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The Ohio State University

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A STUDY OF THE INTERNAL MONITORING AND REVIEW PROCEDURES FOR SPECIAL EDUCATION IN THE SEVEN STATE CONSORTIUM

DISSERTATION

Presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of The Ohio State University

By

Dorothy Goldsmith Jansma, B.S., M.A.

* * * * *

The Ohio State University
1982

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Advisor
Faculty of Educational Administration
Dedicated to my husband, Paul Jansma,
whose love, support, and continued
assistance served to motivate me
throughout the dissertation process.
ACKNOWLEDGMENTS

The writer expresses her sincere gratitude and appreciation to Dr. Fred Staub. His interest, guidance, and trust certainly provided critical assistance during the entire graduate program process. In addition, the author wishes to thank Drs. Jim Collins and Mike Kabler for their suggestions, support, and professional expertise. Thanks and appreciation also are extended to the seven State special education directors for their cooperation in the collection of data. Lastly, she lovingly thanks her family and friends who continually offered enthusiasm, encouragement, and endless reinforcement. Thank you!
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Background to the Problem

Public Law 94-142, the Education for All Handicapped Children Act of 1975, was passed after much litigation (e.g., Mills vs. Board of Education, Washington, D.C., 1972; Pennsylvania Association for Retarded Citizens (PARC) vs. Commonwealth of Pennsylvania, 1972) and many lobbying efforts (e.g., from parent advocacy groups and community interest groups) were acknowledged and addressed by legislators. The background of this significant piece of legislation is as follows:

P.L. 89-10 Elementary and Secondary Education Act, 1965

(Title VI of 89-10 became)

P.L. 91-230 Education of the Handicapped Act, 1970


Part E of P.L. 93-380 became)

P.L. 94-142 The Education for All Handicapped Children Act, 1975

The overall intent of this law is to provide a free appropriate public education to all handicapped children ages 3-21. The original impact of this statement meant that an education, appropriate to the developmental and educational needs of each child identified as handicapped, was to be provided at no expense/cost to the parents, in a public educational facility or other appropriate setting. It is quite clear why this law was necessary. At the time of the law's passage, there were an estimated 8 million handicapped children in the United States. Since Federal laws until that time did not mandate programs or provide funds to States, it was incumbent on the States to initiate and fund those programs they deemed "important." So many handicapped
children, especially those with severe or profound handicapping conditions, were excluded from receiving an education. The lack of consistency in services, dearth of adequate programs, and inequity of educational opportunity led parents and community leaders to lobby/educate/demand/litigate for a Federal law to protect all handicapped children.

The major components of P.L. 94-142 are:

1) Provisions for placement in the least restrictive environment;
2) An individual education program (IEP) designed to meet the specific needs of that child;
3) Procedures for due process and fairness under the law;
4) Confidentiality of records;
5) Non-discriminatory evaluation and testing procedures;
6) Accountability to State and Federal education departments.

It is the last component, accountability to State and Federal education departments, that is of concern to this researcher. The U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSEH), Special Education Programs (SEP) has been given the responsibility for administering this law and for evaluating progress in its implementation. With this responsibility came a requirement for a series of annual reports on progress in its implementation, to be submitted to the Congress each January. Based on the concerns expressed by the Congress in the introduction of the Act, SEP developed a list of six overriding evaluation questions. After lengthy development, review, and revision, the six questions that ultimately emerged serve to respond to the issue of accountability to the Federal government. The following are the six questions and the rationale for them:
1) Are the intended beneficiaries being served? This question deals with the number and kinds of children being served by States in accordance with the provisions of P.L. 94-142.

2) In what settings are the beneficiaries being served? The importance of this question stems from provisions of P.L. 94-142 requiring that children served by the Act be educated in the least restrictive environment commensurate with their needs.

3) What services are being provided to beneficiaries? This question addresses such matters as the kinds of teachers and other professionals available for P.L. 94-142 purposes and the special kinds of materials and assistance the children are receiving.

4) What administrative mechanisms are in place? This question seeks information about the range of Federal and State activities undertaken to assure smooth and efficient management of the provisions of the law.

5) What are the consequences of implementing the Act? This question concerns not only the administrative and fiscal impact of P.L. 94-142 on the State and local school systems but also the reactions it has generated in the schools and in the community in general.

6) To what extent is the intent of the Act being met? This question concerns progress being made toward the achievement of the several goals of the Act, particularly that of assuring a free appropriate public education to every handicapped child. (State Program Implementation Studies Branch, 1979; 1980)

Unlike most other Federal education legislation, P.L. 94-142 delineates what the relationships among Federal, State, and local agencies are to be. Federal responsibility is limited to oversight of the States, while the State educational agencies have primary responsibility, under the Federal oversight, for assuring that the provisions of the Act are carried out not only by local educational agencies but also by any other State agencies -- welfare departments, for example -- that conduct education programs as part of their service to handicapped children. Under P.L. 94-142, these relationships now involve accountability for funds and formal assurances of compliance.

*SEA; LEA
A compliance process, according to one authority, should involve the following assumptions concerning responsive monitoring systems:

1) The necessity for monitoring systems at the local, State, and Federal levels is not open to question.

2) Monitoring procedures must apply to educational programs for all handicapped children, regardless of the setting in which they are delivered.

3) Those being monitored should know the standards against which their organizations and practices are being compared.

4) The purpose of monitoring is not to uncover programs that are out of compliance, but to identify areas in need of improvement.

5) Monitored programs have a right to technical assistance in meeting compliance standards when deficiencies are found.

6) Administrators of educational programs at all levels want to comply with specified standards and will adopt the necessary means to do so.

7) Monitoring procedures and information are useful not only to the agent doing the monitoring but to the agent being monitored.

8) One of the most valuable outcomes of monitoring is that it may guide the monitored agency through a self-improvement process.

9) The most useful monitoring systems will be those that are integrated across levels (local, State, Federal), both in the standards used and in the processes for monitoring.

10) Most programs will wish to establish standards beyond those set by the next higher level as minimal. (NASIDE, 1977, p. viii)

Consistent with the Federal statute and its regulations, the State educational agency is called upon not only to establish and disseminate policies, procedures, and practices that other affected State and local agencies are expected to follow, but to monitor these agencies' progress. Under this requirement, the State educational agency sets education standards for all agencies within the State and exercises general supervision over their education activities. Each State educational agency is responsible for administering, monitoring, and evaluating the Act's implementation. In short, just as the Special Education Programs Office has administrative
responsibility for the manner in which the States implement the Act, the States have administrative responsibility for the manner in which the Act is implemented by the local school districts. (State Program Implementation Studies Branch, 1979)

According to NASDSE (1977, p. 1):

The responsibility for assuring compliance with standards established within each State requires a monitoring system designed to audit and assess that compliance. At local levels, each education agency monitors those aspects of its program that are required by its own policy-making body. The LEA also participates in the monitoring system of the State education agency, which derives its authority for monitoring local systems from State legislative statutes and mandates and State policy-making bodies. In turn, the SEA must meet its own standards and those specified by any other agency from which it derives authority and/or funding, such as the United States Office of Education (Department of Education).

In those States which receive Federal funding for any educational program, it is the responsibility of the SEA to monitor the education of all handicapped children, regardless of whether or not that education is being provided through the SEA. Thus, special educational programs within institutions, private residential facilities, and other agencies must also be monitored. For example, the State of Ohio has, what is frequently termed, a dual system for special education delivery. The State Department of Education, Division of Special Education (SDE/DSE) is responsible overall for the education of handicapped children in the local education agencies or public schools. However, the State Department of Mental Retardation and Developmental Disabilities (DMRDD) oversees a system of State institutions and County Boards of Mental Retardation which also serve handicapped children. The fiscal responsibility rests primarily on DMRDD while the educational accountability rests with SDE/DSE.
Statement of the Problem

In order to monitor compliance with Federal law, the U.S. Department of Education established a procedure for overseeing the States in their implementation of P.L. 94-142 called Program Administrative Review (PAR). The basic purposes of the State PARs, which include on-site investigations, are first, to determine the degree to which an individual State's policies, procedures, and practices are consistent with Federal regulations and the State's Annual Program Plan; and second, to document the extent to which handicapped children in institutions supported by P.L. 69-313 funds are also receiving, as is their right, benefits afforded under P.L. 94-142. (State Program Implementation Studies Branch, 1979)

The SEP conducts these reviews in at least one-half of the States and territories each year, with each review typically consisting of a five day stay by a team of four or more SEP staff members. During this period the teams visit local school programs, State-operated or supported programs, and State educational agencies. They interview State agency personnel, local educational administrators, administrators of State-operated or State-supported programs, representatives of parent groups, representatives of teacher organizations, and at least one member of the State's P.L. 94-142 advisory panel. Decisions as to which local school districts and State-operated or supported programs will be visited are based on the results of questionnaires sent to a sample of school districts in the State. The ultimate choices are based on: (1) possible needs for technical assistance, (2) potential non-compliance problems, or (3) evidence of successful procedures for complying with the Federal statutes and regulations.

Following each visit, a draft report of the team's findings is sent to the State educational agency for comment, with the final report being developed only after these comments have been considered. These reports are
published in the Education of the Handicapped Law Report. Where evidence of non-compliance is found, the report describes the necessary corrective actions and sets a deadline for effecting them. The monitoring process is continued until compliance has been achieved. (Appendix A gives an overview of the PAR procedure and a list of the variables monitored.)

Although the Federal government has this procedure for overseeing the States, no procedure was mandated for State educational agencies to use in conducting internal reviews of how local education agencies should implement this law's intent. The rules and regulations for P.L. 94-142, Section 121a.601, specifically state that:

Each State educational agency shall:
(a) Undertake monitoring and evaluation activities to insure compliance of all public agencies within the State with the requirements of Subparts C, D, and E.
(b) Develop procedures (including specific timelines) for monitoring and evaluating public agencies involved in that education of handicapped children. These procedures must include:
(1) Collection of data and reports;
(2) Conduct of on-site visits;
(3) Audit of Federal fund utilization; and
(4) Comparison of a sampling of individualized education programs with the programs actually provided.
(P.L. 94-142, Education of Handicapped Children Rules and Regulations, p. 42501)

As a result, each State has a separate approach to monitoring its own State's implementation of P.L. 94-142.

States' approaches to the monitoring activities involved in assuring that educational standards are being met are as different and varied as are the educational environments themselves. There are, however, some essential characteristics. "An efficient and effective monitoring system should supply needed information to both the monitoring agent and the agent being monitored, and should be directed toward program improvement, as well as toward checking compliance
to standards. Two major areas must be considered in designing a monitoring system that meets these standards:

1) The content of the monitoring or what is to be monitored, and

2) The elements of the system or the process of monitoring — when, where, by whom, what method, and in what order." (NASDSE, 1977, p. 1)

David and Greene (Institute for Research on Educational Finance and Governance, 1981) report that full implementation of the Act will not occur until certain important barriers are overcome. In a study sponsored by the U.S. Department of Education, they found that: (1) Implementation is heavily influenced by what has occurred at the local level prior to the Act; (2) Program placement and services are based on availability in the district rather than the needs of the child; (3) Inservice training and staff development are focused on rules and legal procedures rather than on handicapped children and their needs. The researchers' suggestions emphasize the use of people to facilitate and assist in the process of complying with the legal mandates and the importance of flexibility in this process.

The National Association of State Directors of Special Education, Inc. (NASDSE) in Washington, D.C. publishes literature on various aspects of State responsibility and special education standards. However, NASDSE does not have a publication comparing or describing the various States' internal monitoring procedures. In addition, a complete dearth of literature exists on the research issue described. A document of this nature offers each State an opportunity to assess its own procedures. There have been several dissertations written on the evaluation of a specific State's monitorial compliance with the legal mandates of P.L. 94-142 (Carter, 1980; Dill, 1977; Dreibelbis, 1980; Herr, 1979; Keilbaugh, 1980; Koenig, 1979; Landy, 1977; Schwamm, 1977; Spoor, 1977; and Sivage, 1979); however, this
researcher (and others consulted on this specific topic) could locate no comparative or correlational studies containing monitory information concerning more than one State.

This study provides a comparative description of special education monitoring and review procedures in the seven largest States, called the Seven State Consortium (See Appendix F), which collectively serve over 50% of the handicapped children in the United States. The purpose of this investigation is to analyze the internal monitoring and review procedures of seven States (Florida, California, Ohio, Texas, Illinois, Pennsylvania, New York) in order to compare, describe, and contrast the variables/components (content) and procedures/tools (process) used in each State.

Research Objectives

The specific objectives of this study are: (1.) to obtain comprehensive information related to the procedures used by the target States to monitor compliance with Federal and State special education mandates; (2.) to analyze the information in terms of the process and content utilized in each States' procedures; (3.) to compare and contrast the seven States' programmatic variables and procedural guidelines; and, (4.) to draw implications and develop recommendations concerning the future of State monitoring of special education mandates.

Definitions

The following key terms are used as defined below:

Assurance - a strong statement of intent from one agent to another, such as from the LEA to the SEA stating that the LEA is in compliance with the minimum standards established. (NASDE, 1977)

Compliance - adhering to an established set of standards/rules in accordance with monitoring procedures.
Content - defined as the "what" of a monitoring procedure.

Handicapped Children - defined by P.L. 94-142 as those children who are evaluated in accordance with procedures specified in the regulations and who, as a result, are found to be mentally retarded, hard-of-hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, learning disabled, deaf-blind or multihandicapped, and are in need of special education and related services.

Local Education Agency (LEA) - the branches of each State Education Agency, typically assigned by city, town, village; each LEA has full responsibility for the education of all children living within its geographical boundaries.

Monitoring - a continuous review procedure designed to compare present functioning against specified standards, and to yield a profile showing areas of conformance as well as those in which new procedures, training, or other method of improvement may be needed in order to comply with specific standards. (NASDSE, 1977)

National Association of State Directors of Special Education (NASDSE), Inc. - a tax-exempt, nonprofit corporation formed in 1958 to promote special education programs; governed by an elected eight-member Board of Directors. (NASDSE, 1977)

P.L. 94-142 - The Education of All Handicapped Children Act of 1975; 142nd piece of legislation in the 94th Congress; Amends Part B of P.L. 91-230 which was The Education of the Handicapped Act (1970).

Process - defined as the "how, who, and where" of a monitoring procedure.

Review - the process of monitoring the identified programmatic variables.

Seven State Consortium - identified as the seven States which serve over
50% of all the identified handicapped children in the United States; includes California, Florida, Illinois, Ohio, Pennsylvania, New York, and Texas.

**Standard** - the content of monitoring the programmatic variables such as child identification process, physical facilities, personnel, evaluation procedures, etc., against which SEA/LEA functioning will be compared. The intent of such a comparison is to answer the question, "Is this standard in evidence or operational?" Usually this question is answered by a simple yes/no. (NASDSE, 1977)

**State Education Agency (SEA)** - the department in each State assigned oversight responsibility for all educational activities in the State, including the education of handicapped children.

**Significance of the Study**

The successful implementation of P.L. 94-142 relies on the effectiveness of a variety of administrative mechanisms that must occur at the Federal, State, and local levels of governance.

At the Federal level, the P.L. 94-142 regulations and the monitoring and evaluation systems are well established. At the State level, although as reported to Congress (State Program Implementation Studies Branch, 1979) tremendous progress has been made in establishing governance policies and procedures, in providing training, in developing manpower planning systems, and in creating improved reporting systems, there is a vital and on-going need for coordinating and improving individual State's monitoring systems. At the local level there is a tendency to rely on the State's parameters concerning compliance requirements.

The impact of a study comparing and describing procedures in the seven largest States has direct future implications for all States in their monitoring process. It is significant that, if P.L. 94-142 is revised
substantially or even repealed, as President Reagan has proposed, the States will be fully responsible for the planning and implementation of special education services to handicapped children and could use the information from this research to help design, re-design, and/or alter the present monitoring and review procedures*. If P.L. 94-142 is not changed or repealed, then the Federal government will continue to hold the States responsible in the monitoring area and will continue to monitor them via the FARs, in which case this project's information could serve to inform States how other States insure local compliance with Federal and State law.

The obtained information will be critical to State directors of special education relative to the future planning of the monitoring and review implementation procedures in individual States. It will provide them with a comparative view of how their State monitoring functions relate to the procedures in other States and will allow them then to use the information to alter their own procedures, if appropriate.

Limitations of the Study

Two major limitations of this type of research are: (1.) accuracy in questionnaire responses, and (2.) assurance that each State sent all the special education related materials as requested. Since the questionnaire asks some very specific questions related to State intent concerning future monitoring efforts, the researcher has to assume a level of honesty and forthrightness from those States. The request for materials could be interpreted differently or responded to differently by the person reading the request. Again the researcher had to assume that she received all

*Prior to the initiation of P.L. 94-142, some States maintained their own monitoring procedures over State education activities. It is reasonable to assume that States will continue to do so even if P.L. 94-142 is repealed since the U.S. Constitution specifically places the responsibility for the education of children with the States.
special education related materials for each State.

A secondary limitation of this study is the question of generalizability to States outside the target seven. As previously noted, these States comprise the unit serving over 50% of all identified handicapped children in the United States. However, it may not be reasonable to assume that their collective procedures accurately reflect those of other States.

Summary

P.L. 94-142 provides a mechanism for the Federal government to monitor the States for compliance with the mandates of the Act. However, it does not specify a procedure for individual States to use in monitoring the compliance of the local education agencies within the State.

This study analyzes the internal monitoring and review procedures of seven States (Florida, California, Ohio, Texas, Illinois, Pennsylvania, New York) in order to compare, describe, and contrast the variables/components (content) and procedures/tools (process) used in each State. It provides a comparative description of the special education monitoring and review procedures in these seven largest States, called the Seven State Consortium, which collectively serve over 50% of the handicapped children in the United States. The information generated from this research will assist State directors of special education relative to the future planning of the monitoring and review implementation procedures in individual States. This project provides a comparative view of how each target State's monitoring functions relates to the procedures in other Consortium States and allows each to use the information to alter procedures, if appropriate.
CHAPTER TWO

REVIEW OF LITERATURE

In order to provide a systematic overview of background information and related literature, this chapter consists of three major headings: general compliance and monitoring, specific monitoring of P.L. 94-142, and directly related studies.

