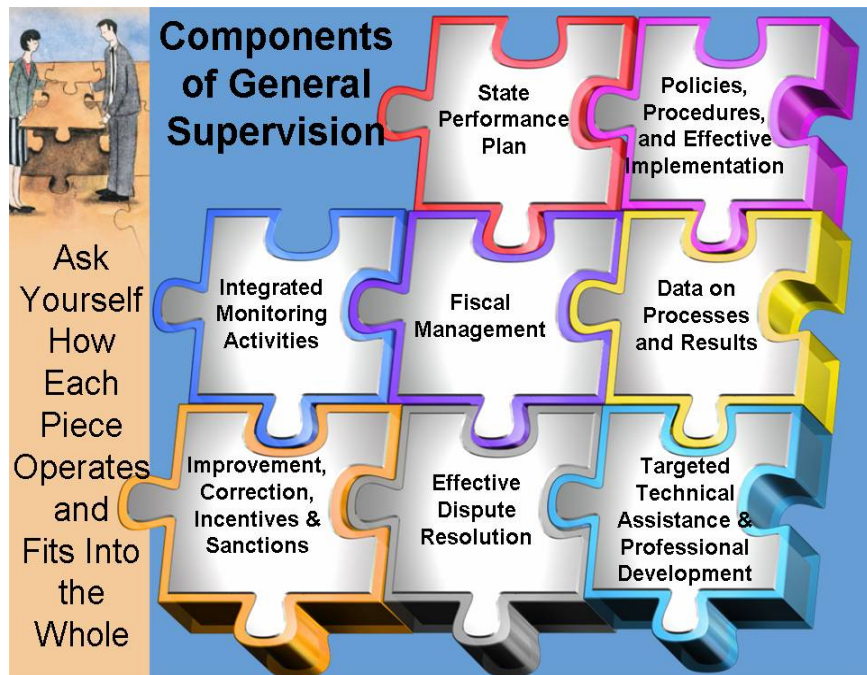


Developing and Implementing an Effective System of General Supervision: Part C



National Center for Special Education Accountability Monitoring

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Developing and Implementing an Effective System of General Supervision: Part C

Introduction

States, through a single line of authority in a lead agency, have the responsibility, under federal law to have a system of general supervision that monitors the implementation of Part C of the Individuals with Disabilities Education Act (IDEA). This applies to all identified providers of early intervention services in the State, whether or not they receive funding under Part C. [20 U.S.C. 1435(a)(10)(A)] The system is accountable for enforcing the requirements and for ensuring continuous improvement. As stated in sections 616 and 642 of the 2004 amendments to the IDEA: “The primary focus of Federal and State monitoring activities ,, shall be on-- (A) improving early intervention results and functional outcomes for all children with disabilities; and (B) ensuring that States meet the program requirements under this part, with a particular emphasis on those requirements that are most closely related to improving early intervention results for infants and toddlers with disabilities.”

The noun, accountability, is defined as “the state of being accountable; liability to be called on to render an account; the obligation to bear the consequences for failure to perform as expected; accountableness.”¹ Monitoring can be defined as: “A continuing function that uses systematic collection of data on specified indicators to provide management and ... intervention with indications of the extent of progress and achievement of objectives and progress in the use of allocated funds.”² Accountability under the IDEA is achieved by states when their system of general supervision operates to comprehensively monitor implementation of federal law with a focus on improving results for infants and toddlers with disabilities and their families.

This concept paper presents eight components that make up a state lead agency’s General Supervision system under Part C of IDEA. It is important to note that although the components are presented as separate pieces of a puzzle, the components connect, interact and articulate to form a comprehensive system. Each component must inform and gain information from the others. A state lead agency may have the individual components in place but not have an effective system because the components do not connect together as a system.

The concepts for a system of general supervision discussed in this document provide a means for state lead agencies to consider their particular state needs, their organizational structure, and other factors relevant to how they are accountable to the infants and toddlers with disabilities and their families. Through the activities of general supervision, the state lead agency supervises the programs and activities that directly provide the necessary services and supports to fulfill the requirements of the law and achieve the expected results. In developing or refining a particular general supervision system, a state must consider several critical concepts that are integral to the design

¹ Source: www.answers.com

² *What is Monitoring and Evaluation*, (n.d.), The Independent Evaluation Group. Retrieved January 30, 2006 from http://www.worldbank.org/ieg/ecd/what_is_me.html.

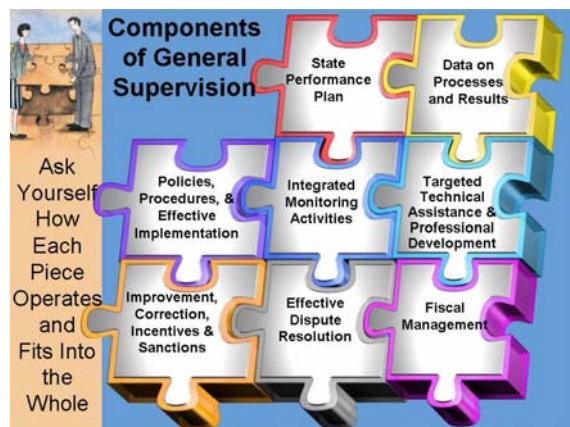
and operation of an effective system. Each system of general supervision, whether state lead agency or Early Intervention Service (EIS) program, should be based on explicit expectations and contain a minimum number of components. In describing general supervision system components, attention must be paid to how the components interact within a fiscal year to achieve accountability.

