



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

APR 16 2003

Mr. Jeff Rosen, Esquire
General Counsel-Director of Policy
National Council on Disability
1331 F Street, NW
Suite 850
Washington, DC 20004

Dear Mr. Rosen:

Secretary Paige and Assistant Secretary Pasternack asked me to respond to your inquiry about “the status of OSEP’s national stakeholder group and the results from their approximately two years of dialogue and collaboration on improving the monitoring and enforcement of IDEA.” As you may be aware, prior to Dr. Pasternack’s appointment as the Assistant Secretary of the Office of Special Education and Rehabilitative Services (OSERS), he was an active member and participant on the stakeholder group. Since his appointment as Assistant Secretary he has supported its initiative to collaborate with the Office of Special Education Programs (OSEP) in its effort to focus its monitoring system on better outcomes for infants, toddlers, children and youth with disabilities and their families. This effort is consistent with Secretary Paige’s strategic initiative to move the Department of Education from a culture of compliance to a culture of accountability.

Below, please find my responses to your requests for information.

1. OSEP’s response to the recommendations offered by the national workgroup.

The stakeholder group (national workgroup) began meeting in 1998. Following these meetings, OSEP shifted from a compliance monitoring process to a continuous improvement process. The Continuous Improvement Monitoring Process (CIMP) was characterized by: (1) partnership with stakeholders; (2) State self-assessment; (3) the use of data to drive decisions regarding our level of involvement in monitoring States; (4) extensive public input and involvement in the process; (5) the provision by OSEP of technical assistance, as needed, to States; and (6) improvement planning that focused on root causes and outcomes rather than process. The CIMP was successfully implemented beginning in 1998. Since 1998 all States have submitted self-assessments and are engaged in some aspect of Improvement Planning. In addition, consistent with input from the stakeholder group, OSEP has begun to focus our monitoring on those issues that have the greatest impact on infants and toddlers and their families and children and youth with disabilities. In essence, we recognized that OSEP has limited resources that could best be used if our efforts are more focused and acted on that recognition.

The stakeholder group developed a Focused Monitoring concept paper that articulated a number of Focused Monitoring principles and definitions including: (1) areas that would serve as priorities for focused monitoring across early intervention and special education; (2) indicators that would constitute the priorities that are used to measure performance within the priority areas; (3) benchmarks for determining what constitutes non-compliance, such as a graduation rate below a certain level; and (4) triggers for determining when to initiate enforcement actions and when

enforcement actions or sanctions are no longer required as well as when to initiate rewards. Subsequent to the publication of the concept paper, OSEP participated in additional stakeholder meetings in order to explore the concept of focusing our monitoring. From this series of meetings OSEP obtained: (1) a better understanding of the concept of focusing monitoring relative to OSEP monitoring resources; and (2) a better understanding of what the stakeholder group meant when it said that decisions should be data driven. In these meetings, we shared with the group information about what data are available and in what format they are available and our assumption that any revised system must address the issue of enforcement to ensure compliance with requirements of the Act as well as rewards. In order to support this approach, OSEP reformatted State reported data (618 data) to reflect how much each State in each data category (e.g., exiting with a diploma) varied from the national average and where the State ranked among all the States.

In conjunction with the input from the stakeholder group, OSEP has developed focused monitoring procedures that target resources on those performance issues most closely related to improved results for children with disabilities and to those States most in need of improvement on those performance issues. OSEP will implement the Continuous Improvement and Focused Monitoring System (CIFMS), which incorporates the most effective elements of CIMP and focused monitoring and enables OSEP to work with States in a way that will improve both performance and compliance.

