

FOCUSED MONITORING:
A MODEL FOR THE PRESENT

INTRODUCTION

Monitoring and enforcement of the Individuals with Disabilities Act (IDEA) has always been a topic of great concern among advocates, school district and state administrators, and federal officials. Although a number of monitoring models have been implemented over the years, there has never been an effort to implement a focused monitoring system in which data collection and a small number of carefully-chosen priorities drive the process and intervention and enforcement occur according to predetermined criteria. The model outlined herein sets forth a focused monitoring system to be utilized by the Office of Special Education Programs (OSEP) but it is certainly replicable by states. The model has been developed by a broad group of stakeholders originally convened by OSEP; the group includes state special education directors, Part C (Infants and Toddlers) lead agency directors, representatives of the National Council on Disability, representatives of the federally-funded Parent Training and Information Centers, representatives of the protection and advocacy system, national disability advocacy organizations, and OSEP staff. This model focuses on a small number of outcome-oriented priorities and has clearly defined accountability actions, including sanctions, for failure to meet objective, data-supported standards.

As the group's work proceeded, it became clear that the current continuous improvement monitoring process fits within the framework of focused monitoring. As discussed below, it is expected that states will always be engaged in self-assessment and improvement activities designed to remedy identified problems and to continue progress towards identified benchmarks for each priority.

PRINCIPLES OF A FOCUSED MONITORING SYSTEM

1. A limited number of priorities are chosen by a diverse group of stakeholders
2. A limited number of indicators are identified within each priority area
Priority: goal statement
Indicator: objective measure of the goal
Benchmark: level of performance expected
Trigger: level at which OSEP intervenes
3. The system is data and information-based and is verifiable
4. Data-based information is used to allocate OSEP's resources in the direction of most need
5. OSEP provides supports, including effective building of infrastructure in poorly-functioning states, without defeating the monitoring/enforcement process, and imposes sanctions upon states in order to achieve corrective actions within a specific time frame.

6. Standard, uniform benchmarks are used for inquiry when making monitoring decisions.
7. There is a relationship between monitoring and corrective actions—solutions are linked to identified problems.
8. OSEP ensures that states have an effective state complaint management process.
9. OSEP publishes an annual ranking of states, based on priority areas and indicators and based on Section 618 data.
10. OSEP monitoring includes attention to vulnerable populations¹, regardless of any other monitoring decisions made.
11. The system includes clear, known triggers for interventions and sanctions
12. Families have the opportunity to provide information to OSEP on a continuous basis
13. Limited resources are allocated to the areas of greatest need, which are determined by identifying what is most likely to lead to improvements in child and student performance.
14. Resources are not allocated unless they are sufficient to guarantee the desired outcome.
15. Available information is used to select priorities that will improve child and student educational performance, increase independence for children with disabilities, and lead to full participation in society.
16. Monitoring strategy is systemic.
17. Monitoring strategy encourages state education agencies to monitor local school systems in the priority areas at a minimum.
18. Corrective actions ensure a change in behavior that results in improved child and student performance.
19. Monitoring staff are well trained and engage in continuous professional development.
20. There is participatory oversight of the monitoring/enforcement system, including independent third party evaluation of OSEP's monitoring of the IDEA and of the Government Performance and Results Act (GPRA) report collection.

INTRODUCTION TO THE ELEMENTS OF FOCUSED MONITORING

A. Priorities and indicators

Priorities are the key elements of the IDEA, defined as those items that, if fully implemented, would make a significant difference for infants and toddlers, children, and youth with disabilities. These priorities have been selected by a broad group of stakeholders after significant public input. While not intended to minimize the importance of other elements of the IDEA, it is the consensus of the stakeholder group that if these priorities are implemented, outcomes for infants and toddlers, children, and

¹ Vulnerable populations include children who are homeless, migrant, in foster care, wards of the state, in the juvenile justice system, or institutionalized. It is essential that a focused monitoring system include ways of measuring whether the identified priorities are being met for these groups of children, who may not otherwise come to the attention of a data-based monitoring system since they represent such a small percentage of the children with disabilities within a state.

youth with disabilities will improve and implementation of the other requirements of the IDEA will naturally follow.

Indicators are the measures of whether a priority has been implemented. While every effort has been made by the stakeholder group to identify objective data-based indicators, there are some indicators that will necessarily be measurable only by sampling or by collection of qualitative rather than quantitative data. Further, it must be recognized that, at present, not every listed indicator has a readily available data source. The indicators are listed however, to spur the development of data sources because the stakeholder group considers the indicator to be of great importance in determining whether or not the priority has been implemented.

The following priorities have been identified for Part B:

- 1) Effective State Supervision
 - a) Child Find
 - b) Dispute resolution and monitoring
 - c) Public Input
- 2) Meaningful and Effective Family Involvement
- 3) Development and Performance of Outcomes for Children, and Youth with Disabilities
- 4) Inclusion of Children, and Youth with Disabilities in Typical Community and School Settings with their Nondisabled Peers with Needed Supports
- 5) Effective Transitions:
 - a) for Children and Youth with Disabilities to Preschool
 - b) for Children and Youth with Disabilities to Adult Life
- 6) Enhanced Social, Emotional and Academic Development for Children and Youth with Disabilities through the use of positive behavior supports and strategies and improved school climate.