There are at least three explicit expectations for developing an effective system of general supervision. The system:

1. supports practices that improve developmental results and functional outcomes for infants and toddlers with disabilities and their families;
2. uses multiple methods to identify noncompliance and correct it as soon as possible but no later than one year after the noncompliance is identified; and
3. utilizes mechanisms to encourage and support improvement and to enforce compliance.

Components of a System of General Supervision

An effective system of general supervision must include, at a minimum, each of the following components that relate to and inform the others.



1. State Performance Plan
2. Policies, Procedures, and Effective Implementation
3. Data on Processes and Results
4. Targeted Technical Assistance and Professional Development
5. Effective Dispute Resolution
6. Integrated Monitoring Activities
7. Improvement, Correction, Incentives and Sanctions
8. Fiscal Management

This paper is organized by each of the components of general supervision. For each component there are four sections: 1) a brief narrative description, 2) a section titled evidences³ of how the state lead agency could demonstrate the component is a part of the system of general supervision, 3) statutory or regulatory references to IDEA General Education Provisions Act (GEPA), or the Education Department General Administration Regulations (EDGAR), and 4) resources states could draw upon in assessing and strengthening that component of general supervision.

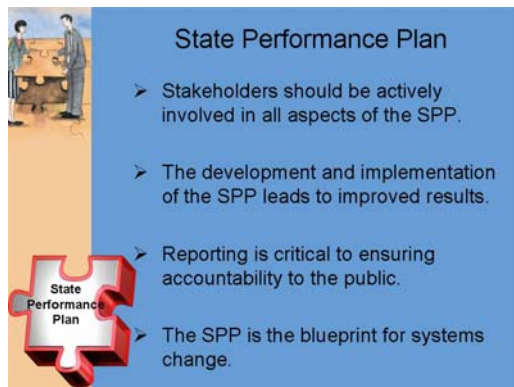
This document was designed to be used by a state lead agency in self-evaluating its general supervision system. State lead agency staff could examine the state lead agency's implementation of each component by asking, "Which of the "evidences" are in place in the state? and How well is the "evidence" being implemented?" It is important to note that many of the "evidences" are actually required by IDEA, GEPA or EDGAR.

³ Evidences are observable indications that a state has an effective general supervision system.

Those that are required are followed by the relevant statutory or regulatory citation. This is not intended to present an exhaustive list of Federal requirements related to general supervision but rather to highlight key requirements. This document is intended to evolve over time as state lead agencies use self-evaluation and examination activities to develop descriptions of effective systems of general supervision.

State Performance Plan

The State Performance Plan (SPP) serves as an accountability mechanism for state lead agencies and Early Intervention Service (EIS) programs. Each of the SPP



indicators has been purposely written to be a measurable indication of the state's performance in specific statutory priority areas under Part C - regarding the provision of early intervention services in the natural environment, and effective general supervision, including child find, and effective transitions.

Stakeholders should be actively and routinely involved in all aspects of the SPP. It is required that stakeholders are involved in establishing and

revising state targets. Additionally, stakeholders can play a valuable role in other aspects of the SPP including developing and implementing improvement activities and monitoring progress and slippage.

Measurable and rigorous targets are established for the state to set expectations for achieving high standards in state and local performance. Targets must be rigorous and reflect high expectations. *“Within the context of the State Performance Plan, measurable and rigorous targets are established with broad stakeholder input and specify the challenging levels of improved performance to be reached within a particular timeframe.”⁴*

Annual state reporting of performance on the SPP indicators through the Annual Performance Report (APR) is an essential and required component of the accountability system. Annual reporting on the SPP must be publicly accessible by posting, at a minimum, on the state's website. The state must also report annually to the public on the performance of EIS programs compared to the state targets.

Evidences:

- Stakeholders should be actively involved in all aspects of the SPP.

⁴ This statement is based on discussions and reviews of the Conference report and literature by a workgroup composed of persons working on technical assistance projects funded by OSEP (the Accountability and System Improvement Workgroup) and OSEP representatives.