General Compliance and Monitoring

The concept of monitoring for compliance typically is related to legal mandates, court orders, and imposed statutes or regulations. One of the first areas of education to be involved in a monitoring procedure from the Federal and State level was desegregation. Beginning in 1954, with the now famous Brown vs. Topeka Board of Education court battle over the desegregation of schools, there has been Federal and/or State oversight of various education-related issues. When educational issues become so embroiled in litigation that the case finally is resolved in court, the judge often creates a mechanism for oversight of compliance with the court order. Sometimes special court masters are appointed to serve in this capacity; other times citizens' monitoring or advisory committees are formed to oversee court ordered changes (Carol, 1977; Hochschild, Hadrick, Assail, & Martín, 1960).

Legislative oversight, as described by a study conducted in Florida (Select Joint Committee on Public Schools, 1978, p. 35), refers to:

... the process through which the legislature determines whether the effects of laws are consistent with legislative intent. It involves determining whether legislative intent is clear, whether it is communicated effectively to the parties who are to implement it, whether they have the capability to implement it, whether they do implement it, and what happens as a consequence.
This same concept actually can apply to any monitoring system when education issues have a legal base and contain a requirement for accountability or compliance.

The National Association of State Directors of Special Education, Inc. (NASDSE) provides a three goal framework for compliance monitoring systems:

1.) Regulatory goals - to ensure that programs are in compliance with State and/or Federal rules and regulations and are meeting stated goals and objectives;

2.) Technical assistance goals - to provide additional support, information, and assistance; and

3.) System improvement goals - to share data related to program improvement and planning (NASDSE, 1977).

The structuring of a compliance monitoring system with these three goals in mind can serve to provide a broader conceptual base for the persons implementing the system and a broader informational base for the persons/programs being monitored. One alternative method of establishing a monitoring system involves three basic levels with seven steps (see Figure 1). These steps can be briefly defined as:

Step One - Identify the sources of authority (i.e., What legislation, policy statements, rules and regulations and plans are the basis for monitoring?)

Step Two - Establish rationale or philosophy (i.e., What is the conceptual framework for doing the monitoring?)

Step Three - Determine standards (i.e., What is the content and source of the variables to be monitored and how can they be measured?)

Step Four - Develop methods and procedures (i.e., How, when, and by whom will the monitoring activities be conducted?)
Steps in establishing a monitoring system

Foundations of the Compliance Monitoring System

Step 1. Identify the sources of authority
Step 2. Establish rationale or philosophy
Step 3. Determine standards

Developing the System

Step 4. Develop methods and procedures
Step 5. Develop materials

Implementing the System

Step 6. Conduct monitoring process
Step 7. Report results

FIGURE 1

FLOW CHART FOR ESTABLISHING A MONITORING SYSTEM

(NASDSE, 1977, p. 3)
Step Five - Develop materials (i.e., What forms, questionnaires, guides will be used to collect data?)

Step Six - Conduct monitoring process (i.e., What implementation procedures are in place before, during, and after the monitoring?)

Step Seven - Report results (i.e., How will the results be analyzed, summarized, and presented to the persons/programs being monitored?)

The concept of educational accountability is analogous to a compliance monitoring system. One definition of accountability is: "... the requirement on the occupant of a role, by those who authorize that role, to answer for the results of work expected from him in the role." (Prowder, 1973, p. 6)

In this sense accountability and compliance hold the same requirements. Prowder (1973, p. 26) states that there are six imperatives in designing an accountability program:

1.) Program must have knowledgeable designers;
2.) Program must lead to improved education;
3.) Program must recognize and accommodate diverse forms of participation;
4.) Program must train personnel before and during implementation;
5.) Program must fulfill the conditions of the accountability concept; and
6.) Program must be judged politically attainable.

Following these imperatives, says Prowder, there are four phases in developing an educational accountability program:

1.) Preliminary planning;
2.) Formal planning;
3.) Program implementation; and
4.) Rendering the account.
Figure 2 depicts a breakdown of the specific process involved in developing
this program.

Accountability (Blake, 1981; Howe, 1981; Strom, 1981) is the current
term for our responsibility to do our duty and do it accurately. Antonyms
for it are negligence, derelection of duty, nonfeasance, misfeasance, and
malpractice. In this regard, there are two major areas of responsibility with
exceptional students:
1.) Student protection, and
2.) Program adequacy (Blake, 1981, p. 63).

This concept of accountability, as a need to focus on specific areas of
responsibility, can be changed to reflect a broader outlook:

... what we do in the future will depend on
how we assess our resources. If we believe that
money is the key, then all of our attention will
focus on the government. On the other hand, a
more promising outlook is possible when, in
addition to legislators, we acknowledge the
importance of collaborating with parents,
colleagues, and students whose influence may
be more available, more relevant, more powerful,
and longer lasting. (Strom, 1981, p. 349)

It is generally contended that special education is the forerunner of activities
and procedures which will eventually be adopted in regular education programs.
Therefore, accountability in education goes far beyond the education of
handicapped children (LaVor, 1980; Feyer, 1978).

The next section will deal more specifically with the direct monitoring
of P.L. 94-142 and all its facets. Hopefully, the intent of the law can
be met without some of the problems as seen by one experienced special
education:

Without even trying, I have been shown at least
six sets of transparencies, listened to endless
audio cassettes on the requirements of P.L. 94-142,
and have been guided through several versions of
"sure-fire" forms to satisfy all of the new regulations.
Phase 1: Preliminary Planning
- Assess needs (critical)
- Develop a preliminary change strategy (critical)
- Consider the use of technical assistance and management systems (optional)
- Make decision to move, or not to move, to Phase 2

Phase 2: Formal Planning
- Involve community/staff (critical)
  - Repeat needs assessment (optional)
  - Repeat change strategy development (optional)
- Develop goal consensus and performance objectives (critical)
- Consider plan-program-budget system (optional)
- Make decision to move, or not to move, to Phase 3

Phase 3: Program Implementation
- Develop program staff (critical)
- Implement program procedures (critical)
- Consider
  - Performance contracting (internal and/or external) (optional)
  - Network monitoring (optional)
- Reach predetermined completion points of program efforts

Phase 4: Rendering the Account
- Evaluate program (critical)
- Report the results (critical)
- Use an educational program auditor (optional)
- Determine level of confidence (critical)
- Certify the nature of results (critical)

FIGURE 2
A PROCESS FOR DEVELOPING AN ACCOUNTABILITY PROGRAM

(Frowder, 1973, p. 47)
What I see and hear seems well designed to keep teachers out of jail — to comply with the law, that is — but usually I sense little vision of how people might come together creatively to design environments for better learning and living by handicapped students. (Reynolds, 1978, p.61)

Specific Monitoring of P.L. 94-142

It has been noted by some authorities in special education that general and special educators are faced with the problem of initiating organizational change in providing educational services to handicapped students because of two major external social forces: (a.) legislative mandates, and (b.) judicial litigation (Barbacovi & Clelland, 1976; Heward & Orlansky, 1980).

These two important forces, together with a changing philosophical position regarding the civil rights and educational services necessary to appropriately provide full equality of opportunity for handicapped children, gave impetus to an examination of educational issues and service delivery alternatives for all handicapped children (Weintraub, Abeson, & Eraddock, 1971). The dramatic increase in mandatory Federal legislation occurred at the same time as two critical right to education cases were being decided in the courts - Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania (1972) and Mills v. Board of Education of the District of Columbia (1972). Both cases found that total exclusion of handicapped children violates the equal protection clause of the Fourteenth and Fifth Amendments. The judicial impact of these cases was in deciding that no handicapped student, no matter how severely involved mentally or physically, could be denied equal protection afforded by the law (Turnbull, 1976).

To assure that handicapped children are provided this equal protection, Congress enacted P.L. 94-142 with the purpose of assuring that all handicapped
children have available to them a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist States and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children (Parbacovi & Clelland, 1976, p. 6). Implementing the intent of P.L. 94-142 calls for insightful leadership and governance on an integrated and expanded basis involving the total school system. It demands a close examination of general education conditions by both general and exceptional educators (Herda, 1980).

In passing P.L. 94-142, Congress provided that an annual report be made on progress in implementing the Act. In January 1979, the first report was published. In this first report it was concluded that:

Although State activities have been enormous, two problems continue to exist. First, many States have had difficulty establishing systems by which to monitor implementation in local agencies. Second, many State educational agencies have had difficulty establishing relationships with other State agencies which serve handicapped children. (State Program Implementation Studies Franch, 1979, p. 3)

In January 1980, the second report was published and, with reference to the two points above, it was noted that:

Significant improvements have been developed in State monitoring capabilities - an essential function in P.L. 94-142's implementation. In 1976, all States had some monitoring system in place, an increase of one-third over the previous year. . . . It is evident that the schools cannot provide for all of the handicapped child's needs without the continued cooperation of other public and private programs. The Bureau (sic) has been working to improve coordination among the agencies which regularly provide services to handicapped children. For example, a major problem in the coordination of services revolves around the issue of which program will provide and pay for a given service and under what conditions. (State Program Implementation Studies Franch, 1980, p. 12-13)
The bureau (SEP) and other Federal agencies jointly have developed policy statements which explain how certain programs may legally continue to provide services and how the various agencies may appropriately collaborate.

The implications to be drawn from these statements are that, for the most part, the monitoring being conducted by the Federal government with the States is working and that the States are responding with corrective actions.

Interestingly, however, in a report by the Comptroller General of the United States to the Congress, it was indicated that there are two problems impeding the Act's implementation: insufficient staff at the State level to assist local education agencies and monitor their programs and lack of comprehensive Federal evaluations of the States' compliance with the Act's mandate (U.S. General Accounting Office, 1981). These problems, it was concluded, were mostly attributed to the U.S. Education Department, Office of Special Education and Rehabilitation Services, Special Education Programs and indirectly, therefore, to the individual State Education Agencies (SEAs). As one educator has pointed out, "From the beginning the Office of Special Education did not want to over-regulate. The struggle for balance between the role of the Federal government and the role of the local government is imbedded in the history of many pieces of legislation." (Shulman, 1980, p.24)

Prior to 1965, Federal legislation relating to local public school services, for any type of student, was limited to mostly indirect intervention. However, the implementation of the Elementary and Secondary Education Act (P.L. 89-10) in 1965 marked the beginning of a new era in broad scale Federal involvement in local school systems. With each subsequent amendment or added piece of legislation, the effects of the court's actions and the role of the State level agencies in monitoring the local level and guaranteeing
compliance has become more evident (Lurrello & Sage, 1979; Newby, 1980).

With the passage of P.L. 94-142, there came additional functions and responsibilities of the State and Federal special education agencies. The Federal government's role has been to establish criteria, set standards, develop rules and regulations, and oversee State implementation of the Act. The State education agencies, each with its own related laws and regulations (Holick, 1974), are designated as the responsible parties for ensuring that all provisions of the Federal law are carried out. In turn, the State must monitor the local agencies within the State to determine the extent to which they are complying with the law (Gearheart & Wright, 1979).

Ironically, in an article published immediately after the passage of F.L. 94-142, Cronin (1976) discussed the "Federal takeover" of educational programs in light of the increase of Federal regulations despite the decrease in Federal funds available. His prediction was that "most of the signs point to an increasingly centralized system and national education policy" (Cronin, 1976, p. 501). What we are seeing now, six years later is that there has been growing support to promote increased State and local takeover and control and to decrease the Federal takeover of education. The president of The American Federation of Teachers, in an article discussing the prospects and problems of F.L. 94-142, lists what he views as obstacles to full implementation according to the Federal mandates (Shanker, 1980). These obstacles are related to the time it takes to write and implement effective Individualized Education Programs (IEPs) for each handicapped child, the requirement for least restrictive alternatives and the need for specific related guidelines, the mandate for supportive services and the reality of lack of availability of many of these services, the lack of inservice training for some teachers, and the inadequacy of Federal funding allocations. Shanker's
recommendation is for school boards, administrators and teachers to cooperatively document those things under the law that they have been able to do using available resources and those they have not been able to accomplish. This evidence, he says, "must be placed before Congress with the request that it either provide sufficient funds to close the gap or change the law." (Shanker, 1980, p. 58)

These same sentiments were reflected in an article specific to the grassroots implementation of P.L. 94-142 (Huckaby & Daly, 1979). The ability of State and local educational agencies to implement the mandates of P.L. 94-142 are inherently dependent on the commitment and support of the Federal educational agency. As was stated in one article:

With shared and interdependent roles at all levels - local education agency, State education agency, institution of higher education, and Federal agency - the impact of the decisions made and actions taken have direct bearing on the lives of handicapped children and their parents. A free-flowing and open communication system is imperative if, collectively, we are to provide the personnel and the services mandated by Public Law 94-142 for all handicapped children. Should we fail, the decisions will be made for us. (Harvey & Siantz, 1979, p. 9)

As has been noted previously, the State Education Agency (SEA) in each State is the agency with primary responsibility for ensuring that educational services are provided to all handicapped children, thereby fulfilling the State's mandate of providing free, appropriate, public education for handicapped children. In this process, it is intended that local education agencies (LFAs), other State agencies, institutions, and private organizations be utilized to provide all required educational services. To accomplish the objective of serving all handicapped children, it is the responsibility of the SEA to:

1) Determine eligibility criteria for those to receive special education services,
2.) Provide or cause to be provided all necessary special education services,
3.) Establish regulations and guidelines pertaining to the education of handicapped children,
4.) Establish implementation guidelines and facility specifications for special education services,
5.) Establish certification requirements for personnel providing services to handicapped children,
6.) Provide assistance to LEAs in implementing and operating educational programs for handicapped children,
7.) Review and approve implementation and operation of education programs for handicapped children to ensure conformance to established standards and guidelines,
7.) Receive, disburse, and administer State and Federal funds designated for education of handicapped children, and
8.) Establish guidelines to protect student and parent rights particularly in the areas of due process and confidentiality of information. (FASDF, 1976)

Given these State level responsibilities, some issues of concern have emerged (Giordano-Fvans, 1981): Costs and responsibilities in educating the handicapped, level of Federal financial support, numbers of handicapped children actually identified and served, and the implementation of P.L. 94-142 requirements by State and local school districts. The Federal legislature holds oversight hearings during each Congress and focuses on these issues in its attempts to clarify or amend the rules and regulations pertaining to P.L. 94-142. This overall issue of public policy and the education of exceptional or handicapped children has been dealt with quite extensively in the literature (Gilhool, 1976; Higgins & Farresi, 1979; Weintraub, Abeson, Ballard, & LaVor, 1976).

It is evident that, although compliance with laws, accountability to State
and Federal agencies, and monitoring of all special education services are critical, there is still much research and analysis to be done in order to fully implement the concepts.

**Directly Related Research**

It was previously mentioned that several dissertations in recent years have explored the issues of compliance, implementation, monitoring, and review of programs related to P.L. 94-142. Most of the following material is excerpted from Dissertation Abstracts International.

One study (Landy, 1977) was based on an investigation of the role and responsibilities of the Bureau of Education for the Handicapped (BEH; now the Special Education Programs section of OSERS) concerning the determination of compliance and enforcement of provisions required under Public Law 93-360, the Education of the Handicapped Amendments, for fiscal year 1975 (FYA-I).

Seven questions were postulated to obtain specific information relating to this investigation. The first question concerned the intent of the legislation; the following three questions related to different aspects and components of the selected State plan submission and approval processes; the fifth question related to the role and authority of IFH; and the remaining two questions sought to determine recommendations that would be useful in the implementation of the BEH approval and enforcement processes.

The study found that the 10 State plans reviewed were in compliance with the law and thus were eligible for Federal funds. This determination was made after an analysis and comparison of the 10 State plans with BEH's suggested guidelines for such plans. These guidelines not only did not hold the force of law, but also differed significantly from the law itself. Therefore, if a State plan was found to be in noncompliance with any of the guidelines, this did not necessarily indicate that there had been noncompliance with the law.

An analysis of the BEH activities related to the submission, approval,
and possible enforcement processes indicated that the timeline was unrealistic and that EEH was confused about its own policies and reluctant to act in an enforcement capacity.

These findings are consistent with various interpretations of law relating to the role and authority of EEH. Recommendations were offered for the improvement of the effectiveness of the EEH role in regard to the EHA-i requirements. These recommendations are consistent with the various interpretations of the law which charged EEH with responsibilities of program and project implementation and administration.

Bourexis (1979) explored the issue of implementation factors related to schools' compliance with special education policy. The study described and analyzed implementation factors in the Boston Public Schools. At the time of the study, Boston was entering its third implementation year of the Massachusetts Comprehensive Special Education Law (Chapter 766), a policy model for the Federal statute, The Education for All Handicapped Children Act (P.L. 94-142).

Twenty-two elementary and secondary schools were surveyed to determine their compliance with the provisions of Chapter 766. On the basis of the survey results, a sample of 9 elementary and secondary schools was selected for further investigation. Seventeen school-level implementors were interviewed from these 9 schools to explicate their roles, strategies, and interactions related to Chapter 766 implementation, and how these efforts influenced schools' compliance performance.

The study findings confirmed that schools are the implementing organization most directly tied to special education service delivery, and therefore to compliance. A policy's eventual impact on handicapped children is largely controlled by the schools' response to the policy and to the effectiveness of their implementation efforts. The researcher found that compliance is most efficiently achieved when the policy requirements keep pace with the programing
capacity of the school and the system. Inservice training support was found
to be critical to compliance to assist implementors in understanding the
policy's goals and their implementation roles. Finally, successful special
education policy implementation was found to require the increased inter-
organizational capacity of schools to relate with the larger school system
or district to exchange both information and resources.

A study which developed and presented an operational tool for an
effective and comprehensive evaluation of programs of special education
and related services was conducted by Zelevansky (1979). The researcher
stressed the importance of considering the worth or merit of program goals,
the attainment of goals, and the development of the information needed to
study the process used in pursuit of primary goals. Each of the five phases
in the evaluation tool is described in terms of the activities, rationale and
resources needed to implement an evaluation.

Some researchers conducted studies to specifically assess a particular
State's compliance with the legal mandates. One such study was a descriptive
analysis of the implementation of the mandatory Alabama Exceptional Child
Education Act 106 (Dill, 1977).

The purpose of this study was fourfold: to determine the degree of
consistency between the Alabama Exceptional Child Education Act 106 and the
"Alabama State Plan" to implement Act 106; to explain, sociologically, any
instances of inconsistency between Act 106 and the "Alabama State Plan"; to
determine the consistency of the implementation of educational services for
exceptional children in Alabama with the mandates of Act 106 and the provisions
of the "Alabama State Plan"; and to determine the effects of any inconsistencies
between the "Alabama State Plan" and Act 106 upon the public education of
exceptional children in Alabama.