The following priorities have been identified for Part C:

- 1) Effective State Supervision—Child Find
 - a) All eligible infants and toddlers are appropriately identified
- 2) Meaningful and Effective Family Involvement
- 3) Development and Performance of Outcomes for Infants and Toddlers with Disabilities and their Families
- 4) Embedding Early Intervention Services in Families' Daily Routines and Typically Occurring Community Activities
- 5) Effective Transitions for Infants and Toddlers with Disabilities—Transition to Part B

It must be noted that a comprehensive system of personnel development (CSPD) is critical to the ability of any state to implement each of these priorities. Because personnel development is the foundation upon which a successful special education system is built, CSPD has not been identified as a separate priority; rather, it is to be understood as an important element of each of the identified priorities.

B. Benchmarks, classification of states, and triggers

Based on the data collected by OSEP, benchmarks have been set to determine the level of expected state performance with respect to the indicators. While the ultimate expected level of implementation of most of the priorities is 100%, these benchmarks are interim measurable goals (e.g. “90% of children and youth with disabilities will be educated in the general education classroom”). Benchmarks may change over time and must be reexamined on a regular basis. As more states meet the benchmark, the benchmark will need to be raised.

Based on their deviation from the identified benchmark, states will be classified as:

Category 1: meeting or exceeding benchmark

Category 2: below benchmark but should be able to meet benchmark relatively quickly

Category 3: below benchmark; needs more intensive intervention to reach benchmark

Category 4: unacceptable

Triggers will be set to identify both the point at which OSEP will intervene and the extent of intervention. Triggers will be based on the amount of deviation from the benchmark.

States falling into categories 2 and 3 will be expected to develop performance plans to achieve the benchmark. Failure to make progress towards the benchmark will result in more intensive OSEP intervention.

States falling into the unacceptable category will receive intensive OSEP intervention, including sanctions.

C. Sanctions, technical assistance and other OSEP intervention, and rewards

There is a rebuttable presumption that sanctions will be imposed when corrective actions are not completed and that intervention will occur when performance goals not met by the identified deadline. Imposition of sanctions will occur unless the state can rebut the presumption of sanctions/intervention by demonstrating:

- a) that the corrective action will be successfully completed by a specific date not to exceed 90 days beyond the deadline;
- b) exigent circumstances (natural disaster, extended illness of key personnel); or
- c) that the corrective action will not be effective and the state has an alternative proposal with reasonable timelines.

Successful completion means that the state has made significant progress towards reaching the required goal. This is identified through data when possible.

All stakeholders, including the state interagency coordinating council, the special education advisory council, the steering committee, parents, and others, must have the opportunity to provide input and to review and help to shape corrective action plans and performance plans.

Sanctions and interventions shall be selected from a predetermined small group of equally coercive choices, based on which of the sanctions or interventions is likely to be the most effective. Rewards shall be provided to states when they meet or exceed the benchmarks.

PRIORITIES, INDICATORS, BENCHMARKS AND TRIGGERS: PART B

PRIORITY 1: EFFECTIVE STATE SUPERVISION—CHILD FIND

INDICATORS:

- 1) Average age of initial identification by disability

Comments: This indicator is measurable but the data currently are not collected. Statutory change would be necessary to require collection of this information.

Status: Use of this indicator is DEFERRED for further study.

- 2) Percentage of disproportionate representation with respect to the state's overall representation of students in special education and in each eligibility category by race/ethnicity, gender, and limited English proficiency status (LEP)

Comments: This indicator is measurable and the data currently are collected, except for gender and LEP. However, the No Child Left Behind Act (NCLBA) requires data collection regarding gender and LEP. It is not clear that the gender and LEP data will be disaggregated by disability.

Status: This indicator will be USED NOW for overall percentage and for disaggregation by race and ethnicity. Once gender and LEP data are collected under NCLBA, the indicator will be re-examined regarding the usefulness of the data collected pursuant to NCLBA and the possible need to revise the indicator.

Benchmark: Not more than plus or minus 20% variance from state's own overall identification rate across racial/ethnic groups.

Trigger for Category 1: Not more than plus or minus 20% variance from state's own overall identification rate across racial/ethnic groups.

Trigger for Category 2:

Trigger for Category 3:

Trigger for Category 4:

PRIORITY 1: EFFECTIVE STATE SUPERVISION—DISPUTE RESOLUTION AND MONITORING

INDICATORS:

- 1) Complaints (mediations, complaint investigations, due process hearings) as a proportion of eligible population (overall and disaggregated by LEA and by issue).

Comments: This indicator is measurable but the data currently are not collected by OSEP. Some states collect this information. OSEP is currently exploring the possibility of adding this data element to the required biennial report.

Status: Use of this indicator is DEFERRED until data are available.

- 2) Percentage of due process hearings, mediations, and complaint investigations completed within timelines

Comments: This indicator is measureable but the data currently are not collected by OSEP. Some states collect this information. OSEP is currently exploring the possibility of adding this data element to the required biennial report.

Status: Use of this indicator is DEFERRED until data are available.

- 3) Percentage of corrective actions implemented within timelines and verified as completed.

Comments: This indicator is measurable but the data currently are not collected. It is not clear if this indicator is useful for determining if the priority has been achieved.

Status: Use of this indicator is DEFERRED. Further study is needed to determine if this indicator should be revised or replaced.

