR 300.510(a); 20 USC 1415 (f)(1)(B)
Confidentiality	7.01	Records indicate that district complied with parental requests to review records.	34 CFR 300.613; 4AAC 52.510
Confidentiality	7.02	Documentation is available to show that one district employee has received training on district's responsibility regarding confidentiality of information and is designated to oversee confidential records.	34 CFR 300.623(b); 4AAC 52.765(a)(1)
Confidentiality	7.03	The record of training documents personnel collecting or using personally identifiable information have been trained or instructed regarding the state's policies and procedures regarding confidentiality.	34 CFR 300.623 (c); 4AAC 52.765(a)(2)
Confidentiality	7.04	Record of training includes: dates of training, who conducted training, subjects covered and participants attending.	4 AAC 52.765

## PART X – COMPLIANCE MONITORING

Administrative Standard	Standard Code	Administrative Standard Description	Federal / State Citation
Confidentiality	7.05	The district maintains a current list of employee names and positions within the district that may have access to personally identifiable information (records) and the list is posted on or near the confidential special education files.	34 CFR 300.623 (d); 4AAC 52.765(c)
Confidentiality	7.06	Records show that the district when requested provides parents with a list of the types and locations of education records collected, maintained or used by the district.	34 CFR 300.616
Confidentiality	7.07	Records indicate that parents have been informed when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the child.	34 CFR 300.624; 4AAC 52.765(b)
Confidentiality	7.08	District has a written procedure for destroying personally identifiable information at the parents' request when it is no longer needed to provide educational services. Procedure includes educating parents regarding potential needs for this information.	34 CFR 300.624(b); 4AAC 52.765(b)
Confidentiality	7.09	Documentation shows parent requests for student records to be amended, documentation of amendment of record or refusal to amend and appropriate process followed.	34 CFR 300.618; 4AAC 52.520
Personnel	8.01	Records document that special education teachers have a Type A certificate with an endorsement in special education	4AAC 12.305; 4AAC 12.330; 4AAC 12.340
Personnel	8.02	Records document that related service providers have the appropriate license or certification. -OT/PT may have a license or Type C certificate -All others must have a Type A or C certificate	4AAC 12.365
Personnel	8.03	Certification for administrators of Special Education. Each person employed solely to administer a Special Education program must possess (1) both a Type B certificate and Type A certificate endorsed in Special Education or for a related services specialty or (2) a Type B certificate endorsed in Special Education or for a related services specialty.	4AAC 12.345; 4AAC 12.350
Personnel	8.04	Interpreters for the deaf are certified by the National Registry for the Deaf or documentation verifies interpreters rate intermediate on SCIP1 within ONE year of employment; Intermediate plus within TWO years; Advanced plus within 3 years.	4AAC 52.255
Personnel	8.05	Records document a description of training provided to meet the district's personnel needs; sign in sheets of persons attending training, name of person providing training and dates of training.	4AAC 52.260
Personnel	8.06	Documentation (includes dates, times of training, name and title of person providing training and topics covered) verifies paraeducators have received 6 hours of training on child's disability, content of IEP, instructional and safety procedures and maintaining confidentiality annually.	4AAC 52.250 (b)
Personnel	8.07	The district has a personnel development plan in place that: 1. Identifies district training needs; 2. Documents ongoing training.	4AAC 52.260

## **PART X – COMPLIANCE MONITORING**

<b>Administrative Standard</b>	<b>Standard Code</b>	<b>Administrative Standard Description</b>	<b>Federal / State Citation</b>
Personnel	8.08	Documentation verifies that preschool teachers have a Regular Type A certificate with endorsement in special education or have a Type A certificate with an endorsement in Special Education and completed 6 semester hours in early childhood special education.	4AAC 12.330
Discipline	9.01	The special education and disciplinary records of the student are transmitted for consideration by the persons making the final determination regarding disciplinary action for procedures applicable to all students.	4AAC 52.530
Discipline	9.02	Documentation shows that school records containing information concerning violent or disruptive behavior or disciplinary action, are transferred to the student's new school.	4 AAC 52.530 (c)
Discipline	9.03	Documentation shows crimes are reported to law enforcement.	34 CFR 300.535; 4AAC 52.530(e)
Discipline	9.04	Special Education and disciplinary records are provided to appropriate agencies to the extent permitted by FERPA.	34 CFR 300.622; 4 AAC 52.530

