

Continuous Improvement and Monitoring Process: Enforcement Actions

Under the priority area of General Supervision, the U. S. Department of Education, Office of Special Education Programs (OSEP) Part B State Performance Plan Indicator 15 states: *General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.* As part of this requirement, the Colorado Department of Education's (CDE) Exceptional Student Services Unit (ESSU) must identify the actions, including technical assistance and/or enforcement actions, which will be taken to assure compliance with the Individuals with Disabilities Education Act (IDEA). In response to this requirement, the ESSU has identified the following enforcement actions which may be imposed on Administrative Units (AU) or State Operated Programs (SOP) for failure to make adequate progress toward correction of noncompliance. Noncompliance may be cited at any time [Exceptional Children's Educational Act (ECEA) 7.00]. Enforcement Actions will be determined by the ESSU. Appeals are provided for as described in ECEA Rule 7.00.

Areas of noncompliance identified through General Supervision activities must be corrected as soon as possible but not more than one year from the ESSU's issuance of a finding of noncompliance. Noncompliance cited through dispute resolution processes must be remedied within the timeline ordered by the decision. Depending on the circumstances of each case, one or more of the following enforcement actions will be initiated by the CDE:

➤ **Letter of Concern**

When noncompliance is not corrected within the required timeline, a letter will be sent to the AU or SOP Superintendent or Executive Director and the Director of Special Education. Copies will be sent to the Deputy Commissioner of the Accountability, Performance & Support Division, the Assistant Commissioner of the Exceptional Student Services Unit and the ESSU Supervisor for the region in which the AU is situated.

➤ **Meeting with Administration**

A meeting will be convened by the CDE. Representatives from CDE will meet with the AU or SOP Superintendent or Executive Director and the Director of Special Education to discuss corrective actions and technical assistance to address outstanding noncompliance.

➤ **Compliance Agreement**

The ESSU may require the AU or SOP to enter into a compliance agreement with the ESSU.

➤ **Direct the use of funds**

The CDE may direct the use of special education funds received by the AU or SOP to the area or areas in which the AU or SOP remains out of compliance. This may include directing the AU or SOP to:

- obtain targeted technical assistance in the area or areas of concern;
- fund a team led and approved by the ESSU to oversee the continued data collection, analysis and implementation of the improvement plan.

➤ **Withhold Funding**

The CDE may delay or withhold funding as described in ECEA Rule 7.00.