- 4) Reduction over time in the number of repeated violations or citations per issue

Comments: This indicator was initially deemed to be unmeasurable. However, it is measurable by looking at the number of complaints, hearing decisions, mediations, and monitoring report findings per issue. The data currently are not collected. It is not clear if this indicator is useful for determining if the priority has been achieved.

Status: Use of this indicator is DEFERRED. Further study is needed to determine if this indicator should be revised or replaced.

Benchmark:

Trigger for Category 1:

Trigger for Category 2:

Trigger for Category 3:

Trigger for Category 4:

PRIORITY 1: EFFECTIVE STATE SUPERVISION—PUBLIC INPUT

INDICATORS:

- 1) How does the state publicly disclose federal and state monitoring reports and the issues raised through due process hearings, mediations, and requests for complaint investigation? Describe.

Comments: This indicator was initially deemed to be unmeasurable. However, it is measurable by looking at factors such as timeline for disclosure, whether the state posts the information on the Web, makes it available upon request, makes it available by automatic dissemination to local and state advocacy organizations, parent information and training centers, special education advisory committees, protection and advocacy agencies, principals of schools to send home with students, etc. This data currently are not collected.

Status: This indicator is critical but there currently is no method for capturing the data. Use of this indicator is DEFERRED for further study.

- 2) How does the state obtain and use public input to evaluate local school system results for students with disabilities?

Comments: This indicator was initially deemed to be unmeasurable. However, it is measurable by looking at how frequently public input is analyzed, (e.g. annually, biannually), the percentage of school sites within each local school system from which input was obtained, and the method of obtaining public input (e.g. public meeting, survey, focus group, other written form). The data currently are not collected.

Status: This indicator is critical but there currently is no method for capturing the data. Use of this indicator is DEFERRED for further study.

- 3) What steps does the state take to ensure dissemination of parental rights, including the right to file a complaint, and how does the state ensure that these rights are understandable?

Comments: This indicator was initially deemed to be unmeasurable. However, it is measurable by looking at number of complaints, due process hearing requests, and mediation requests per local school system and per issue, as measured against state monitoring reports (look at the percent of correspondence between complaints, etc. and

monitoring report citations). This data currently are not collected, although some data may be included in local education agency applications.

Status: This indicator is critical but there currently is no method for capturing the data. Use of this indicator is DEFERRED for further study.

Benchmark:

Trigger for Category 1:

Trigger for Category 2:

Trigger for Category 3:

Trigger for Category 4:

PRIORITY 2: MEANINGFUL AND EFFECTIVE FAMILY INVOLVEMENT

INDICATORS:

- 1) Unduplicated number of parents of eligible children and youth with disabilities (who are not employees of the early intervention system, an LEA, an SEA, or any other state agency) compared to state proportion, that participate in each policy activity conducted by the state education agency (such as State Special Education Advisory Council, State Self-Assessment Steering Committee, etc.) disaggregated by race/ethnicity, language, income, and geographic distribution, and disability and age of child.

Comments: This indicator is measurable if policy activities are defined. The data currently are not collected. OSEP will explore OMB approval to request this information in the biennial report. Reserved for the future is the issue of seeking similar information regarding policy activities at the local level. Based on the data initially provided for this indicator, further investigation regarding diversity of parents participating may be sought. This information may also be included as part of a state education agency's self-assessment.

Status: This indicator is critical but cannot be used until the data are collected. Use of this indicator is DEFERRED until OSEP can collect the required data.

- 2) Percentage of funds expended to support parent involvement, training, and participation in individual and systemic issues relating to special education (i.e., federal funds, state improvement grant funds, and set-aside funds for costs such as transportation, per diem payments, and childcare)

Comments: This indicator is measurable. The data currently are not collected. OSEP will explore OMB approval to request this information in the biennial report. This data may also be included as part of a state education agency's self assessment.

Status: This indicator is critical but cannot be utilized until the data are collected. Use of this indicator is DEFERRED until OSEP can collect the required data.

- 3) Percentage of parents of eligible children and youth with disabilities who attend contemporaneously (e.g. by attendance in-person or by telephone) in their child's IEP meetings

Comments: This indicator is measurable. The data currently are not collected. This is a critical indicator but it is not clear how to collect this information without imposing an excessive burden on state education agencies. This indicator would provide useful information as an initial measure of what level of parental participation exists within the state. Ultimately, it would be important to measure participation beyond attendance. Another issue that needs to be addressed as a piece of parent involvement is the timely provision of information to non-English speaking parents in their native language. All of these issues should also be considered by a state education agency as part of its self-assessment.

Status: Use of this indicator is DEFERRED for further study.

Benchmark:

Trigger for Category 1:

Trigger for Category 2:

Trigger for Category 3:

Trigger for Category 4:

PRIORITY 3: DEVELOPMENT AND PERFORMANCE OF OUTCOMES FOR CHILDREN AND YOUTH WITH DISABILITIES

INDICATORS:

- 1) Percentage of students with disabilities participating in statewide assessments (regular assessments versus alternate assessments), overall, and disaggregated by race/ethnicity, disability, limited English proficiency, grade, vulnerable population status, local education agency and setting.

Note: *“Setting” refers to the percentage of time in general education.*

Comments: This indicator is measurable. The data currently are collected but not disaggregated. The NCLBA requires disaggregation by disability, age, migrant status, and limited English proficiency. It may be impossible to disaggregate the data by vulnerable population other than migrant status. Consideration should be given to

collecting data to measure static performance and progress over time. This indicator is critical.

