

Ohio Department of Education Office for Exceptional Children System of Progressive Sanctions

The Ohio Department of Education (ODE) and its Office for Exceptional Children (OEC) strive to ensure that all children, including students with disabilities and students identified as gifted, achieve positive educational outcomes. Through its system of general supervision and varied support services, OEC guides school districts in fulfilling the requirements of federal and state legislation aimed at ensuring that exceptional children will develop the skills, competencies and abilities to succeed academically, find employment and live independently.

To accomplish this, OEC conducts monitoring and oversight activities, and as needed, a system of progressive sanctions for noncompliant districts to help ensure adherence with state and federal regulations. The Office provides an array of professional development and technical assistance support at the state, regional and local levels for districts and other education providers. Through this oversight and support, the state works together to ensure its education system is accountable for results achieved by all students, including gifted students and students with disabilities.

Oversight Components

OEC uses specific oversight components to ensure compliance with state and federal requirements:

- Special Education IDEA Monitoring system, including early childhood monitoring conducted by the ODE Office of Early Learning and School Readiness, through onsite monitoring visits and self-assessments;
- Management Assistant Reviews (MAR) and Special Education Fiscal Accountability Reports;
- Complaints/Due Process Hearings; and
- Gifted Identification and Service Provision;
 - District self-reports;
 - Identification and service data audits;
 - Unit funding eligibility monitoring; and
 - Complaint investigations.

Noncompliance

Districts identified as noncompliant receive written notification from OEC, describing the noncompliance and the requirement to create and implement a corrective action plan. The corrective action plan includes a step-by-step process that the district is to follow to address the area(s) of noncompliance, including benchmark dates for completion, as well as the method for documenting the completion of these steps.

Components of corrective action plans may include the following:

- Educational records review to address systemic issues discovered during a complaint investigation or during monitoring;
- Professional development and technical assistance for district personnel, complete with records of these activities and documentation that district practices have been corrected;
- Fiscal records review;
- Recovery of funds by ODE to address misappropriation of either state or federal funds.

Should a district or other provider fail to meet the timeline in their corrective action plan, ODE/OEC may delay and ultimately move to withhold applicable state and/or federal funds.

Sanction Process

When a district or other provider does not complete the required corrective activities within the required timeline, the ODE/OEC staff will take the following steps:

1. The OEC director will send the district/provider a signed letter documenting its failure to comply with its corrective action plan. The letter will provide a revised benchmark date for completing the remaining items. The letter also will indicate whether specific applicable funds (state and/or federal) will be delayed should the revised benchmark dates not be met.

Applicable funds include:

- a. IDEA Part-B funds (pre-K and school-age);
 - b. Gifted identification funds (GRF);
 - c. Gifted unit funds (GRF); and
 - d. State weighted special education funds (GRF foundation funds).
2. Should the district/provider again fail to meet the benchmark date, it will receive a second letter, this time from the associate superintendent of the ODE Center for School Options and Finance, indicating which funds (state and or federal) will be

delayed. The letter also will include steps the district/provider must take to secure release of these funds.

3. Subsequent noncompliance will result in ODE/OEC moving to withhold or recover additional district funds after providing the opportunity for an Ohio Revised Code (O.R.C.) Chapter 119 hearing.

Authority to Implement Sanctions

The following citations outline ODE/OEC's authority to impose these sanctions:

- A. Ohio Revised Code (O.R.C.) Section 3317.01 establishes that ODE/OEC has the authority to administer and supervise the allocation and, subject to Controlling Board approval, distribution of all state payments under Chapter 3317.

O.R.C. 3317.01 (C) further establishes that a board of education or governing board of an educational service center that has not conformed with other law [other than the sections of law specified in divisions (A) and (B) of O.R.C. Section 3317.01] and the rules pursuant thereto, shall not participate in the distribution of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, and 3317.19 of the Revised Code, except for good and sufficient reason established to the satisfaction of the State Board of Education and the Controlling Board.

- B. The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) and the federal regulations at 34 C.F.R. Part 300 provide that the state educational agency (SEA) has the authority to administer and supervise the allocation and distribution of federal Part B money for the education of children with disabilities.

The federal law at 20 U.S.C. 1413(d), federal regulation at 34 C.F.R. 300.222, and state rule, Rule 3301-51-01(A)(8), provide that if the superintendent of public instruction, after reasonable notice and an opportunity for a hearing, finds that a state agency, school district, county board of Mental Retardation and Developmental Disabilities (MR/DD) or other educational agency that has been determined to be eligible under Part B of the IDEA is failing to comply with any requirement in sections 34 C.F.R. 300.201 to 34 C.F.R. 300.213:

The superintendent of public instruction must reduce or must not provide any further payment to the state agency, school district, county board of MR/DD or other educational agency until the state superintendent is satisfied that the state agency, school district, county board of MR/DD or other educational agency is complying with that requirement.