### **SECTION 7 ❖ POST MONITORING ACTIVITY**

#### **POST REVIEW**

The monitoring team will leave a draft report with the District during an exit meeting. A final report will follow within 30 days of the exit. The reports shall be a collection of the findings that the team made during the monitoring visit and will include the following:

#### **FINAL REPORTS**

<b>Special Education Director</b>	<b>Superintendent</b>	<b>School Board President</b>
● Special Education Director Final Letter	● Superintendent Final Letter	● School Board President Final Letter
● Copy of Superintendent's Final Letter	● Copy of School Board President's Letter	● Copy of Director's Final Letter
● Copy of School Board President's Final Letter	● Copy of Sped Director's Final Letter	● Copy of Superintendent's Final Letter
● Student List (Confidential)	●	● Mini Data Report
● Mini Data Report	● Mini Data Report	● District Strengths & Needs

## **PART X – COMPLIANCE MONITORING**

- Teacher/Parent Meeting Notes
- District Strengths and Needs Report
- Student Statistical Report
- Student File Monitoring Report
- Administrative Statistical Summary
- Administrative Monitoring Report
- Administrative /Student Plan of Improvement
- Systemic Issues
- Teacher/Parent Meeting Notes
- District Strengths and Needs Report
- Student Statistical Report
- Plan of Improvement
- Administrative Monitoring Report
- Administrative /Student Plan of Improvement
- Systemic Errors Sheet
- Student File Statistical Summary
- Administrative Statistical
- Teacher/Parent Meeting Notes
- Systemic Errors Sheet

### **DEFINITION OF ACTIVITIES**

- Director Final Letter – When Plan of Improvement (POI) is due to the State Education Agency (SEA).
- Superintendent Final Letter – The information that will be provided to the superintendent in regards to the monitoring visit and when Plan of Improvement is due to the SEA.
- School Board President's Final Letter – The information that will be provided to the school board president in regards to the monitoring visit and when Plan of Improvement is due to the SEA.
- Student List – Identification list of student files monitored. A confidential list to Director and Superintendent only.
- Mini Data Report – Break down of statistics by facility, age, grade level, disability, and gender.
- Meeting Notes – Results of the parent and teacher meetings conducted on site by the SEA. The meeting focuses on providing feedback to the District. The meeting is focused on these three issues: What is working well? What is not working well? What can the District do to fix those things that are not working well?

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## **PART X – COMPLIANCE MONITORING**

- Student Statistical Summary – An exception report that calculates % of the standards met, partially met and not met.
- Student Overview Strengths & Needs (S&N) – Overall strengths and needs found by the monitoring team in the file review plus individual findings of student files. Includes classroom observations. May include facility visit to private schools, treatment center and correctional facilities.
- Student Plan of Improvement – List of the exceptions found by standard.
- Student Plan of Improvement Evidence – District’s summarized checklist of corrective actions.
- Administrative Statistical Summary – An exception report that calculates % of the standards met, partially met and not met.
- Administrative monitoring review Strengths & Needs – Overall strengths and needs found by the monitoring team in the administrative review.
- Administrative Plan of Improvement – List of the exceptions found by standard.
- Systemic Issues/Systemic Errors Sheet - Details the difference between chronic problems and specific errors.

### **CORRECTIVE ACTIONS AND IMPROVEMENT PLANNING**

The District is required to correct 100% of all standards found out of compliance. The District, within 60 days of final report, will do this by submitting a Plan of Improvement that will include the following:

- Projected Date of Completion
- Person Responsible
- Plan of Improvement (POI) for each standard
- Acceptable Evidence
- Date Completed

The above items will be discussed over a teleconference with the lead Program Manager and the District person in charge of the Special Education Program.

## **PART X – COMPLIANCE MONITORING**

The Plan of Improvement will likely require a Staff Training Plan to be completed by the District. The Plan of Improvement will also likely require the District to reconvene IEP Teams to complete unfinished or inaccurate work. Details of Corrective Actions will be presented to the District and discussed prior to submission of any evidence. The District Special Education Director/Coordinator and the EED Special Education Program Manager will decide on the dates and acceptable evidence to be provided to EED. Finally, a copy of the evidence will be submitted to the EED to bring the monitoring to a close.

The Superintendent will then receive a “Close Out” letter indicating that the compliance monitoring has been completed. All corrective actions identified in the Plan of Improvement have been satisfied and the monitoring of this district is completed.

District Students who may receive services in private schools, correspondence, or correctional facilities may also have their files reviewed (dependent upon random selection). These student files will be monitored using the same standards as noted above. Students file reviews will be reported to the District in the reporting manner described above