



## Critical Fact Sheet

*A Publication of the Office of Special Education and Early Learning*

### **My District has an IDEA Corrective Action Plan (CAP), Now What?**

The Individuals with Disabilities Education Act (IDEA) requires State Education Agencies (SEAs) such as the Kentucky Department of Education (KDE) to oversee IDEA compliance by school districts within the states. The oversight mandate is known as the IDEA “general supervision” requirement. The states’ general supervision authority requires SEAs to ensure that each student with an IEP within the state receives a Free Appropriate Public Education (FAPE).

The KDE exercises its general supervision responsibilities, including monitoring, for all public agencies involved in the provision of special education and related services. To meet this requirement, the KDE conducts monitoring activities to identify and correct non-compliance at the individual student level and systems level. When noncompliance is identified, a corrective action plan (CAP) will be developed by the district outlining activities to address the area(s) of noncompliance. Each planned activity will specify action steps, person(s) responsible, evidence to be provided and a due date. Approval, implementation and closure of CAP activities will be the responsibility of designated KDE staff within the Division of IDEA Monitoring and Results. Regardless of the specific level of noncompliance, the noncompliance must be corrected as soon as possible, but in no case more than one year from identification.

#### [OSEP Memo 09-02 Timely Corrections of Non-Compliance](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep09-02timelycorrectionmemo.pdf)

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#### Basic timeline for Monitoring:

- 1) Report of Findings sent to the district
  - a. District has 10 business days to provide additional information or clarify issues
  - b. KDE has 10 business days to review and inform the district of any changes to the report
  - c. District submits a CAP and root cause analysis within 30 business days from the Report of Findings (this timeline is concurrent with the 10-10 clarification period)
  - d. KDE approves or returns the CAP draft for corrections within 30 business days from the Report of Findings
  - e. District has 15 business days to make corrections to the CAP
  - f. KDE approval of CAP
    - i. Systemic change
    - ii. Student specific corrections



- g. One year timeline begins with the Report of Findings Date
- 2) District submits reports and evidence to KDE in accordance with CAP
  - 3) KDE provides feedback following each district report
  - 4) Verification of compliance--Comparison files are based on level of compliance chart

Level of Compliance (per Issue)	Number of Identified IDEA Students (in area reviewed)	Number of Comparison Files to Review (per issue)
100%	NA	0
90-100%	100 or less	3
	101-1,000	10
	1,001 or more	20
0-89%	100 or less	10
	101-1000	20
	1,001 or more	30

**Note:** “Issue” refers to areas of concern and not each individual item marked “NO” during a record review. For example, Blue County School District has:

- Child Count of 595 students.
- 60 student IEPs reviewed for the OSEP Related Requirements pertaining to suspensions and expulsions, 49 IEPs were found in compliance, resulting in a compliance rate of 49/60 or 82%

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