

Data Verification Report
 Monroe County Public Schools
 Issued March 22, 2012

General Information	
<i>Type of Report:</i>	Consolidated Monitoring Visit – Individuals with Disabilities Education Act (Part B)
<i>Focus Areas Reviewed:</i>	<ul style="list-style-type: none"> • Evaluation / Eligibility • Least Restrictive Environment
<i>Data Sources:</i>	<ul style="list-style-type: none"> • Review of Student Due Process Files
<i>DLS Review Team Members</i>	<ul style="list-style-type: none"> • Nick Easter, IDEA team leader • Christel Hockensmith, Consultant

Onsite Visit Methodology

The Kentucky Department of Education (KDE), Division of Learning Services (DLS) has recently conducted a focused monitoring visit in your district. The focus areas for this review include priorities established by the Kentucky Department of Education. For this monitoring cycle, DLS established the following monitoring priorities:

- Eligibility for students identified for special education and related services
- Least restrictive environment (LRE) documentation.

Your district is one of 14 districts that received an onsite visit during the 2011-12 school year through the KDE Consolidated Monitoring Process.

The IDEA portion of the review was conducted by a team assembled by DLS as specified in the General Information section of this report. In order to complete the compliance review, the team reviewed individual student records.

Districts were directed to make available the pertinent student records randomly selected by the DLS team leader in order to determine the district’s compliance status related to the focus areas stated above.

This report contains a section for each priority area reviewed for your district. It also contains “coded” student-specific noncompliance that must be corrected by the district. Individual student names are not provided in the report, due to confidentiality concerns. A separate list with codes and student names will be made available to the Director of Special Education after the issue of this report.

Even though eligibility and LRE are the focus of this report, the team may have noted other concerns when reviewing the student files. KDE is required under its general supervision responsibility to cite districts for IDEA noncompliance that it discovers during the course of monitoring.

Eligibility and Least Restrictive Environment

Records for eligibility were reviewed based upon the requirements outlined in 707 KAR 1:300 (Child find, evaluation and reevaluation), 707 KAR 1:310 (Determination of eligibility) and 707 KAR 1:350, Section1 (Placement decisions).

The following information outlines specific areas the review team investigated in order to determine compliance with eligibility and LRE requirements.

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Referral and Classroom Interventions

The review team assessed the district's compliance with 707 KAR 1:300 Section 3 as it pertains to ensuring that each child has been provided appropriate instruction and intervention services prior, or as a part of the referral process. The instruction and intervention services must include:

- Relevant research-based instruction and intervention services in regular education settings, with the instruction provided by qualified personnel;
- Data-based documentation of repeated assessments of achievement or measures of behavior which are collected and evaluated at reasonable intervals, reflecting systematic assessment of student progress during instruction; and
- Results having been provided to the child's parents.

Adverse Effect

For all disability categories, the Kentucky IDEA regulations require the ARC to document discussion of the adverse effect of the disability on the child's educational performance. Adverse effect means that the progress of the child is impeded by the disability to the extent that the child's educational performance is significantly and consistently below the level of similar aged peers. 707 KAR 1:002, Section 1(2).

Autism

Autism as defined by 707 KAR 1:002, means a developmental disability significantly affecting and nonverbal communication and social interaction, generally evident before age three (3) that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term shall not apply if a child's educational performance is adversely affected primarily because the child has an emotional-behavior disability.

Developmental Delay (DD)

Developmental Delay as defined by 707 KAR 1:002, means that a child within the ages of three and eight has not acquired skills, or achieved commensurate with recognized performance expectations for his age in one or more of the following developmental areas: cognition, communication, motor development, social-emotional development, or self-help-adaptive behavior. Developmental Delay includes a child who demonstrates a measurable, verifiable discrepancy between expected performance for the child's chronological age and current level of performance. The discrepancy shall be documented by:

- Scores of two standard deviations or more below the mean in one of the areas listed above as obtained using norm-referenced instruments and procedures;
- Scores of one and one-half standard deviations below the mean in two or more of the areas listed above using norm-referenced instruments and procedures; or
- The professional judgment of the ARC that there is a significant atypical or pattern of development. Professional judgment shall only be used where normal scores are inconclusive and the ARC documents in a written report the reasons for concluding that a child has a developmental delay.