- There is broad stakeholder involvement in establishing and revising targets. [House Conf. Rpt. No. 108-799, p. 232; OSEP memo 05-12]
 - There is broad stakeholder input, including the State Interagency Coordinating Council (SICC) on improvement activities and monitoring progress and slippage. [20 U.S.C. 1441(e)(1)(D)]
- The development and implementation of the SPP leads to improved results.
- The SPP has measurable and rigorous targets. [20 U.S.C. 1416(a)(2), 1442]
 - Data used to establish baselines, set targets, measure progress and slippage, are current, valid, and reliable. [20 U.S.C. 1416(b)(2)(B), 1442]
 - The SPP is consistent and cohesive across all indicators.
 - A complete SPP is submitted in a timely manner. [20 U.S.C. 1416(b)(1)(B), 1442]
 - The SPP is a living document that is revised as needed and used as a roadmap to guide improvement efforts for lead agencies and EIS programs.
 - Analysis of progress and slippage, including compliance and performance, are used to prioritize the state's activities for the upcoming year.
 - Improvement activities relate to the targets and flow from the data.
 - The state lead agency evaluates each EIS program's performance against state targets. [20 U.S.C. 1416(b)(2)(C)(i), 1442]
 - The state lead agency allocates resources and technical assistance to facilitate improved performance.
 - The state lead agency addresses issues identified in OSEP's response to the SPP.
 - The state lead agency has a strategic work plan or calendar for the development and implementation of the SPP/APR.
 - The state lead agency has a system to evaluate the implementation and effectiveness of the SPP improvement activities.
- Reporting is critical to ensuring accountability to the public.
- The most current dated SPP is posted on the state's website. [20 U.S.C. 1416(b)(2)(C)(ii)(I), 1442]
 - The most current dated APR is posted on the state's website.
 - The state lead agency publicly reports each EIS program's performance against state SPP targets. [20 U.S.C. 1416(b)(2)(C)(ii)(I), 1442]
 - The state reports to the Secretary, in an annual performance report, the performance of the state under the SPP. [20 U.S.C. 1416(b)(2)(C)(ii)(II)]
 - The state lead agency publicly reports all EIS programs' Determinations.
 - Information about the SPP is communicated to the general public in language understandable to the general public.
- The SPP is the blueprint for systems change.
 - The state lead agency, as well as other units or offices within the state, have knowledge of and understand their role and accountability for the implementation of the SPP.

- All stakeholders have knowledge of and understand their role and accountability (if any) for the implementation of the SPP.
- All EIS program leaders have knowledge of and understand their role and accountability for the implementation of the SPP.
- The SPP is integrated within the state's accountability systems.

Resources for States:

National Center for Special Education Accountability Monitoring (NCSEAM)
 Regional Resource Centers (RRCs)
 Federal Resource Center (FRC)
 National Early Childhood Technical Assistance Center (NECTAC)

Policies, Procedures, and Effective Implementation

The state lead agency must have policies and procedures that: (1) are aligned with Part C of the IDEA; (2) are in effect statewide, and; (3) ensure that appropriate early

Policies, Procedures & Effective Implementation

- Aligned with IDEA
- Implemented by local programs
- Include methods to detect noncompliance and ensure correction of noncompliance
- Encourage program improvement through improvement planning and incentives
- Include current interagency agreements and memoranda of understanding (MOU) when required to ensure implementation of IDEA
- Have mechanisms to determine effectiveness of agreements and MOUs

Policies, Procedures, Effective Implementation

intervention services, based on peer-reviewed research, to the extent practicable, are available for infants and toddlers with disabilities and their families. In order for these policies and procedures to be effective within a comprehensive, multidisciplinary, coordinated, interagency system of early intervention services, they must be enforceable and allow for the use of sanctions when necessary. The policies and procedures must include descriptions of methods the lead agency will use to identify noncompliance

with Part C requirements and to ensure correction of noncompliance when found. Effective implementation of policies and procedures also address program improvement through planning, coordination, incentives, and follow-up.

Given the interagency nature of Part C systems, intra- and inter-agency agreements or memoranda of understandings (MOUs) are necessary to the implementation of IDEA provisions. Policies and procedures related to MOUs must address mechanisms to determine financial and service provision responsibility as well as methods for the resolution of disputes between the agencies involved.

The state lead agency must establish an effective method for ensuring that EIS providers follow state policies, procedures and implement effective practices. These must include policies and procedures addressing the establishment and maintenance of personnel qualifications. The lead agency, through its integrated monitoring procedures, examines EIS providers' uses of effective practices. Analysis of trends in data can inform needed changes in policies, procedures and written agreements to ensure compliance and quality practices.

Evidences:

- State policies and procedures are aligned with IDEA [20 U.S.C. 1434, 34 CFR §§76.700, 303.5(a)(1)]
- State policies and procedures include descriptions of
 - activities to identify noncompliance;
 - methods for requiring correction of noncompliance; and
 - the range of sanctions the State can use to enforce correction. [20 U.S.C. 1232c(b) and (c), 1435(a)(10); 34 CFR §§ 80.40(a), 80.43, 303.501]
- Early intervention services are provided in accordance with IDEA and the State's Part C policies and procedures. [20 U.S.C. 1432, 1434, 1435]
- The lead agency has adopted a comprehensive system of personnel development and policies and procedures to ensure that EIS personnel are qualified, and appropriately and adequately prepared. [20 U.S.C. 1435(a)(8) and (9), 1435(b)]
- The lead agency establishes and maintains qualifications for personnel who provide Part C services. [20 U.S.C. 1432(4)(F), 1435(a)(9), 1435(b)]
- The lead agency has written policies and procedures in place to ensure early intervention services are provided in natural environments. [20 U.S.C. 1432(4)(G)]
- Required MOUs, interagency agreements or other mechanisms to ensure the provision of early intervention services and fiscal responsibility for those services are in place, current and being implemented effectively. [20 U.S.C. 1435(a)(10), 1437(a)(2), 1437(b)(2), 1440]
- There is a single line of responsibility in the lead agency for carrying out the resolution of intra- and inter-agency disputes. [20 U.S.C. 1435(a)(10)(F)]
- Focused monitoring activities of the lead agency are designed and implemented to improve educational results, and enhance the development of appropriate activities and functional outcomes for all infants and toddlers with disabilities. [20 U.S.C. 1416(a)(2), 1434, 1442]