In an effort to achieve these purposes, the mandates of Act 106 were
described and then examined for instances of vagueness and ambiguity. The "Alabama State Plan" was then described after which the "Alabama State Plan" and the Act were compared to determine the degree of consistency between the two.

After the comparison of the "Alabama State Plan" and Act 106, an effort was made to explain, sociologically, any incidences of inconsistency that were found between the two. A determination was then made of the extent of the implementation of educational programs and services in Alabama in terms of the consistency of the implementation with the mandates of the Act and the provisions of the "Alabama State Plan." Finally, an effort was made to determine the effect of any instances of inconsistency between Act 106 and the "Alabama State Plan" upon the public education of exceptional children in Alabama.

Two similar studies were conducted in Oregon (Sivage, 1979; Herr, 1979). Both studies provided descriptive data on various compliance aspects of P.L. 94-142 as implemented in Oregon. The conclusions reached by Sivage include the point that effective programs are built with clear goals, well-defined roles, and knowledgeable personnel. Herr's study was a descriptive analysis of the data obtained from monitoring Oregon school districts' compliance with P.L. 94-142. The major analyses include an examination of: (a) districts' compliance with the individual requirements of P.L. 94-142, (b) the relationship between districts' compliance scores and geographic data, (c) the relationship between districts' compliance at the administrative level and compliance at the school level, and (d) districts' compliance at the school level for ten handicapping conditions.

Eighty-six Oregon school districts were monitored during a four month period in 1979. A two-part inventory, developed by project staff, which enumerates the requirements of P.L. 94-142 was used to measure compliance.
Section I of the inventory contains questions which pertain to district policies and procedures. Section II contains questions which pertain to individual student files. The compliance monitoring was conducted during one or two day on-site visits to each district by a team of three or four project members. The team leader interviewed district administrators to obtain the information for Section I of the inventory while other team members reviewed student files to gather the data for Section II of the inventory.

An analysis of districts' compliance with the items in Section I of the monitoring inventory revealed that a majority of the districts (90% or more) were successfully complying with P.L. 94-142 requirements to identify and educate school-aged handicapped children, to provide those children with educational programs and extracurricular activities comparable to those provided to nonhandicapped children, to provide appropriate evaluation of handicapped children in a nondiscriminatory manner, and to provide an education to handicapped children in the least restrictive environment. Districts were not successfully meeting the requirements to identify and educate handicapped children not attending school, to provide surrogate parents for handicapped children whose parents are unknown or unavailable, or to ensure a continuum of alternative placements for handicapped children. An analysis of items in Section II showed that districts were successfully complying with requirements to provide and implement IEPs, to provide physical education for handicapped children, to provide a full evaluation before placement of handicapped children, and to provide an education in the least restrictive environment. Districts were not successfully complying with requirements to include a district representative at IEP meetings, to provide written prior notice for evaluation and placement of handicapped children, or to evaluate children in the areas of assessment indicated by category of suspected disability. The lowest compliance percentages occurred on items concerning the special evaluation requirements for specific learning disabilities.
Spoor (1977) examined the perceptions of Colorado special education administrative unit directors in rural, intermediate, and urban geographic areas concerning State and Federal litigation and legislation and the status of the units' compliance with and implementation of State and Federal laws regarding education for handicapped children. This descriptive study utilized a questionnaire with 44 Colorado special education directors asking for responses concerning litigation, legislation, compliance with laws for the education of the handicapped, and the degree of implementation of programs based on the laws.

Analysis of results revealed that the directors of special education in all three geographic locations—urban, rural, and intermediate—generally agreed on the issue of due process procedures, the method by which the handicapped attain the right to an education, and the influence of litigation, legislation and special interest groups on the education of the handicapped. Directors did, however, disagree on the necessity of litigation for the attainment of the handicapped child's right to due process protections. Most urban and intermediate directors viewed litigation as very necessary for the establishment of due process protections for the handicapped; while, rural directors viewed litigation as only slightly necessary or unnecessary.

A vast majority of the directors rated their units' degree of compliance with the Colorado Handicapped Children's Education Act at 75% or better, while a lesser majority indicated half-compliance or near compliance with P.L. 94-142. Clearly, most directors viewed their units to be in compliance or very near compliance with the Colorado law, while the gearing-up process for the Federally enacted legislation was still being developed.

A study addressing superintendents' value perceptions on 19 components of P.L. 94-142 was conducted in Texas (Koenig, 1979). The researcher related the responses to school district size and total years of experience as a
superintendent. A questionnaire was developed to survey Texas superintendents as to their value perceptions concerning P.L. 94-142 and its (1) goal, (2) rights and protections provisions, (3) fiscal aspects, and (4) managerial aspects. As a result of the research, 21 conclusions were drawn, some of which were that there was no significant relationship between either the size of the school district or the total number of years as a superintendent and the superintendents' value perceptions.

Another study (Carter, 1980) generated empirical data on the professional opinions of Federal and local special education administrators as to their anticipated impact of P.L. 94-142 on local education agencies across Georgia. The intent was to provide information to aid the U.S. Congress and Department of Education in clarifying the conflicting data as to the law's significance and the degree to which it can be implemented.

A total of 11 Federal and 63 local administrators responded to a questionnaire designed to assess the opinions of administrators of special education concerning legal, financial and program aspects of P.L. 94-142; the level of difficulty and statement of necessary provisions of implementation; and conflicts with existing State law or tradition. The conclusions were that Federal and local special education administrators held significantly different viewpoints on the legal, financial and programmatic features of the management process. The level of difficulty and statement of necessity for the implementation of these standards were recognized to the same degree by Federal and local administrators.

Further, the data identified possible administrative and management problems with P.L. 94-142's implementation. These concerns tended to be more obvious at the SEA and LEA levels rather than the Federal level (CSERS). Some of these concerns were: (1) CSERS and Office of Civil Rights relationship to SEAs, (2) inconsistency in the interpretation of criteria to meet P.L. 94-142 requirements, (3) lack of incentives for inter-agency cooperation at the
Federal, State, and local levels, (4) vagueness of terminology in the law, (5) poor coordination of monitoring and audit personnel at Federal and State levels, and (6) discrepancy of national prevalence rates and what actually exists at State and local levels. Recommendations were made to improve communication patterns between and among all three levels of government, and to increase opportunities for joint-planning.

Keilbaugh (1980) conducted a study designed to investigate the perceptions of education administrators regarding the degree of difficulty their school systems had in attempting to install selected components of P.L. 94-142. Further, the research sought to explore the relationship between the difficulty special education administrators perceived when installing the mandated services and the wealth of the school systems as classified by their net instructional expense. Additionally, the study identified specific difficulties that school systems had encountered installing selected components of P.L. 94-142. The research questions concerned: (1) the perceived degree of difficulty installing P.L. 94-142, (2) the relationship of that perceived difficulty to net instructional expense, and (3) identifying the specific difficulties that school systems encountered.

One hundred eighty public school systems were selected from the 505 school districts in Pennsylvania by the use of a stratified random sampling technique. The P.L. 94-142 Installation Questionnaire, developed by the researcher, was mailed to the superintendents of each of the selected school districts. The chief school officer was asked to forward the questionnaire to that person who had administrative responsibility for special education within that school district. There was a 77.2% response, revealing a high level of interest. Although there were no perceived extremes indicated in the difficulty of installing the components of P.L. 94-142, there was clearly a continuum of those components perceived as more or less difficult. The
components most difficult to install were the least restrictive environment and then secondly the individual educational program. Those perceived to present least difficulty were the due process and personnel components. The relationship of cost to the perceived difficulty of installing P.L. 94-142 was very positive. Net instructional expense, whether it be high or low, does not seem to effect the degree of perceived difficulty installing the six selected components of P.L. 94-142. The specific difficulties most frequently encountered by school systems were: (1) the October 1st timeline to complete ITPs, (2) the scheduling of personnel, and (3) the clarity of State and federal regulations.

A study by Schwamm (1977) investigated and analyzed educational ideology and political-economic orientation of local educational decision-makers. It further looked at the extent of special education policy implementation in Massachusetts.

The study incorporated a descriptive research design. Carried out in Massachusetts, the study used a random sample of communities stratified according to density of population. The unit of analysis was the educational decision-maker in these communities. From a population of 114, 70 (61.4%) individuals, including 12 of 16 superintendents and 56 of 98 school committee members, responded to a mailed questionnaire.

The questionnaire yielded an educational ideology profile of local educational decision-makers, and information on their socioeconomic-political characteristics. Secondary sources provided information on characteristics of the communities from which these decision-makers came, and the extent of implementation of Massachusetts's special education law, Chapter 766. Data analysis employed both descriptive and inferential statistical procedures.

The findings on special education policy implementation strongly imply a serious inequity between community types and probably within them when political-
economic characteristics are controlled for. Such variability suggests, at a very minimum, the need for more equitable distribution of existing and new resources for special and regular education. The findings further suggest that more positive attempts be made by local and State providers of children's services to share responsibility in providing services to handicapped and disadvantaged children.

A pro-business, political-economic conservative orientation, coupled with findings indicating inadequate resources, suggest that there be more State and Federal government intervention to provide needed resources. The fact that the median incomes of all of the urban communities in the study were below that of the State, and the fact that the levels of poverty in these urban communities were above that of the State, imply that greatest effort be concentrated on increasing the distribution of resources in many of the urban communities in Massachusetts.

If implementation of Chapter 766 is somewhat related to educational ideology, it suggests a concerted effort be made to provide community leaders with education and training on the needs of handicapped children, especially in the more distant rural and suburban communities. Emphasis by the State, and now the Federal government on accountability of local educational decision-makers further encourages strengthening those public and quasi-public bodies whose concern it is to assure compliance with the letter and spirit of special education policy.

In a final study related to special education program administration (Halter, 1978), the purposes were to: (1) determine the current status of major special education programs and practices in the States and extra-State jurisdictions; (2) compare selected State programs and practices to one another and to the standards set by P.L. 94-142; and (3) determine if a system can be
developed to collect, compile and distribute accurate information concerning current State level special education, and if such a system can be updated annually with relative ease.

A profile form was developed, field tested, and revised, based upon input from the then Bureau of Education for the Handicapped State plan officers and State directors of special education. Data available from national level sources were recorded on profile instruments. Profiles were distributed to State directors of special education for completion. Selected current practices were compared among States, and with the national standards required by P.L. 94-142. States received scores for different classes of responses to the selected items, and an index of P.L. 94-142 compliance was developed for each State. Several hypotheses were tested using one-way analysis of variance to determine if any relationships existed between a high Compliance Index and certain other information reported in the profiles.

Finally, a feedback form was developed and included with the profiles. Data received from the feedback form should assist future profile developers in both procedure and content revisions.

The findings indicated that: (1) The majority of States analyzed have either statutory or regulatory language in force, or have a practice of complying with P.L. 94-142 provisions to some degree. Of the assurances analyzed, those associated with IEP development, parent participation and due process guarantees are the most difficult for the States to meet. All but two States have some form of mandatory special education legislation in effect or scheduled to go into effect by 1978. Only twelve of the States analyzed require full service to all handicapped students, aged 3-18, by 1978. (2) No significant relationship was found between a State's high Index of Compliance and of the following independent variables: (a) high/low proportional
State special education expenditure, (b) high/low per student expenditure in special education, (c) high/low proportion of SHIP staff to students served, (d) reported special education litigation, (e) reported institution of higher education graduates in special education, (f) identified leaders of advocacy organizations, and (g) level of special education director's immediate supervisor.

Data were not available on all aspects of State special education programs and practice. A comparison among States on data available revealed that States are proceeding, with varying levels of success to meet compliance criteria established by P.L. 94-142, and that most are attempting to provide comprehensive special education programs for handicapped students. In terms of a systematic annual update, new procedures to clarify the type of information requested must be sought, as well as a less costly and time-consuming method for development of the profile document itself.

The relevance of the preceding studies to the present research revolves around the issues of studying a State's implementation of P.L. 94-142, studying administrator perceptions of these implementation efforts, and studying the effects of this relatively new law. Most of these studies were descriptive in nature, involved the use of questionnaires, and studied one State at a time. Because the research presented in this researcher's study involves a comparative view of the same type of problems but across seven States, it offers a broader and more in-depth perspective on these issues.

Summary

The issues of compliance, monitoring, and accountability as related to the provision of educational services for the handicapped are notably sparse in the literature. These concepts are new enough to special education to be discussed briefly in recent textbooks (Heward & Orlansky, 1980; Howe, 1981; Keyen, 1976), but are not developed enough to have warranted any studies
except those conducted in selected dissertations.

The specific monitoring efforts related to P.L. 94-142 need further investigation. By utilizing some of the suggested formats for establishing monitoring or accountability systems and then analyzing the results, services for handicapped children could possibly be more effectively planned and implemented.
CHAPTER THREE
PROCEDURES AND METHODS

The purpose of this study is to analyze the internal monitoring and review procedures for special education in seven States (Florida, California, Ohio, Texas, Illinois, Pennsylvania, New York) in order to compare, describe, and contrast the variables/components (content) and procedures/tools (process) used in each State. The intent of the research is to provide a comparative view of how each target State's monitoring functions relate to the procedures in the other States.

Research Questions

The research questions investigated in this study are: (1.) What procedures do each of seven target States use to monitor compliance with P.L. 94-142? (2.) How are these processes similar and different? (3.) Which variables are incorporated into the content of the States' monitoring procedures? (4.) What implications and recommendations can be drawn from an analysis of the seven States' P.L. 94-142 monitoring efforts?

Sample

In order to obtain information related to this research, a sample of seven States, known as the Seven State Consortium, were evaluated with respect to their P.L. 94-142 internal monitoring and review procedures. These seven States serve over 50% of the handicapped children identified in the entire United States and, by population and by child count, are the largest States. They are a sub-unit within the National Association of State Directors of Special Education and hold regular Consortium meetings. This magnifies the significance of the study and the impact of actions taken by these seven States. For the purposes of this research, each State will maintain anonymity. They will be referred to with randomly assigned letter designations (A-G) throughout the remainder of the study.
Procedures

The State directors of special education in the target States were contacted in writing to describe the proposed study and to request their assistance and cooperation (See Appendix C - Copy of Letter; Appendix D - Copy of Proposal Summary). They were each asked to send the researcher a copy of their State's procedures for monitoring, evaluating, and reviewing special education services in compliance with Federal and State laws and to send any other special education-related materials (e.g., State newsletters, rules/standards/laws handbooks, parent handbooks, etc.). At the same time, a questionnaire was sent to each State director asking for specific factual information related to State statistics (e.g., population, child count, number of local education agencies), State administrative structures, compliance with selected Federal mandates, and each State director's perceptions of the past, present, and future status of State special education monitoring (See Appendix E - Copy of Questionnaire). A tabulation and analysis of the State director responses and the seven procedural guidebooks was completed in terms of content (variables assessed) and process (how assessments are conducted).

This investigation was conducted as a descriptive/analytical study utilizing a matrix format intended to answer the research questions stated previously. Selected variables, from those already identified as Program Administrative Review (PAR) variables, were chosen to represent one factor of the matrix, the seven States represent a second factor, and the process/content descriptors represent the third factor of a three factor matrix. The information recorded in the matrix cells collectively represents data reflecting each State's evidence of a monitoring procedure.
which assures compliance with required P.L. 94-142 mandates (See Appendix F - Copy of Matrix).

In addition, supplementary information obtained from the responses to questionnaire items is incorporated into the overall assessment of data. This information is presented in tabular form as factual demographic and other background information on the target States.

**Data Collection and Analysis**

A three factor matrix design was devised using target State responses to selected PAR variables related to both process and content. As study participants from the target States returned their State procedural guidebooks, and other related data, the information was recorded into corresponding cells within each State's matrix. With this descriptive data base, each State's monitoring procedures were examined on a case-by-case basis to determine comparative methods of assuring compliance with Federal/State laws. The researcher then tabulated or plotted all data; when all information was graphically represented, these data were critically analyzed.

**Research Design**

This study is described as ex post facto in nature. There is no manipulation of variables and no randomization of subjects or conditions. The researcher looked comprehensively at monitorial procedures that are presently occurring in the seven target States in an attempt to draw inferences and implications concerning future State monitoring of P.L. 94-142 compliance. The research study is intended to be exploratory as well as descriptive. It is not hypothesis-testing research and it is not an effort to explain or demonstrate cause and effect relations (Gay, 1976; Kerlinger, 1973).
Since the sample population consisted of seven States, it was imperative that all seven State directors of special education cooperate by responding fully to all requests associated with this study. In this regard, the researcher made two follow-up phone calls to States who had not responded by the requested time; both States then sent the materials as requested.

The major impact of this research is in the implications drawn and recommendations made to the selected State directors of special education concerning the content and process of P.L. 94-142 monitoring. It is hoped that the descriptive and comparative nature of this research analysis will provide States with information to which they previously have not had access.

**Summary**

This study used a three factor matrix design to assess and present the information and data related to four critical research questions. Selected Program Administrative Review (PAR) variables were used to compare and contrast the special education monitoring procedures in the seven target States. A response was received from all seven States which provided for a complete analysis of needed data. The researcher tabulated or plotted all data graphically, then analyzed the information as it relates to a comparison of State monitoring practices in special education.
CHAPTER FOUR
RESULTS AND DISCUSSION

To review, the critical research questions investigated in this study were: (1.) What procedures do each of the seven target States use to monitor compliance with P.L. 94-142? (2.) How are these processes similar and different? (3.) Which variables are incorporated into the content of the monitoring procedures? and, (4.) What implications and recommendations can be drawn from an analysis of the seven States' P.L. 94-142 monitoring efforts?

The format for the results and analysis of data is as follows: (1.) Results of the questionnaire items are presented and discussed in tabular and narrative form by State statistical data, SEA administrative structure, and SEA procedural information; (2.) A description of each State's monitoring manual is presented; and (3.) An analysis of the selected Program Administrative Review (PAR) variables is presented and discussed State by State in tabular and narrative form. Since the developed matrix uses a process and content format for information delineation, the researcher presents those data, then discusses each State's available procedural information (i.e., process) for monitoring. Since all seven target States responded to the researcher's requests for a 100% return rate, the presentation and analysis of data are as complete as is possible.

