

Special Education Compliance Report

Pursuant to R.S. 17:1942.1

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Introduction and Authority

Louisiana Department of Education’s (LDOE) general supervision system is an integrated system of oversight and support intended to:

1. ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs;
2. ensure that the rights of children with disabilities and their parents or guardians are protected;
3. assist states, localities, educational service agencies, and federal agencies to provide for the education of all children with disabilities; and
4. assist and ensure the effectiveness of efforts to educate children with disabilities leading to improved outcomes.

The LDOE’s general supervision system includes eight components designed as an interconnected system ensuring compliance and driving Louisiana toward expectations regarding federal and state requirements:

1. Louisiana’s State Performance Plan/Annual Performance Report (SPP/APR)
2. Special Education Policies and Procedures
3. Fiscal Management and Monitoring
4. Federal and State Data Collection and Reporting
5. Integrated Monitoring
6. Dispute Resolution
7. Improvement, Correction, Incentives and Sanctions
8. Integrated Technical Assistance and Professional Development

LDOE’s policies regarding the provision of a free appropriate public education (FAPE) to students with disabilities are included in the state [bulletins](#) specific to special education . There are additional state policies that also intersect with special education; for example, another bulletin includes certification requirements that include qualifications of special educators. Local Education Agencies (LEAs) must have policies and procedures consistent with the Individuals with Disabilities Education Act (IDEA) and state bulletins and sign annual assurances that those are in alignment with federal and state regulations.

Relevant Board of Elementary and Secondary Education (BESE) Policy Bulletins
<i>Bulletin 746 - Louisiana Standards for State Certification of School Personnel (Bulletin 746)</i>
<i>Bulletin 1508 - Pupil Appraisal Handbook (Bulletin 1508)</i>
<i>Bulletin 1530 - Louisiana’s IEP Handbook for Students with Exceptionalities (Bulletin 1530)</i>
<i>Bulletin 1573 - Complaint Management Procedures (Bulletin 1573)</i>
<i>Bulletin 1706 - Regulations for the Implementation of the Children with Exceptionalities Act (Bulletin 1706)</i>
<i>Bulletin 1903 - Louisiana Handbook for Students with Dyslexia (Bulletin 1903)</i>
<i>Bulletin 1922 - Compliance Monitoring Procedures (Bulletin 1922)</i>

Improvement, correction, incentives, and sanctions are all intended to improve outcomes for students with disabilities and ensure compliance. *Bulletin 1922* outlines actions LDOE may take. There is cross-office integration between the legal office, data and assessment analysis, monitoring, and the special education team where targeted needs may be identified as a result of various reviews. If LDOE issues a finding of noncompliance for an LEA, the LEA must correct the noncompliance, as soon as possible, but no later than one year from the date of notification. The LEA may be required to develop a Corrective Action Plan (CAP), or a Special Master may be assigned to the LEA to assist with correction and improvement. LDOE policy states funds may be directed to address specific concerns, or funding may be withheld following a required hearing by the Board of Elementary and Secondary Education (BESE). LDOE also uses incentives like competitive funding opportunities and leveraging state The Individuals with Disabilities Education Act (IDEA) set-aside dollars to offer additional opportunities to school systems with accountability labels.

Overview of IDEA and Students with Disabilities in Louisiana

IDEA is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children.

The IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 8 million (as of school year 2022-2023) eligible infants, toddlers, children, and youth with disabilities nationwide. Infants and toddlers, birth through age 2, with disabilities and their families receive early intervention services under IDEA Part C. Children and youth ages 3 through 21 receive special education and related services under IDEA Part B.

Additionally, the IDEA authorizes:

- [Formula grants](#) to states to support special education and related services and early intervention services.
- [Discretionary grants](#) to state educational agencies, institutions of higher education, and other nonprofit organizations to support research, demonstrations, technical assistance and dissemination, technology development, personnel preparation and development, and parent-training and -information centers.