Resources for States:

Regional Resource Centers (RRCs)

National Early Childhood Technical Assistance Center (NECTAC)

National Center for Special Education Accountability Monitoring (NCSEAM)

Effective Dispute Resolution

The timely resolution of complaints, mediations, and due process actions is required for compliant dispute resolutions. Effective dispute resolutions also track the issues identified to determine whether patterns or trends exist. Additionally, through the tracking of the issues over time, it is possible for state lead agencies to



Effective Dispute Resolutions

- Are timely
- Track issues
- Inform on-site and off-site monitoring activities
- Periodically evaluate effectiveness of resolutions
- Determine parents and families and students understand their rights, especially in cases where there are few or no complaints, hearings, or other resolutions

Effective Dispute Resolution

evaluate the resolutions' effectiveness and answer whether resolution was maintained in future situations.

There may be instances in which there are few complaints, mediations or dispute resolutions. In such cases, it is especially important for the state lead agency to ensure that families understand their rights to access dispute resolution.

Evidences:

- Resolution of all disputes must be in accordance with required timelines. [20 U.S.C. 1439 (and, if applicable, 20 U.S.C. 1415(b)(6), 1415(e), 1415(f)(1), 1415(f)(3)(C))]
- Tracking of issues identified is used to determine patterns or trends.
- Results of dispute resolution processes are analyzed to determine the effectiveness of the dispute resolution system.
- Dispute resolution data are used to inform the state lead agency's integrated monitoring system.
- Dispute resolution processes include mechanisms for ensuring that all related corrective actions have been implemented and noncompliance has been corrected. [20 U.S.C. 1435(a)(10)(A), 1439; 34 CFR §303.501(b)]
- The lead agency has methods of regularly reviewing the issues and programs with resolutions and comparing that to other information.
- The lead agency encourages the use of a continuum of resolution options to resolve disputes at an informal level and as early as possible.
- All personnel, including hearing officers and mediators, are trained appropriately on dispute resolution processes and IDEA requirements. [20 U.S.C. 1415(e)(2)(C), 1439 (and, if applicable, 20 U.S.C. 1415(f)(3)(A))]
- Data demonstrate that parents understand their rights related to resolving disputes under IDEA. [20 U.S.C. 1436(e), 1439(a)]

Resources for States:

Consortium for Appropriate Dispute Resolution in Special Education (CADRE)

Data on Processes and Results

As a part of the state's general supervision responsibilities, a chain of events should



Data on Processes & Results

- Collection and verification
 - 618
 - Dispute resolution
 - Previous monitoring reports
 - other
- Examination and analyses
 - Areas of state concern
 - Clusters of related indicators
- Reporting
 - Annual Performance Report (State)
 - LEA Performance compare to State Targets
- Status determination
- Improvement
 - Data are used to plan and revise activities

occur when data are used for decision-making about program management and improvement.

These events include the:

- 1) Collection and verification;
- 2) Examination and analysis;
- 3) Reporting of data;
- 4) Status determination; and

5) Improvement.

1) Collection and Verification

Data are collected from EIS programs to meet the 618 State-reported data requirements that apply directly to Part C through section 642 of IDEA. In addition, other mechanisms are used to collect data for the SPP and APR. To effectively use these data, EIS programs must regularly update the data and the lead agency must routinely examine the collected data.

The lead agency uses the 618 data and information from other sources, such as state collected data, patterns and trends in dispute resolution data and previous monitoring findings, to evaluate the performance of the state and EIS programs on the SPP indicators. These data are also useful in selecting EIS programs for monitoring based on performance, especially when these data can be compared across indicators.

Another important consideration is the extent to which the state lead agency can ensure the data collected from EIS programs are accurate, as well as submitted in a timely manner. Accuracy has multiple levels including that the data follow rules of entry or submission and that they reflect actual practice at the program level. This requires the state lead agency to develop multiple methods of verifying data accuracy. Data should be compared over time and disaggregated to levels that identify possible problems in validity and reliability.

2) Examination and Analyses

Data must be examined in a variety of ways to identify and determine patterns and trends. The lead agency should cluster related indicators. For example, they may want to examine whether there seems to be a relationship across timely services (Indicator 1); evaluation, assessment, and IFSP meetings within 45 days (Indicator 7); and child outcomes (Indicator 3). These cross-indicator examinations are critical in determining “connections” among indicators and should always be considered while planning improvement activities.