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Emotional – Behavioral Disability (EBD)

Emotional – behavior disability as defined by 707 KAR 1:002, means that a child, when provided with interventions to meet instructional and social-emotional needs, continues to exhibit one (1) or more of the following, when compared to the child's peer and cultural reference groups, across settings, over a long period of time and to a marked degree:

- Severe deficits in social competence or appropriate behavior which cause an inability to build or maintain satisfactory interpersonal relationships with adults or peers;
- Severe deficits in academic performance which are not commensurate with the student's ability level and are not solely a result of intellectual, sensory, or other health factors but are related to the child's social-emotional problem;
- A general pervasive mood of unhappiness or depression; or
- A tendency to develop physical symptoms or fears associated with personal or school problems.

This term does not apply to children who display isolated (not necessarily one (1)) inappropriate behaviors that are the result of willful, intentional, or wanton actions unless it is determined through the evaluations process that the child does have an emotional-behavioral disability.

Functional Mental Disabilities

Per 707 KAR 1:002 Section 1, (37) in order for a child to be eligible under the functional mental disability (FMD) category the following criteria must exist:

- Cognitive functioning is at least three (3) or more standard deviations below the mean;
- Adaptive behavior deficit is at least three (3) or more standard deviations below the mean;
- A severe deficit exists in overall academic performance including acquisition, retention and application of knowledge; and
- Manifestation is typically during the developmental period

Hearing Impairment

As defined by 707 KAR1:002 Section 1 (29), a hearing impairment is defined as a hearing loss that:

- May be mild to profound, unilateral or bilateral, permanent or fluctuating, and is determine by:
 - An average pure-tone unilateral hearing loss in the speech range (500Hz, 1000Hz, and 2000Hz) of at least 25dB in the better ear; or
 - An average pure-tone hearing loss in the high-frequency range (2000Hz, 4000 Hz, and 6000 Hz) of at least 45dB in the better ear; or
 - An average pure-tone unilateral hearing loss in the speech range (500Hz, 1000Hz, and 2000Hz) of at least 60dB in the impaired ear;
- Results in difficulty identifying linguistic information through hearing; and
- Has an adverse effect on the child's educational performance.

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Mild Mental Disabilities

Per 707 KAR 1:002 Section 1, (37) in order for a child to be eligible under the mild mental disability (MMD) category the following criteria must exist:

- Cognitive functioning is at least two (2) but no more than three (3) standard deviations below the mean;
- Adaptive behavior deficit is at least two (2) standard deviations below the mean;
- A severe deficit exists in overall academic performance including acquisition, retention and application of knowledge; and
- Manifestation is typically during the developmental period.

Multiple Disabilities

According to 707 KAR 1:002, Section 1 (39), multiple disabilities (MD) means “concomitant impairments that have an adverse effect on the child’s educational performance, the combination of which causes severe educational needs that cannot be accommodated in special education programs solely for one (1) of the impairments. Examples of MD include mental disability-blindness, and mental disability-orthopedic impairment. Multiple Disabilities does not mean deaf-blindness nor does it mean a speech or language impairment in combination with another category of disability.”

Based upon the requirement that the impairments must cause “severe educational needs” that cannot be accommodated in special education programs solely for one of the impairments, the DLS team must verify the student met eligibility requirements for all disability areas constituting the multiple disability. DLS must also look for verification that the student’s educational needs could not be met solely in a special education program for one of the impairments.

Examples of disability combinations that triggered increased scrutiny include OHI (ADHD)/EBD, OHI/MMD and OHI/SLD. In addition, some disability categories contain exclusionary factors which would ordinarily preclude some disability combinations. This includes combinations such as MMD/FMD, MMD/SLD and EBD/SLD.

Each file was considered by the review team on a case by case basis considering all data available to the team.

Other Health Impairment

Other Health Impairment (OHI), as defined by 707 KAR 1:002, Section 1 (42) means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that:

- Is due to a chronic or acute health problem and
- Adversely effects a child’s educational performance

The review team paid particular attention to ARC discussions of how the identified health impairment affects the child’s educational performance. In cases where this is not documented by the ARC as required by the regulations, the DLS Review Team found the district to be out of compliance with IDEA.

