



New Jersey Department of Education

Office of Special Education



IDEA Part B Monitoring Protocols: A Guide for Local Education Agencies

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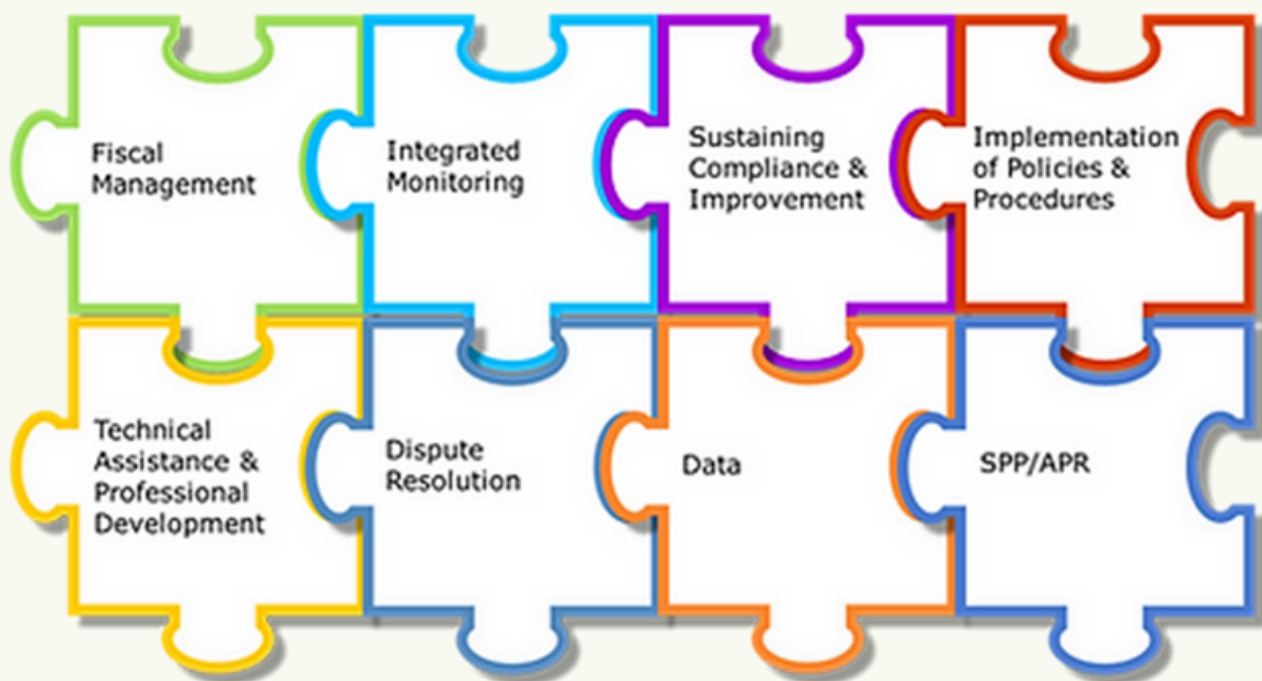
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Introduction

Under the Individuals with Disabilities Education Act (IDEA), states are required to implement a system of general supervision designed to improve outcomes for students with disabilities and ensure LEA compliance. A robust system of general supervision addresses the fiscal, regulatory and program development requirements of the IDEA listed below.

IDEA General Supervision Requirements



To ensure compliance with the Integrated Monitoring requirement, the Office of Special Education (OSE) has instituted a six-year monitoring cycle. OSE monitoring activities are tiered to provide appropriate support to LEAs based on need. All LEAs will participate in Tier One Desk Monitoring, which consists of an LEA-led review of student records and special education policies and procedures. The results of the desk monitoring will be combined with established risk assessment criteria to identify LEAs who will participate in Tier Two Onsite Monitoring. OSE has identified the following as monitoring priority areas:

- Least Restrictive Environment (LRE)
- IEP components
- IEP implementation
- Evaluation Processes
- Dynamic Learning Maps (DLM)
- Age 16 Transition
- Discipline
- Restraint and Seclusion



Guiding Federal and State Regulations

1. Establish requirements for state monitoring, enforcement, and annual reporting.

The State must monitor the implementation of Part B, enforce Part B in accordance with the provisions at 34 CFR 300.604(a)(1), and (a)(3), (b)(2)(i) and (b)(2)(v), and (c)(2), and annually report on performance under Part B.