Status: Use of this indicator is DEFERRED until biennial report data are available later this year.

- 2) Percentage of students performing at or above a specific percentage or benchmark, as compared with students without disabilities, disaggregated by race/ethnicity, limited English proficiency, grade, disability, vulnerable population status, local education agency, and setting.

Comments: This indicator is measurable. The data currently are collected using the state benchmark (measuring the disparity between general education and special education students within the state). Consideration should be given to collecting data to measure static performance and progress over time. Some of these data will be collected pursuant to the NCLBA. Other data is available through the National Education Assessment Program (NAEP).

Status: Use of this indicator is DEFERRED until biennial report data are available later this year. This indicator and its usage will be refined as more data become available.

Note: *These indicators are proxies for measuring participation in the general curriculum, which is currently not measurable otherwise.*

- 3) The gap between the percentages of special education and general education students receiving a regular high school diploma, compared with other states (data disaggregated by race/ethnicity, limited English proficiency, age, disability, local education agency, vulnerable population status, and setting)

Comments: This indicator is measurable. The data currently are collected for race/ethnicity and age. Data should be reported by organizing states into cohorts in which graduation requirements are similar. Consideration should be given to collecting data to measure static performance and progress over time. An outstanding question is whether disaggregation should also include the local education agency category. This indicator is critical and provides basic information that may lead to further investigation. It may also be part of the state education agency's self assessment.

Status: This indicator will be USED NOW with the data currently available. As more data become available, use of the indicator will be refined.

Note: *See notes above.*

- 4) Percentage of students with disabilities dropping out of school, compared with other states and compared with general education students within the state (data disaggregated by race/ethnicity, limited English proficiency, age, disability, local education agency, vulnerable population status, and setting).

Comments: This indicator is measurable. The data currently are collected and disaggregated by race/ethnicity, but not for other categories, although the NCLBA's data collection requirements will include some of these data. Consideration should be given to collecting data to measure static performance and progress over time. An outstanding question is whether disaggregation should also include the local education agency category. This indicator is critical.

Status: This indicator will be USED NOW with the data currently available. As more data become available, use of the indicator will be refined.

Benchmark: Gap of no more than 10% for the size of the differential (in either direction) between the graduation rate of special education and general education students, with a diploma rate of at least 80% and a drop out rate of no more than 10%.

Trigger for Category 1: Gap of no more than 10% for the size of the differential (in either direction) between the graduation rate of special education and general education students, with a diploma rate of at least 80% and a drop out rate of no more than 10%.

Trigger for Category 2: States that do not fall into categories 1, 3, or 4.

Trigger for Category 3: Appearance on any two of the following lists:

- a) Rank in the bottom 30% of states for graduation rates of students with disabilities
- b) Rank in the top 30% of states for size of differential between graduation rate of special education and general education students
- c) Rank in the top 30% of states for dropout rate

Trigger for Category 4: Appearance on any two of the following lists:

- a) Rank in the bottom 15% of states for graduation rate of students with disabilities
- b) Rank in the top 15% of states for size of differential between graduate rate of special education and general education students
- c) Rank in the top 15% of states for dropout rate

PRIORITY 4: INCLUSION OF CHILDREN AND YOUTH WITH DISABILITIES IN TYPICAL COMMUNITY AND SCHOOL SETTINGS WITH THEIR NONDISABLED PEERS WITH NEEDED SUPPORTS

INDICATORS:

- 1) Percentage of children with disabilities educated in a general education classroom for 80% or more of the school day, overall and disaggregated by race/ethnicity, gender, limited English proficiency, disability, and vulnerable population status (for both preschool and school-age children)

Comments: This indicator is measurable. Data currently are collected, but not for all categories. This is a critical indicator.

Status: This indicator will be USED NOW. When additional disaggregated data become available, the use of the indicator will be refined.

- 2) Percentage of children with disabilities educated outside of the general education classroom for 60% or more of the school day, overall and disaggregated by race/ethnicity, gender, limited English proficiency, disability, and vulnerable population status (for both preschool and school-age children)

Comments: This indicator is measurable. The data currently are collected, but not for the categories of gender, limited English proficiency, or vulnerable population status. This is a critical indicator.

Status: This indicator will be USED NOW. When additional disaggregated data become available, the use of the indicator will be refined.

- 3) Percentage of children with disabilities educated in separate school buildings, overall and disaggregated by race, ethnicity, gender, limited English proficiency, disability, and vulnerable population status (for both preschool and school-age children)

Comments: This indicator is measurable. The data currently are collected, but not for the categories of gender, limited English proficiency, or vulnerable population status. This is a critical indicator.

Status: This indicator will be USED NOW. When additional disaggregated data become available, the use of the indicator will be refined.

- 4) How does the State ensure that necessary supports and services are provided for students with disabilities?

Comments: This indicator was originally deemed to be unmeasurable. However, it is measurable by looking at students in general education for 80% or more of the school day with respect to participation and performance of students on statewide assessments, percentage of suspensions and expulsions, percentage of IEPs with behavior plans, and percentage of IEPs with assistive technology devices and/or services. The data currently are not collected. This is a critical indicator that may be examined through the self-assessment process and also as part of the focused monitoring process as a “look behind” or “drill down” issue.

