

# POLICY

**POLICY:** JSEP Special Education Compliance Monitoring

**NUMBER:** ED-11-23

**APPLICABLE TO:** JSEP employees

**APPROVED:** \_\_\_\_\_ /s/ Sam Abed

**Sam Abed, Secretary**

**DATE:** \_\_\_\_\_ 1/13/2023

**JSEP BOARD APPROVAL DATE:** \_\_\_\_\_ 1/4/2023

## **I. POLICY**

Juvenile Services Education Program (JSEP) schools shall utilize the JSEP Special Education Compliance Monitoring Tool and Related Services Review Form to ensure compliance with the state (COMAR) regulations and federal Individuals with Disabilities Education Act laws. JSEP schools shall use these tools to self-monitor.

## **II. AUTHORITY**

- A. 20 U.S.C. §§ 1400-1418
- B. 34 C.F.R., Part 300
- C. Md. Code Ann., Human Services Article, §9-203 and §9-204
- D. Md. Code Ann., Education Article, § 8-413
- E. COMAR 13A.05.01
- F. COMAR 13A.05.02

## **III. DIRECTIVES/POLICIES RESCINDED**

None

## **IV. FAILURE TO COMPLY**

Failure to comply with the Department's Policy and Procedures shall be grounds for disciplinary action up to and including termination of employment.

## **V. STANDARD OPERATING PROCEDURES**

Standard operating procedures have been developed.

**VI. REVISION HISTORY**

SUMMARY OF REVISION	DATE OF REVISION
New policy issued.	1/13/2023

**VII. BOARD APPROVAL**

The policy and procedures were approved by the JSEP Board on *1/4/23*.

## PROCEDURES

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**NUMBER: ED-11-23**

**APPLICABLE TO: JSEP employees**

**APPROVED:** \_\_\_\_\_ /s/ Kimberly Pogue

**Kimberly Pogue**  
**Superintendent**

**DATE:** \_\_\_\_\_ 1/14/2023

### **I. PURPOSE**

The purpose of this policy is to define the JSEP procedures for the implementation of the monitoring tools for special education services and support.

### **II. DEFINITIONS**

*Due Process Complaint* means a complaint submitted to the Maryland Office of Administrative Hearings (OAH), on any matter related to the identification, evaluation, or educational placement of a student with a disability, or the provision of a Free Appropriate Public Education (FAPE), under COMAR 13A.05.01.15C.

*IDEA* means the Individuals with Disabilities Education Act, the federal legislation that ensures all students with a disability are provided a FAPE tailored to their individual needs.

*Performance Improvement Plan* means a document that defines a problem and what the JSEP School should do in response to that problem.

*Related Services* means the services a student with a disability, as defined in IDEA, needs in order to benefit from special education. These services may include transportation, counseling, speech and language supports, audiological supports, and psychological services.

*Related Services Review Form* means a form JSEP uses to determine compliance with IDEA for students who receive related services as indicated on the services page of their IEP.

*Special Education Compliance Monitoring Tool* means the tool used to identify compliance in a specific area or areas as it relates to JSEP policies and procedures for special education.

*State Complaint* means a complaint submitted to the Maryland State Department of Education (“MSDE”) under COMAR 13A.05.01.15A regarding the education of students with disabilities.

### III. PROCEDURES

#### A. General

1. JSEP principals and special education teachers shall monitor special education students’ files using the **JSEP Special Education Compliance Monitoring Tool (Appendix 1)** at the end of each quarter. They shall monitor at least 2 and no less than 20% of the current special education students’ files, at least one of which shall be the file of a student who receives related services. The JSEP principal shall scan and email the completed tools to the JSEP Special Education Compliance Monitor on the last day of each quarter.
2. The JSEP principals are responsible for the random selection of the special education files which are monitored each quarter.
3. JSEP staff shall complete the **JSEP Special Education Compliance Monitoring Tool**; only those files with a Yes or N/A in all fields shall be considered compliant.
4. The JSEP principal and the related services provider shall monitor selected files with related services requirements using the **JSEP Related Services Review Form (Appendix 2)**.
5. Information on the **JSEP Related Services Review Form** shall include the identity of the student and the number of sessions, corresponding to the time and frequency of the service indicated on the service page of the IEP.
6. The JSEP principal in conjunction with the special education teacher or related services provider shall institute an improvement plan, using the **JSEP Special Education Performance Improvement Plan (Appendix 3)**, within ten calendar days of identifying non-compliant files using the **JSEP Special Education Compliance Monitoring Tool** and/or the **JSEP Related Services Review Form**. The JSEP principal shall immediately send the **JSEP Special Education Performance Improvement Plan** to the JSEP Special Education Coordinator.
7. The JSEP principal shall send the completed **JSEP Special Education Performance Improvement Plan** and all documentation to the JSEP Special Education Coordinator.
8. Each JSEP principal shall keep all compliance and review forms and Improvement Plans in a binder in their building.