3) Reporting of Data

The lead agency’s 618 data are to be reported to the public annually. Through the APR the lead agency’s performance on the SPP indicator targets must be reported. The lead agency must also annually report on the performance of each EIS program on the SPP indicators compared to the state targets. The EIS program performance must be publicly accessible through such means as posting on the lead agency website.

4) Status Determinations

Data on the performance of each EIS program on the SPP indicators, as well as from other sources (e.g. fiscal audits, previous monitoring data), are used by states to make determinations of the status of each EIS program. Based on the lead agency’s specific criteria, EIS programs are categorized as meets requirements, needs assistance, needs intervention, or needs substantial intervention.

5) Improvement

Through the state's improvement activities in the SPP and from the examination of EIS program performance, data are used for program improvement as well as progress measurement. Technical assistance activities, designed to address the needs of each individual EIS program should be based on data that are collected.

Evidences:

1) Collection and Verification

- Data are collected as required under section 618 of IDEA and by the Secretary. [20 U.S.C. 1418, 1442; 34 CFR §303.540]
- Data are routinely collected throughout the year.
- A data collection calendar or timeline is strategically implemented to inform decisions.
- Data necessary for the SPP are timely and accurate.
- EIS programs submit data in a timely and accurate manner.
- Collected data are verified for accuracy.
- Verification is achieved through multiple methods and activities, including electronic, comparative and on-site monitoring to determine data accuracy.
- Data are available from multiple sources.

2) Examinations and Analysis

- Data from multiple sources and years are used in examining EIS programs.
- Routine examination of state and local data is current and is compared to previous years.
- Additional data required for examinations are collected and analyzed as needed.
- Local performance reports, dispute resolution data, and other sources of data are used by teams conducting on-site monitoring visits.
- Cross-indicator examinations are used to make connections and plan for improvement (i.e., timely evaluation, assessment, IFSP meeting, with timely services, and child outcomes).
- Data collected through monitoring activities are summarized to examine cross years' patterns and trends in issues and for EIS programs.

3) Reporting

- Reports of 618 and SPP data are integrated with other state data reports.
- The state lead agency's reports are accurate and timely.
- The state's lead agency current SPP is found on the state's website. [20 U.S.C. 1416 (b)(2)(C)(ii), 1442]
- The state lead agency's current 618 data and public reports on the performance of EIS programs on SPP targets are found on the state's website.
- The state lead agency distributes to EIS programs, and publicly reports on the performance of EIS programs in comparison to state targets. [20 U.S.C. 1416(b)(2)(C)(ii), 1442]

4) Status Determination

- The state lead agency makes determinations on the status of EIS programs consistent with the minimum requirements specified by OSEP. [20 U.S.C. 1416(b)(2)(C)(i), 1442]
- The state lead agency includes performance on indicators such as timely evaluations, assessments, and initial IFSP meetings, and timely provision of Part C services in their status determinations.
- State lead agencies include multiple measures of status in their determination decisions.

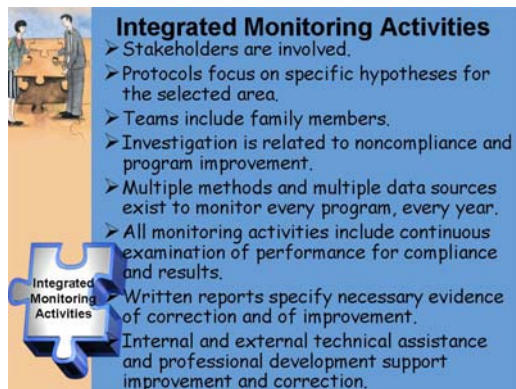
5) Improvement

- Data are used to determine appropriate activities to assist EIS programs and the state in meeting targets.
- Data are used to target and maximize technical assistance, professional development, as well as state lead agency resources.

Resources:

Technical Assistance in Data collection, Analysis, and Report Preparation (Westat)
National Center for Special Education Accountability Monitoring (NCSEAM)
Regional Resource Centers (RRCs)
National Early Childhood Technical Assistance Center (NECTAC)

Integrated Monitoring Activities



Integrated Monitoring Activities

- Stakeholders are involved.
- Protocols focus on specific hypotheses for the selected area.
- Teams include family members.
- Investigation is related to noncompliance and program improvement.
- Multiple methods and multiple data sources exist to monitor every program, every year.
- All monitoring activities include continuous examination of performance for compliance and results.
- Written reports specify necessary evidence of correction and of improvement.
- Internal and external technical assistance and professional development support improvement and correction.

As stated in the introduction, sections 616 and 642 of IDEA 2004 (read together), “the primary focus of Federal and State monitoring activities ... (1) shall be on-- (A) improving early intervention results and functional outcomes for all children with disabilities; and (B) ensuring that States meet the program requirements under this part, with a particular emphasis on those requirements that are most closely related to improving early intervention results for infants and toddlers with disabilities.”

Effective monitoring strategies are integrated across all components of the general supervision system. Multiple data sources and methods must be used to monitor every EIS provider. Selected monitoring activities must ensure continuous examination of performance for compliance and results. This includes on-site and off-site monitoring activities. Monitoring protocols should focus on specific priority areas selected based on state performance.