Status: Use of this indicator is DEFERRED for initial decision-making purposes but the indicator may be USED NOW for second-level investigation as warranted by a state’s data.

Benchmark: 90% of children with disabilities will be educated in general education classes for 80% or more of the school day.

Trigger for Category 1: 90% or more of children with disabilities are educated in general education classes for more than 80% of the school day.

Trigger for Category 2: States that do not meet the triggers for categories 1, 3, or 4.

Trigger for Category 3: Appearance on any two of the following lists:

- a) Rank in the bottom 30% of states when measuring the percentage of children spending less than 21% of the school day outside of the general education classroom
- b) Rank in the top 30% of states when measuring the percentage of children spending more than 60% of the school day outside of the general education classroom
- c) Rank in the top 30% of states when measuring the percentage of children educated in public or private separate schools

Trigger for Category 4: Appearance on any two of the following lists:

- a) Rank in the bottom 20% of states when measuring the percentage of children spending less than 21% of the school day outside of the general education classroom
- b) Rank in the top 20% of states when measuring the percentage of children spending more than 60% of the school day outside of the general education classroom
- c) Rank in the top 20% of states when measuring the percentage of children educated in public or private separate schools

PRIORITY 5: EFFECTIVE TRANSITIONS FOR CHILDREN AND YOUTH WITH DISABILITIES—TRANSITION TO PART B

INDICATOR:

- 1) Percentage of children exiting Part C who are eligible for Part B (disaggregated by race/ethnicity, vulnerable population status, limited English proficiency, and disability) who have a completed IFSP or IEP and who are receiving services by age 3

Comments: This indicator is measurable. The data currently are not collected. These data may be included as part of a state's self assessment process. Further study is needed to determine if this is a critical indicator.

Status: Use of this indicator is DEFERRED for further study.

Benchmark:

Trigger for Category 1:

Trigger for Category 2:

Trigger for Category 3:

Trigger for Category 4:

PRIORITY 5: EFFECTIVE TRANSITIONS FOR CHILDREN AND YOUTH WITH DISABILITIES—TRANSITION TO ADULT LIFE

INDICATOR:

- 1) Percentage of students with disabilities who are competitively employed, in post-secondary education, in the military, or incarcerated one year after exiting public school, disaggregated by race/ethnicity, age at exit, gender, and disability

Comments: This indicator is measurable. Much of these data currently are not collected. This indicator is critical, but education agencies alone cannot collect all of the data. Vocational rehabilitation agencies and other agencies and organizations will need to play a role. Interagency agreements will be essential. States should consider this indicator in the self assessment process.

Status: Use of this indicator is DEFERRED until such time as data become available.

Benchmark:

Trigger for Category 1:

Trigger for Category 2:

Trigger for Category 3:

Trigger for Category 4:

PRIORITY 6: ENHANCED SOCIAL-EMOTIONAL AND ACADEMIC DEVELOPMENT OF CHILDREN AND YOUTH WITH DISABILITIES THROUGH THE USE OF POSITIVE BEHAVIOR SUPPORTS AND STRATEGIES AND IMPROVED SCHOOL CLIMATE

INDICATORS:

- 1) Percentage of children and youth with disabilities receiving direct counseling, psychological services, or social work services as part of their IEPs, across all

disability categories and particularly within the categories of emotional disturbance, learning disability, and mental retardation

Comments: This indicator is measurable. The data currently are not collected. This is a critical indicator. States should address this issue in the self assessment process if the state's suspension rate is high. This issue may also be investigated as part of a "drill down" inquiry.

Status: Use of this indicator is DEFERRED for initial decision-making purposes, but the indicator may be used now for second-level investigation as warranted by a state's data.

- 2) Percentage of children and youth with disabilities suspended and/or expelled, overall and disaggregated by race, ethnicity, gender, disability and limited English proficiency

Comments: This indicator is measurable. The data currently are not collected. This is a critical indicator. The data should be examined in conjunction with dropout rate data.

Status: Use of this indicator is DEFERRED until data are available.

- 3) Percentage of children and youth with disabilities placed in interim alternative educational settings, overall and disaggregated by race, ethnicity, gender, disability, and limited English proficiency, broken down by reason for placement in interim alternative educational setting (drugs, weapons, violence/significant threat of substantial risk of harm)

Comments: This indicator is measurable. The data currently are collected but not disaggregated. This indicator is critical.

Status: This indicator will be USED now with the data currently available. Use of the indicator will be refined if disaggregated data become available.

- 4) How does the state ensure that comprehensive and effective functional behavior assessments are performed?

Comments: This indicator was originally deemed to be unmeasurable. However, it is measurable by looking at the percentage of IEPs with behavior intervention plans and at suspension/expulsion rates. The data currently are not collected. This is a critical indicator that can be looked at through the self-assessment process and as part of the "drill down" process of focused monitoring.

Status: Use of this indicator for initial decision-making purposes is DEFERRED, but the indicator may be used now for second-level investigation as warranted by a state's data.

Benchmark:

Trigger for Category 1:

Trigger for Category 2:

Trigger for Category 3:

Trigger for Category 4:

PRIORITIES AND INDICATORS: PART C

PRIORITY 1: EFFECTIVE STATE SUPERVISION—CHILD FIND: ALL ELIGIBLE INFANTS AND TODDLERS ARE APPROPRIATELY IDENTIFIED

INDICATORS:

1) Percentage of infants, birth to one year of age, with IFSPs.