As previously stated, the Federal government conducts Program Administrative Reviews (PARs) of the States in order to assess their compliance with Federal mandates. The Program Administrative Review process is designed to monitor only certain aspects of P.L. 94-142 and P.L. 89-313. These aspects, called "programmatic variables," can vary somewhat depending on the source
of information. However, these same programmatic variables should be contained within each State's system for monitoring local education agencies. For the purposes of this study, only the PAH variables designated for monitoring P.L. 94-142 will be critically analyzed and discussed (NASDSE, 1977).

Figure 3 provides a summary of results following the 1976-79 PARs conducted in 21 States. This was the latest PAR information overview available to the researcher. It is evident from this chart that there was great variability in the level of compliance across the 21 States and 15 selected variables.

The seven States surveyed in the present study have already been noted as serving over 50% of the handicapped children in the United States. Table 1 reflects the exact reported numbers of children served in each State in 1979-80; the underlined States/numbers reflect those included in the present study.

Table 2 provides a description of specifically what materials were sent from each State. Because of this variability in the amount and extent of information in materials sent to the researcher, it was necessary to limit the analysis of data to the questionnaires (which all States returned) and the procedural guides for monitoring of P.L. 94-142 within each State (which all States sent). Two other pieces of information on each State were added by the researcher and used as supplementary information: Special education profile data (NASDSE, 1976) and the most recent Federal Program Administrative Reviews (Education of the Handicapped Law Report, 1978-1981).
Implementation in 21 States

LEGEND

(State Program Implementation Studies Branch, 1980, p. 103)

Figure 3  State Status in Administering P.L. 94-142 Following 1978-79 Program Administrative Review
Table 1

NUMBER OF CHILDREN AGES 3-21 YEARS SERVED UNDER P.L. 89-313 AND P.L. 94-142

SCHOOL YEAR 1979-1980

<table>
<thead>
<tr>
<th>STATE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALABAMA</td>
<td>72,378</td>
</tr>
<tr>
<td>ALASKA</td>
<td>10,242</td>
</tr>
<tr>
<td>ARIZONA</td>
<td>48,303</td>
</tr>
<tr>
<td>ARKANSAS</td>
<td>45,027</td>
</tr>
<tr>
<td>CALIFORNIA</td>
<td>355,533</td>
</tr>
<tr>
<td>COLORADO</td>
<td>47,338</td>
</tr>
<tr>
<td>CONNECTICUT</td>
<td>62,551</td>
</tr>
<tr>
<td>DELAWARE</td>
<td>14,434</td>
</tr>
<tr>
<td>DISTRICT OF COLUMBIA</td>
<td>5,217</td>
</tr>
<tr>
<td>FLORIDA</td>
<td>128,953</td>
</tr>
<tr>
<td>GEORGIA</td>
<td>101,647</td>
</tr>
<tr>
<td>HAWAII</td>
<td>11,382</td>
</tr>
<tr>
<td>IDAHO</td>
<td>18,066</td>
</tr>
<tr>
<td>ILLINOIS</td>
<td>230,483</td>
</tr>
<tr>
<td>INDIANA</td>
<td>98,818</td>
</tr>
<tr>
<td>IOWA</td>
<td>38,969</td>
</tr>
<tr>
<td>KANSAS</td>
<td>38,733</td>
</tr>
<tr>
<td>KENTUCKY</td>
<td>67,087</td>
</tr>
<tr>
<td>LOUISIANA</td>
<td>85,040</td>
</tr>
<tr>
<td>MAINE</td>
<td>24,307</td>
</tr>
<tr>
<td>MARYLAND</td>
<td>93,763</td>
</tr>
<tr>
<td>MASSACHUSETTS</td>
<td>141,869</td>
</tr>
<tr>
<td>MICHIGAN</td>
<td>155,385</td>
</tr>
<tr>
<td>MINNESOTA</td>
<td>82,346</td>
</tr>
<tr>
<td>MISSISSIPPI</td>
<td>42,430</td>
</tr>
<tr>
<td>MISSOURI</td>
<td>98,134</td>
</tr>
<tr>
<td>MONTANA</td>
<td>12,781</td>
</tr>
<tr>
<td>NEBRASKA</td>
<td>30,388</td>
</tr>
<tr>
<td>NEVADA</td>
<td>11,207</td>
</tr>
<tr>
<td>NEW HAMPSHIRE</td>
<td>12,627</td>
</tr>
<tr>
<td>NEW JERSEY</td>
<td>149,578</td>
</tr>
<tr>
<td>NEW MEXICO</td>
<td>20,479</td>
</tr>
<tr>
<td>NEW YORK</td>
<td>218,387</td>
</tr>
<tr>
<td>NORTH CAROLINA</td>
<td>114,894</td>
</tr>
<tr>
<td>NORTH DAKOTA</td>
<td>9,776</td>
</tr>
<tr>
<td>OHIO</td>
<td>201,352</td>
</tr>
<tr>
<td>OKLAHOMA</td>
<td>60,997</td>
</tr>
<tr>
<td>OREGON</td>
<td>44,145</td>
</tr>
<tr>
<td>PENNSYLVANIA</td>
<td>150,244</td>
</tr>
<tr>
<td>PUERTO RICO</td>
<td>21,035</td>
</tr>
<tr>
<td>RHODE ISLAND</td>
<td>16,071</td>
</tr>
<tr>
<td>SOUTH CAROLINA</td>
<td>71,466</td>
</tr>
<tr>
<td>SOUTH DAKOTA</td>
<td>9,850</td>
</tr>
<tr>
<td>TENNESSEE</td>
<td>93,004</td>
</tr>
<tr>
<td>TEXAS</td>
<td>267,812</td>
</tr>
<tr>
<td>UTAH</td>
<td>36,121</td>
</tr>
<tr>
<td>VERMONT</td>
<td>12,424</td>
</tr>
<tr>
<td>VIRGINIA</td>
<td>91,051</td>
</tr>
<tr>
<td>WASHINGTON</td>
<td>54,049</td>
</tr>
<tr>
<td>WEST VIRGINIA</td>
<td>33,964</td>
</tr>
<tr>
<td>WISCONSIN</td>
<td>65,611</td>
</tr>
<tr>
<td>WYOMING</td>
<td>9,873</td>
</tr>
<tr>
<td>AMERICAN SAMOA</td>
<td>167</td>
</tr>
<tr>
<td>GUAM</td>
<td>1,790</td>
</tr>
<tr>
<td>NORTHERN MARIANAS</td>
<td>15</td>
</tr>
<tr>
<td>TRUST TERRITORIES</td>
<td>1,742</td>
</tr>
<tr>
<td>VIRGIN ISLANDS</td>
<td>1,318</td>
</tr>
<tr>
<td>BUR. OF INDIAN AFFAIRS</td>
<td>4,839</td>
</tr>
</tbody>
</table>

U.S. AND TERRITORIES          4,036,219

(State Program Implementation Studies Branch, 1980, p. 161)
Table 2
Monitoring and Special Education Related Materials Received from Target States

**State A**
1. State Special Education Law
2. Policies and Administrative Procedures for the Education of Handicapped Students
3. Procedures for Compliance Monitoring of Special Education Programs

**State L**
1. SEA Table of Organization
3. Training Surrogate Parents
4. Special Education Indicators of Quality
5. Handbook for Right to Education Task Force Members
6. Special Education Programs/Services 1960-81

**State C**
1. A Look At Due Process for Parents of Handicapped Children
2. IFP Resource booklet
4. State Administrative Procedures for the Education of the Handicapped
5. State Laws for Special Education
6. Program Review and Evaluation Procedures for Special Education
7. Self-Review Guide for District Procedures
8. Highlights in Special Education (September, 1961; April, 1961)
10. Special Education Directory
11. Standards for Special Education
12. Rules for the Education of Handicapped Children (effective 7/1/82)

**State D**
1. Special Education Program: A Review Guide
2. State Plan (1960-61)
3. P.L. 94-142 and Section 504 - Understanding What They Are and Are Not
4. The Individualized Education Program: A Guide for Development
5. Guidelines for Carrying Out the Responsibilities of the Committee on the Handicapped (Spanish edition)
6. The Role of a School Board Member in the Education of Children with Handicapped Conditions
7. Physical Therapy and Occupational Therapy in an Educational Setting

(continues)

*For each State the actual monitoring and review manual used for the FAB analysis is starred.*
**Table 2 (cont.)**

**State E**

1. SEA Special Education Division Table of Organization
2. State Board of Education Table of Organization
3. *Manual for Assuring Guaranteed Education Services

**State F**

1. State Plan for Fiscal Years 1981-83
2. Programs for Exceptional Students: Annual Report, 1979-80
3. State Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students
4. Federal Laws and Regulations Pertaining to the Education of Exceptional Students - P.L. 94-142, Sec. 504, and P.L. 69-313
6. Topical Manual: Individual Educational Programs
7. Program Manual: Emotionally Handicapped
9. Program Manual: Gifted
11. Program Manual: CT/PT
12. *Auditor's Packet - Exceptional Student Comprehensive Program Compliance and Performance Auditing and Monitoring System (10 separate manuals)
13. State Education Directory (1981-82)
15. Clearinghouse Catalog: Resources for Exceptional Student Education

**State G**

1. Composite of Special Education Laws
3. *Memo re: Restructuring the Office of Special Education
4. Selected SEA Publications List

*For each State the actual monitoring and review manual used for the PAR analysis is starred.*
Results and Analysis of Questionnaire Responses

The initial information analyzed is that provided by the questionnaire responses (See Appendix E for questionnaire). Tables 3, 4, and 5 present the response information related to State statistical data, SEA Administrative Structure, and SEA Procedural Information respectively.

The information represented in the State Statistical Data (Table 3) reflects a range in State population from approximately 9.5 million to 23.5 million persons for a mean of approximately 14.5 million. The range in State handicapped child count is from 140,000 to 360,000 students with almost a direct correlation between high population count and high handicapped child count. The mean child count is 244,910. The number of local education agencies (LEAs) ranges from 67 to 1214 with a mean of 748. This large discrepancy may be reflective of the variation in how States divide the overall educational responsibilities.

The State Education Agency (SEA) Administrative Structure information (Table 4) indicates a range in number of personnel monitoring special education in each State from totals of 11 to 37 central office staff (mean = 17) and 0 to 45 Regional staff. 14.3% (1/7) of the States use peer review within the LEA; 28.6% (2/7) of the States use peer review across LEAs. Regarding SEA monitoring only, 57.1% (4/7) of the target States use that procedure, while the other 42.9% (3/7) of the States combine SEA monitoring with LEA review. 85.7% (6/7) of the Consortium States conduct on-site visits as part of their monitoring procedures. Asked if they conduct Central Office paper reviews, 71.4% (5/7) of the States responded affirmatively. 85.7% (6/7) of the States monitor other State agencies providing special education services, while 71.4% (5/7) monitor handicapped children in private schools.

One question which is not reflected in Table 4 is related to how the
# Table 3
State Statistical Data

<table>
<thead>
<tr>
<th>State</th>
<th>Population</th>
<th>Child Count*</th>
<th>Number of ILAs</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>15,000,000</td>
<td>300,000</td>
<td>1,100</td>
</tr>
<tr>
<td>B</td>
<td>12,000,000</td>
<td>264,265</td>
<td>501</td>
</tr>
<tr>
<td>C</td>
<td>10,797,630</td>
<td>197,597</td>
<td>615</td>
</tr>
<tr>
<td>D</td>
<td>17,557,286</td>
<td>239,492</td>
<td>730</td>
</tr>
<tr>
<td>E</td>
<td>11,418,461</td>
<td>211,267</td>
<td>1,012</td>
</tr>
<tr>
<td>F</td>
<td>9,739,992</td>
<td>141,125</td>
<td>67</td>
</tr>
<tr>
<td>G</td>
<td>23,668,562</td>
<td>360,564</td>
<td>1,214</td>
</tr>
<tr>
<td>X</td>
<td>14,311,714</td>
<td>244,910</td>
<td>746</td>
</tr>
</tbody>
</table>

*Handicapped children in each State as identified by December of each year; these figures reflect the count of 12/61
<table>
<thead>
<tr>
<th>State</th>
<th>Number of Personnel Monitoring Special Education</th>
<th>Peer Review Within LFA</th>
<th>Peer Review Across LFA</th>
<th>SFA Only</th>
<th>SFA &amp; LFA Combined</th>
<th>On-Site Visits</th>
<th>Paper Review</th>
<th>Monitoring of Other State Agencies</th>
<th>Monitoring Children in Private Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>37 Central Office</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes (Limited)</td>
<td>Yes</td>
</tr>
<tr>
<td>E</td>
<td>11 Central Office</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>C</td>
<td>19 Central Office</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>D</td>
<td>17 Central Office; 45 Regional</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>F</td>
<td>13 Central Office; 9,41 Two Separate Departments</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes (paper only)</td>
</tr>
<tr>
<td>G</td>
<td>2 Central Office; 10 Regional</td>
<td>Yes (Optional)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Totals</td>
<td>X = 17 Central Office</td>
<td>14.3% Yes</td>
<td>20.6% Yes</td>
<td>57.1% Yes</td>
<td>42.9% Yes</td>
<td>85.7% Yes</td>
<td>71.4% Yes</td>
<td>85.7% Yes</td>
<td>71.4% Yes</td>
</tr>
<tr>
<td>State</td>
<td>LEAs use Self-Review Guide?</td>
<td>Parents are Provided with What?</td>
<td>State Monitoring Dependent on Federal Law?</td>
<td>Tactic if P.L. 94-142 is altered significantly?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------</td>
<td>---------------------------------</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>Available</td>
<td>Booklet</td>
<td>Partially</td>
<td>Continue as is</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E</td>
<td>Some do</td>
<td>Booklet; Inservices; Task Force</td>
<td>Partially</td>
<td>Continue as is</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Yes</td>
<td>Booklet; Inservices; Interviews</td>
<td>Partially</td>
<td>Revise monitoring activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Yes</td>
<td>Booklet; Inservices; Parent Training</td>
<td>Partially</td>
<td>Continue as is</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E</td>
<td>Yes</td>
<td>Booklet</td>
<td>Partially</td>
<td>Significantly decrease monitoring activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F</td>
<td>No</td>
<td>Booklet; Inservices</td>
<td>Not at all</td>
<td>Not decided; Continue monitoring at some level</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G</td>
<td>Yes (Optional)</td>
<td>Booklet; Inservices</td>
<td>Partially</td>
<td>Significantly decrease monitoring activities</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>
State is divided for monitoring purposes. The responses indicate the following:

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<thead>
<tr>
<th>State</th>
<th>Divided by</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>local school districts</td>
</tr>
<tr>
<td>B</td>
<td>regions</td>
</tr>
<tr>
<td>C</td>
<td>county level, exempted village, city</td>
</tr>
<tr>
<td>D</td>
<td>regions</td>
</tr>
<tr>
<td>E</td>
<td>cooperatives and regions</td>
</tr>
<tr>
<td>F</td>
<td>counties</td>
</tr>
<tr>
<td>G</td>
<td>regions, districts, counties, or combinations of them</td>
</tr>
</tbody>
</table>

The State Education Agency Procedural Information (Table 5) reflects primary information. Four States reported that the LEAs use a self-review guide prior to the SEA monitoring, two States said a self-review guide is available or optional for the LEAs, and one State reported that the LEAs do not use a self-review guide at all. Responding to the question related to what is provided to parents, all seven States reported that a booklet is provided to parents, five States reported that parents are offered inservice meetings, and three States offer other activities (e.g., training/interviews/task force).

Asked if the State's special education monitoring procedures are dependent on Federal law mandates, six States responded "partially" and one State responded "not at all." In response to the question about how the State's monitoring procedures would change if P.L. 94-142 is altered or repealed, three States said they will continue monitoring as they are now, two States reported they will significantly decrease monitoring activities, one State said it will revise monitoring activities,
and one State reported it has not decided what it will do, although monitoring will continue at some level.

Two States chose to respond to the supplementary information section at the end of the questionnaire. State D reported that a major thrust of the Office of the Handicapped has been to develop interagency agreements between the SEA and other State agencies so that the educational standards established by the SEA are adhered to for children served by other agencies. State G reported that it is starting to look at quality as well as compliance in its program reviews.

(2.) **Description of Monitoring Manuals**

The monitoring/review manual for each of the seven target States has its own unique features, format, and intent. The following descriptions provide an overview of these manuals.

**State A:** The monitoring information is presented in a loose leaf binder which contains an introductory statement of intent and purpose with a list of compliance standards and an outline of on-site activities. On the left side pages, each P.L. 94-142 requirement is then listed with the equivalent State requirement and criteria for the monitor to use in reviewing programs. All right side pages are printed in a different color and are LEA worksheets of questions and criteria for a self-review of the same requirements. This format is followed throughout the procedures manual as almost all P.L. 94-142 requirements are presented.

**State E:** This State's procedure information is not called a monitoring or review manual - it is called a planning process manual. The contents cover legal mandates for special education, school policies, special education program/service operations, special education budget process, and special education plan revision process. The information presented
is not specifically related to a monitoring system. There is a separate leaflet describing an overview of the monitoring system.

State C: The program review and evaluation procedures manual presents a statement of philosophy and an outline of on-site monitoring activities. The remainder of the manual is divided by P.L. 94-142 and State requirements with specific questions to be asked of each LEA administrator. Legal references to P.L. 94-142 or State law are given for each item. The manual has separate sections for monitoring administrative procedures, program evaluation, record evaluation, project application and expenditures, parent review, and each handicapping condition served. There is a separate manual for monitoring the Department of Mental Retardation and Developmental Disabilities educational programs and County Board programs for the handicapped.

State D: The monitoring guide for special education programs begins with a request for program description. There is no philosophy or statement of intent contained in the manual. The sections are divided into administrative policies/procedures and education program. Each section lists topics by compliance and professional issue, legal reference, and suggested procedure.

State E: The manual for assuring educational services presents an overview and statement of philosophy for compliance monitoring. It then gives an outline of a compliance review process with a diagrammatic presentation of compliance review uses of the monitoring report. It is made clear to the reader that not all P.L. 94-142 requirements are contained in the manual and only those to be addressed for the particular review time are included. The remainder of the manual presents P.L. 94-142 mandates, or monitoring probes as they are called, in selected areas and then gives examples for each area of evidence to substantiate compliance.
State F: This State presents the compliance and monitoring information in ten separate manuals covering program compliance and performance audit, compliance follow-up audits, and project monitoring for all entitlement and discretionary projects. Each manual contains purpose and scope statements, an outline of audit activities, then a series of interview questions related to the various topics. No federal legal references are given and there are similar questions presented for district level administrators and school level administrators and staff.