The LDOE publishes a parent handbook referred to as the Louisiana Educational Rights of Children with Disabilities. These Special Education Processes and Procedural Safeguards help parents navigate the complex system that oversees special education in Louisiana's public schools. Each school year, local education agencies are required to provide parents with a copy of the procedural safeguards. This handbook is a notification to parents of their procedural safeguards. These safeguards are used to inform parents of the supports, services, and protections offered by the local public school system. Additionally, the procedural safeguards guarantee students and parents under the law ways to resolve disagreements regarding the child's special education and related services.

As of October 1, 2022, Louisiana serves 90,331 students with disabilities. The following compliance data will reflect data and information from the 2022-2023 school year.

Summary of Findings

SPP/ARP Compliance Indicator

The State Performance Plan/Annual Performance Report (SPP/APR) is the state’s improvement plan for special education and evaluates performance annually. The state must report on the seventeen federal indicators required by the Office of Special Education Programs (OSEP) within the SPP/APR.

Compliance Indicators	Results Indicators
<ul style="list-style-type: none"> ● Disproportionate Representation ● Disproportionate Representation in Specific Disability Categories ● Child Find ● Early Childhood Transition ● Secondary Transition 	<ul style="list-style-type: none"> ● Assessment (Participation, Proficiency, Gap in Proficiency) ● Graduation Rate ● Dropout Rate ● Parent Involvement ● Post-School Outcomes ● Educational Environments ● Preschool Environments ● Preschool Outcomes

The plan is centered on stakeholder feedback and targets are set alongside the Special Education Advisory Panel (SEAP). LDOE is committed to communicating the SPP/APR annually to stakeholders, including SEAP, special education leaders, and system leadership teams. In alignment with the seventeen SPP/APR indicators, LDOE issues annual LEA determinations, which include data on child outcomes, graduation rates, dropout rates, least restrictive environment, achievement/assessment results, and postsecondary outcomes. LEA determinations use the same OSEP categories as state determinations. LDOE posts its [annual determination](#) on the website each summer and provides LEA determinations through a secure portal and posts online LEA Performance Profiles.

Below are the latest results on the compliance indicators included in the SPP/APR:

Disproportionate Representation

Number of districts with disproportionate representation of racial/ethnic groups in special education and related services	Number of districts with disproportionate representation of racial/ethnic groups in special education and related services that is the result of inappropriate identification	Number of districts that met the State's minimum n and/or cell size	FFY 2021* Data	FFY 2022* Target	FFY 2022 Data	Status	Slippage
30	0	140	0.00%	0%	0.00%	Met target	No Slippage

Disproportionate Representation in Specific Disability Categories

Number of districts with disproportionate representation of racial/ethnic groups in specific disability categories	Number of districts with disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification	Number of districts that met the State's minimum n and/or cell size	FFY 2021 Data	FFY 2022 Target	FFY 2022 Data	Status	Slippage
84	0	115	0.00%	0%	0.00%	Met target	No Slippage

Child Find

(a) Number of children for whom parental consent to evaluate was received	(b) Number of children whose evaluations were completed within 60 days (or State-established timeline)	FFY 2021 Data	FFY 2022 Target	FFY 2022 Data	Status	Slippage
17,893	17,652	99.56%	100%	98.65%	Did not meet target	No Slippage

Early Childhood Transition

Measure	Numerator	Denominator	FFY 2021 Data	FFY 2022 Target	FFY 2022 Data	Status	Slippage
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	1,001	1,013	83.15%	100%	98.82%	Did not meet target	No Slippage

Secondary Transition

Number of youth aged 16 and above with IEPs that contain each of the required components for secondary transition	Number of youth with IEPs aged 16 and above	FFY 2021 Data	FFY 2022 Target	FFY 2022 Data	Status	Slippage
487	620	98.38%	100%	78.55%	Did not meet target	Slippage

*FFY 2021 - Reporting on 2021-2022 school year.

