

Correction, Incentives, and Sanctions

Regulatory Alignment: 34 CFR §300.600(e), §300.604

I. Purpose

This publicly available procedures document describes how the Louisiana Department of Education (LDOE) implements Correction, Incentives, and Sanctions to ensure compliance with the Individuals with Disabilities Education Act (IDEA), Part B. It outlines the State's processes for identifying and correcting noncompliance, applying enforcement actions, and providing incentives and supports in alignment with the Office of Special Education Programs (OSEP) requirements.

II. Authority

- Individuals with Disabilities Education Act (IDEA), Part B
- 34 CFR §300.600(e)
- 34 CFR §300.604
- OSEP Monitoring and Enforcement Guidance

III. Scope

These procedures apply to all Local Education Agencies (LEAs), charter schools, and other public agencies responsible for implementing IDEA Part B within the State of Louisiana.

IV. Identification of Noncompliance

LDOE identifies noncompliance through multiple mechanisms, including but not limited to:

- State monitoring activities (onsite and desk audits)
- Data analysis (including SPP/APR indicators)
- Fiscal monitoring
- Complaints, due process hearings, and dispute resolution outcomes
- Self-assessments and LEA reporting

All identified noncompliance is documented with:

- The specific regulatory requirement violated
- The data source used for identification
- The date of identification (start of the one-year correction timeline)

V. Correction of Noncompliance

LDOE requires that all identified noncompliance be corrected as soon as possible, but in no case later than one year from the date of identification. LDOE ensures that all noncompliance is corrected as soon as possible, but in no case later than one year from the date of identification, consistent with OSEP Memorandum 09-02.

A. Individual Correction

LDOE verifies that each individual case of noncompliance has been corrected by:

- Reviewing updated student records

- Confirming provision of required services
- Ensuring compensatory services are provided, when applicable

B. Systemic Correction

LDOE verifies systemic correction by ensuring:

- Correct implementation of the regulatory requirement
- Evidence that policies, procedures, and practices have been revised
- Demonstration through new data that the noncompliance is no longer occurring

Verification methods may include:

- Follow-up data reviews
- Additional monitoring activities
- Submission of documentation by LEAs

VI. Corrective Action Plans (CAPs)

A. Requirement

- LEAs identified with noncompliance must develop and implement a Corrective Action Plan (CAP).

B. CAP Components

Each CAP must include:

- Description of the noncompliance
- Root cause analysis
- Specific corrective actions
- Timelines for completion
- Responsible personnel
- Evidence of completion

C. LDOE Review and Approval

- LDOE reviews CAPs to ensure adequacy and alignment with regulatory requirements. Revisions may be required prior to approval.

D. Monitoring Implementation

LDOE monitors CAP implementation through:

- Periodic progress reports
- Data submissions
- Targeted follow-up activities

VII. Verification of Correction

LDOE uses a two-prong verification process aligned with OSEP requirements: 1. Verification that the LEA has corrected each individual instance of noncompliance 2. Verification that the LEA is correctly implementing the specific regulatory requirement (systemic correction)

Both prongs must be satisfied before noncompliance is considered corrected.

VIII. Enforcement Actions

A. Progressive Enforcement Framework

- Enforcement actions are applied in a graduated manner based on severity, duration, and impact of noncompliance.

B. Available Enforcement Actions

- Imposition of conditions on IDEA Part B funding

- Increased monitoring and reporting requirements
- Mandatory participation in technical assistance and professional development
- Assignment of a Special Education Master to oversee and ensure correction of noncompliance
- Withholding, in whole or in part, of IDEA funds
- Redirection of funds to targeted activities
- Requirement to enter into compliance agreements

C. Special Conditions

LDOE may impose special conditions on grants when an LEA:

- Is determined to be “Needs Assistance,” “Needs Intervention,” or “Needs Substantial Intervention”
- Has a history of noncompliance
- Fails to meet SPP/APR targets

IX. Incentives for Compliance and Improvement

To promote continuous improvement, LDOE may provide incentives to LEAs demonstrating high performance or sustained compliance.

A. Types of Incentives

- **Reduced monitoring requirements**
- Public recognition
- Priority access to discretionary funding opportunities
- Flexibility in reporting requirements, where allowable

B. Eligibility Criteria

LEAs may qualify for incentives based on:

- Timely correction of noncompliance
- Consistent compliance across indicators
- Demonstrated improvement in student outcomes

X. Technical Assistance and Support

LDOE provides differentiated technical assistance to support LEAs, including:

- Targeted coaching
- Professional development
- Resource development
- Collaboration with regional and national TA centers

XI. Data Management and Documentation

LDOE maintains documentation to demonstrate compliance with OSEP requirements, including:

- Records of identified noncompliance
- CAPs and supporting documentation
- Evidence of correction (individual and systemic)
- Timelines demonstrating correction within one year

XII. Reporting and Public Transparency

LDOE reports annually on compliance and enforcement activities through:

- State Performance Plan/Annual Performance Report (SPP/APR)
- Public reporting on LEA performance

XIII. Continuous Improvement

LDOE regularly reviews and updates these policies and procedures to ensure alignment with:

- Federal regulations
- OSEP guidance
- Best practices in special education monitoring and enforcement

Effective Date: December 2024 **Review Cycle:** Quarterly **Responsible Office:** Division of Statewide Monitoring