State G: This monitoring handbook begins with an overview, purpose, responsibilities, process, and scope of a program review. There are two sections to the manual - the first focuses on individual students and the effects of learning on them; the second section focuses on the special education processes and includes criteria for assessing the quality of these processes, topic sheets listing the major areas of focus, interview/observation/record review guides, sample required corrective actions, and suggestions for improvement.

3. Results and Analysis of PAE Variables

The matrix of data (Table 6) reflects information related to the identification of process and/or content information located by the researcher in each State's monitoring materials. Some States' materials contain mostly content material (i.e., what will be monitored), while other States' materials contain content and process material (i.e., how the monitoring will be conducted).

Of the 10 variables used for this study, a mean of 10.6 or 56.7% of the variables were located in the monitoring manuals as providing process information; a mean of 13.0 or 72.2% of the variables were located in the monitoring manuals as providing content information.
Table 6: Matrix of States' Monitoring Information

<table>
<thead>
<tr>
<th>PAR Variables (MASE, 1977)</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Submission of Annual Program Plan</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>7. Right to education policy</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
<td>+</td>
<td>+</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3. Full education opportunity goal</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>4. Priorities</td>
<td>+</td>
<td>+</td>
<td>0</td>
<td>+</td>
<td>0</td>
<td>+</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>5. Child identification, location, and evaluation</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>6. Individualized Education Program</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>7. Procedural safeguards</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>8. Confidentiality</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>9. Least restrictive environment</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>10. Protection in evaluation procedures</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>11. Comprehensive system of personnel development</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>12. Participation of private school children</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>13. Placement in private school</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>14. SFA responsibility for all educational programs</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>15. Program monitoring and evaluation</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>16. Reporting and Child Count</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>17. Administration of funds by SFA and LFA</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
<tr>
<td>18. State advisory panel</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>0</td>
</tr>
</tbody>
</table>

State Summary Statistics:

- **Process Information** - Range = 7-16 variables
  - Mean = 10.6 variables
  - Percent = 58.7% variables

- **Content Information** - Range = 7-17 variables
  - Mean = 13.0 variables
  - Percent = 72.2% variables
It became evident to the researcher in analyzing the seven States' procedural manuals that there were two other variables or items that were essential to a clear overall understanding of a State's monitoring procedures. These two items were a philosophy or statement of purpose for the monitoring procedures and an outline of review and monitoring activities. Five States' materials contained this information (States B and D did not) within their monitoring manuals.

In order to provide adequate information related to the procedures used in the seven Consortium States, the following section gives a definition of each variable, the F.L. 94-142 reference, and a description of the process information available for each variable for each State. If no process information was available, it was noted as N/A (Not Available).

In addition, much of the following material is excerpted from the State manuals. At the end of each variable's State by State process narrative, an inter-State analysis is presented. Lastly, the chapter ends with a succinct summary of the presented information.

**Variable 1 - Submission of Annual Program Plan (Subpart B - Sections 121a.110 - 121a.114)**

Definition: Every State is required to submit an Annual Program Plan and Application to the Federal government in order to receive funds for the education of handicapped children. Each State requires that each LEA submit an application to the SEA in order to receive payments under Part E of the Act for any given fiscal year.

State A: The monitoring manual contains an explanation of the LEA application process with the actual application and directions for completion. The application addresses five program priorities (for the 1980-81 application): Priority 1 - Child Identification Effort; Priority 2 - Unserved Students; Priority 3 - Inappropriately served students; Priority 4 - Comprehensive
System of Personnel Development; and Priority 5 - other priorities based on district or cooperative planning. The directions include a section covering a plan for services (by priority areas), financial section, an educational service environments section (regular class, separate class, separate school, other environment), and an assurances section.

State F: A long range development plan is discussed with the requirement that every school district submit one for approval. The manual outlines the content to be covered in the plan as follows: a statement of district educational goals and objectives; evidence of community involvement; affirmative action and equal rights; a description of a program of education; a description of physical facilities; population projections; evidence of interdistrict coordination of activities; financial data about the district; and a description of supplemental school activities.

State C: Information pertaining to the Annual Program Plan/Application is covered in the manual. The areas addressed are: (1.) School District Identifying Information (i.e., All identifying information for school district and contact person is completed and current; Beginning date is not before July 1, and ending date is not after August 31, ____). (2.) Public Participation (i.e., Procedures have been implemented to ensure the participation and consultation with parents and/or guardians of handicapped children in meeting the full services goal; Necessary records are maintained for the purpose of reporting the outcomes of all procedures outlined on the application; There is a description of the procedures to be utilized in making the application and all documents related to the application are available to parents and the general public, including evaluations and reports; and, These procedures have been implemented or definite plans have been made to provide for implementation.), and (3.)
Children to be served with Part E Flow-Thru Funds (i.e., Child Information Management System records for children previously reported document that those children are currently being provided with a free appropriate public education; Documentation exists which demonstrates that children reported are, in fact, being served directly or indirectly by the project; and An unduplicated count is reported).

State D: The monitoring guide or manual provides a suggested procedure for each compliance issue noted. In order to monitor the requirement for a plan, the reviewer asks the following questions: (1.) Does the school district have on file a current overall district plan outlining services provided to handicapped children? (2.) Who is responsible for preparing the plan? (3.) Does the plan include: the handicapping categories provided special education, numbers of certified teachers providing special education/related services, number of professional support staff, a personnel budget, Committee on the Handicapped information, basic program information, number/age/grade placement of children, number of certified teachers of the handicapped for each type of service, instruments and/or procedures used in assessing the needs of each child, long and short range objectives, program evaluation? (4.) How often is the plan revised? (5.) Does the school district have on file specific program plans for each handicapping condition served? (6.) Who is responsible for preparing the specific program plans? (7.) Does each of the specific program plans include: priority pupil needs, related program objectives, summary description of program activities, evaluation strategy, amount budgeted? (8.) Does the district have on file a long range plan which outlines one year fiscal and program projections and six year enrollment projections? (9.) Who is responsible for preparing the plan? (10.) How often is the plan reused? (11.) Is the plan submitted to the SIA? (12.) Is a planning notebook with this
information available for public inspection?

State E: This State's monitoring procedures with Federal and State laws specify examples of documentation needed for evidence to substantiate compliance. A plan and application for P.L. 94-142 flow-through or Part B funds might contain the following: (1.) Public Participation: (written policies/procedures, copies of announcements if print medium was used, copies of announcements sent to broadcasting stations, list of broadcasting stations utilized, and documentation of mailings utilized), (2.) Needs Assessment: (written policies/procedures, copies of needs assessment instrument and results, copies of letters or other notices sent to introduce needs assessment, and list of individuals and/or agencies contacted for inclusion in process), and (3.) Child Count Verification: (written policies/procedures, students on child count are receiving services as per ILP's, and student names are not duplicated on forms to State Board of Education).

State F: The State's monitoring procedures related to a program plan involve interviewing and asking questions of the LEA administrators. Two specific questions are: Does the project address designated priorities for use of funds? How did the project determine eligible participants? Compliance indicators are included for the interviewer. Examples of these indicators are as follows: procedure for identifying priorities; Child Find data; minutes of meetings; correspondence, letters; P.L. 94-142 unduplicated count; etc.

State G: I/A

Inter-State Analysis: Variable 1: Six States (all but State G) contain process information related to the annual program plan in their manuals. Each State provides topics or questions for the completion of a plan by the LFAs. States A, F, C, and D offer very specific guidelines and
requirements for the plans, while States E, and F offer a more general outline of plan content.

Variable 2 - Right to Education Policy (Subpart C - Section 121a.121 - 122)

Definition: The Federal government has developed in P.L. 94-142 specific age ranges and timelines for assuring the right of all handicapped children to a free appropriate public education. It mandated services to all handicapped children 3 through 21 years by 9/1/80.

State A: The manual lists the items to be considered in determining compliance with this issue. The items all respond to the question: Does each student enrolled in the public school system have access to programs and services that are appropriate to his/her educational needs and that are substantially equal to those available to any similar students? Specifically the compliance items are: Identification of handicapped students, referral committee functions, assessment procedures, number of handicapped students not served, accessibility to regular programs, availability of related services, media and materials available, and facilities inspection.

State E: /A

State C: The following conclusions are listed as the SEA responsibilities for right to education requirements: (1.) Public schools are responsible for the identification and evaluation of all handicapped children below age twenty-two (Effective as of August 27, 1978); (2.) Public schools are required to provide a free and appropriate public education to each qualified handicapped child (Effective as of September, 1978); (3.) Public schools are required to provide education for all handicapped children, ages five through twenty-one, unless the pupil has completed the twelfth grade and has been issued a diploma (Effective as of September, 1977); (4.) Public schools may provide educational
programs for handicapped children ages three and four. If a program is provided for more than fifty percent of children with one classification of handicapping condition, the program must be offered to all children with such handicap; and (5) Public schools may provide diagnostic services for handicapped children below the age of three, and parent counseling.

State D: 1/A
State I: 1/A
State F: 1/A
State C: K/A

Inter-State Analysis: Variable 2: Only two States (A, C) specifically contain process information related to a right to education policy. Both States present questions or statements of SHA responsibility for educating all handicapped children.

Variable 3 - Full Education Opportunity Goal (Subpart C - Section 123a.123)

Definition: This assures the right of all handicapped children to a free appropriate public education.

State A: (same process as for Variable 2)
State I: 1/A
State F: 1/A
State C: (same process as for Variable 2)
State D: 1/A
State I: 1/A
State F: 1/A
State C: 1/A

Inter-State Analysis: Variable 3: Two States (A, C) provide process information in their manuals related to the provision of a free appropriate public education. The process is the same in both
Variable 4 - Priorities (Subpart C - Section 121a.321)

Definition: This is a requirement in P.L. 94-142 for each State to develop priorities in serving handicapped children. P.L. 94-142 originally listed (1977) first priority children as handicapped children who were in the age group for which the State had to provide a free appropriate public education and who were not receiving any education; second priority children were defined as those handicapped children with the most severe handicaps who were receiving an inadequate education. However, as of October 1, 1980 all children were to be served with no specific priorities.

State A: (State A set five priorities for the 1980-81 school year - same process as for Variable 1)

State B: N/A
State C: N/A
State D: N/A
State E: N/A
State F: N/A
State G: N/A

Inter-State Analysis: Variable 4: Only one State (A) presently contains process information related to priorities and the process was actually contained within Variable 1 under the annual plan discussion.

Variable 5 - Child Identification, Location, and Evaluation (Subpart B - Section 121a.128)

Definition: There is a mandate under P.L. 94-142 for each State to conduct activities to identify, locate, and evaluate all handicapped children, regardless of severity of handicap.

State A: The monitoring manual specifies exactly what criteria will be used to check compliance with this requirement and presents
possible activities to use. The criteria are: (1.) Documentation of public awareness activities (e.g., newspaper articles/ads/feature stories, radio/TV public service announcements/talk shows, distribution of pamphlets describing educational opportunities available to the handicapped, presentations to service clubs, civic groups, etc.) and (2.) Written procedures for using the Child Find service to be included in special education policies, three-year plan, or P.L. 94-142 application.

State B: The manual discusses parent initiated identification and school district identification. Parent initiated identification means that any parent who believes that his or her child is exceptional and is not receiving appropriate special education programming may request, in writing, an evaluation of the child. A conference is scheduled within 10 days of receipt of the written request to discuss the child's educational program. School-district initiated identification means that each school district will adopt a policy for the identification of school-aged persons in need of special education programs or services to include group screening, referrals for evaluation, and notice to parents.

State C: The monitoring and review manual contains a listing of the required steps to take place in a child identification program. Each LIA must: (1.) Implement on-going systems for identification of all in-school handicapped children residing within the district who may be in need of special education and/or related services as well as those children currently receiving such programs and/or services; (2.) Implement on-going systems for identification of all out-of-school handicapped children who reside within the school district and who need special education programs and/or related services as well as those handicapped children currently not in public school but being served by private or
other non-public agencies; (3.) Implement written referral procedures, including forms for the purpose of obtaining appropriate multifactored evaluations for children with suspected handicaps who are identified through the in-school and out-of-school child identification systems; (4.) Implement written procedures for an on-going child information management system to assure that it can be readily determined where each child is in the identification, location, evaluation, placement and program review process; (5.) Report a summary of the child data from the child information management system to the SLA on prescribed forms and in a prescribed manner; (6.) Designate an individual to be responsible for the implementation of the in-school and out-of-school child identification systems; (7.) Implement an intensive awareness campaign as part of the out-of-school child identification system every third year beginning in 1976; (8.) Include in the intensive awareness campaign public notice of confidentiality policies and procedures and information to the population of the purposes of the child identification activities; and (9.) Document that the school district made an attempt to contact every household within the school district at once during the campaign by mail, telephone, household visit, or other appropriate contact.

State D: The monitoring procedures for this requirement involve asking the following questions of the LEA administrator: (1.) Who may refer a child to the Committee on the Handicapped for review? (2.) What is the specific procedure for referral? (3.) How does the Committee notify a parent of a meeting concerning the child's identification, evaluation, educational placement, or provision for a free appropriate public education? (4.) Who does the Committee notify regarding its decisions? (5.) How is the notification accomplished? (6.) Does the notification include: A detailed description of the recommendation, the tests or reports upon
which the recommendation is based, parent due process rights? (7.) Is parental consent secured before all initial special education placements are made? (8.) Are all placements made in conformity with the concept of least restrictive environment?

State E: The example of activities considered evidence to substantiate compliance with this requirement are as follows: (1.) Child Identification (written policies/procedures; schedules of presentations, both past and future, made to community groups including dates, group names, speakers, etc.; pamphlets outlining services available; mailing list for pamphlets; copies of correspondence with independent, private and parochial facilities; copies of newspaper releases; documentation of radio announcements and/or T.V. spots; and picture of billboard advertisements), (2.) Prior Notification (written policies/procedures; receipt from registered or certified letter; record of dates, parents notified, and proposed action initiated; copy of notice in student's folder; district notice form; pamphlet or letter describing student/parental rights and a record of dates disseminated), (3.) Parental Consent (parental consent form in files; parent's signature and date on consent form in folder; signature and date on IEP or separate placement form in student's folder), and (4.) Evaluation and Placement Procedures (written policies/procedures followed; student records of assessment; parent feedback reports/correspondence; district assessment policy; dates of re-evaluation in student files; district policy/procedure).

State F: The monitoring procedures involve asking a series of questions of the program administrator with a narrative response recorded. These questions are: (1.) Have you delegated the responsibility for in-school screening and referral of students to the guidance department? (2.) What are the procedures for in-house screening (grade levels,
instruments, personnel frequency)? (3.) What alternatives are tried prior to referral for evaluation (parent conference, alternative program, modifications, different teacher)? (4.) How are alternatives tried prior to referral documented? (5.) What are the procedures for referral? (6.) How are the referral procedures made known to staff? (7.) What are the procedures for notifying parents of the referral and obtaining permission for evaluation? (8.) What are the procedures for referral, screening and evaluation of bilingual students? (9.) What are the procedures for obtaining pre-evaluation information such as hearing, vision and speech and language screenings, medical, etc.? (10.) What are the procedures for student evaluation for placement? (11.) If there is not an appropriate program for a student in this school, what is done? (12.) Are data kept on the number of students referred and the number of students found eligible for a special program? (13.) What is the average length of time between referral, evaluation, and placement?

State C: The monitoring review process for this State involves interview questions focusing on how effectively individuals are identified, located, and referred for special education services. The initial questions to be asked are: (1.) Tell me about the referral process in your school (district). (2.) Are there any problems with the referral process? (3.) How do you think the process could be improved? Any further questions are used to probe into areas not already discussed, potential problem areas, and unique, interesting model programs or processes. These are divided into: Modifications of the regular program, on-going process to find and refer pupils, referrals accepted for all potential special education students, procedures which are understood, and coordination aspects with other agencies. The specific questions are as follows: Modifications of the Regular Program (Are students referred for special education instruc-
tion and services only after the resources of the regular education program have been considered and, where appropriate, utilized? In what ways were the classroom and school environment, materials, and teaching strategies modified to meet the needs of the student before referral to special education? What alternative regular program placements were considered? How well do parents and staff understand how modifications are made in the regular program?), On-going Process to Find and Refer Pupils (What is your on-going process to find and refer unserved and inadequately served children? What information is included in the referral to use as the basis for planning the assessment? Is there a child study team in the school? Tell me about it. How are the identification and referral procedures of the special education and other school site programs coordinated? How many individuals were referred last year? How many placed?), Referrals Accepted for all Potential Special Education Students (Are referrals accepted for all potential special education students?), Procedures are Understood (Do school personnel and parents understand the procedures used for special education referrals? How well are the procedures working in the schools? Do parents and staff understand when and how to refer a student for special education?), and Coordination with Other Agencies (What other agencies in the community utilize the referral system, e.g. child care agencies? Are referral procedures coordinated with other community agencies who provide services, e.g. Head Start, Regional Centers, County Mental Health?).

Inter-State Analysis: Variable 5: All seven States present process information related to child identification, location, and evaluation. However, all seven States take a very different approach to monitoring compliance with the requirement. States A, C, D, F, and G provide specific interview questions for the IEP administrator or specific criteria related to required activities. State I provides a general
breakdown of parent initiated and school initiated identification, and
State E presents examples of activities used to monitor compliance.

**Variable 6 - Individualized Education Program (Subpart C - Sections 121a.340 - 121a.349)**

Definition: Each LEA must develop specific educational procedures
to assure that every handicapped child will receive appropriate pro-
gramming. The document that is used as a management tool in this process
is the Individualized Education Program (IEP). There are required com-
ponents that all IEPs must contain.

State A: The manual gives an outline of IEP content (all sections
as mandated by P.L. 94-142) with a definition of each component. It
also provides an IEP review process format for annual and 90-day reviews.
The annual review must be done by a committee who must consider the
appropriateness of the long-range goals and short-term objectives as
indicated by the documented progress of the student, the appropriateness
of the student's educational program placement as it relates to the
student's progress, the appropriateness of the related services as they
pertain to the student's progress, the need for referral for additional
assessment, and the need for a change in the student's placement in
special education including dismissal. The annual review must be done
no more than one year from the previous one, although the review can
occur any time during the year (e.g., the school can "space out" the
meetings over a year to cover all children). Continued eligibility must
be documented with new assessment data needed every third year; continued
need for placement must be documented; and a new IEP must be developed.

