

Service Agency Monitoring -Program Standards Review

Overview

Approved service agencies provide a vital option to school districts in the provision of special education and related services and early intervention services for eligible children with disabilities. While they are not directly linked to school districts, they do provide services to children with disabilities, through contracted placements. The Nebraska Department of Education, Special Education Office has the responsibility to review service agency compliance with state and federal regulations for all agencies providing special education and early intervention services to children with disabilities. Monitoring of service agencies is conducted on a five (5) year cycle.

It is the expectation of the Nebraska Department of Education Special Education Office that the service agency monitoring process through the Service Agency- Program Standards Review (SA-PSR) process conducted by the offices of the Nebraska Department of Education, Special Education will provide documentation of service agency implementation of IDEA 2004 and 92-NAC 51 (Rule 51) rules and regulations.

Service Agency Review

Service agencies are not school districts, and do not carry the same responsibilities for meeting the requirements of IDEA in school improvement activities. However, agencies who are providing special education and related services and receiving special education funds for those services, the service agency must provide documentation that services are being provided in accordance with 92 NAC 51 (Rule 51).

The service agency program standards review process (SA-PSR) is an ongoing, five (5) year cycle. Service agencies participate in an onsite/desk review of student files at least once every five years. The SA-PSR is a two phase process. Each phase assists the responsible school district and contracted service agency in meeting the development and implementation of each of the required IDEA 2004 and 92 NAC 51 rules and regulations for children with disabilities.

A service agency program standards review for compliance with 92 NAC 51 (Rule 51) provides information and data in which contracting school districts may use as they complete their self-assessment in the Improving Learning for Children with Disabilities (ILCD) process. This information may be used in assessing the school district's performance and will support improvements in the District's special education services.

The primary goal in completing a service agency program standards review is to ensure that the service agency is providing special education services for students with disabilities in accordance with 92 NAC 51 (Rule 51). Since a service agency may have contracts with several school districts, this review process will gather data which may be shared with the responsible contracting school district.

School district representatives responsible for student files selected for review are encouraged to participate in the review process. School districts are responsible for the provision of a free appropriate public education for eligible children with disabilities placed in contracted service agencies. Therefore, results of individual student files reviewed will be provided to both the service agency and responsible school district(s). These results will provide useful data and information which can guide planning, implementation and evaluation of activities for improving learning for children with disabilities (ILCD) at the service agency and school district(s).

Service Agency File Review Sampling

Total Number of Children With Disabilities in the Service Agency	Minimum File Sampling
1-20	40%
21-60	30%
61-100	20%
101 or more	10%

Student files reviewed must be a representation of: disability categories, and school districts

Phase 1 Compliance - File Review

Contact from the Nebraska Department of Education of selection in a Service Agency Program Standards Review. This initial contact will be conducted to notify the service agency of selection for 5 year review cycle review, discuss the process, and identify students receiving special education services, and the scope of agency and school district participation in completing the review.

Memorandum of Understanding (MOU)

The development and implementation of a Memorandum of Understanding (MOU) is a commitment by the Nebraska Department of Education (NDE) and the approved service agency to develop a plan for program improvement, and to support the overall goal for ensuring the implementation of 92 NAC- 51 (Rule 51). The MOU is a road map to guide the implementation of the review activities and assist in the flow of information back to responsible school district(s) for consideration as a part of the school district(s) ILCD Self Assessment. Signed copies of the MOU will be sent the service agency. *(MOU form attached)*

Review of Agency Forms, Policies and Procedures and Statement of Assurances and Financial Documentation

Prior to conducting the onsite visit at the agency, NDE staff will review and maintain a copy of the service agency's: Statement of Assurances, Policies and Procedures used in the implementation and provision of special education and related services.

Using information contained in the MOU, NDE will conduct an onsite visit to review of: contract(s) between the school district(s) and the service agency, billing statements and documentation to support billings, personnel report, special education forms, and student files. Individual student file compliance standard worksheets are completed on each student file reviewed. The worksheet guides the review of student files in relationship to IDEA 2004 and 92 NAC 51 rules and regulations.

Compliance Determination

As systemic concerns are paramount, the service agency and school district are considered to meet criteria when 80% and above implementation is achieved on any standard, while standards identified for each school district as having an implementation rate of less than 80% are included in the Compliance file review Memorandum of Understanding (MOU) focusing process. All student

files with deficiencies are to be corrected by both the service agency and student'(s) responsible school district(s).

A brief exit conference is conducted at the completion of an onsite/desk review to provide a summary of data collected and an analysis of the results. A written summary of findings will be provided within 30 days of the onsite visit. Any service agency financial issues must be corrected immediately.

File Review Follow-up

A letter indicating the service agency's compliance or non-compliance of findings, including identification of those standards found out of compliance, if any, will be sent to the service agency, within thirty (30) days.

Responsible school districts of individual student files reviewed will be sent a letter indicating compliance or non-compliance of standard findings, including identification of those standards found out of compliance. In addition, the responsible school district's NDE Regional Special Education Representative will be notified of any deficiencies and will assist in the development of a Corrective Action Plan (CAP), if appropriate.