When reviewing and/or revising their general supervision system, state lead agencies must analyze what monitoring activities can be used to collect performance data from all

EIS programs for every indicator included in their SPP. This analysis process allows state lead agencies to ensure that their monitoring system is designed to maximize the use of monitoring resources to include effective professional development and targeted technical assistance. Overall, the general supervision system must include planned analysis and review of all available data from on-site and off-site monitoring activities.

Evidences:

- There is stakeholder involvement in the development of measurable and rigorous targets. [House Conf. Rpt. No. 108-799, p. 232; OSEP Memo 05-12]
- There is stakeholder involvement in the design, implementation, and evaluation of integrated monitoring activities (e.g., SICC, family members, EIS provider staff).
- State monitoring procedures and protocols are implemented consistently to ensure process integrity.
- Training is provided at all levels (state lead agency and EIS program) for those involved in monitoring to provide consistency in the implementation of monitoring procedures and to ensure transparency of the process.
- State and EIS program data are systematically reviewed to determine focused monitoring activities. [20 U.S.C. 1416(a), 1442]
- Monitoring results trigger effective corrective actions, technical assistance, improvement strategies, fiscal decisions and other investments, sanctions, and incentives that ensure timely correction. [20 U.S.C. 1416(a), 1442]
- Results of integrated monitoring activities are used in 616 Determinations and used to report performance on SPP targets.
- State IDEA monitoring efforts are coordinated with other state monitoring activities.
- State focused on-site visits are used to monitor individual EIS providers with regard to specific performance issues and include the use of protocols designed to address hypotheses regarding performance status.
- Focused monitoring activities should be geared toward identifying solutions and activities to enhance and improve performance as well as correcting noncompliance. [20 U.S.C. 1416(a); 1442]
- Multiple data sources and methodologies (e.g., desk audits, surveys, on-site reviews, EIS program self-assessments) are used.
- The state has procedures to track effectiveness of corrective actions and improvement strategies.
- Monitoring activities identify the status of compliance and performance. [20 U.S.C. 1416(a), 1442]
- Monitoring activities lead to the identification of underlying causes of noncompliance to assist in the development of improvement strategies.
- Monitoring results are reported to the public.
- Routine evaluation is conducted of the integrated monitoring activities as a part of the state lead agency's overall general supervision system.

Resources for States:

National Center for Special Education Accountability Monitoring (NCSEAM)

Regional Resource Centers (RRCs)

Federal Resource Center (FRC)

National Early Childhood Technical Assistance Center (NECTAC)

Targeted Technical Assistance & Professional Development

Technical assistance, as part of an effective system of general supervision, must be directly linked to the SPP indicators and to the improvement activities. Technical



assistance serves multiple functions to assist EIS programs in improving results. States provide EIS programs with a range of assistance to improve performance from minimal assistance to substantial interventions. Technical assistance serves multiple functions to assist EIS programs in improving results and compliance. Technical assistance and capacity building activities can be implemented at varying levels and through multiple means such as websites, documents, coaching, mentoring, trainer of trainers, local, regional, and/or statewide meetings/conferences,

direct training from state personnel and/or from other resources (e.g., RRCs, NECTAC, other technical assistance providers).

Evidences:

- Technical assistance or professional development activities are directly linked to specific indicators in the SPP, including the identification and correction of noncompliance and improvement of performance.
- The state systematically disseminates information to EIS programs about promising and evidence based practices.
- Standards for professional development are designed to evaluate technical assistance and professional development activities.
- Evaluations of technical assistance and professional development involve evidence of a change of practice resulting in improved outcomes and compliance as well as building sustainability and capacity.
- Follow-up activities are built into the technical assistance design to determine whether improvement activities are carried out consistent with the technical assistance provided.
- Collaboration with provider and teacher education personnel and other higher education officials addresses the need for qualified providers who exhibit skills and knowledge in areas of state need.
- Networks exist at the state and local level to increase technical assistance capacity (e.g., personnel, knowledge base, local access to information for hard to reach audiences).

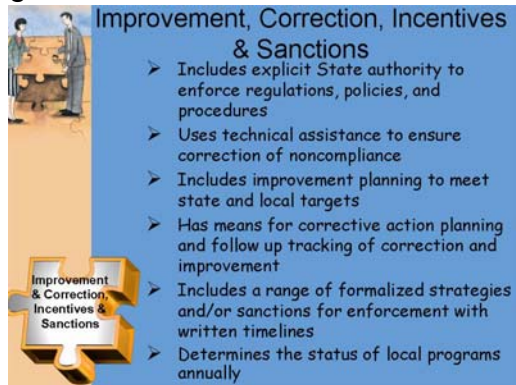
Resources to States:

National Early Childhood Technical Assistance Center (NECTAC)

Regional Resource Centers (RRCs)

Improvement, Correction, Incentives & Sanctions

Supporting improvement and ensuring correction through incentives and sanctions are critical components to an effective general supervision system. The enforcement of regulations, policies, and procedures is required by IDEA and state rules. State guidelines and directives also steer the technical assistance provided to ensure the



correction of noncompliance and ultimately to meet state lead agency and EIS program targets.