State P: The manual gives an outline of IEP components as mandated
by P.L. 94-142. There is a requirement for the IEP to be developed in a
conference with a representative of the school district, student's teacher,
student's parent, student (where appropriate), and any other persons the
parents want to attend. The IEP must be reviewed at least annually and, if appropriate, revised. At least once every two years the review and/or revision of the IEP is based on an analysis of the student's documented cumulative record by a team.

State C: The manual provides a checklist of IEP requirements including: (1.) Insure that each IEP conference includes a representative of the school district who is qualified to supervise the provision of special education and authorized to allocate resources, child's teacher, one or both parents, the child if appropriate, and other individuals at the discretion of the parents or agency; (2.) Insure parent participation when neither parent can attend the IEP conference through the use of other methods such as individual or conference telephone calls; (3.) Insure that the parent understands the proceedings at a meeting; (4.) Require that the IEP for each child contain the five components designated in P.L. 94-142; and (5.) Implement procedures to review the IEP at least annually with prior notice to the parents.

State D: The procedures for monitoring the IEP requirement are to ask questions related to the compliance issue. Examples of these questions are: (1.) Does each handicapped child receiving special education in or outside the district have an individualized education program? (2.) At what point in the placement process is the individualized education program developed for each child? (3.) When is the individualized education program actually implemented? (4.) What is the procedure for arranging meetings to develop, review, and revise individualized education programs? (5.) After a determination has been made that the child requires special education, when does the meeting occur to develop the individualized education program? (6.) Does each individualized education program include the P.L. 94-142 mandates? Some of the suggested procedures are: (1.) Review
written individualized education programs for all placements (public/non-public). (2.) Obtain copy of written procedures; interview program director. (3.) Obtain copy of individual education program form; review IEPs during classroom visitations.

State E: The manual provides the mandated list of IEP components and the following activities to be monitored regarding compliance with the IEP requirement: Written policies/procedures; completed IEPs on file for students being served; comparison of dates between determination of eligibility and IEP meeting; appropriate review date indicated on IEP form; minutes of IEP meeting or report; name of team members and verification of attendance at meetings; copy of letters/notifications sent in file with date, case notes, etc.; documentation of meeting times and places (possibly on IEP form); documentation of conference calls or other telephone calls; copies of correspondence sent to parents and any responses received; documentation of visits made to parent's home or place of business and results of visit; parent signature on IEP; record of interpreter(s) used for meetings; documentation that parents are aware that they may request copy of IEP; and documentation that copy of IEP was shared with parents.

State F: This State uses an interview/questionnaire format for monitoring compliance with P.L. 94-142. The specific questions related to IEPs that are asked are: (1.) Do you have copies of the notice to parents requesting their participation in the development/review of the IEP? (2.) Does the notice contain the purpose, time, location and attendance for the meeting? (3.) Do you have an IEP form? (4.) Does the form provide written statements including all mandated components? (5.) Does the IEP provide for documentation of the attendance of required personnel?

State G: The monitoring process for the IEP requirement focuses on how effectively the schools are developing and reviewing an individualized
education program for every individual with exceptional needs. The initial questions asked are: (1.) What are some of the best things happening in special education in your school as a result of the development of an IEP (district)? (2.) Are there any unique or exemplary IEP practices? (3.) Are there some current problems developing and implementing IEPs? (4.) Are services equal to or better than last year? (5.) How do you think the IEP process could be improved? The questions asked to probe further are in the following categories: Knowledge of Range, Scope, and Availability of Programs and Services (Are IEP team members provided with information regarding the range and types of special education services available to individuals with exceptional needs? What strategies have been developed to assure that IEP teams are knowledgeable about the range, scope, and availability of services?), Individualized Education Program Team (Who attends the meeting to develop the IEP? In what ways do students participate in decisions which affect their education and social growth? How does the school arrange to offer the IEP meeting at a time and place mutually agreed upon by the parents? Are assessment personnel present at the initial IEP development meeting? How are decisions made about who will be members of the team? What are the roles and responsibilities of each IEP team member? Are they known? What information does the IEP team receive prior to the meeting? How are differences of opinions resolved? Among staff? Between staff and parents?), Individualized Education Programs Include All Required Components (How is the IEP process used as a management tool for the student's program? How do you determine to what extent the individual will participate in the regular education program, and is this included in the IEP? What are the services designated in the IEP? Who provides them? Are they being provided in the manner described in the IEP? What is the process for determining this? What is the relationship
between assessment information, goals and objectives, and placement in the least restrictive environment? What strategies have been implemented to assist the schools in establishing and implementing the IEP process?) and, On-going Review (Is a meeting held to review and, if appropriate, to revise each child's IEP at least once a year? What are the procedures for making changes in the student's program? Are they known to all who work with the student? How flexible are these procedures? What are the procedures for continuing review of a student's progress? How well are these procedures known to all who work with the student?).

Inter-State Analysis: Variable 6: All seven States present very specific information related to the monitoring of the IEP requirement. The processes for assuring compliance with this mandate are similar in all States and cover monitoring the required IEP components, the committee or team procedures, and documentation of IEPs.

Variable 7 - Procedural Safeguards (Subpart E - Sections 121a.500 - 121a.514)

Definition: Each State must ensure that there are due process procedures in place for children and parents for all aspects of the P.L. 94-142 requirements.

State A: A copy of the rules and procedures concerning due process hearings for special education are enclosed in the monitoring manual. There is also a criteria list for the LEA in monitoring its own compliance. The criteria are: parent/student (when appropriate) should receive a copy of parent handbook on rights, notification to parents must be made prior to evaluations/meetings/changes in overall programming, parental consent must be obtained in their native language prior to evaluation/educational placement, and placement decision must be consistent with State and Federal requirements.
State 1: There are outlines for due process procedures in the manual divided into opportunity for due process procedures, school district initiated procedures, and parent initiated procedures. The outlines follow all the steps involved in due process hearings from the initial concern through the final stage of a hearing. The major points made are: due process procedures are applicable to all exceptional school-age persons; the parent of any school-age person has the right to request due process procedures if they believe the child is receiving less than an appropriate program of education and/or training; the educational assignment of every exceptional person must be evaluated not less than every two years, or annually upon the parent's request, with notice and opportunity to request due process procedures provided; no exceptional school-aged person will be subjected to a change in educational status without first informing the student and parent about the opportunity for due process procedures; and the provisions will also apply to any exceptional school-aged person who has never had an educational assignment.

State C: It is required that each school district implement written procedures to protect the rights of the parent and child. These include: (1.) Written case conference procedures containing guidelines for implementation which delineate how to request the conference; (2.) Written procedures for administrative review regarding evaluation or educational placement of the child or the provision of special education for the child; and (3.) Written procedures for the impartial due process hearing.

State D: The following are examples of questions that are asked in order to ascertain compliance with the requirement for procedural safeguards: (1.) What is the procedure employed for the appointment of
impartial hearing officers? (2.) Does the district keep a list of persons who serve as hearing officers together with their qualifications? (3.) Are interpreters provided where appropriate, at all stages of the proceeding? (4.) Are parents allowed to be represented by legal counsel and accompanied by other persons of their choice? (5.) What provisions are made for the appointment of surrogate parents where appropriate? (6.) Are hearings closed to the public unless requested differently by parents? (7.) Are impartial hearing decisions made within 45 calendar days after a hearing is requested? (8.) Who receives a copy of the decision? (9.) Does the decision also include a statement explaining the right to obtain a review of the decision? (10.) Does the child remain in the present placement while a hearing is conducted unless the parent and agency otherwise agree? Some suggested procedures are: (1.) Obtain copy of Impartial Hearing Officer list. (2.) Review several records of hearings held in the district. (3.) Interview program director. (4.) Obtain copy of written procedures used. (5.) Obtain list of interpreters available; review a hearing record where interpreter was used.

State #: N/A

State #: The monitoring procedures for this requirement include the following question and checklist: Do you have the following due process forms?

_____ a. Procedural safeguards
_____ b. Notice/Consent for evaluation
_____ c. Notice/Consent for placement
_____ d. Notice of ineligibility for a special education program
_____ e. Notice of dismissal from a special education program
_____ f. Notice of reevaluation
_____ g. Any other forms, letters, etc., utilized for notice of initiation or refusal of identification, evaluation, placement or provision of a free appropriate public education.
All notices of Procedural Safeguards available to parents include the following as examples. The right to:

1. examine all records related to the referral, identification, evaluation or educational placement.

2. explanations and interpretations of the records.

3. copies of the records.

4. seek correction of the child's records if the parent believes they are not accurate.

5. given consent prior to the disclosure of certain information.

6. request a hearing if the parent and the school district cannot reach agreement regarding the information in the child's records.

7. request and obtain an independent evaluation.

8. have an independent evaluation, considered in decisions regarding the child.

9. refuse to agree to the pre-placement evaluation.

10. refuse to agree to a school district's proposed placement or a refusal to place the child in an exceptional education program.

11. withdraw the consent to allow an evaluation or placement at anytime.

12. be notified of any other action the school district proposes to take regarding further identification evaluation, change of placement, or provision of an education for the child.

13. request and receive the results of an impartial hearing within forty-five (45) days after the receipt of that request.

14. have the hearing conducted by an impartial hearing officer.

15. be accompanied and advised by an attorney or other individuals with special knowledge of exceptional children.
State G: This State monitors this requirement as it focuses on the procedures and practices being implemented to ensure due process and procedural safeguards. The initial questions asked are: (1.) As a result of implementing procedural safeguards, what are some of the best things happening in special education in your school (district)? (2.) Do problems exist in implementing procedural safeguards? (4.) Are services equal to or better than last year? (4.) How do you think procedural safeguards could be more effectively implemented? If a further probe is needed, the following questions are asked: (1.) What are the procedures to ensure that parents are given written notice a reasonable time before the school proposes or refuses to initiate or change the identification, evaluation, or educational placement or provision of a free appropriate public education to the child? (2.) What has been done to ensure that all written notices are understandable and in the primary language or mode of communication of the home? (3.) Do all required notices to parents include a full explanation of all the procedural safeguards available to the parents and to the child? (4.) How and when are parents informed of their rights? (5.) How and when are parents informed that consent may be revoked at any time? (6.) How have you ensured that the notification is clear and understandable to all parents? (7.) How are parents notified of their hearing rights and the procedures to be followed in initiating a hearing? (6.) What kind of process is utilized to notify parents before the school proposes or refuses to initiate or change the program or special education status of the student? (6.) What is the procedure for obtaining parental consent? (10.) How are procedural safeguards explained to the parents? (11.) How and when are parents informed of their rights and the procedures to follow in initiating a hearing?
Inter-State Analysis: Variable 7: Six States (all but State I) present process information related to the due process requirement. States A, B, C, D, F, and G all contain specific criteria, questions or checklists of exactly how compliance with due process will be monitored at the LEA level in terms of provision of information to parents, hearing procedures, and consent/notification to parents.

Variable 6 - Confidentiality (Subpart E - Sections 121a.560 - 121a.576)

Definition: Each State must have policies and procedures in order to ensure the protection of the confidentiality of any personally identifiable information (includes name of child, child's parent, or other family members; address of child; Social Security number or student number; and list of characteristics or other information for certain identification).

State A: The following State and Federal laws and regulations pertaining to the confidentiality of student records must be observed and are explained in the monitoring manual: (1.) The LEA must have policies formulated and adopted addressing a response within 45 days to parent or eligible student requests to inspect and review educational records of the student, obtaining prior written consent of parents or eligible student to disclose personally identifiable information, maintaining the record of disclosures of personally identifiable information and permitting a parent or eligible student to inspect that record, providing a parent or eligible student the opportunity to seek correction of educational records; (2.) The LEA must provide copies of these policies to parents upon request; (3.) The LEA must give parents of students or eligible students in attendance at an agency or institution annual notice of the confidentiality policies; (4.) The LEA must have procedures to train or instruct persons collecting or using personally
identifiable information; (5.) The LEA must have procedures to inform parents when personally identifiable information is no longer needed; (6.) One LEA official must assume the responsibility for ensuring confidentiality of any personally identifiable information; (7.) The LEA must maintain, for public inspection, a current listing of names and positions of those with access to personally identifiable information; and (6.) The LEA must maintain a listing of parties obtaining access to records including name, date of access, and purpose of access.

State 1: The manual defines confidentiality of education records of exceptional children as protecting personally identifiable information at the collection, storage, disclosure, and destruction stages of that information. It is stated that each LEA, upon request of a parent, must permit the parent to inspect, review, or copy any education record related to the student; each LEA must keep a record of parties who have obtained access to those education records; each LEA must designate an official to be responsible for ensuring the confidentiality policies and procedures are enforced and administered; written parental consent must be obtained by the LEA before education records are released; and parents have the right to request an amendment of records.

State C: The manual defines the following steps to be taken concerning confidentiality of data: (1.) Implement and make available written policies and procedures to protect the confidentiality of personally identifiable data at collection, storage disclosure and destruction, including these provisions: informing all school district personnel collecting, maintaining, using or otherwise having access to personally identifiable data of the confidentiality policies and procedures; assigning one administrator to be responsible for assuring the confidentiality of any personally identifiable data; maintaining for public inspection, a current listing of the names of those employees who may
have access to the personally identifiable data; providing parents, on request, a list of the types and locations of education records collected, maintained, or used; and keeping a record of parties obtaining access to personally identifiable data collected, maintained or used for educational decisions regarding handicapped children; (2.) Implement written procedures so that parents who believe that data collected, maintained or used for educational decisions regarding their child are inaccurate or misleading, or violate the privacy or other rights of the child, may request the agency which maintains the data to make appropriate amendments to the data; and (3.) Implement a written procedure for informing parents when personally identifiable data are no longer needed to provide an educational program or service to their child and that they may request destruction of these records.

State D: Some of the compliance questions this State uses to monitor the area of confidentiality are: (1.) Have written procedures been established to insure the confidentiality of information? (2.) Does the facility permit parents to inspect and review all education records relating to their children? (3.) What is the procedure and length of time needed to comply with parent requests for information contained in the records? (4.) Is a record access log maintained by the school which gives the date of access, name of party, and the purpose for which the record was reviewed? (5.) Does the facility maintain a list of the types and locations of education records collected, maintained, and used by the school? (6.) What is the procedure used when a parent requests that a student record be amended? (7.) If the facility refuses to amend the record are the parents informed? (8.) Does the informing of parents include advising the parent on his/her right to a hearing? (9.) What is the procedure used by the facility to conduct
a hearing when requesting as well as reporting the results of the
hearing? (10.) How is parental consent obtained before personally
identifiable information is used for any purpose? (11.) Who is res­
ponsible for assuring confidentiality? Some suggested procedures to
insure compliance are: (1.) Review record access log to determine if
any parents have reviewed them; (2.) Obtain copy of written procedures;
and (3.) Interview program director.

State F: The manual lists the following as possible activities
to monitor compliance with the confidentiality requirement: written
policies/procedures; summary of nature of records maintained, their
locations, how to access them, and who is authorized to access them;
copy of information given to parents; documentation of parental requests
for reviewing records and action taken by LPI; list of parties allowed
to review materials; list of review requests; and list of dates review
was allowed.

State F: The following questions are asked of the LPI administrator
in order to monitor compliance with the confidentiality requirement: (1.)
Within the last year, has the district provided written notice to inform
parents or guardians of pupils or adult students of their rights? (2.)
Does the notice contain the following: right of access, right of waiver
of access, right to challenge, right of hearing, right of privacy, and
notice of location and availability of the district's policy on education
records of pupils? (3.) Does the notice contain specific information
regarding the records of exceptional students? (4.) Are alternative
notice procedures utilized to provide notice to parents or guardians
in the language or mode of communication most commonly used by parent?
(5.) Is parent consent obtained prior to disclosure of personally
identifiable data? (6.) Does the form include: specification of the
records to be disclosed, the purpose of the disclosures, the party or
class of parties to whom a disclosure is to be made, date, and signature?
(7.) Is a record of requests and disclosure maintained? (£.) Does the form provide for documentation of name of: person gaining access, date of access, and purpose? (9.) Does the district maintain, for public inspection, a current listing of the names and positions of those employees who may have access to personally identifiable information?

State C: Y/A

Inter-State Analysis: Variable 8: Six States (all but State C) present information related to the confidentiality requirement. The six States have very similar procedures and requirements for monitoring compliance with this mandate in terms of parental information and consent, accessibility to records, and record amendment. State 5 has the least specific guidelines for monitoring the requirement.

Variable 9 - Least Restrictive Environment (Subpart H - Sections 121a.550 - 121a.558)

Definition: F.I. 94-142 states that each SIA must develop procedures to insure that, whenever appropriate, handicapped children are educated with children who are not handicapped in the least restrictive environment (LRE).

State A: Within the Annual Review/IEP meeting, the team or committee must discuss all educational services to be provided to the student. They must provide a rationale for the inclusion of each educational service, particularly with regard to the least restrictive environment.

State B: Each district plan must demonstrate that each exceptional school-aged student has access to an education in the least restrictive environment appropriate to the needs of the student. The goal is that each exceptional student has more than one program option available to him or her and that he or she has the opportunity to be educated with their nonhandicapped peers of the same age. Removal of an exceptional
child from the regular education environment should occur only when the child's IEP states that education in the regular education environment, even with the use of supplemental aids and services, would be inappropriate. This State has designated a person to be the LHR Coordinator at the SLA level to work with LEAs in developing specific plans to meet this requirement. There is a process for determining the appropriate placement for each student which involves an internal review by the LFA staff and designation of placement alternatives.

State C: The manual describes the following placement alternatives or program options as provided in each district: (1.) full-time in regular class with support services to the regular class teacher, (2.) regular class with individual services such as tutoring and speech therapy programs outside the regular class, (3.) regular class with resource room services (a resource room funded as a special education unit), (4.) special classroom with selected academic and/or nonacademic instruction in a regular class, (5.) self-contained special class, full-time in regular school housing children of comparable age, (6.) self-contained special class in a special public day school facility, (7.) home instruction, and (8.) other. The criteria used to write the LFA requirement are as follows: (1.) Each school district shall establish and maintain written procedures to assure that to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped; (2.) Each school district shall establish and maintain written procedures to assure that special classes, separate schooling, or other removal of handicapped children from the regular education environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of
supplementary aids and services cannot be achieved satisfactorily;

(3.) The policy established by each school district shall include a continuum of alternative placements available in order to meet the special educational and related needs of handicapped children; and (4.) These alternative placements shall be made available by the school district or in cooperation with other school districts, another educational agency, or with an agency administered by the Department of Mental Health and Mental Retardation, in accordance with the plan approved by the State Board of Education.