The primary focus of the State's monitoring activities must be on:

- Improving educational results and functional outcomes for all children with disabilities; and
- Ensuring that public agencies meet the program requirements under Part B of the Act, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

As a part of its responsibilities under 34 CFR 300.600(a), the State must use quantifiable indicators and such qualitative indicators as are needed to adequately measure performance in the priority areas identified in 34 CFR 300.600(d), and the indicators established by the Secretary for the State performance plans.

The State must monitor the local educational agencies (LEAs) located in the State, using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- Provision of a free appropriate public education (FAPE) in the least restrictive environment (LRE).
- State exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in 34 CFR 300.43 and in 20 U.S.C. 1437(a)(9).
- Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

Guiding Federal and State Regulations



[34 CFR 300.600] [20 U.S.C. 1416(a)]

In accordance with OSEP QA 23-01 issued by the United States Department of Education in July 2023, the OSE is entering into a new cycle of special education program monitoring where all Local Education Agencies (LEAs) located in the State will be monitored. This monitoring will ensure that the OSE fulfills its General Supervision requirements under the IDEA.

N.J.A.C. 6A:14 Requirements

6A:14-9.1(a) The Department of Education shall monitor all programs and services required by this chapter for compliance with New Jersey statutes, the New Jersey Administrative Code, the approved special education plan and Federal requirements under the Individual with Disabilities Education Act (IDEA)

1. The monitoring process shall include, but is not limited to, review of:
 - i. Provision of a free, appropriate public education in the least restrictive environment
 - ii. Provision of transition services
 - iii. Disproportionate representation of racial and ethnic groups in special education and related services, to the extent such representation is the result of inappropriate identification

6A:14-9.1(b) The monitoring procedures may include, but are not limited to:

1. A record review conducted by the LEA being monitored
2. Review of data, reports and student records
3. On-site visits
4. Comparison of a sample of individualized education programs with the program and services provided
5. Development of an improvement plan by the LEA being monitored to address areas of noncompliance identified during the self-assessment
6. Audit of Federal and State funds

Cohort Selection and Monitoring Timeline



All LEAs will participate in comprehensive monitoring activities once every six years. The new monitoring cycle will begin in Fall 2023 and continue through 2031. The table below outlines the six-year cycle. Cohorts are selected to ensure representativeness. A list of cohorts can be found on the [OSE Monitoring website](#) (Accountability and Quality Improvement).

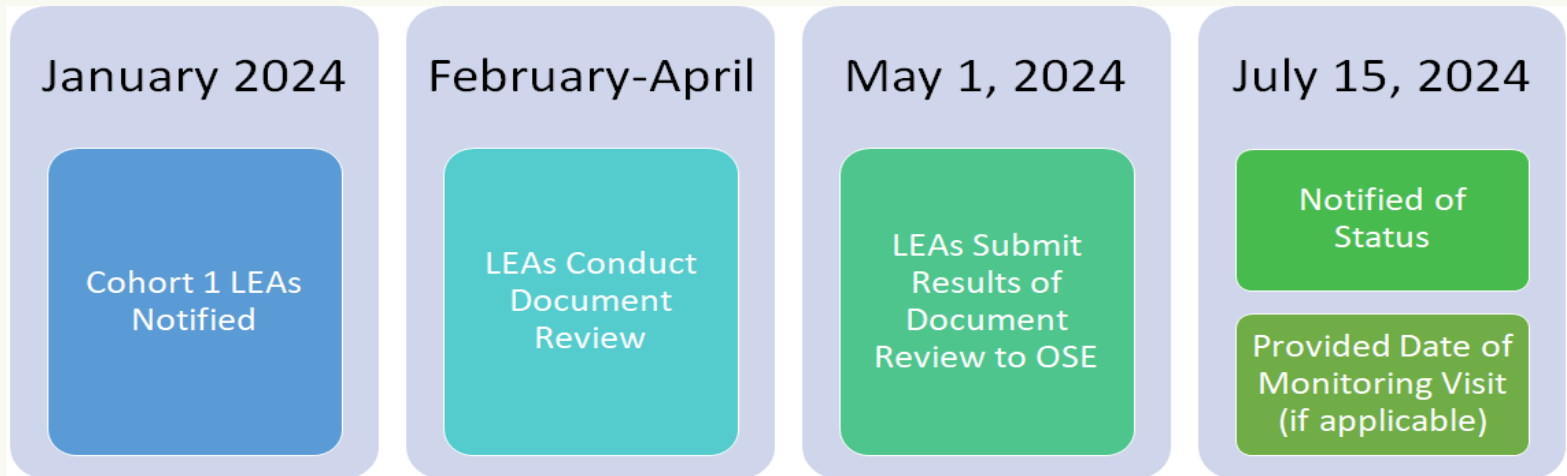
	2023-2024	2024-2025 Year 1	2025-2026 Year 2	2026-2027 Year 3	2027-2028 Year 4	2028-2029 Year 5	2029-2030 Year 6	2030-2031
Complete Desk Monitoring	Cohort 1 (spring 2024)	Cohort 2 (fall 2024)	Cohort 3 (fall 2025)	Cohort 4 (fall 2026)	Cohort 5 (fall 2027)	Cohort 6 (fall 2028)		
Onsite Monitoring		Cohort 1	Cohort 2	Cohort 3	Cohort 4	Cohort 5	Cohort 6	
Verification Activities			Cohort 1	Cohort 2	Cohort 3	Cohort 4	Cohort 5	Cohort 6

