



OSEEL

Office of Special Education & Early Learning

The Individuals with Disabilities Education Act (IDEA) requires state educational agencies (SEAs) to monitor IDEA compliance by local educational agencies (LEAs), also referred to as local school districts. [34 CFR 300.600](#). SEAs are also required to report annually the performance of each LEA located in the state on the targets in the state's performance plan. [34 CFR 300.602](#).

In applying for IDEA funding, Kentucky's commissioner of education assures the United States Department of Education that the Kentucky Department of Education (KDE) will monitor and enforce the requirements of IDEA. This assurance assists Kentucky in securing over \$178,000,000 in IDEA funding that flows to Kentucky's school districts.

To comply with these federal requirements, the commissioner's assurances, and to avoid jeopardizing the IDEA funding, KDE's Office of Special Education and Early Learning (OSEEL) leads or participates in different federally prescribed monitoring activities to identify and correct noncompliance.

IDEA requires that, in exercising its monitoring responsibilities, the state must ensure that when it identifies noncompliance with the IDEA by LEAs, the noncompliance is corrected as soon as possible, and in no case later than one year after the state's identification of the noncompliance. [34 CFR 300.600](#).

The 17 indicators of IDEA Part B effectiveness that OSEEL is required to monitor are based, by the United States Department of Education, on [34 CFR 300.600](#).

The OSEEL leads or participates in various monitoring activities that are required by federal or state law or regulation. Federally required monitoring includes IDEA risk focused monitoring, IDEA State Performance Plan/Annual Performance Report (SPP/APR) Indicator Monitoring, Kentucky Educational Collaborative for State Agency Children (KECSAC) and correctional facilities (e.g., adult prisons, regional jails) reviews, alternate assessment participation reviews, IDEA fiscal audits. State required monitoring includes state-funded preschool monitoring and gifted and talented program audits.



OSEEL

Office of Special Education & Early Learning

The following chart explains how local districts are selected to receive any of these monitoring activities.

Type of Monitoring	Selection and Measurement Criteria	Legal Basis, Federal, State Requirement	Type of Visit	Dates	Lead and Participants
IDEA Risk Focused					
Risk to Special Education Program	<p>Based on an annual organizational assessment of risk factors for each district:</p> <ul style="list-style-type: none"> Ensuring improved outcomes for students with disabilities Complying with the IDEA programmatic requirements Collecting and reporting valid and reliable data Ensuring equitable services based upon race and ethnicity are provided (appropriate identification, placement and behavioral supports) <p>Data Sources: LEA Annual Determinations and Risk Assessment Rubric</p>	<p>34 CFR 300.600</p> <p>Results from the annual monitoring are used as data to inform the guidance and support developed by the Division of IDEA Implementation and Preschool (DIIP).</p>	<p>Hybrid</p> <p>Virtual review of IDEA due process files</p> <p>Onsight visit to interview district personnel</p>	<p>Annual</p> <p>Begins in mid-September</p> <p>Concludes at the end of May</p>	<p>Lead: Division of IDEA Monitoring and Results (DIMR)</p> <p>Participants: Contract employees of UK's Human Development Institute (HDI) that are retired school and district administrators</p>
IDEA State Performance Plan / Annual Performance Report Compliance Indicators					
Significant Discrepancy and Disproportionate Representation under the IDEA	<p>Indicator 4B: Significant discrepancy by race/ethnicity in suspension and expulsion</p> <p>Districts are selected through a two-part process. <i>Step 1:</i> A review of district-reported data from Infinite Campus (IC) to identify if discrepancies by race exist in out-of-school removals.</p>	<p>34 CFR 300.600</p> <p>Reported to USED's Office of Special Education Programs (OSEP) as part of KY's Annual Performance Report. OSEP uses the data as part of the</p>	<p>Virtual review of IDEA due process files</p>	<p>Annual</p> <p>March – April</p>	<p>Lead: DIMR</p>



OSEEL

Office of Special Education & Early Learning

	<p><i>Step 2:</i> If a discrepancy three times greater than the state target exists, DIMR conducts off-site desk reviews of student IDEA due process files to determine if the policies, procedures or practices violate the IDEA.</p> <p>Data Sources: <i>Dec. 1 Child Count under the IDEA and Safe Schools Report</i></p>	State's annual determination.			
	<p>Indicator 9: Disproportionate representation of racial/ethnic groups due to inappropriate identification</p> <p>Districts are selected through a two-part process. <i>Step 1:</i> A review of district-reported data from IC to determine if disproportionate representation exists.</p> <p><i>Step 2:</i> If disproportionate representation exists, DIMR conducts off-site desk reviews of student IDEA due process files to determine if the policies, procedures or practices violate the IDEA.</p> <p>Data Sources: <i>Dec. 1 Child Count under the IDEA</i> and Enrollment data for all students as reported on the same year's membership as of Dec. 1</p>	<p>34 CFR 300.600</p> <p>Reported to USED's OSEP as part of Kentucky's Annual Performance Report. OSEP uses the data as part of the state's annual determination.</p>	Virtual review of IDEA due process files	Annual October – November	Lead: DIMR
	<p>Indicator 10: Disproportionate representation of racial/ethnic groups in specific disability categories due to inappropriate identification</p> <p>Districts are selected through a two-part process. <i>Step 1:</i> A review of district-reported data from IC to determine if disproportionate representation exists.</p> <p><i>Step 2:</i> If disproportionate representation exists, DIMR conducts off-site desk reviews of student IDEA</p>	<p>34 CFR 300.600</p> <p>Reported to USED's OSEP as part of KY's Annual Performance Report. OSEP uses the data as part of the state's annual determination</p>	Virtual review of IDEA due process files	Annual October – November	Lead: DIMR