State B: The State's monitoring procedures for this requirement include asking some of the following questions: (1.) What are the types and locations of education program options provided for placing handicapped students in the least restrictive environments? (2.) Has the facility adopted policies and implementation procedures which assure placement decisions are consistent with Federal and State regulations? (3.) Is the Committee on the Handicapped fully aware of all program options available to them? (4.) Are placement recommendations implemented by supervisory and administrative staff? (5.) Is the environment provided for each child in the least restrictive environment commensurate with need? (6.) What special services are provided, where appropriate, to enable handicapped children to participate in regular academic programs? (7.) In non-academic settings, does each handicapped child participate to the maximum extent appropriate with nonhandicapped children? (8.) How many and what categories of handicapped children are placed in outside agencies? (9.) How are programs operated by other agencies integrated with your education programs? (10.) How may children were placed in less restrictive environments during the last school year and where were they transferred to? (11.) Are the placements of handicapped
children outside this program as close as possible to the district of
origin? (12.) Does the location of the facility support the concept of
least restrictive environment? (13.) What activities have been conducted
over the past twelve months to inform staff of their responsibilities
and to provide training? (14.) Is program accessibility provided for
all handicapped students?

State E: N/A
State F: N/A
State C: The following compliance questions are asked of the liA
administrator in order to monitor this requirement. The focus is on
how effectively the schools are providing special education and related
services in accordance with individualized education programs in the
least restrictive environment. The initial questions asked are: (1.)
What are some of the best things that have happened in education in your
school (district) as a result of implementing the least restrictive
environment? (2.) Are there any unique or exemplary practices? (3.) Are
there problems currently in implementing the least restrictive environment
in your school (district)? (4.) How do you think the implementation of
the least restrictive environment in your school (district) could be
improved? In order to probe further, the following questions can be
asked: (1.) How do you ensure that each student's placement is based
upon maximum appropriate interaction with students who are not handicapped?
(2.) When, how, and by whom are the special education placements decided?
(3.) How do you ensure that the placement and provision of related
services are provided at no cost and are based upon identified student
needs rather than availability of space and staff? (4.) What is being
done to ensure that the availability of special education programs and
related services is comparable throughout the district? (5.) What are
the procedures for determining that all available programs, including regular classrooms, are readily accessible to each student? (5.) Is there a continuum of alternative placements? (7.) What guidelines have been developed to assure that students are removed from regular classes only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily? (6.) Is there a procedure for notifying the parent of the student of any proposal or refusal to initiate or change the placement or the provision of a free appropriate public education? Other questions, related to coordination between regular and special education, are sometimes asked also.

Inter-State Analysis: Variable 9: Five States (all but I and F) present process information related to the least restrictive environment (LRE) requirement and have similar formats for monitoring compliance with this issue. States I, C, D, and G provide very specific questions or checklists for the LEA in monitoring the LRE mandate, while State A provides a general statement that the LRE issue must be discussed at all annual review/IEP meetings.

Variable 10 - Protection in evaluation Procedures (Subpart B - Sections 121a.530 - 121a.534)

Definition: This requirement in P.L. 94-142 states that testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children must be selected and administered so as not to be racially or culturally discriminatory.

State A: Evaluations have to be conducted in the areas of language, physical, emotional/behavioral, sociological, and intellectual/adaptive behavior to assess physical, mental, and/or emotional conditions. Educational performance levels must be assessed with the use of individually administered, norm-referenced achievement tests or documentation
is needed that the severity of the handicap precludes that type of testing. Learning competencies are to be developed from assessments of the specific abilities the student now has; criterion-referenced and/or competency-based published tests are acceptable. The learning competencies assessment is a description of student competencies relative to educational need and contains suggested instructional and/or learning strategies or related services. A written report of specific eligibility criteria is required from the professional doing each assessment.

State 1: Tests and similar evaluation materials must be administered in the child's native language or mode of communication unless it is clearly not feasible to do so. They must be selected and administered so that the test results accurately reflect the person's aptitude, achievement level or whatever other factor the test measures, rather than the student's impaired sensory, manual or speaking skills. Information from sources other than ability or achievement tests, including information from the parents concerning the student's physical condition, sociocultural background, and adaptive behavior in home and school. No one test or type of test is used as the sole criterion for development of the IEP.

State C: The requirements for a multi-factored evaluation include the following: (1.) Evaluation completed by multidisciplinary team; (2.) Personnel completing the evaluation are appropriate qualified employees of the IHA; (3.) Parental input was documented as part of the multifactored evaluation; (4.) All areas of functioning required by applicable Program Standards were assessed and are current (not more than 3 years old); (5.) Evaluation instruments used were appropriately selected, administered and interpreted; (6.) In cases of suspected mental retardation, adaptive behavior was assessed utilizing an appro-
appropriate instrument; (7.) When required by State Program Standards, medical evaluations were completed; (8.) In cases of suspected learning disability, an observation was completed by someone other than the classroom teacher; (9.) If the child is deaf or native language is other than English, evaluations were administered in child's native language or other mode of communication; (10.) When determining eligibility, evaluation instruments were used only for the specific purpose for which they had been validated; (11.) Evaluation instruments were administered in conformance with the test producers' instruction; if not, appropriate documentation of modifications were specified and data were not used to determine eligibility; and (12.) In cases of suspected learning disability, the required evaluation team report was completed.

State D: In order to monitor compliance with the requirement for fair evaluation procedures, the following issues are discussed with the IHE administrator: (1.) What examinations and evaluations does the school district provide for each handicapped child? (2.) Are any outside agencies contracted with to provide any examinations or evaluations? (3.) Are the results of all examinations provided to the Committee on the Handicapped? (4.) How often are evaluations conducted for all handicapped children? (5.) Do parents have the opportunity to examine and review all examination and evaluation reports? (6.) What provisions are made by the district to assist a parent in obtaining an independent education evaluation? (7.) Are parent initiated evaluations considered by the Committee on the Handicapped as part of their review of the child's needs? (8.) What procedures are followed in the event that a parent disagrees with the district's evaluation? (9.) Is parental consent sought before a handicapped child is evaluated? (10.) Are all test/evaluation materials/procedures selected and administered so as not to be racially or culturally discriminatory? (11.) Are all test/evaluation
materials/procedures provided and administered in the child's native language or other mode of communication? (12.) Are evaluations conducted prior to the initial placement of every handicapped child? Some suggested procedures are given as: (1.) Obtain list of tests by name and procedures used by the district; selectively review children's educational records to see if consistent with list. (2.) Obtain list of agencies contracted with and services available/used; contact selected agencies; and (3.) Obtain copy of form provided parents and/or review children's records to examine content of letters sent to parents advising them of the opportunity procedures and how to exercise them.

State 5: /

State 6: /

State 7: The monitoring for this requirement focuses on how effectively the procedures for educational assessment are established and implemented. Initial questions are: (1.) Tell me about the assessment process in your school (district). Are there any exemplary or unique practices? (2.) Are there any problems? (3.) Do you have any suggestions for improving the process? To probe further, some of the questions to be asked are: (1.) How is the assessment plan developed for each referral (birth through age 21)? (2.) How do parents participate in and how are they informed about the assessment process, including reasons for, instruments, who is to assess, 15-day time line, etc.? (Written parental consent obtained?) (3.) How do you ensure that the assessment is completed before initial special education placement? (4.) What procedures have been established to ensure that assessment materials and procedures will be selected and administered so as not to be racially, culturally, sexually, and/or linguistically discriminatory and administered by appropriately trained persons? (5.) How do you ensure that the child is assessed in all areas related to the suspected disability and no
single procedure is the sole criterion for determining placement of the individual? (6.) In what ways are the academic and nonacademic needs and strengths of the student assessed? (Consider social skills, survival skills, vocational aptitude, interests, etc.) (7.) How does the assessment encompass the student's strengths, needs, and ways of learning, as well as other areas identified in the referral?

Inter-State Analysis: Variable 10: Five States (all but F and G) have information in their manuals related to the requirement for non-discriminatory testing. State A lists the areas in which testing must be conducted and how the evaluations should be used; State 1 emphasizes that no one test should be used as the only criterion for developing the IEP; States C, D, and E list specific questions or statements to which the LPA administrator must respond regarding the evaluation procedures.

Variable 11 - Comprehensive System of Personnel Development (Subpart D - Sections 121a.360 - 121a.367)

Definition: F.L. 94-142 calls for a comprehensive system of personnel development (CSPD) which includes inservice training of general and special educational instructional, related services, and support personnel.

State A: The monitoring manual contains a listing of criteria to be used by the LPA in establishing a CSPD for staff. The criteria include: identification of local training and inservice education needs on a periodic basis; development of local personnel development plans to meet identified training needs; utilization of local advisory groups to develop, review, and update plans for personnel development; dissemination of information relating to personnel development; monitoring and evaluation the system; and a written policy requiring and allowing for the continuing education and professional development of
staff providing special education services to the visually handicapped.

State E: 1/A

State F: 1/A

State G: The following questions are asked of each LEA administrator in order to monitor compliance with the requirement for personnel development: (1.) Is there a written policy concerning in-service training? (2.) What are the main components of the system? (3.) Who is responsible for administering and implementing the program? (4.) Do all staff members receive in-service training? (5.) How frequently was in-service training provided last year? (6.) What is the content and nature of each training session outlined in question 5? (7.) Is there specific in-service training for special education programming (Special Education Instructors, support staff, related services, regular education, etc.)? (8.) What is the procedure for assessing in-service training needs? (9.) What are the priority needs? (10.) What are the plans for meeting these needs? (11.) How is the effectiveness of staff development and training assessed? (12.) Are there incentives available to the staff to encourage additional staff development and training (conferences, graduate work, outside workshops, etc.)? (13.) How are Special Education staff members made aware of information on policy changes, legislative mandates, amendments to the regulations, information bulletins, etc.? 

State H: The following suggested activities are offered for monitoring compliance with this requirement: written policies/procedures, copy of comprehensive plan for personnel development, documentation of training sessions held, lists of participants in attendance at training sessions, and copies or summary of training session evaluations.

State I: 1/A

State J: This requirement is monitored with a focus on the extent to which a staff development program provides adults with the knowledge
and skills needed to implement educational programs for students with
exceptional needs. Initial questions asked are: (1.) What are some
of the best things happening in staff development at your school
(or district)? (2.) Are there any unique or exemplary programs? (3.) Are
there currently any problems in your staff development process? (4.)
Are services equal to or better than last year? (5.) How do you think
staff development programs/services could be improved? Further questioning
could include asking questions concerning needs assessment, personnel
development plan, staff development activities, in-service training for
regular classroom teachers, staff involvement, and on-going evaluation/
modification of staff development activities.

Inter-State Analysis: Variable 11: Four States (A, B, F, and C)
provide information in their monitoring manuals related to a personnel
development or staff training program. States A, B, and C provide
specific criteria of questions for the IEP administrator related to
this requirement. State F lists suggested general activities for
monitoring compliance.

Variable 12 - Participation of Private School Children (Subpart B -
Sections 121a.400 - 121a.403)

Definition: This refers to handicapped children in private schools
not placed or referred by public agencies. There is a requirement for
these children to participate in special education and related services
designed to meet their needs.

State A: The monitoring manual states that evidence that this
requirement is met may consist of case examples and/or written procedures.
The criteria listed for compliance monitoring are: (1.) When a private-
school student is referred to the IEP, there must be evidence that the
designated educational liaison collected the required data, that data
were reviewed by the referral committee, that parents received prior
notice of referral for assessment, that parent consent for assessment was obtained, that the parents received the rights handbook, and that the private school personnel were invited to the district's meeting to participate and/or give input; (2.) The LEA must document that private school personnel have been given an opportunity for direct participation in the development of the district's application for flow-through funds (e.g., through meetings or LEA written requests of private school personnel for comments and/or suggestions; (3.) The LEA must review the documentation that private school students' needs have been identified and can be met; (4.) The LEA must determine if eligible private school students are provided the services that they need; and (5.) The LEA must determine if any Intermediate Care Facilities for the Mentally Retarded (ICF/MR) are located within the boundaries of the local school district and, if so, must ensure the provision of educational services to any school-aged students.

State 1: I/A
State 2: I/A
State 3: I/A

State E: The following activities serve as suggested monitoring items for participation of private school children: written policies/procedures, list of private school enrollees being served, IEP on file, dates of meeting held, copies of letters sent, postal receipts of letters delivered, and a list of telephone calls.

State F: The monitoring procedures related to the involvement of private school children include asking the following questions of the LEA administrator: (1.) Are there private schools in the district which are listed in the most recent Directory of Non-Public Elementary and Secondary Schools in the State? (2.) How were representatives of
private schools involved in the development and design of the project application prior to submission to the SEA? (3.) How does the project ensure that private school students receive a genuine opportunity for equitable programs and services? (4.) Are there private school students receiving special education and related services from the public school system? (If yes, describe exceptionalities served and numbers of students.)

State G: T/A

Inter-State Analysis: Variable 12: Only three States (A, F, and G) provide monitoring information related to participation of private school children. States A and F offer specific criteria or questions to insure compliance with this requirement. State G provides suggested activities for monitoring this issue.

Variable 13 - Placement in Private School (Subpart D - Sections 121a.450 - 121a.460)

Definition: This refers to handicapped children in private schools placed or referred by public agencies as a means of providing special education and related services. If the parents choose to place the child in a private school even though a free appropriate public education is available, there is no obligation by the State to pay the tuition at the private school.

State A: The monitoring procedures stipulate two criteria for this requirement: (1.) The LEA has to have written procedures for contracting with approved nonpublic schools that include the following: development of students' IEPs by the LEA and the nonpublic school; accessing local, regional, and State resources to provide appropriate educational services; monitoring, assessment, and evaluation of individual student progress; full protection of rights of handicapped students and their families; transporting of handicapped students; and assuring that the placement is the least restrictive alternative for an appropriate
If the IFA has students contracted to nonpublic schools, documentation should be in the student eligibility folder.

State F: I/A
State C: I/A
State D: I/A

State E: Placement of handicapped children in private schools is monitored by these possible activities: written policies/procedures, IEP on file, dates of meetings held, dates of student placements, copies of letter sent, postal receipts of letters delivered, and list of telephone calls.

State F: In this State, when it has been determined that no special educational program offered by any public agency is appropriate for a student, the district provides special educational programs through contractual arrangements with approved private schools or community facilities. If a district does contract with a private school, the following provisions have to be in the contract: (1.) A description of the educational program to be provided, the educational objectives to be met, and how they relate to the student's individual educational plan; (2.) Provision of periodic reports to appropriate school district personnel on the student's progress in meeting educational goals, and a summary evaluation prior to renewal of the contract; (3.) Provision for appropriate district personnel to review the program provided by the school or facility and to confer with the staff of the school or facility at reasonable times; (4.) Provision of report to appropriate school district personnel any non-attendance of the student; (5.) The method of determining charges and tuition costs under the contract; (6.) A schedule for review of program being provided the student through
the contract; (7.) Provision for dissolving the contract; (9.) Student's
transportation provided by school district, if day program; and (9.)
Student case file including the above.

State C: /A

Inter-State Analysis: Variable 13: As with variable 12, only
three States (A, E, and F) provide monitoring information related to
placement in private schools. States A and F contain specific criteria
or guidelines for compliance with this mandate, while State 1 presents
a few suggested activities for monitoring purposes.

Variable 14 - SIA Responsibility for All Educational Programs (Subpart
F - Section 121a.60C)

Definition: This requirement calls for the SIA to be responsible
for each educational program for handicapped children administered
within the State, including each program administered by any other
public agency.

State A: /A
State I: /A
State C: This State has a dual monitoring and review system.
The SIA monitors the services provided to handicapped children in
public schools, while the State Department of Mental Retardation and Developmental
Disabilities, in a cooperative agreement, monitors the services provided
to handicapped children in State institutions and county programs not
run by the SIA. The monitoring systems are similar in all aspects; the
responsibility is divided, although the SIA is financially responsible
for all educational programs in the State.

State F: /A
State F: The responsibility for all special education programs
in the State is monitored by the SIA asking each LFA to list the students
involved in all alternative district-wide placements. These alternatives
are: (1.) Basic education with consultation or special education services; (2.) Part-time itinerant or resource support; (3.) Special class - fulltime and parttime; (4.) Special day school; (5.) Contract with non-public school - day and residential; (6.) Community facility special class - hospital and treatment center; (7.) Hospital, home setting, individual instruction; (8.) Contracted services; and (9.) Multi-district cooperative agreement.

State C: Y/A

Inter-State Analysis: Variable 14: Only two States (C and F) provide monitoring information related to the requirement for SIA responsibility for all educational programs. State C discusses the dual system (SIA and State Department of Mental Retardation and Developmental Disabilities) of monitoring this mandate. State F lists alternative placements for which the SIA is responsible.

Variable 15 - Program Monitoring and Evaluation (Subpart F - Section 121a.01)

Definition: It is the obligation of every SIA to monitor and evaluate activities to insure compliance of all public agencies within the State regarding education of handicapped students and to develop procedures for this monitoring and evaluation (e.g., collection of data and reports, on-site visits, audit of Federal funds, comparison of ILPs with the actual program being provided.)

State A: The monitoring manual States that the purpose of a continuous review procedure is to identify areas in need of improvement, to guide monitored agencies through a self-improvement process, and to provide technical assistance in meeting State policies and procedures guaranteeing each handicapped student in the State the maximum benefits of their educational experience. The manual goes on to define the monitoring activities under the following headings: prior
to the visit, entrance conference with the superintendent on the first
day of the visit, identify information to discuss in exit conference,
pre-exit conference with special education staff, exit conference with
superintendent, report writing, and corrective actions.

State 1: The manual explains that a regional review is one way
the State carries out its responsibility to ensure that LEAs comply
with current requirements and priorities for the education of exceptional
students. Through regional review the State expects to prevent unnecessary,
costly duplication of programs, to encourage coordination at the local
level, and to ensure that every exceptional child is provided an
appropriate program of special education.