States must monitor implementation of IDEA Part B requirements, with a primary focus on improving educational results and functional outcomes for all children with disabilities and ensuring LEAs meet the Part B program requirements.

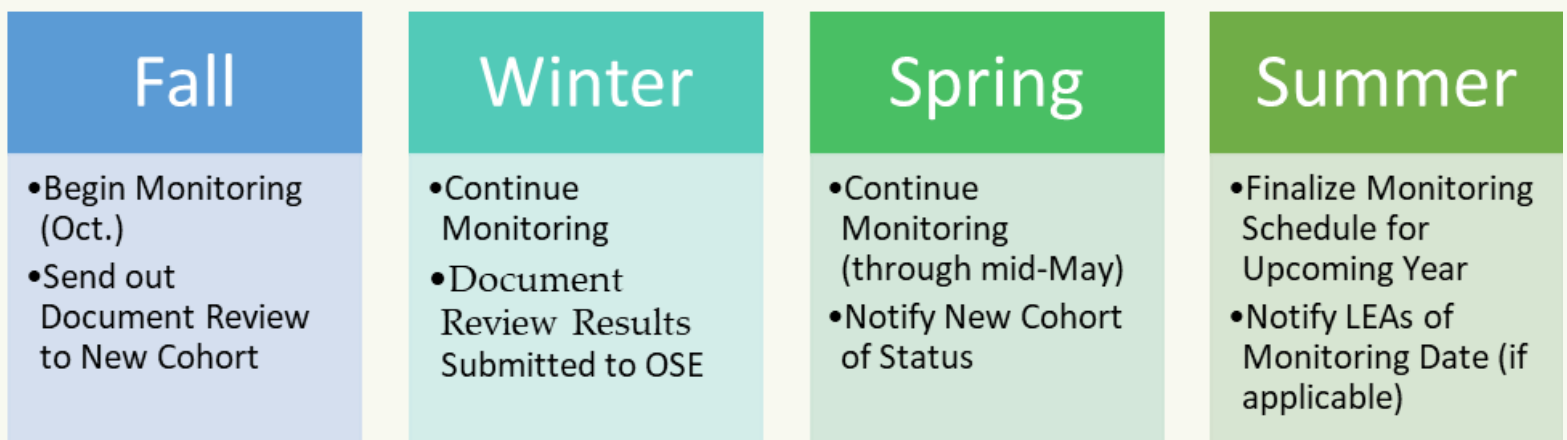


Monitoring Cycle

Cohort One LEAs will participate in monitoring activities according to following timeline:



Subsequent Cohorts will adhere to the following timeline:



Tier One Desk Monitoring



Identification Letter

An Identification Letter will be provided to all LEAs via email. The letter will contain information on the monitoring process, including file selection and review, submission of required documents to OSE, timelines and due dates, and contact information. A sample identification letter can be found on the [OSE Monitoring website](#) (Accountability and Quality Improvement).

Document Review Process

LEAs will review no more than 31 student records as part of Tier One Desk Monitoring. Document review consists of two parts: A review of OSE selected student records and a review of LEA-selected student records.



OSE Selected Records

In addition to six student ID numbers for DLM (three English language arts and three math), the LEA will be provided with the student ID (SID) numbers and will target the following areas:

Monitoring Priority Area	Number of OSE Selected Files
LRE, IEP Components, and IEP Implementation	9
Age 16 Transition	4
Discipline	3
Restraint and Seclusion	3



Tier One Desk Monitoring, Cont.