Successful completion of corrective actions and improvement activities means that the state lead agency or EIS program has corrected the noncompliance and made significant progress towards reaching established targets on performance indicators. This is identified through data analysis, documentation of evidence of change, and other methods. Regardless of the

terminology lead agencies use to describe the plan, either Corrective Action Plans (CAPs) and/or Improvement Plans are most effective when they emphasize measurable results and include changes needed in: (1) practices (and related policies and procedures); (2) professional development; (3) targeted technical assistance; (4) infrastructure; and (5) sufficient supervision. Evidence of change that documents noncompliance has been eliminated must be required and verified by the state. The lead agency and EIS program must track the implementation of the plan and intervene quickly and effectively if tracking indicates a lack of progress.

A range of incentives and rewards should be designed to recognize EIS programs when they meet or exceed the targets. In providing incentives and rewards, the state lead agency should be specific about which target(s) the EIS program has met and validated. Examples of incentives and rewards include:

- Public recognition for outstanding performance on the state web page and/or through media releases;
- Supplemental dollars to encourage continued high performance and the development of model practices for other EIS programs.

The lead agency must ensure timely correction of noncompliance. The lead agency's monitoring policies, procedures, and practices must include descriptions of how and when sanctions are to be imposed. An effective means of ensuring compliance is the development of a range of sanctions. It is important that the state lead agency analyze the corrective actions taken, previous monitoring reports, unique characteristics of the

EIS program, and EIS program's efforts and capacity to correct the identified problem(s) in making decisions about the imposition of sanctions.

The lead agency must evaluate the compliance and improvement efforts of EIS programs annually and make determinations of the status of each EIS program monitored. The lead agency must examine the EIS program's performance on compliance indicators, the validity, reliability, and timeliness of data submitted, uncorrected noncompliance from sources other than SPP indicators, and any audit findings. Additionally, the state lead agency, in developing the criteria for making determinations, will want to consider the performance of EIS programs on performance indicators and any other information available. Based on the lead agency's examination and review, each EIS program will be determined to meet requirements, need assistance, need intervention, or need substantial intervention.

Evidences:

- The lead agency's authority for enforcement is clearly defined. [20 U.S.C. 1416(a)(1)(C), 1435(a)(10), 1442]
- Targeted training, technical assistance, and support are provided to EIS programs when developing and implementing corrective action.
- State rules authorize a range of sanctions. [20 U.S.C. 1416(e)(6) and (7), 1442; 34 CFR §303.501(b)]
- Model practices reflecting improvement activities of high performing EIS programs are identified in order to be replicated by other EIS programs.
- Rewards are provided to reinforce high performing EIS programs.
- Incentives are provided for improvement at the EIS provider level.
- Targeted technical assistance is provided by other agencies through interagency agreements.
- The lead agency has procedures to track effectiveness of corrective actions and improvement strategies.
- The lead agency uses any monitoring and enforcement authority available. [20 U.S.C. 1416(a)(1)(C), 1442; 34 CFR §§303.500, 303.501]

Resources:

National Center for Special Education Accountability Monitoring (NCSEAM)

Regional Resource Centers (RRCs)

National Early Childhood Technical Assistance Center (NECTAC)

Fiscal Management



The state designates a lead agency in the state that is responsible for the administration of Part C funds. In addition to using funds to maintain and implement the statewide system required, a lead agency may use Part C funds –

- For direct early intervention services for infants and toddlers with disabilities and their families;
- To expand and improve upon current early intervention services for infants and toddlers with disabilities and their families;
- To provide FAPE to children with disabilities at age three to the beginning of the following school year;
- To continue to provide early intervention services to children with disabilities after age three, with parent consent, up to eligibility for kindergarten if the State elects to provide services under Part C to such children; and
- To strengthen the statewide system by initiating, expanding or improving collaborative efforts related to at-risk infants and toddlers if the state does not serve at-risk infants and toddlers. [20 U.S.C. 1438]

Evidences:

The state identifies funds that may be used to provide IDEA Part C services in accordance with Federal and State requirements.

- The state may not use federal funds to satisfy a financial commitment for early intervention services that are funded by another public source or by a private source (nonsubstitution). There is an exception when it is necessary to prevent a delay in delivery of early intervention services. [20 U.S.C. 1440(a)]
- State interagency agreements, statute, regulation, or other appropriate written methods establish fiscal responsibility for the provision of early intervention services and procedures for dispute resolution. [20 U.S.C. 1435(a)(10)(A)-(F), 1440(a)(3)(A)-(C)]
- As determined by the state, lead agencies establish a system of payments that may include use of public and/or private insurance involving costs and a schedule of sliding fees but must provide certain services and functions at no-cost (such as evaluations and assessments, service coordination, IFSP review and development, child find, procedural safeguards) and must also ensure that children of parents that are determined unable to pay are not denied any Part C services. [20 U.S.C. 1432(4)(B), 1435(a)(10)(B); 34 CFR §§303.520, 303.521]
- The SICC assists the lead agency in the identification of the fiscal resources and other support for early intervention services in addition to assigning financial responsibility to participating agencies and the promotion of interagency agreements. [20 U.S.C. 1435(a)(10)(B)-(D), 1441(e)(1)(A)]
- The state has a policy pertaining to contracting or making other arrangements with service providers to provide early intervention services in the state, consistent with the provisions of Part C, including the contents of the application used and the conditions of the contract or other arrangements. [20 U.S.C. 1435(a)(11)]
- The state has a procedure for securing timely reimbursements of funds used under this part in accordance with section 640(a) of IDEA. [20 U.S.C. 1435(a)(12)]