OSEEL

Office of Special Education & Early Learning

	<p>due process files to determine if the policies, procedures or practices violate the IDEA.</p> <p>Data Sources: <i>Dec. 1 Child Count under the IDEA</i> and Enrollment data for all students as reported on the same year's membership as of Dec. 1</p>				
Child Find and Timelines Under the IDEA	<p>Indicator 11: Children evaluated within 60 school days of parental consent for initial evaluation</p> <p>Districts are selected based on self-reported data. DIMR randomly validates data through a review of 10% of the districts reporting 100% compliance with the Indicator requirements. An online randomization tool is used to select the 10%.</p> <p>Data source: self-reported data from districts</p>	<p>34 CFR 300.600</p> <p>Reported to USED's OSEP as part of KY's Annual Performance Report. OSEP uses the data as part of the State's annual determination</p>	Virtual review of IDEA due process files	<p>Annual</p> <p>Districts report data by June 30</p> <p>DIMR reviews September through October</p>	Lead: DIMR
	<p>Indicator 12: Children found IDEA Part B eligible with an Individual Education Program (IEP) implemented by 3rd birthday</p> <p>Districts are selected based on self-reported data. DIMR validates the data through a review of 10% of the districts reporting 100% compliance with the Indicator's requirements. An online randomization tool is used to select the 10%.</p> <p>Data source: self-reported data from districts</p>	<p>34 CFR 300.600</p> <p>Reported to USED's OSEP as part of KY's Annual Performance Report. OSEP uses the data as part of the state's annual determination</p>	Virtual review of IDEA due process files	<p>Annual</p> <p>Districts report data by June 30</p> <p>DIMR reviews September through October</p>	Lead: DIMR
Postsecondary Outcomes of Students with Disabilities	<p>Indicator 13: Students 16 and older with measurable, annually updated IEP goals and appropriate transition assessment, services and courses</p>	<p>34 CFR 300.600</p> <p>Reported to USED's OSEP as part of KY's Annual Performance</p>	Virtual review of IDEA due process files	<p>Annual</p> <p>Districts report data by June 30</p>	Lead: DIMR



OSEEL

Office of Special Education & Early Learning

	<p>Districts are selected based on self-reported data. DIMR validates the data through a review of 10% of the districts reporting 100% compliance with the Indicator's requirements. An online randomization tool is used to select the 10%.</p> <p>Data source: self-reported data from districts</p>	Report. OSEP uses the data as part of the state's annual determination		DIMR reviews September through November	
Kentucky Educational Collaborative for State Agency Children (KECSAC) and Correctional Facilities (e.g., adult prisons, regional jails)					
Implementation of IDEA for youth in non-traditional facilities	<p>Measures compliance of the IDEA for students who reside in facilities such as prisons, jails, KECSAC facilities. Districts have responsibility to provide FAPE as well as the facility, so in many instances, both entities are monitored.</p> <p>Districts are randomly identified based on a cyclical schedule.</p>	<p>34 CFR 300.600</p> <p>Dear Colleague Letter. Students with disabilities who are in correctional facilities.</p>	<p>Hybrid</p> <p>Virtual review of IDEA due process files</p> <p>Onsite visit to interview district personnel</p>	<p>Annual</p> <p>Cyclical</p>	Lead: DIMR
Alternate Assessment Participation					
Alternate assessment participation	<p>Measures the decisions for participation in the alternate assessment aligned with alternate academic achievement standards (AA-AAAS).</p> <p>DIMR conducts desk reviews for districts whose data reveal disproportionality in the percentage of students participating in the AA-AAAS. The DIMR conducts desk reviews for 10% of all other districts over 1% participation rate. An online randomization tool is used to select the 10%.</p> <p>Data source: assessment participation data provided by the Office of Assessment and Accountability</p>	<p>34 CFR 300.600</p> <p>Impacts not only IDEA but also Title I funds.</p> <p>Information Regarding Consequences for States Not Meeting the Requirement</p>	<p>Virtual review of IDEA due process files</p>	<p>Annual</p> <p>March – April</p>	Lead: DIMR



OSEEL

Office of Special Education & Early Learning

IDEA Fiscal Audits					
Risk to the State and IDEA	Measures the overall risk districts have in meeting the IDEA's fiscal requirements.	34 CFR 300.705 and 300.807 Under the general supervisory authority of the IDEA, the SEA must monitor LEAs with respect to the administration, use and reporting of funds subgranted under this Act.	Virtual review of MUNIS financial records and virtual interviews with various district personnel	Annual August-June	Lead: OSEEL
State Required Monitoring					
Management Audits	OSEEL participates when necessary to conduct a review of programs that are overseen by OSEEL (e.g., IDEA, preschool, and gifted and talented).	703 KAR 3:205 is the administrative regulation which outlines the operational procedures for the management improvement program.	Hybrid Virtual review of due process files Onsite visit for interviews with district personnel	Participate at the request of OCIS	Lead: Office of Continuous Improvement and Supports (OCIS)
Statewide Consolidated Monitoring	OSEEL participates to conduct a review of programs overseen by OSEEL including preschool and gifted and talented.	704 KAR 3:285, Section 9(4) and 704 KAR 3:410	Hybrid Virtual review of records Onsite visit for interviews with district personnel	Participate based on the calendar set by OCIS	Lead: OCIS