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Specific Learning Disability

Specific Learning Disability (SLD) is defined by 707 KAR 1:002 Section 1 (59) as a disorder that adversely affects the ability to acquire, comprehend, or apply reading, mathematical, writing, reasoning, listening, or speaking skills to the extent that specially designed instruction is required to benefit from education. The term does not include deficits that are the result of other primary determinant or disabling factors such as:

- Vision;
- Hearing;
- Motor impairment;
- Mental disability;
- Emotional-behavioral disability;
- Environmental or economic disadvantaged;
- Cultural factors;
- Limited English proficiency; or
- Lack of relevant research-based instruction in the deficit area

The review team also considered the requirements of 707 KAR 3:10 Section 2 in evaluating compliance for eligibility under the SLD category. Examples of required documentation include:

- Appropriate instruction provided in regular education settings;
- Repeated assessments of achievement at reasonable levels reflecting formal assessment of student progress during instruction;
- Relevant behavior noted during observation(s) and relationship of that behavior to the child's academic functioning (Note: 707 KAR 1:310 Section 1(i) states "behavioral observations" meaning more than one);
- Educationally relevant medical findings, if any; or
- Whether the child does not achieve commensurate with the child's age and ability

Speech and Language Impairment

Speech and Language Impairment (SLI) is defined by 707 KAR 1:280 Section 1 (60) as a communication disorder, including stuttering, impaired articulation, a language impairment, delayed acquisition of language or an absence of language that adversely affects a child's educational performance.

The DLS Monitoring Team used the guidelines included in the Kentucky Eligibility Guidelines – Revised (KEG-R) document as an outline for determining compliance with eligibility for special education services under the SLI category.

Although the KEG-R is no longer referenced in the Kentucky Administrative Regulations (KAR), the KEG provides a systematic method for ensuring that all Kentucky Administrative Regulations pertinent to eligibility have been met and that there is consistency across the state.

Whether or not the district uses the KEG-R document, the district must ensure that all eligibility requirements have been met.

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Visual Impairment

Per 707 KAR 1:002 Section 1 (65), a visual impairment means a vision loss, even with correction that:

- Requires specialized materials, instruction in orientation and mobility, Braille, visual efficiency, or tactile exploration;
- Has an adverse effect on the child's educational performance; and
- Meets the following:
 - The child has visual acuity with prescribed lenses that is 20/70 or worse in the better eye; or
 - The child has visual acuity that is better than 20/70 and the child has one of the following conditions:
 - Medically-diagnosed progressive loss of vision;
 - A visual field of twenty (20) degrees or worse;
 - A medically-diagnosed condition of cortical blindness; or
 - A functional vision loss

Least Restrictive Environment

As outlined in 707 KAR 1:350, Section 1, the DLS Review Team verified documentation by reviewing documentation of Least Restrictive Environment (LRE) considerations by the ARC. In making the determination of the setting in which a student's IEP is to be implemented, the district must ensure:

- Special classes, separate schooling, or other removal from the regular education environment occurs only if education in the regular education environment with the use of supplementary aids and services cannot be satisfactorily achieved due to the nature or severity of the disability.
- A continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services
- A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Summary of KDE Team's Findings and District Compliance Status

The team reviewed current conference summaries and IEPs to ensure these regulatory requirements were met. Any concerns noted in this area are specified in the student-specific feedback below.

Table 1 on the following pages displays the results from the individual *Compliance Record Review Documents* used by the KDE Review Team to determine the status of the student records reviewed. See Appendix A at the end this report for a list of the items reviewed. Under separate cover the Director of Special Education will receive the names of each student in order to match the code used in the table with the student record.

Table 1 – *Compliance Record Review Results*
(See Following 3 Pages)