Accountability Strategy to Support Improvement

OSEP will implement an integrated, four-part accountability strategy: (1) verifying the effectiveness and accuracy of States' monitoring, assessment, and data collection systems; (2) attending to States at high risk for compliance, financial, and/or management failure; (3) supporting States in assessing their performance and compliance, and in planning, implementing, and evaluating improvement strategies; and (4) focusing OSEP's intervention on States with low ranking performance on critical performance indicators. This four-part accountability strategy is aligned with the recommendations of the President's Commission on Excellence in Special Education. It will enable OSEP to: (1) focus on a small set of critical indicators that are based on improving results for children with disabilities and their families; (2) support improvement in the validity and reliability of data that OSEP and States use to focus on performance; (3) through improvement planning, and the Annual and Biennial Performance Report process, help ensure that accountability for improvement rests primarily with States; (4) provide States with needed technical assistance; and (5) focus the attention of OSEP's Monitoring and State Improvement Planning (MSIP) Division on the States that need the most support to improve their performance.

1. Verifying the effectiveness and accuracy of States' monitoring, assessment and data collection systems

Because OSEP's focused monitoring relies so heavily on State-reported data regarding performance and compliance, it is critical to ensure that States are reporting accurate data based upon State designed systems for data collection/reporting and monitoring. Therefore, OSEP's primary focus during the 2003 calendar year will be on verification of the effectiveness of States' systems for data collection, assessment, and monitoring. For each State, OSEP staff will analyze the accuracy of critical information regarding States' systems for monitoring, assessment, and data collection as this information is essential to analyzing and improving State performance, student performance, and the protection of child and family rights. Based on these analyses,

OSEP will select some States for on-site data verification, which will involve some data collection activities at the State educational agency and lead agency level.

2. Attending to States at high risk for compliance, financial and/or management failure

In addition to its focus on States that are low ranking on critical performance indicators (see number 4, below), OSEP will also focus its intervention on States that it determines are at high risk for compliance, financial, and/or management failure. These will include primarily States with significant uncorrected audit findings.

3. Supporting States in assessing their performance and compliance, and in planning, implementing, and evaluating improvement strategies

All States have completed a self-assessment of their performance and compliance for both Part C and Part B. By July 2003, all States will have submitted an improvement plan to OSEP. In the future, we anticipate that States will be using their Part C Annual Performance Report and their Part B Biennial Performance Report to update their self-assessments and their improvement plans, including reporting on the impact of their improvement strategies on performance and compliance.

OSEP will continue to make technical assistance available to all States regarding self-assessment, improvement planning, and evaluation, including reviewing and commenting on improvement plans. As part of this process, OSEP will require that States demonstrate that they correct any noncompliance that OSEP has identified through monitoring or that States identify through their own self-assessment process. OSEP will target technical assistance to support States in these efforts.

4. Focusing OSEP's intervention on States with low ranking performance on critical performance indicators

With input from a diverse national group of stakeholders, OSEP has developed preliminary indicators for ranking States' performance annually. The newly-funded National Center for Special Education Accountability Monitoring will gather stakeholder input regarding indicators and benchmarks through its advisory board, and OSEP will use this input to finalize the indicators, and to set benchmarks for each. OSEP will widely disseminate these indicators and benchmarks to States and other stakeholders.

As noted above, ensuring the accuracy and completeness of State-reported data is essential, because OSEP will be relying so heavily on these data in ranking States and targeting its interventions regarding performance (i.e., child outcomes such as graduation, dropout for Part B and identification for Part C services). For this first year of implementation, while OSEP is focusing on determining the accuracy and completeness of State-reported data, OSEP is reporting States' performance on four initial indicators in rank order (see the attached rank-ordered data tables). In the future, OSEP will be using additional indicators such as participation and performance on assessment for Part B and exiting for Part C. OSEP encourages States to closely examine the rank orders and the data reported for these indicators, keeping in mind that while a low ranking is a "red flag" that may indicate a need for improvement, a high ranking does not necessarily mean good performance where it is a result of poor quality data or low standards. Based on this analysis, States should consider how to revise their improvement plans to improve their performance. All

States, including the States with low-ranking performance, must take effective and timely steps to ensure the correction of all noncompliance, and such correction of noncompliance must be an urgent priority for each State.