Any service agency financial issues must be corrected immediately.

Phase 2 Non-compliance

Any financial findings must be corrected immediately.

Within forty five (45) days of the letter of any findings, the service agency, and the school district(s) responsible for student files out of compliance with assistance from the Nebraska Department of Education, Special Education office must develop a Service Agency Corrective Action Plan (SA-CAP). The SA-CAP should include activities, timelines, and method of evaluation for bringing deficiencies into compliance. The SA-CAP is sent to the NDE Special Education Office for review and approval.

Upon receipt of the Service Agency Corrective Action Plan (SA-CAP), NDE will review the plan, contact the service agency and responsible school district for revisions, if necessary, and send a SA-CAP Letter of Approval within 14 days.

An on-site visit/desk review of student files is conducted to document that the service agency and applicable contracting school district(s) has been brought into compliance within one (1) year. A service agency who fails to correct deficiencies(s) will not receive subsequent provisional service agency approval.

NDE will send a Closeout Letter to the service agency and applicable school district(s) acknowledging the successful completion of the service agency/school district corrective action plan (SA-CAP) and compliance with IDEA and 92 NAC 51 rules and regulations.

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Five Year Monitoring Cycle

Phase	Activities
1	<p>Contact from the Nebraska Department of Education of selection in a Service Agency Program Standards Review. This initial contact will be conducted to notify the service agency of selection for 5 year review cycle review, discuss the process, and identify students receiving special education services, and the scope of agency and school district participation in completing the review.</p> <p><u>Memorandum of Understanding (MOU)</u> The development and implementation of a Memorandum of Understanding (MOU) is a commitment by the Nebraska Department of Education (NDE) and the approved service agency to develop a plan for program improvement, and to support the overall goal for ensuring the implementation of 92 NAC- 51 (Rule 51). The MOU is a road map to guide the implementation of the review activities and assist in the flow of information back to responsible school district(s) for consideration as a part of the school district('s) ILCD Self Assessment. Signed copies of the MOU will be sent the service agency. <i>(MOU form attached)</i></p> <p><u>Review of Agency Forms, Policies and Procedures and Statement of Assurances and Financial Documentation</u> Prior to conducting the onsite visit at the agency, NDE staff will review and maintain a copy of the service agency's: Statement of Assurances, Policies and Procedures used in the implementation and provision of special education and related services.</p> <p>Using information contained in the MOU, NDE will conduct an onsite visit to review of: contract(s) between the school district(s) and the service agency, billing statements and documentation to support billings, personnel report, special education forms, and student files. Individual student file compliance standard worksheets are completed on each student file reviewed. The worksheet guides the review of student files in relationship to IDEA 2004 and 92 NAC 51 rules and regulations.</p> <p><u>Compliance Determination</u> As systemic concerns are paramount, the service agency and school district are considered to meet criteria when 80% and above implementation is achieved on any standard, while standards identified for each school district as having an implementation rate of less than 80% are included in the Compliance file review Memorandum of Understanding (MOU) focusing process. All student files with deficiencies are to be corrected by both the service agency and student('s) responsible school district(s).</p> <p>A brief exit conference is conducted at the completion of an onsite/desk review to provide a summary of data collected and an analysis of the results. A written summary of findings will be provided within 30 days of the onsite visit. Any service agency financial issues must be corrected immediately.</p> <p><u>File Review Follow-up</u> A letter indicating the service agency's compliance or non-compliance of findings, including identification of those standards found out of compliance, if any, will be sent to the service agency, within thirty (30) days.</p> <p>Responsible school districts of individual student files reviewed will be sent a letter indicating compliance or</p>

	<p>non-compliance of standard findings, including identification of those standards found out of compliance. In addition, the responsible school district's NDE Regional Special Education Representative will be notified of any deficiencies and will assist in the development of a Corrective Action Plan (CAP), if appropriate.</p> <p>Any service agency financial issues must be corrected immediately.</p>
2	<p>Phase 2 -Non-Compliance <i>(If appropriate)</i></p> <p>Any financial findings must be corrected immediately.</p> <p>Within forty five (45) days of the letter of any findings, the service agency, and the school district(s) responsible for student files out of compliance with assistance from the Nebraska Department of Education, Special Education office must develop a Service Agency Corrective Action Plan (SA-CAP). The SA-CAP should include activities, timelines, and method of evaluation for bringing deficiencies into compliance. The SA-CAP is sent to the NDE Special Education Office for review and approval.</p> <p>Upon receipt of the Service Agency Corrective Action Plan (SA-CAP), NDE will review the plan, contact the service agency and responsible school district for revisions, if necessary, and send a SA-CAP Letter of Approval within 14 days.</p> <p>An on-site visit/desk review of student files is conducted to document that the service agency and applicable contracting school district(s) has been brought into compliance within one (1) year. A service agency who fails to correct deficiencies(s) will not receive subsequent provisional service agency approval.</p> <p>NDE will send a Closeout Letter to the service agency and applicable school district(s) acknowledging the successful completion of the service agency/school district corrective action plan (SA-CAP) and compliance with IDEA and 92 NAC 51 rules and regulations.</p>