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Table I

Item	Student 1	Student 2	Student 3	Student 4	Student 5	Student 6	Student 7	Student 8	Student 9	Student 10
Disability	MMD	OHI	DD	MD	SLD	SL	OHI	VI	MMD	SLD
Referral	Referral	Re-Eval	Referral	Re-Eval	Re-Eval	Re-Eval	Re-Eval	Re-Eval	Re-Eval	Re-Eval
Complete or Review	Complete	Complete	Complete	Review	Complete	Complete	Review	Complete	Complete	Complete
52	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
53	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
61	No	NA	Yes	NA	NA	NA	NA	NA	NA	NA
61a	No	NA	Yes	NA	NA	NA	NA	NA	NA	NA
61a(1)	No		Yes							
61b	Yes	NA	Yes	NA	NA	NA	NA	NA	NA	NA
61b(1)	Yes		Yes							
61b(2)	Yes		Yes							
61b(3)	Yes		Yes							
61c	Yes	NA	Yes	NA	NA	NA	NA	NA	NA	NA
61c(1)	Yes		Yes							
61c(2)	Yes		Yes							
61c(3)	Yes		Yes							
62	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes
62(1)	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
62(2)	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes
62(3)	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes
63	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes
64	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes
65	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
66	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
67	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes
68	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes
69a	NA	NA	NA	No	NA	NA	No	NA	NA	NA
69a(1)				Yes			Yes			
69a(2)				No			No			
69a(3)				No			No			
69a(4)				Yes			No			
69b	NA	NA	NA	Yes	NA	NA	Yes	NA	NA	NA
69b(1)				Yes			Yes			
69b(2)				Yes			Yes			
Eligibility	Yes	No	Yes	No	No	Yes	No	No	No	No
Eligibility Concerns by Item Number		OHI 1,3		see notes	SLD 11b, 12a,b,c		OHI 3f,	Vi6	MMD 1,5	SLD 9
Items Found Non-Compliant	1	1	0	7	1	0	7	3	1	1
Items Found Compliant	10	9	11	5	9	10	5	7	9	9
Measured Items	11	10	11	12	10	10	12	10	10	10
Student Compliance Rate	90.91%	90.00%	100.00%	41.67%	90.00%	100.00%	41.67%	70.00%	90.00%	90.00%
Student Corrections Required?	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes

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Table 1 (Continued)

Item	Student 11	Student 12	Student 13	Student 14	Student 15	Student 16	Student 17	Student 18	Student 19	Student 20
Disability	FMD	MMD	SLD	EBD	FMD	SLD	AUT	SL	MMD	HI
Referral	Re-Eval	Re-Eval	Referral	Re-Eval	Re-Eval	Re-Eval	Re-Eval	Referral	Re-Eval	Re-Eval
Complete or Review	Review	Complete	Complete	Complete	Complete	Review	Review	Complete	Review	Complete
52	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
53	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	No
61	NA	NA	No	NA	NA	NA	NA	Yes	NA	NA
61a	NA	NA	No	NA	NA	NA	NA	Yes	NA	NA
61a(1)			No					Yes		
61b	NA	NA	Yes	NA	NA	NA	NA	Yes	NA	NA
61b(1)			Yes					Yes		
61b(2)			Yes					Yes		
61b(3)			Yes					Yes		
61c	NA	NA	Yes	NA	NA	NA	NA	Yes	NA	NA
61c(1)			Yes					Yes		
61c(2)			Yes					Yes		
61c(3)			Yes					Yes		
62	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
62(1)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
62(2)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
62(3)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
63	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes
64	No	Yes	Yes	Yes	Yes	No	No	Yes	No	No
65	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
66	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
67	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No
68	No	Yes	Yes	Yes	Yes	No	No	Yes	No	No
69a	No	NA	NA	NA	NA	No	No	NA	No	NA
69a(1)	Yes					Yes	Yes		Yes	
69a(2)	No					No	No		No	
69a(3)	No					Yes	No		Yes	
69a(4)	Yes					Yes	Yes		Yes	
69b	Yes	NA	NA	NA	NA	Yes	Yes	NA	Yes	NA
69b(1)	Yes					Yes	Yes		Yes	
69b(2)	Yes					Yes	Yes		Yes	
Eligibility	Yes	Yes	No	Yes	No	No	Yes	Yes	No	No
Eligibility Concerns by Item Number			SLD 3a,b		FMD 1,	SLD 7 a,b,c			MMD 1,5	HI 6,7
Items Found Non-Compliant	4	1	2	1	3	7	5	0	6	5
Items Found Compliant	8	9	9	9	7	5	7	11	6	5
Measured Items	12	10	11	10	10	12	12	11	12	10
Student Compliance Rate	66.67%	90.00%	81.82%	90.00%	70.00%	41.67%	58.33%	100.00%	50.00%	50.00%
Student Corrections Required?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes

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Table 1 (Continued)

Item	NA	Non-Compliant	Compliant	Measured Items	Percent Compliant	Types of Records by Disability	
						Disability	Count
52	0	1	19	20	95.00%	AUT	1
53	0	4	16	20	80.00%	DB	0
61	16	2	2	4	50.00%	DD	1
61a	16	2	2	4	50.00%	EBD	1
61a(1)	0	2	2	4	50.00%	FMD	2
61b	16	0	4	4	100.00%	HI	1
61b(1)	0	0	4	4	100.00%	MD	1
61b(2)	0	0	4	4	100.00%	MMD	4
61b(3)	0	0	4	4	100.00%	OHI	2
61c	16	0	4	4	100.00%	OI	0
61c(1)	0	0	4	4	100.00%	SL	2
61c(2)	0	0	4	4	100.00%	SLD	4
61c(3)	0	0	4	4	100.00%	TBI	0
62	0	4	16	20	80.00%	VI	1
62(1)	0	1	19	20	95.00%	TOTAL	20
62(2)	0	3	17	20	85.00%	Districtwide All Items Measured All Records	
62(3)	0	4	16	20	80.00%	Compliant Records	Items Measured
63	0	4	16	20	80.00%	160	Percent of Items Compliant
64	0	7	13	20	65.00%	216	74.07%
65	0	0	20	20	100.00%	Student Records 100% Compliant	
66	0	2	18	20	90.00%	Compliant Student Folders	Folders Reviewed
67	0	7	13	20	65.00%	3	Percent of Records Compliant
68	0	7	13	20	65.00%	20	15.00%
69a	14	6	0	6	0.00%		
69a(1)	0	0	6	6	100.00%		
69a(2)	0	6	0	6	0.00%		
69a(3)	0	4	2	6	33.33%		
69a(4)	0	1	5	6	83.33%		
69b	14	0	6	6	100.00%		
69b(1)	0	0	6	6	100.00%		
69b(2)	0	0	6	6	100.00%		
Eligibility	0	12	8	20	40.00%		

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Table 2 – Student Specific Feedback

Student Specific Feedback	
Student 1	Student file is not in compliance for evaluation and eligibility. Intervention documentation consisted of the area of reading only. Referral information not complete. Hearing, motor and communication screening information and student progress not completed. Adaptive Behavior Assessment completed by one teacher only.
Student 2	Student file is not in compliance in the area of eligibility. Student was determined eligible in the area of OHI. ARC considered MMD in the past, but felt OHI was appropriate category. Student's goals on IEP are academic, no vocational or social goals. SDI and accommodations are geared towards academics. There was a lack of data triangulation that ADHD has an adverse effect on the student's educational performance.
Student 3	Student file is in compliance with evaluation/eligibility and LRE requirements
Student 4	Student file is not in compliance. Primary disability does not match on Conference Summary (FMD) and IEP (MD). Student was found eligible under category of VI in 2008. No evaluation report found, nor documentation for cognitive scores to support change in disability category.
Student 5	Student file is not in compliance for eligibility. There was insufficient documentation of parent input. Specifically the parents were not present at the meeting and box was not checked that information was sent home on Conference Summary. There was also no signature sheet showing that each ARC member certifies that the report reflects their conclusion.
Student 6	Student file is in compliance with evaluation/eligibility and LRE requirements
Student 7	Student file is not in compliance with evaluation and eligibility requirements. There is limited assessment data including current classroom observations and assessment data and progress monitoring. Lack of data triangulation to determine if disability has an adverse effect on the student's educational performance.

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Student Specific Feedback	
Student 8	Student file is not in compliance. There was insufficient documentation of parent input. Specifically, the parents were not present at the meeting and box was not checked that information was sent home on Conference Summary. In addition, there was no documentation of classroom observations.
Student 9	Student file is not in compliance in the area of eligibility. During the initial evaluation the student's adaptive score was not two standard deviations below the mean. During the reevaluation process the student still had an adaptive score that was not two standard deviations below the mean. The final evaluation had only 1 adaptive score. The last adaptive score was two standard deviations below the mean.
Student 10	Student file is not in compliance with evaluation and eligibility requirements. Data and on-going progress monitoring were not included for research based interventions that were implemented.
Student 11	Student file is not in compliance with evaluation and eligibility requirements. There is lack of documentation and evidence of behavior observations during the reevaluation process.
Student 12	Student file is not in compliance with evaluation requirements. There is no documentation that supports parental input was given and considered by the ARC.
Student 13	Student file is not in compliance with evaluation and eligibility requirements. No vision and hearing screening conducted
Student 14	Student file is not in compliance in the area of LRE. The LRE statement does not provide adequate justification for placement decision. LRE statement placed child on homebound services, however, the IEP states service is only 1 time a week and per home/hospital regulations 704 KAR 7:120 services must be provided at a minimum of two, one hour visits per week if homebound.