Comments: The indicator is measurable. The data currently are consistently collected and/or aggregated by states. This is a critical indicator.

Data source: December 1 federal data report.

Benchmark: At least 1% of all infants, ages birth to one year, will have IFSPs.

Trigger for Category 1: 1% or more of all infants, ages birth to one year, have IFSPs

Trigger for Category 2: Less than 1% but more than .75% of all infants, ages birth to one year, have IFSPs

Trigger for Category 3: Less than .75% but more than .5% of all infants, ages birth to one year, have IFSPs

Trigger for Category 4: Less than .5% of all infants, ages birth to one year, have IFSPs

2) Percentage of infants and toddlers, ages birth to three years, with IFSPs.

Benchmark: At least 2% of infants and toddlers, ages birth to three years, have IFSPs (excluding infants and toddlers who are at risk for developmental delays under state eligibility criteria).

Trigger for Category 1: At least 2% of all infants and toddlers, ages birth to three years, have IFSPs

Trigger for Category 2: Less than 2% but more than 1.75% of all infants and toddlers, ages birth to three years, have IFSPs

Trigger for Category 3: Less than 1.75% but more than 1.5% of all infants and toddlers, ages birth to three years, have IFSPs

Trigger for Category 4: Less than 1.5% of all infants and toddlers, ages birth to three years, have IFSPs

- 3) Percentage of the total eligible population with an IFSP, disaggregated by race and ethnicity (excluding infants and toddlers who are at risk for developmental delays under state eligibility criteria)

Comments: The indicator is measurable. The data currently are collected. This is a critical indicator.

Data source/status: December 1 Federal data report. Note that triggers for race and ethnic categories for all of the priorities need to be determined and/or reconsidered. Implementation of this indicator is DEFERRED until the triggers are developed.

Benchmark: The percentage of the total eligible population with an IFSP, disaggregated by race and ethnicity (excluding infants and toddlers who are at risk for developmental delays under state eligibility criteria) is proportional to the general state population.

Trigger for Category 1:

Trigger for Category 2:

Trigger for Category 3:

Trigger for Category 4:

PRIORITY 2: MEANINGFUL AND EFFECTIVE FAMILY INVOLVEMENT

INDICATORS:

- 1) Percentage of Federal Part C funds expended to support parent involvement, training, and participation in systemic policy issues relating to early intervention.

Data source: Lead agency application and performance report.

Benchmark: At least one percent of annual federal Part C funds are expended to support parent involvement, training, and participation in systemic policy issues relating to early intervention.

Trigger for Category 1: At least 1% of annual federal Part C funds are expended to support parent involvement, training, and participation in systemic policy issues relating to early intervention

Trigger for Category 2: Less than 1% but more than .75% of annual federal Part C funds are expended to support parent involvement, training, and participation in systemic policy issues relating to early intervention

Trigger for Category 3: Less than .75% but more than .5% of annual federal Part C funds are expended to support parent involvement, training, and participation in systemic policy issues relating to early intervention

Trigger for Category 4: Less than .5% of annual federal Part C funds are expended to support parent involvement, training, and participation in systemic policy issues relating to early intervention.

PRIORITY 3: DEVELOPMENT AND PERFORMANCE OF OUTCOMES FOR INFANTS AND TODDLERS WITH DISABILITIES

INDICATORS:

- 1) Percentage of infants and toddlers with IFSPs who demonstrate improved functional abilities.
- 2) Percentage of families who have infants and toddlers with IFSPs for whom early intervention services have increased their family's capacity to enhance their child's development.

Comments: These data currently are not collected consistently in all states; data collected are not reported nationally. Methods need to be developed to determine the most effective way(s) to document outcomes for infants and toddlers and to document increased capacity of families. These are critical indicators.

Status: Implementation of this priority is DEFERRED until methods are developed to measure these indicators.

PRIORITY 4: EMBEDDING EARLY INTERVENTION SERVICES IN FAMILIES' DAILY ROUTINES AND TYPICALLY OCCURRING COMMUNITY ACTIVITIES

INDICATORS:

1. Percentage of infants and toddlers whose primary service location is home or settings designed for typical infants and toddlers, disaggregated by race and ethnicity.

Data source: December 1 Federal report

Note: Triggers for race and ethnic categories for all priorities need to be determined and/or reconsidered.

Benchmark: The primary service location for 90% of infants and toddlers is home or settings designed for typical infants and toddlers, and the percentage of those infants and toddlers is not greater or less than 10% in two or more race and/or ethnicity categories as compared to state demographic data.

Trigger for Category 1: The primary service location for 90% of infants and toddlers is home or settings designed for typical infants and toddlers, and the percentage of those infants and toddlers is not greater or less than 10% in two or more race and/or ethnicity categories as compared to state demographic data.

Trigger for Category 2: The primary service location for less than 90% but at least 80% of infants and toddlers is home or settings designed for typical infants and toddlers, and the percentage of those infants and toddlers is not greater or less than 12% in two or more race and/or ethnicity categories as compared to state demographic data.

Trigger for Category 3: The primary service location for less than 80% but at least 70% of infants and toddlers is home or settings designed for typical infants and toddlers, and the percentage of those infants and toddlers is not greater or less than 15% in two or more race and/or ethnicity categories as compared to state demographic data.