Technical Assistance to Support Improvement

It is important that all States work aggressively to improve results for children with disabilities and their families. It is especially important that States whose data show the greatest need for improvement take prompt, evidence-based, action to achieve significant and sustainable improvement in their performance. OSEP will make a broad range of support available to all States to support them in:

1. Collecting and analyzing data to enable them to identify the factors that will support or impede their improvement strategies;
2. Making evidence-based decisions about the strategies that are most likely to result in systemic change and improved results; and
3. Identifying the evidence of change, benchmarks, and timelines that will assist the State in evaluating the impact of the improvement strategies.

OSEP is working to make a number of resources available to States to support their intensive improvement work. Resources under consideration include:

1. A web-site that focuses on research-based effective practices for data-based analysis of underlying causes of poor performance and the development and implementation of improvement strategies.
2. Periodic conference calls and regional meetings of States focused on effective improvement of outcomes for children with disabilities and their families.
3. Strong collaboration between OSEP, the Regional Resource Centers, the Monitoring Center, and other partners in the Technical Assistance and Dissemination Network, to ensure effective brokering and provision of technical assistance to States.

In order to support the focused monitoring approach, Dr. Pasternack announced an absolute priority for the creation of a technical assistance center to support the implementation of focused monitoring by State Educational Agencies (SEA), Local Educational Agencies (LEA) and Part C Lead Agencies (LA). Some of the Center's services are to include:

- Providing technical assistance to States, LEAs and Lead Agencies to develop effective practices in monitoring and accountability to implement IDEA.
- The development of data systems that focus on data-based decision making.
- Assisting States in (i) using special education data to align with State accountability standards and (ii) organizing and presenting data to decision makers and policymakers in an understandable and convincing manner.
- Identifying effective practices in monitoring and accountability.

- Working with OSEP, the Regional Resource Centers, and the States to effectively communicate and improve results for children through technical assistance, training, and dissemination of information.
- Preparing and disseminating through a Web site and by other means reports and documents on research findings and related topics, including a comprehensive analysis of the monitoring literature
- Providing technical assistance and support to OSEP's Monitoring and State Improvement Planning Division.

Louisiana State University Health Sciences Center successfully competed for this center and was awarded \$1 million a year for five years. Dr. Alan Coulter is the Project Director. Based on the priority, the Center was also responsible for establishing, maintaining, and meeting, as needed, with an advisory committee to review and advise on the Center's activities and progress. The advisory committee must consist of individuals whose organizations or perspectives were part of the group that worked with OSEP on focused monitoring. The committee must include, but is not limited to, representatives of SEAs and LEAs, individuals with disabilities, parents, educators, professional organizations, advocacy groups, researchers, and other appropriate groups. The committee also must include membership from otherwise underrepresented populations.

2. OSEP's planned next steps and the anticipated timelines with respect to the stakeholder group.

As noted above, the National Monitoring Center has established an Advisory Committee that includes individuals whose organizations or perspectives were part of the group that worked with OSEP on focused monitoring. The National Center's Advisory Committee will fulfill the same role as the stakeholder group and continue its work. Please note that many of the individuals on the original stakeholder group have been appointed as members of the National Monitoring Center's advisory group.

3. Whether and how the stakeholder group's work will be included in OSEP's recommendations to the 108th Congress as it continues to consider the reauthorization of IDEA.

My office is working diligently to ensure that the needs of all infants, toddlers, children and youth with disabilities, and their families are appropriately considered in the reauthorization of IDEA. The issue of monitoring and enforcement will be considered, along with many other important issues, as we proceed with reauthorization.

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I hope that this information was helpful and look forward to working in collaboration with the National Council on Disability to ensure that we continue to focus on results for infants, toddlers, children, and youth with disabilities, and their families rather than process. Should you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie S. Lee".

Stephanie S. Lee
Director
Office of Special Education
Programs

cc: Ruth Ryder