The state provides oversight on the use of funds.

- The state submits a description of its use of Part C funds. [20 U.S.C. 1437(a)(5); 34 CFR §303.145;]
- Audits are conducted annually in accordance with the Single Audit Act. [OMB Circular A-133]
- The state is required to ensure that Federal funds made available under section 643 of IDEA will be expended in accordance with this part. [20 U.S.C. 1437(b)(1), 1438].
- Part C IDEA funds are the payor of last resort and not used to satisfy a financial commitment that would have been paid for from other available public or private source. [20 U.S.C. 1440(a)]
- The lead agency may apply an approved restricted indirect cost rate that is reasonable and necessary to the administration of the Part C system of early intervention services. [34 CFR §§76.563 – 76.569, 303.5(a)(1); OSEP policy memo 99-2; OMB Circular A-87]
- The lead agency ensures that the control of funds provided under section 643 of IDEA, and title to property derived from those funds, will be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property. [20 U.S.C. 1437(b)(3)]
- The lead agency: (1) maintains fiscal records; (2) provides access to the Federal agency to ensure the correctness and verification of those reports; and (3) properly distributes Part C funds. [20 U.S.C. 1437(b)(4)(B)]
- Federal funds made available under 643 of IDEA to the State—(A) will not be commingled with State funds; and (B) will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds. [20 U.S.C. 1437(b)(5)]
- Fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under section 643 of IDEA to the state. [20 U.S.C. § 1437(b)(6)]
- IDEA Part C funds are liquidated in a timely manner.
- The lead agency allocates adequate funds to support the system of general supervision.

Resources for States:

National Early Childhood Technical Assistance Center (NECTAC)
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Summary

When designing or evaluating a general supervision system, it is essential that all eight components described in this paper be addressed. In addition, when fully implemented, the information and data collected from one component must inform the decision-making processes of the other components. The state should clearly reflect the integration and relationship of one component to another in the description of its general supervision system. As stated in the introductory section of this paper each component must inform and gain information from the others in order to connect, interact, and articulate a comprehensive system of general supervision.

The SPP is a measurable indication of the state's performance in priority areas serving as the foundation of an effective general supervision system. To have a viable and effective general supervision system, states and early intervention service programs must be able to collect, examine, evaluate, and report data demonstrating both compliance and improvement for each SPP indicator. On an ongoing basis, states should involve and actively seek participation from persons who have a stake in results for infants and toddlers with disabilities and their families as well as compliance with statutory, regulatory and other legal requirements.

Policies, procedures, and effective implementation or practices, aligned with IDEA are designed to support program improvement and focus attention on specific areas of compliance and program performance as identified through an analysis of data. Targeted technical assistance and professional development are essential components of the general supervision system that enables states to direct and impact the quality of the effective implementation of policies and procedures. Dispute resolution data identifying patterns or trends of ineffective implementation of local policies and procedures must inform corrective actions and improvement activities through targeted technical assistance and professional development.

State focused on-site visits are used to monitor early intervention providers with regard to specific performance issues. This includes the use of protocols designed to address hypotheses for inadequate performance. Focused monitoring activities are geared toward identifying solutions and activities to enhance and improve performance as well as correcting noncompliance.

Integrated on-site and off-site monitoring activities ensure the state's capacity to identify and correct noncompliance and facilitate improved performance. Monitoring activities, involving the analysis of local data, identify not only the concerns at the local level but also potential solutions in the form of targeted technical assistance and professional development.

A state's capacity to determine compliance and meet SPP targets is directly related to the effective use of CAPs, improvement plans, incentives and sanctions. Potential solutions identified through on-site and off-site monitoring activities need to be incorporated into corrective action plans, and improvement plans to ensure local

success in correcting noncompliance and in improving outcomes. The distribution and use of IDEA funds supports the implementation of IDEA and the state system of general supervision in areas such as interagency collaboration, contracting or other arrangements for early intervention services, targeted technical assistance and professional development and the correction of noncompliance.

A state's general supervision system is a multi-faceted, logical assembly of, at a minimum, the eight components included in this paper. The concepts and principles contained in this document can serve as a guide to a state's general supervision system to ensure accountability with IDEA through effective monitoring activities. Although states vary in their measurable and rigorous targets, status performance on these targets and individual state organizational structure, the concepts presented in this paper are designed to ensure the development and implementation of an effective general supervision system.

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