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Student Specific Feedback	
Student 15	Student file is not in compliance with evaluation and eligibility requirements. Student's eligibility was changed from DD to FMD. Only one adaptive assessment was completed which was 59, not three standard deviations below the mean. Cannot find documentation of previous assessment. Conference summary states "see notes" for parental input however notes state that parent did not attend the meeting.
Student 16	Student file is not in compliance with evaluation and eligibility requirements. Reevaluation was based on a review of records and current data; however no current classroom observations were documented. LRE placement options and harmful effects were not documented on most current conference summary dated for October 2011.
Student 17	Student file is not in compliance with evaluation requirements. Reevaluation was based on a review of records. There was no documentation of current classroom assessment data and classroom observations.
Student 18	Student file is in compliance with evaluation/eligibility and LRE requirements
Student 19	Student file is not in compliance with evaluation and eligibility requirements. The student was determined eligible for special education services under the category of MMD at the initial evaluation when he was 6 years old. In the next two reevaluations the student had cognitive scores in the mid to upper 70 range. No adaptive scores were present in the file. The most recent reevaluation was a review of records. At this time the ARC determined continued eligibility for MMD services. The student did not meet requirements for MMD eligibility which includes; student did not have a full scale IQ of at least 2 standard deviations below the mean and be at least two standard deviations below the mean in adaptive behavior.
Student 20	Student file is not in compliance with evaluation and LRE requirements. There is a lack of documentation and evidence of behavior observations during the reevaluation process. The LRE statement does not provide adequate justification for placement decision. The Conference Summary was not found for reevaluation meeting.

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The district is cited relative to student-specific violations related to placement decisions/LRE (707 KAR 1:350)

The district is cited relative to student-specific violations related to evaluation/reevaluation (707 KAR 1:300).

The district is cited relative to student-specific violations related to determination of eligibility (707 KAR 1:310).

Corrective Action Plan Requirements

707 KAR 1:380 specifies that, after an off-site or on-site review, KDE must issue a written report. Deficiencies (instances of noncompliance) specified in the report shall be the basis for the district to develop a Corrective Action Plan (CAP) for review and approval by KDE. The district has the opportunity to submit additional information or to verify or clarify issues related to the report (prior to the development of the CAP).

Each CAP must be monitored and enforced by KDE.

The district must submit its CAP to KDE no later than 30 business days after the district receives the report. Business day means Monday through Friday except for federal and state holidays as defined by 707 KAR 1:002 (6).

The CAP must include:

- A statement of the matter to be corrected
- The steps the LEA shall take to correct the problem and document compliance

DLS will send a CAP template to the Director of Special Education for development of the district's CAP.

Within 30 business days of receiving the CAP, KDE must notify the district of the status of the CAP. If KDE rejects the CAP, the district has up to 15 business days to submit a new CAP. A CAP, once approved by KDE must be monitored and is an official document requiring the district to meet the specified activities.

KDE will not initiate further sanctions during the time period specified in the CAP unless requested by the district. Any noncompliance found during monitoring must be corrected within one year. The U.S. Department of Education's Office of Special Education Programs (OSEP) specifies the one-year timeline runs from the date KDE notifies the district in writing of the noncompliance until KDE notifies the district in writing that the noncompliance has been corrected.

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Student Level and Systemic Noncompliance

KDE tracks findings of noncompliance and requires correction at the individual student level as required by OSEP. KDE also looks for compliance at a systemic level. For the purposes of KDE monitoring, *systemic* means findings of noncompliance where related issue(s) are occurring more than once. Examples might include:

- Noncompliance across disability categories where documentation of interventions and appropriate research-based instruction did not occur prior to referral.
- The use of only one classroom behavior observation (subsequent to September 7, 2010).