*FFY 2022 - Reporting on 2022-2023 school year.

Risk-Based Monitoring Activities

The LDOE recognizes its duty to ensure statutory and regulatory requirements related to federal education programs are followed and program activities, supports, and services are achieving intended outcomes. The LDOE's Division of Statewide Monitoring monitors the IDEA programs using a model of Continuous Improvement Monitoring. The model is a 3-prong cohesive and integrative monitoring model that includes risk-based monitoring which now includes complaints, SPP/APR reporting, fiscal monitoring, and the management of results at each level. The process utilizes a tiered system of rank through the stakeholder-approved risk-based selection process. This allows for a deeper dive into data, and more diverse, meaningful monitoring experiences. Through this process, LDOE is more apt to determine the root cause for systemic issues of non-compliance. The risk-based process evaluates every school system every year for monitoring support. Risk indicators are determined through consultation with stakeholders, experts, and LDOE staff who lead the State's academic, accountability, and program support structures. Factors considered during the monitoring selection process currently include a growth analysis component for subgroup performance on statewide assessments, and graduate and dropout rates. Other factors include LEA Determinations, federally required compliance indicators, performance indicators, state complaints, fiscal audits, and/or other agency-established goals and priorities such as those identified in the State Systemic Improvement Plan (SSIP). Results from the ranking process inform the level and type of monitoring which is most appropriate.

Risk-Based Monitoring Results	
Number of school systems monitored	88
• Desk Review	7.9%
• On-site	34.3%
• Self-assessment monitoring	35.2%
Number of school systems requiring Corrective Action Plan (CAP)	7
Number of school systems requiring an Intensive Corrective Action (iCAP)	0

Fiscal Monitoring Activities

Annually, LDOE receives federal funds to provide special education and related services to children with disabilities within the state. The majority of funds must be distributed by LDOE to LEAs. LDOE is responsible for monitoring subrecipients to ensure that the IDEA Part B program is effectively implemented and funds are used for authorized purposes and in accordance with federal statutes, regulations, and the terms/conditions of the subaward. Procedures are used to standardize the oversight, evaluation, and monitoring guidelines of each LEA. Federal regulatory provisions under which LDOE monitors for fiscal accountability and compliance are the Education Department General Administrative Regulations (EDGAR), the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Grant Guidance or Uniform Guidance), and IDEA Part B. LDOE also uses an

electronic grants management system to administer, monitor and provide direct feedback to LEAs on their allocations. Fiscal monitoring is conducted annually for subrecipients using a risk-based assessment including but not limited to total awarded and expended funds; previous fiscal, programmatic, and single audit findings.

Dispute Resolution

The LDOE is committed to assisting schools and parents in their efforts to resolve disagreements in the least adversarial manner possible. LDOE administers several processes as described below. Recently, LDOE hired a special education ombudsperson, and LDOE updated its call center to include an option to connect parents directly with the ombudsperson. The LDOE offers the following processes and more detail can be found on the [dispute resolution webpage](#):

1. IEP Facilitation - a voluntary process available to parents and school systems at no cost to assist parents and school system staff with communicating with one another regarding the needs of the student.
2. Informal Complaints/Early Resolution Process - parents may file; draws on the traditional model of parents and school systems working cooperatively in the educational interest of children to achieve their shared goals of meeting the educational needs of students with disabilities.
3. Formal Complaint Investigation - parent, adult student, individual, or organization may file a signed written request.
4. Mediation - voluntary and available at no cost to resolve a disagreement between parents and the school systems regarding the identification, evaluation, placement, services, or the provision of a FAPE to a child with a disability.
5. Due Process Hearing - formal proceeding in which evidence is presented to an administrative law judge (ALJ) to resolve a dispute between the parents of a child with a disability and the school system regarding the identification, evaluation, eligibility, or placement of or the provision of a free appropriate public education to a child with a disability.

All due process decisions are posted publicly.