#### B. JSEP Special Education Office

1. The JSEP Special Education Coordinator or Compliance Monitor shall review a minimum of two files that have previously been monitored by the principal and special education teacher or related services provider, as well as the files of at least two current special education students on a semiannual basis.
2. The JSEP Compliance Monitor shall use the **JSEP Special Education Compliance Monitoring Tool** and, if appropriate, the **JSEP Related Services**

**Review Form** to verify correction of non-compliance and/or sustained compliance.

3. The JSEP Special Education Coordinator may increase the number of site reviews to support compliance in each JSEP school.
4. If a student file is identified as non-compliant the JSEP Special Education Coordinator shall notify the principal and implement an improvement plan.
5. At all times, the JSEP Special Education Coordinator has authority to evaluate compliance within any specific areas related to special education based upon information obtained from various sources, including State Data Review State complaints and due process complaints.
  - a. Upon JSEP's receipt of a State complaint filed with the MSDE, the JSEP Special Education Coordinator shall review the complaint, including the factual allegations and the alleged violation(s) of a student's right to access FAPE. If the State complaint is the first written complaint in a given school year, the JSEP Special Education Coordinator shall send a copy of the procedural safeguards notice, as defined in COMAR 13A.05.01.11A, to the complainant. The JSEP Special Education Coordinator shall attempt to resolve any issue raised in a State complaint that is not part of a pending due process complaint. If appropriate, the JSEP Special Education Coordinator will propose any viable corrective actions and remedies for any loss of services to the affected student and any similarly situated students. If requested by MSDE's [Family Support and Dispute Resolution Branch](#), the JSEP Special Education Coordinator shall meet with State investigators to discuss the allegations in the complaint under the direction of the JSEP Superintendent or Field Directors.
  - b. Upon JSEP's receipt of a due process complaint filed with the OAH, the JSEP Special Education Coordinator shall inform the parent of free or low cost legal and other relevant services available, provide the parent with a copy of the procedural safeguards notice, as defined by COMAR 13A.05.01.11A, and inform the parent of the availability of mediation under COMAR 13A.05.01.15B. Within 15 calendar days of receiving the due process complaint, the JSEP Special Education Coordinator shall convene a meeting with the parent and members of the student's IEP team having specific knowledge of the facts identified in the due process complaint for the purpose of seeking a resolution. The resolution meeting may be waived either upon agreement of the parties in writing, or if the parties agree to participate in mediation. If the parties reach an agreement, it shall be reduced to writing and signed by the parties in accordance with 34 C.F.R. § 300.510.
6. The JSEP Special Education Coordinator or Compliance Monitor may request files from JSEP schools at any time to organize documents for a formal investigation, an informal investigation, and/or other dispute resolutions.
7. The JSEP Special Education Coordinator or Compliance Monitor shall provide a minimum of 24 hours' notice to produce requested documents except in special circumstance where documents are needed immediately.

8. The JSEP Special Education Coordinator and the Compliance Monitor shall prepare compliance reports which shall include the school monitoring and state audits for the JSEP Superintendent and Field Directors.

**C. Audit and Training**

1. JSEP staff shall provide all materials requested by the MSDE Division of Early Intervention and Special Education Services audit team when they audit JSEP schools' special education records every three years.
2. The JSEP Special Education Coordinator and Compliance Monitor as well as JSEP principals, special education teachers and related services providers shall attend Monitoring Technical Assistance Training offered by the MSDE Division of Early Intervention and Special Education Services.
3. JSEP principals, special education teachers and related services providers shall attend mandatory professional development opportunities related to special education services and support unless an absence has been approved by the JSEP Superintendent or Field Directors.

**IV. RESPONSIBILITY**

JSEP schools are responsible for implementation and compliance with the procedures set forth in this policy.

**V. INTERPRETATION**

The JSEP Principal shall be responsible for interpreting and granting any exceptions to these procedures.

**VI. LOCAL OPERATING PROCEDURES REQUIRED**

No

**VII. DIRECTIVES/POLICIES REFERENCED**

No policies referenced.

**VIII. APPENDICES**

1. JSEP Special Education Compliance Monitoring Tool
2. JSEP Related Services Review Form
3. JSEP Special Education Performance Improvement Plan



## **DJS Policy and Standard Operating Procedures**

### **Statement of Receipt and Acknowledgment of Review and Understanding**

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I have received and reviewed a copy (electronic or paper) of the above titled policy and procedures. I understand the contents of the policy and procedures.

I understand that failure to sign this acknowledgment form within five working days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I shall be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT FULL NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WORK LOCATION

***SEND THE SIGNED COPY TO YOUR SUPERVISOR  
FOR PLACEMENT IN YOUR PERSONNEL FILE.***