In cases where systemic noncompliance is noted, the district must not only correct the individual student files as necessary, but must also determine the cause(es) for the noncompliance and take steps in the CAP to correct these issues.

Table 3 below includes any student-specific issues that must be addressed through the CAP process. Table 4 includes any systemic issues that must also be addressed.

The district shall be required to submit corrective action plan status reports using the space provided in the electronic CAP template on a quarterly basis to the DLS Team Leader. It is strongly recommended that the district submit copies of student-specific corrections as they occur in order for the team leader to review and provide timely feedback to the district.

Table 3

Required Student-Specific Corrective Action, if Applicable	
Student 1	The ARC must convene to review all documentation including: recent evaluations, classroom work samples/observations, teacher input, progress monitoring, and Hearing, Motor, and Communication screening information to determine if student meets eligibility requirements.
Student 2	The ARC must convene to review all documentation including: recent evaluations, current classroom work samples/observations, teacher input, and progress monitoring to determine appropriate disability category for student.
Student 3	None required.
Student 4	The ARC must convene to determine if reevaluation is needed, If necessary plan and conduct further assessments to determine appropriate eligibility.
Student 5	The ARC must convene to review all documentation and must include parent input.

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Required Student-Specific Corrective Action, if Applicable	
Student 6	None required.
Student 7	The ARC must convene to review all documentation, If necessary plan and conduct further assessments to determine eligibility and adverse effect.
Student 8	The ARC must convene to review all documentation, If necessary plan and conduct further assessments and must include parent input.
Student 9	The ARC must convene to plan and complete a full evaluation to determine if student meets eligibility requirements.
Student 10	The ARC must convene to review all documentation including: progress monitoring to determine appropriate disability category for student.
Student 11	The ARC must convene to review all documentation including: current classroom observations to determine appropriate disability category for student.
Student 12	The ARC must convene to review all documentation, If necessary plan and conduct further assessments and must include parent input.
Student 13	The ARC must convene to review all documentation including: vision and hearing screening to determine appropriate disability category for student.
Student 14	The ARC must convene to determine appropriate placement with documentation of justification for accepting or rejecting placement options. The ARC must also determine service minutes in compliance with home/hospital regulations.
Student 15	The ARC must convene to review all documentation, If necessary plan and conduct further assessments to determine eligibility. Documentation must include parent input.

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Required Student-Specific Corrective Action, if Applicable	
Student 16	The ARC must convene to review all documentation including: current classroom observations to determine appropriate disability category for student. The ARC must also determine appropriate placement with documentation of justification for accepting or rejecting placement options.
Student 17	The ARC must convene to review all documentation including: current classroom observations to determine appropriate disability category for student.
Student 18	None required.
Student 19	The ARC must convene to plan and complete a full evaluation to determine if student meets eligibility requirements.
Student 20	The ARC must convene to review all documentation including: current classroom observations to determine appropriate disability category for student. The ARC must also determine appropriate placement with documentation of justification for accepting or rejecting placement options.

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Table 4

Required Corrective Action Steps to Address Systemic Noncompliance, if Applicable
<p>Prior to the correction of individual student files, the district must obtain KDE-approved training for all ARC chairpersons, evaluation personnel, special education teachers, and related service providers to cover the following areas:</p> <ul style="list-style-type: none">• Requirements, Consideration, and Documentation of Least Restrictive Environment (LRE)• Evaluation and Eligibility Requirements including:<ul style="list-style-type: none">○ Adverse Effect○ Documenting research-based interventions <p>All ARC chairpersons, evaluation personnel, special education teachers, and related service providers must receive KDE approved training on the Districts policies and procedures for the referral system.</p> <p>The training(s) must be conducted and evidence provided to KDE no later than September 15, 2012.</p>
<p>The district must develop and implement a system to ensure ARCs are considering and documenting Evaluation and Eligibility requirements specifically when a review of records is conducted for a reevaluation. A summary of the system must be submitted to KDE no later than October 15, 2012.</p> <p>The district must conduct random record reviews of no less than 10% of the special education enrollment. A summary of record reviews and corrections of noncompliance must be provided to KDE quarterly until the CAP has been deemed as completed by KDE.</p>