Trigger for Category 4: The primary service location for less than 70% of infants and toddlers is home or settings designed for typical infants and toddlers, and the percentage of those infants and toddlers is not greater or less than 20% in two or more race and/or ethnicity categories as compared to state demographic data.

2. Percentage of infants and toddlers whose primary service location is in a setting, other than the home, that is designed for typical infants and toddlers, overall and disaggregated by race and ethnicity.

Data source: December 1 Federal report

Note: Triggers for race and ethnic categories for all the priorities need to be determined and/or reconsidered.

Benchmark: Other than the home, the primary service location for at least 5% of infants and toddlers is a setting designed for typical infants and toddlers, and the percentage of those infants and toddlers is not greater or less than 10% in two or more race and/or ethnicity categories as compared to state demographic data.

Trigger for Category 1: Other than the home, the primary service location for at least 5% of infants and toddlers is a setting designed for typical infants and toddlers, and the percentage of those infants and toddlers is not greater or less than 10% in two or more race and/or ethnicity categories as compared to state demographic data

Trigger for Category 2: Other than the home, the primary service location for less than 5% but at least 3.5% of infants and toddlers is a setting designed for typical infants and

toddlers, and the percentage of those infants and toddlers is not greater or less than 12% in two or more race and/or ethnicity categories as compared to state demographic data

Trigger for Category 3: Other than the home, the primary service location for less than 3.5% but at least 2% of infants and toddlers is a setting designed for typical infants and toddlers, and the percentage of those infants and toddlers is not greater or less than 15% in two or more race and/or ethnicity categories as compared to state demographic data

Trigger for Category 4: Other than the home the primary service location for less than 2% of infants and toddlers is a setting designed for typical infants and toddlers, and the percentage of those infants and toddlers is not greater or less than 20% in two or more race and/or ethnicity categories as compared to state demographic data

PRIORITY 5: EFFECTIVE TRANSITIONS FOR INFANTS AND TODDLERS WITH DISABILITIES—TRANSITION TO PART B

INDICATORS:

1. Percentage of children exiting Part C at age three whose eligibility for Part B is undetermined or unknown.

Data source: December 1 Federal report, but need further examination of existing data

Benchmark: Less than 4% of children exiting Part C at age three have their Part B eligibility undetermined or unknown.

Trigger for Category 1: Less than 4% of children exiting Part C at age three have their Part B eligibility undetermined or unknown

Trigger for Category 2: More than 4% but less than 10% of children exiting Part C at age three have their Part B eligibility undetermined or unknown

Trigger for Category 3: More than 10% but less than 20% of children exiting Part C at age three have their Part B eligibility undetermined or unknown

Trigger for Category 4: More than 20% of children exiting Part C at age three have their Part B eligibility undetermined or unknown

SANCTIONS, TECHNICAL ASSISTANCE AND OTHER OSEP INTERVENTIONS AND REWARDS

If a state has met or exceeded a benchmark, the state shall be rewarded. In providing the reward, OSEP shall be specific about which benchmark(s) the state has met. Rewards may include, but are not limited to:

- *Provision of money to state education agency for mentoring other state education agencies and telling the story of how they achieved success
- *Letter to governor of state, praising the accomplishments of the state education agency, with publicity
- *Provision of a plaque or other recognition to high-performing states
- *National press releases or other publicity
- *Special recognition of high-performing states in the annual Report to Congress
- *Use of the OSEP website for state commendations (e.g. Promising Practices website)
- *Celebration of high-performing states by use of banners such as those used for the U.S. Department of Education Blue Ribbon schools
- *Documentation in a step-by-step manner of the process by which the state achieved success

When states have not reached benchmarks for particular goals, they will be required to develop performance plans designed to achieve the benchmark(s). The performance plans must contain timelines and consistent steady progress towards achieving the benchmark will be expected. The level of OSEP intervention shall depend on the category status of the state and the state's history, and shall occur according to the following protocol:

Protocol for determining level of OSEP intervention and issuance of sanctions

This protocol shall be used to determine how OSEP will intervene when a state has not completed required corrective actions and when performance goals are not met by the identified deadline. The decision about what sanction is most likely to be effective will be made by OSEP after an analysis of previous monitoring reports and corrective actions, determination of any unique characteristics of the state, and assessment of the state's willingness to fix the identified problem(s).

Step 1: Analyze data and conduct "look behind" or "drill down" to determine if there is a legitimate explanation for why state does not meet benchmark for the priority. If there is a legitimate explanation, OSEP will not intervene. If there is not a legitimate explanation, OSEP will proceed to step 2.

Step 2: Is the failure to meet the benchmark the result of a refusal by the state to comply with IDEA requirements (e.g., refusal to provide services to suspended students or refusal to educate certain populations of students)? If so, OSEP shall impose a sanction. For deliberate refusal to implement IDEA requirements, there is a rebuttable presumption that OSEP will apply one of the sanctions from the category of the most coercive sanctions. The specific sanction to be applied will depend on what is most likely to be effective. If the failure to meet the benchmark is not a result of a deliberate refusal by the state to comply with IDEA requirements, then OSEP will proceed to step 3.

Step 3: Determine the cause for the failure to meet the benchmark, identify OSEP intervention or sanction to be utilized and intervene or impose sanction.