Written, Signed Complaints in 2022-2023	
1. Total number of written, signed complaints filed	93
1.1 Complaints with reports issued	25
Reports with findings of noncompliance	6
Reports within timelines	11
Reports within extended timelines	0
1.2 Complaints pending	6
Complaints pending a due process hearing	2

1.3 Complaints withdrawn or dismissed	62
Mediation Requests	
Total number of mediation requests	23
Mediations held	13
Mediations held related to due process	4
Mediation agreements related to due process	2
Mediations held not related to due process complaints	9
Mediation agreements not related to due process complaints	6
Mediations pending	3
Mediations withdrawn or not held	7
Due Process Complaints	
Total number of due process complaints filed	40
Resolution meetings	34
Written settlement agreements reached through resolution meetings	22
Hearings fully adjudicated	2
Decisions within timeline (includes expedited)	2
Decisions within extended timeline	0
Due process complaints pending	12
Due process complaints withdrawn or dismissed (including resolved without a hearing)	26
Expedited Due Process Complaints (Related to Disciplinary Decision)	
Total number of expedited due process complaints filed	12
Expedited resolution meetings	12
Expedited written settlement agreements	9
Expedited hearings fully adjudicated	1
Change of placement ordered	1
Expedited due process complaints pending	2
Expedited due process complaints withdrawn or dismissed	9

Summary of Corrective Action

SEA Authority

When through a formal monitoring process, the school system has been identified as having systemic noncompliance, the LDOE requires the school system to implement a corrective action plan (CAP). In collaboration with the LDOE, the school system will design a corrective action plan that defines specific supports and resources that the school system must have in order to implement the corrective action plan. The CAP must demonstrate how the school system will: correct each individual case of noncompliance; and correctly implement the specific regulatory requirement.

Timelines must be developed that are specific to the corrective action required and to the issues of noncompliance. The school system must return the report to the LDOE in hard copy and electronically. The timeline must indicate how the findings will be corrected as soon as possible but in no case more than one year from identification by the LDOE. The LDOE will allocate resources from the state level, both human and monetary, when determined necessary by the LDOE and the school system in question, on an annual basis to address the issues specific to implementing the corrective action required in the school system. If there is no response from the school system within the established timelines, the LDOE may implement further corrective actions or sanctions.

Upon receipt of the approved CAP the school system must begin to submit documentation of completed activities from the CAP agreed upon by the school system and the LDOE. Corrective action timelines established in the report will be tracked to determine whether corrective action has been taken and to verify compliance by the LDOE. All corrective action must be completed in accordance with the timelines that relate to each specific area of non-compliance. Documentation must be submitted to the LDOE within the required timelines. The LDOE will conduct, when necessary, an on-site visit in the year following the initial on-site visit, or sooner if deemed necessary by the LDOE, to validate the documentation of the implementation of the corrective action and to validate systemic change of areas of noncompliance. Validation of correction requires verification that the school system has corrected each individual case of noncompliance and the school system is correctly implementing the specific regulatory requirement. The LDOE will notify the school system in writing when all corrective action has been accepted as completed. This is followed by an official notification of closure from the LDOE. All [CAPS](#) are posted publicly.

Addressing Unresolved Noncompliance

State Board Authority

The LDOE maintains a tiered system of interventions for addressing public agencies that fail to correct noncompliance within one year of identification of the noncompliance. The LDOE may, in response to unresolved noncompliance, require public agencies to obtain technical assistance or professional development, place conditions on the expenditure of program funds by public agencies, and withholding program funds, in whole or in part, from public agencies. Each of these enforcement activities can be implemented by the LDOE following an opportunity for the public agency to present information demonstrating compliance or the correction of identified noncompliance.

In exceptional cases of continuing noncompliance, the Louisiana Board of Elementary and Secondary Education may determine that a public agency is no longer eligible to receive special education program funds. Such a determination may only be made after the public agency has been provided reasonable notice and an opportunity for a hearing.

Please contact specialeducation@la.gov with questions.