LEA Selected Records

The LEA will self-select six additional student records to review as part of Tier One Desk Monitoring. The focus of this record review are evaluation processes and LEAs must review:

- Three (3) initial evaluations completed within the last six months for students eligible for special education and related services.
- Three (3) reevaluations completed within the last six months for students eligible for special education and related services.

Data Collection Form

LEAs will complete DCFs for each OSE and LEA selected student record. All sections of the DCF must be completed for each student. In the event a section of the record review does not apply to a specific student, a recording of N/A (not applicable) is expected. A copy of the DCF can be found on the [OSE Monitoring website](#) (Accountability and Quality Improvement).

It is recommended that the LEA compile a team to conduct the review of the files and the policies and procedures. OSE recommends the following individuals be a part of the review team:

- Special education leadership
- Teaching staff from general education and special education
- Child study team members, including speech and language professionals
- Related services providers
- General education leadership





Tier One Desk Monitoring, Cont.

Review of Tier One Desk Monitoring Submission

Upon submission of the record review, the LEA documents and responses will be reviewed. OSE special education monitors will verify all information submitted by the LEA and the findings will be combined with established risk assessment criteria to inform identification of LEAs for Tier Two Onsite Monitoring. LEAs will be notified in writing of the results of the review.

Resources

[NJDOE Office of
Special Education](#)

[USOSEP General
Supervision Guidance](#)



Risk Assessment



Specific outcome and compliance date, referred to as risk factors, are used to determine an LEA's level of need. Risk factors are assigned point values and represent OSE and USOSEP priority areas. The risk factors are not static and may be revised for each cohort as deemed appropriate.

Data sources for risk factors include LEA-reported information and data compiled by NJSMART, EdFacts, SSDS and/or information collected by Office of Special Education staff. The risk assessment results produce a numerical risk score that separates LEAs into two tiers, tier one receives a desk audit and tier two LEAs receive a full onsite monitoring. An LEA's overall risk level assignment may be adjusted; however, changes are made on a case-by-case basis and are dependent on unique circumstances. The risk assessment can be found on the [OSE Monitoring website](#) (Accountability and Quality Improvement).

The application of the risk assessment results in one of two outcomes:

1. Participation in Tier One Desk Monitoring only. LEAs will receive a report of findings and any required corrective action, a timeline for completion of all activities.
2. Participation in Tier Two Onsite Monitoring.



Tier Two Monitoring



Tier Two Onsite Monitoring includes:

- a review of additional student files;
- a review of policies and procedures;
- staff interviews;
- classroom observations; and
- parent interviews.

LEAs who are selected for Tier Two Onsite Monitoring will be notified and a site visit will be scheduled for the upcoming school year. The OSE monitors will request additional information and student records prior to the scheduled site visit.



**LEAs Selected
for Tier Two
Onsite
Monitoring will
be Notified by
the monitor.**



Monitoring Reports

Upon completion of Tier One Desk Monitoring or Tier Two Onsite Monitoring, a monitoring report will be issued to the LEA within 30 calendar days. The monitoring report contains detailed descriptions of findings of noncompliance and required corrective action activities to demonstrate compliance. LEAs are provided on-going technical assistance (monthly or bi-monthly visits, phone and electronic communication, as needed) to assist the district in developing strategies for long-term, sustainable change.

Verification activities to ensure individual and systemic instances of noncompliance have been corrected are conducted by OSE staff. Verification activities may include site visits, interviews, classroom observations, and file review. In accordance with USOSEP Memo 23-01, all instances of noncompliance will be corrected within one year from reporting. An LEA will be determined compliant when it has made systemic changes to produce compliance moving forward and has also corrected student level noncompliance.

In the event the LEA is unable to effectively address noncompliance within a year from the date of the report, the OSE may impose sanctions on the LEA. These sanctions may include:

- Impact on annual LEA determinations;
- Additional corrective action;
- Provision of targeted technical assistance;
- Withhold IDEA funds, in whole or in part, until the noncompliance is corrected;
- Conditions placed on federal funds;
- Designate funds for specific activities;
- Referral to the New Jersey Attorney General's Office;
- Request of an audit of the LEA's financial records; and,
- Other sanctions, as appropriate.



Contact Us



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Visit the [OSE Website](#)