A) Is failure to meet the benchmark caused by resource or knowledge problems that can be addressed by capacity-building assistance? If so, OSEP shall provide capacity-building assistance to the state for a set period of time. If the state makes ongoing progress in accord with specified performance goals, then OSEP will not impose sanctions on the state. If the state does not make ongoing progress, then OSEP will determine why progress has halted or not occurred and will impose sanctions based on what is most likely to be effective. There is a rebuttable presumption that the sanction will be chosen from the list of least coercive sanctions. It may be necessary to impose sanctions while the capacity building activities are still ongoing.

B) Is the failure to meet the benchmark the result of a few recalcitrant or troubled school districts that do not reflect the compliance level of the state as a whole? If so, OSEP shall work with the state to target interventions that will be directed to those school districts. Interventions may include technical assistance and capacity building and/or sanctions, depending on the reason for the school district problems.

C) Is the failure to meet the benchmark the result of a situation not within the sole control of the state education agency, such as the existence of a state law that creates funding incentives to place children in overly-restrictive programs? If so, OSEP shall clearly identify the problem and notify the governor of the state that a coercive sanction shall be applied if the situation is not remedied within a specified period of time. If the situation is one that requires a lengthy period of time to fix, such as the need to initiate and pass legislation, then the state shall provide interim progress reports to OSEP according to a set schedule. If the situation is not remedied within the time period specified, then OSEP shall impose the identified sanction in accord with the rebuttable presumption provision outlined at the beginning of this section.

Technical assistance or other OSEP intervention may take a variety of forms. Examples include:

- *Provision of information by regional resource centers
- *OSEP approval of state improvement plan and guidance from OSEP as necessary, including expertise from the Research to Practice Division, and specific topics, targets, and timetables
- *Provision of timely information (e.g. response to queries from states) and technical assistance
- *Provision of technical assistance to states and local school systems, including through state technical assistance networks
- *Provision of technical assistance through NECTAS
- *Provision of technical assistance to low-performing states by high-performing states, perhaps through mentoring program
- *Publication of successful and effective practice on OSEP and other websites, IDEA practices websites, and partnership websites
- *Provision of technical assistance by OSEP Project Officer

- *Provision of training, technical assistance, and support within state technical assistance systems
- *Discussions with teacher education personnel and other higher education officials
- *Provision of new funding for initiatives such as state improvement grants and general supervision
- *Membership in SCASS for resource assistance
- *Provision of technical assistance by other agencies such as AT, PTIs, CRCs, ILCs, etc.
- *Provision of data management resources

Note: Technical assistance should be related to priority areas, needs, indicators, timelines, targeted areas, etc.

Sanctions have been identified that span a range of levels of coerciveness.

Least coercive sanctions:

- *Targeted resources to focus on capacity-building for low-performing states (State must assume role for areas such as budget authority)
- *Voluntary performance agreements with timelines

Moderately coercive sanctions:

- *Designate state as high-risk and apply special conditions
- *Compliance agreements with specific deadlines and verification (voluntary)
- *Issuance of cease and desist order
- *Issuance of conditions for approval of a state plan
- *Referral to the Office of Inspector General
- *Referral to the United States Department of Justice

Most coercive sanctions:

- *Directing state officials regarding the areas in which funds should be expended to ensure that problems are remedied
- *Disapproval of a state plan
- *Partial or complete withholding of funds (IDEA and, if allowable, other federal funds)

Note: Spanning all three levels of coerciveness is OSEP intervention that tells states what to fix and how to fix it in progressively more prescriptive terms.

APPENDIX

CLASSIFICATION OF STATES BASED ON 1999-2000 DATA

PRIORITY 3 (indicators 3 and 4):

Category 1: No states

Category 2:

Arizona	Indiana	Missouri	Oklahoma	Washington
Arkansas	Iowa	Montana	Pennsylvania	West Virginia
California	Kansas	Nebraska	Rhode Island	Wisconsin
Colorado	Maine	New Hampshire	South Dakota	
Connecticut	Maryland	New Jersey	Texas	
Delaware	Massachusetts	New Mexico	Utah	
Idaho	Minnesota	North Dakota	Vermont	
Illinois		Ohio	Virginia	

Category 3:

Alaska	Michigan	Wyoming
Georgia	New York	
Florida	North Carolina	
Hawaii	Oregon	
Kentucky	South Carolina	

Category 4:

Alabama	Mississippi
Bureau of Indian Affairs	Nevada
District of Columbia	Puerto Rico
Louisiana	Tennessee

PRIORITY 4:

Category 1: No states

Category 2:

Alabama	Iowa	North Carolina	Washington
Alaska	Kansas	North Dakota	West Virginia
Arizona	Kentucky	Ohio	Wisconsin
Arkansas	Maine	Oklahoma	Wyoming
Bureau of Indian Affairs	Massachusetts	Oregon	
California	Minnesota	Puerto Rico	
Colorado	Mississippi	South Dakota	
Connecticut	Missouri	Tennessee	
Florida	Montana	Texas	
Hawaii	Nebraska	Vermont	
Idaho	Nevada		
Indiana	New Hampshire		

Category 3:

Delaware	New Jersey
Louisiana	Rhode Island
Maryland	Utah
Michigan	Virginia

Category 4:

District of Columbia	New York
Georgia	Pennsylvania
Illinois	South Carolina
New Mexico	