

The background of the slide is a composite image. The top left shows a line of yellow school buses with "SCHOOL BUS" written on their sides. The bottom left shows a classroom with blue walls, decorated with colorful balloons and framed pictures. Several desks and chairs are arranged in the room.

# Kentucky Educational Collaborative for State Agency Children (KECSAC) Monitoring

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# Kentucky's Obligation to Monitor Special Education Programs

- Each state must have a General Supervision System to monitor the implementation of the Individuals with Disabilities Education Act (IDEA) within its public agencies including local school districts.
- The General Supervision System documents the state's accountability for enforcing the implementation of IDEA and ensuring continuous improvement with a particular emphasis on those requirements most related to improving educational results for children with disabilities ([34 CFR § 300.600](#)).

# Free Appropriate Public Education (FAPE)

- Both Kentucky regulation [[707 KAR 1:290, Section 1\(1\)](#)] and federal regulation [[34 CFR § 300.101](#)] require state agencies including local school districts to make available a free appropriate public education (FAPE) to children with disabilities.
- Kentucky regulation additionally specifies that “state agencies charged with the responsibility of providing educational services to children with disabilities within their care shall provide those services in accordance with [707 KAR Chapter 1.](#)”

# OSEP Guidance

- Office of Special Education Programs (OSEP) emphasizes two main points:
  - “Absent a specific exception, all IDEA protections apply to students with disabilities in correctional facilities and their parents.”
  - “*Every agency at any level of government that is involved in the provision of special education and related services to students in correctional facilities must ensure the provision of FAPE, even if other agencies share that responsibility.*” (Emphasis added.)

[Dear Colleague Letter on the IDEA for Students with Disabilities in Correctional Facilities](#)

# Prior to the Onsite Monitoring Visit

- Monitoring of KECSAC facilities occurs on a cyclical basis.
- The district and state agency facility being monitored will receive a notification letter two weeks prior to the onsite monitoring visit.
  - The letter will explain what documentation will need to be provided to the monitoring team prior to the visit.
- Prior to the onsite monitoring visit, the monitoring team will complete desk reviews of student special education records.
- The monitoring team lead will work with district and facility leadership to develop a staff interview and facility walkthrough schedule.

# During the Onsite Monitoring Visit

- The monitoring team will meet with facility and district staff upon arrival.
- Following the established interview and walkthrough schedule, the monitoring team will meet with staff members and complete an educational program walkthrough.
- If any additional documentation is needed to complete the desk reviews of student special education records, staff will have an opportunity to provide that documentation to the monitoring team.

# After the Onsite Monitoring Visit

- Following a monitoring review, the Office of Special Education and Early Learning (OSEEL) issues a written report of findings to the district's superintendent and director of special education and the facility's program administrator.
- The report of findings includes strengths of the district and facility as well as any IDEA violations discovered during the review.
- OSEEL provides the district and state agency facility with 10 business days to submit additional information to verify or clarify issues identified in the report of findings.

# Noncompliance

- Violations found in a facility's due process files totaling less than a 95% compliance rate are **systemic**.
  - If noncompliance found in one file yields less than 95% compliance, then two files must be documented noncompliant in order to determine systemic noncompliance.
- As specified in [OSEP Memorandum 09-02](#), OSEEL requires documentation of both systemic correction and individual (student specific) correction of noncompliance.



# Corrective Action Plan (CAP)

- If IDEA noncompliance is found during a monitoring review, the district and facility develop a CAP to address the noncompliance.
- The district and facility design the CAP to address any identified noncompliance and outline technical assistance (TA) and supports the district and facility select.
- The district sends CAP to the OSEEL for review and approval.

# CAP Activities

- CAP activities to address systemic noncompliance may include:
  - targeted training for staff;
  - development of record reviews;
  - revision of existing policies or procedures to address areas of noncompliance; or
  - other activities designed to correct the noncompliance and prevent reoccurrence.
- All student specific noncompliance must be corrected as part of CAP.

# CAP Closure Timeline

According to [34 CFR § 300.600](#) State Monitoring and Enforcement, “the state must ensure that any noncompliance is corrected **as soon as possible**, but in **no case more than one year** from identification” (emphasis added). Before OSEEL can conclude and report that noncompliance has been corrected, it must first verify that the local school district and facility:

- have corrected each individual case of noncompliance, and
- are systemically in compliance with the specified regulatory requirements (i.e., subsequently achieved 100% compliance), based on the OSEEL review of updated data.

# Contact Information



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*Thank You!*



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