State 2: The manual provides an explanation of the State's review
and evaluation procedures. It states that the goal of the monitoring
activities is not to uncover Special Education Programs that are out
of compliance with laws, but rather assist districts in appropriately
responding to the legislative mandates. Districts are also encouraged
to seek technical assistance from the SEA in any area which they believe
their policies, procedures or programs may be improved. The SEA wants
the activities completed during the monitoring and review process to
assist school districts in delivering quality educational services to
all of the State's handicapped children. The manual also provides an
outline for each LEA regarding review and evaluation procedures prior
to the on-site review visit, during the one or more days of actual
on-site review activities, and post on-site review activities.

State 3: N/A

State 4: The manual states that the State's monitoring procedures
were designed with a three-fold purpose: (1.) To specifically identify
for LEAs those activities that must be engaged in to fully comply with
Federal and State laws and regulations; (2.) To assist LEAs in developin
a self-monitoring process which helps track the level of compliance for various standards; and (3.) To assist IEsAs in developing a file that contains all appropriate evidence for substantiating compliance. It is explained that the specific items suggested as example activities for monitoring represent the standards, i.e., the content or programmatic variables against which IEsAs will be compared. The intent of such comparison is to answer the question, "Is this standard in evidence or operational?" For the evaluation system developed for this type of a review, this question is answered in terms of "Compliance," "Moving Toward Compliance," "Plans in Place for Moving Toward Compliance," or "Non-Compliance." These responses indicate that the monitoring described in their manual is a continuous review procedure. The process is designed to compare present functioning against specified standards, and to yield a profile showing areas of conformance as well as those in which new procedures, training, or other method of improvement may be needed in order to comply with specific standards.

State 7: The monitoring of compliance with this P.L. 94-142 requirement is accomplished through the description of the program compliance monitoring scope and the response to several questions. The specific purposes of the monitoring/compliance procedures are: (1.) To determine the scope of the district programs for exceptional students in order to assure the availability of a full range of programs and services for exceptional students; (2.) To aid the school in organizing its instructional and support services in order to achieve improved program effectiveness and efficiency; (3.) To assist the school districts in improving identification, assignment, and individual instruction of exceptional students; (4.) To assist school districts in improving the procedures for the planning, implementation and evaluation
of special programs for exceptional students; (5.) To identify relationships between school district programs for exceptional students and programs and services provided by other agencies and organizations in order to assure a full range of programs and services for exceptional students; and (6.) To monitor compliance with State and Federal laws and rules of processes for procedural safeguards, individual educational plans and placement, student eligibility criteria, and qualifications of instructional and evaluation personnel. The questions asked of

like related to proper evaluation are: (1.) Are records of evaluation activities being maintained? (2.) Are there plans for summarizing and reporting evaluation data? (3.) If applicable, have evaluation reports been made available to parents and other members of the general public? (4.) What plans are being made for the district to utilize evaluation data and/or reports from the current project in the development of the project application for the following year?

State C: This State's overview of the program review process states that the purpose is to improve the school program. It is a means for developing and sustaining a high quality educational program for each student. The manual also explains how the program review process yields information that is essential to effective program development and information about what is working well and why and what should be change and how. Program review, according to this State, can be a valuable part in the program improvement cycle of planning, translating the planned program into action, evaluating the implemented program, and modifying the planned program. The introduction to the manual gives specific responsibilities and guidelines for reviewing the local plan, conducting the initial team meeting, conducting the review, observing in classrooms, conducting interviews, and reviewing
records and documentation. Finally, the review manual states that the perspective of the review is a focus on the degree to which the special education processes are in compliance with laws and regulation, and the effect the compliance has on students.

Inter-State Analysis: Variable 15: Six States (all but State D) present monitoring information related to program monitoring and evaluation. Each of the six manuals provides a statement of purpose or philosophy for compliance monitoring systems. States A, C, E, F, G also include an outline of monitoring activities prior to, during, and after the on-site visit.

Variable 15: Reporting and Child Count (Subpart C - Sections 121a.750 - 121a.754)

Definition: Each SIA has the responsibility to report by April 1 of each year the number of handicapped children aged three through 21 residing in the State who are receiving special education and related services. In addition, the SIA must establish procedures and documentation for the IAs and other educational institutions to use in counting the number of handicapped children.

State A: The manual provides criteria for IAs to use in collecting information concerning the child count. They must have a numbered list of students included in the count. The list must contain the names of the students and the date of enrollment for that school year. The specific criteria to be used are: (1.) Check that the number of children listed on the district's P.L. 94-142 list coincides with the number reported to the SIA; (2.) Check that the number of children listed on the district's P.L. 94-142 list coincides with the number reported to the SIA; (3.) Compare the names on both lists to insure no duplication of count; (4.) Check that all students reported on the P.L. 94-142 count are eligible for the count; and (5.) Check that all students reported on the P.L. 94-142
court are eligible for the count.

State I: Each intermediate unit (composite of specified districts) is required to indicate annually the numbers of: minority children, children attending public school, children attending non-public schools, children in approved private schools, children who are known to be exceptional who are underserved in regular or special education, and children who are unserved.

State C: I/A

State D: To monitor the child count and reporting requirement, the following questions are asked of the LEA administrator: (1) Is there an annual census taken by the Board of Education to locate and identify all handicapped children under 21 who reside in the school district? (2) Is a register maintained and revised annually by the Committee on the Handicapped? (3) How and when is the data collected by the Board reported to the committee and district superintendent? (4) Who is responsible for actually conducting the annual census? (5) What specific information on each child is gathered and recorded? (6) What specific methods are used to conduct the census and prepare the registry? (7) When does the annual census occur? (8) Does the district conduct a training program for all individuals involved in the census? (9) How, when, and where does the training occur? (10) Does the district provide door to door census takers with official credentials to clearly identify themselves to the public? (11) Are all confidentiality procedures appropriately observed by the district in its data collection process? (12) Does the district prepare a summary report of child data for each census? (13) What are the contents of the summary? (14) When and in what form are child summaries submitted to the State Education Department?

State I: I/A

State I: The monitoring manual contains forms for each LEA to complete annually including: child count, cost expenditures, staffing,
and program delivery model. As part of the on-site monitoring procedures, the monitoring team reviews all IFA reporting forms to insure compliance with P.L. 94-142 and State Board of Education rules.

State C: 1/A

Inter-State Analysis: Variable 16: Four States (A, I, D, and W) provide monitoring information related to the reporting and child count requirements. All four States list very specific information and criteria required for reporting purposes related to numbers of children, comparison of names, eligibility for count, types of children served, settings in which they are served, etc.

Variable 17 - Administration of Funds by SIA and LIA (Subpart C - Sections 121a.700 - 121a.708)

Definition: Each State is entitled to a maximum amount of money in any fiscal year equal to the number of handicapped children ages three through 21 in the State who are receiving special education and related services, multiplied by the applicable percentage of the average per pupil expenditure in public schools (applicable percentages were 1978 - 5%; 1979 - 10%; 1980 - 20%; 1981 - 30%; 1982 - and thereafter - 40%). Each LIA is required to assure to the SIA that the use of funds provided under Part I of the ACT is only for excess costs which are directly attributable to the education of handicapped children.

State A: The monitoring procedures cover the use of money for personnel, purchased and contracted services, supplies and materials, other operating expenses, and capital outlay. The procedures used are as follows: Personnel (Secure a copy of the personnel and salary rosters; project personnel must be employed as approved in the application); Purchased and Contracted Services (Consultative services must be documented accurately for consultant certification/licensure, prior written approval if fee is over $200 per day or $1000 total, conflicts of interest, and travel funds for no more than the State-approved rates); Supplies and
Materials (items which would be placed in any regular classroom cannot be purchased e.g., desks, chairs, etc. General office supplies may not be purchased unless approved in the application; supplies and materials are for instructional purposes and must benefit students who generate the funds; and federal funds may be used only to supplement State and local funds); Other operating expenses (no out-of-State travel is allowed unless approved in the application; travel records must be kept related to mileage and per diem reimbursements within State rates); Capital Outlay: (All approved capital outlay items must be listed by item, date ordered, date received, location listed, actual location, and labeling by funding source. The State/Local must insure a system of control to prevent loss, damage, or theft of property and adequate maintenance of equipment).

State I: The manual describes the budgeting and auditing procedures for the State special education units. Before July 1 of each year, school districts submit instruction and transportation budgets for the operation of special education programs and services for the next school year. The special education funds, paid in August and before January, must be accounted for by accounting procedures. Audits must be submitted before October 31 or the second-half payment will not be made. The manual states that expenditure accounts must be identified to the specific exceptionality/category based on actual data. The expenditure categories are as follows: Administration, instruction, pupil personnel services, health services, operation and maintenance, fixed charges, food service, and capital outlay. Expenditures must agree with control budget/audit data. Prerequisite to reimbursement are the submission of the following forms: Special Education Budget, Annual Special Education Report Update, Summary of Attendance, Tuition Rate Calculation, and Application for Reimbursement.
State C: The manual has information for the LT_A related to excess cost eligibility, use of project funds, and nonsupplanting monies. The project expenditure areas are listed as administration, instruction, health services, pupil transportation, operation and maintenance of the plant, fixed charges, remodeling, equipment for instruction, and other equipment.

State D: /A

State I: The review of fiscal administration provides the following suggested activities as evidence to substantiate compliance: (1.) Fiscal Procedures: The accounting system has accounts itemized to provide information for completing financial reports in the required format; revenues and expenditures are recorded on a timely basis; expenditures are within the approved budget, both in total and in each line-item; cash-on-hand is less than one month's need; the director of the program receives periodic reports from the business office to make decisions relative to obligation of funds; and fiscal procedures are in place which require the approval signature or initials on all purchase orders or requisitions. (2.) Personnel: All positions have been filled by appropriate personnel in accordance with the approved application and/or amendment; for positions not filled, documentation is available that demonstrates an adequate and appropriate search for personnel has been and is taking place; all personnel are working in areas in which they are certified; and local effort to support State reimbursement is available. (3.) Subcontracting: Contracts are available to show terms of the agreement, records are available which show the status of subcontracted service, expenditure reports are available from the subcontractor showing documentation for expenditures, and records of on-site visits are maintained. (4.) Equipment Inventory: Records are maintained that shows a physical count of equipment has been taken.
at least once every two years, an equipment register is available, and equipment has been labeled to identify it as purchased with Federal funds.

State F: The following questions are asked of the LIA administrator to monitor compliance with the funding use requirement: (1.) Describe the procedures for determining districtwide priorities for the total school district program (personnel involved, policy guidelines, timelines, etc.); (2.) Describe the procedures for developing the special education budget (personnel involved, item selection, school-based responsibilities, district level responsibilities, timelines, etc.); (3.) Describe the procedures for allocating education funds to exceptional student programs, e.g., district level staff and services, school level personnel, itinerant, equipment and materials, VIE entitlement dollars, private school placements, etc. (who/why); (4.) Describe the procedures for authorizing expenditures for exceptional student programs. Are there different procedures for individual program areas (e.g., itinerant vs. school-based)?; (5.) Do you have internal/external monitoring procedures to provide a clear audit trail of program expenditures?; (6.) Have you received appropriate financial support in order to provide a free appropriate public education to all exceptional students?

State C: /A

Inter-State Analysis: Variable 17: Five States (A, I, J, K, and F) present monitoring information related to fund administration. States A and F list specific criteria by expenditure category; State I describes the funding process and expenditure accounts by exceptionality category; States C and F list statements or questions to be asked of the LIA administrator related to fiscal policy and use.
Variable 16 - State Advisory Panel (Subpart F - Sections 121a.650 - 121a.655)

Definition: P.L. 94-142 requires that an advisory panel be established and appointed by the Governor of each State. The membership must be composed of persons involved in or concerned with the education of handicapped children including at least one representative of each of the following groups: handicapped individuals, teachers of handicapped children, parents of handicapped children, State and local educational officials, and special education program administrators.

State A: Y/A
State B: Y/A
State C: Y/A
State D: Y/A
State E: Y/A
State F: Y/A
State G: Y/A

Inter-State Analysis: Variable 16: None of the seven States presented any information on the required State Advisory Panel in the monitoring materials.

Summary:

This chapter provided an analysis of data obtained from the questionnaires and the seven State monitoring manuals. Information was presented in tabular and narrative format with a variable by variable, State by State breakdown of the manuals' process or procedural information. A description of each State's manual and an inter-State analysis of each variable were also provided.
CHAPTER FIVE
SUMMARY, IMPLICATIONS, RECOMMENDATIONS

This final chapter provides a summary of the dissertation study, then implications and recommendations.

Summary

The purpose of this study was to analyze the internal monitoring and review procedures for special education in seven States, known as the Seven State Consortium (California, Ohio, Texas, Florida, Pennsylvania, Illinois, and New York), in order to compare, describe, and contrast the variables/components (content) and procedures/tools (process) used in each State. The research provides a comparative view of how each target State's monitoring functions relates to the procedures in other Consortium States, which collectively serve over 50% of the identified handicapped children in the country. P.L. 94-142, "The Education for All Handicapped Children Act of 1975," mandates, among other components, accountability to State and Federal education departments. The methods used to plan, implement, and monitor this accountability at the State level were the focus of this study. Programmatic variables, known as Program Administrative Review (PAR) variables, were chosen as the comparative tool to use in analyzing each State's monitoring process since these variables are those which the Federal government uses in monitoring the States.
A literature review yielded minimal information specific to the topic of this research. Monitoring systems are infrequently discussed in the literature since they are a comparatively recent concept in education. Selected dissertations were located which each studied a particular State's compliance with P.L. 94-142; no comparative State studies were located on this topic. (The relationship of these studies to the present study will be discussed under the Implications section of the chapter.)

The procedures used to implement this study were to request information related to State special education monitoring and review procedures from the seven State Directors of Special Education. Each director received the same explanatory letter of request, a research proposal summary, and a related questionnaire to complete and return. The researcher received complete responses from all seven States for a 100% return rate. Since each State director received the identical request for materials, it was interesting to note the variability in what was returned to the researcher. Because of this variability, only the questionnaire responses and material identified as the monitoring and review manual were used for the actual analysis.

Although it became evident to the researcher that relevant information could be found in materials labeled for other than monitoring or review purposes, it seemed equitable, for analysis purposes, to use only those materials defined by each State as used for monitoring of compliance with P.L. 94-142. In this way the researcher was able to draw more definitive implications and make more effective recommendations to the States regarding the organization and structure of
monitoring systems.

The critical research questions specifically investigated in this study were: (1.) What procedures do each of the seven target States use to monitor compliance with P.L. 94-142? (2.) How are these processes similar and different? (3.) Which variables are incorporated into the content of the monitoring procedures? (4.) What implications and recommendations can be drawn from an analysis of the seven States' monitoring efforts? The results and analysis of data were presented for the questionnaire items (by State Statistical Data, SEA Administrative Structure, and SEA Procedural Information), each State's monitoring manual was described, and an analysis was made of 18 selected PAR variables. The specific cluster of 18 PAR variables, chosen from a total of 30 variables used by the Federal government, was the result of eliminating the P.L. 89-313 variables and combining three other variables from those remaining which appeared to the researcher as duplicative at the State level.

The information for the PAR analysis was presented in a three factor matrix: by State, by variable, and by content/process descriptor. The responses to the first and third research questions were defined in the matrix and described narratively for each variable for each State for process information. The second question, related to similarities and differences in processes, was answered in the inter-State analyses following each variable description. The fourth question will be answered in this Chapter.

The major findings indicated that the seven States vary greatly in their monitoring procedures, monitoring materials, and the variables
covered. Of the 18 variables analyzed, the range for the States which contained process information (i.e., how the State monitors a particular variable) was 7 - 16 variables for a mean of 10.6 variables. The range in number of staff monitoring special education was 11 - 37 for a mean of 17 people. There was variability in almost all responses to questionnaire items. The most obvious finding was the independent functioning of each State and the lack of consistency across States. The State populations ranged from 9.2 million to 23.2 million people; the State handicapped child counts ranged from 140,000 to 360,000 students. A summary of the findings showed that: 14.3% of the target States use peer review within the LEA; 28.6% of States use peer review across LEAs; 57.1% of the target States use SEA monitoring only; 42.9% combine SEA monitoring with LEA review; 85.7% of the studied States conduct on-site visits; 71.4% conduct Central Office paper reviews; 85.7% of the States monitor other State agencies providing special education services; and 71.4% of the States monitor handicapped children in private schools.

The results of the questions related to procedural information reflected that self-review guides are used by LEAs in four States, with two other States reporting that a guide is available or optional for the LEAs. All seven States reported that an information booklet is provided to parents. Six States reported that their special education monitoring procedures are partially dependent on Federal law mandates, while one State responded that its monitoring procedures are not at all dependent on Federal law. If P.L. 94-142 is altered or
repealed, three States reported that they will continue monitoring as they are now doing, two States reported they will significantly decrease monitoring activities, one State said it will revise monitoring activities, and one State reported it has not decided what it will do.

Overall, the findings reflected differences in many aspects of the compliance monitoring in the seven Consortium States and a wide range of approaches to the accountability issue.

Implications

Some relationships can be drawn between the findings reported in chapter two and the current findings: (1.) Clarity of State and Federal regulations and legal interpretations of P.L. 94-142 and subsequent compliance activities surfaced in studies by Landy (1977) and Keilbaugh (1980) and the present study. (2.) Confirmation that LEAs are the implementing force most directly linked to service delivery was noted in the findings reported by Bourexis (1979). This reinforces the concept of LEAs needing to have as much information and as many resources as the SEA can provide. (3.) Studies investigating compliance issues in Oregon (Herr, 1979; Sivage, 1979), a State not used in this study, found, as did this researcher, that clear goals and knowledgeable staff help assure effective programs and that not all requirements of P.L. 94-142 are monitored or complied with at the LEA level. (4.) A study conducted in Georgia (Carter, 1980) found that there was inconsistency in the interpretation of criteria to meet P.L. 94-142 requirements; the present study also found that many requirements are left to interpretation as to the compliance demands,
especially between SEAs and LEAs. (5.) The same study (Carter, 1980) recommended improved communication between and among all three levels of government to increase the likelihood of effective compliance and monitoring efforts. The present study also noted this as a recommendation.

On the basis of these findings and within the limitations of the study, the following implications are presented:

(1.) Although the Federal government uses one system to monitor the States, the seven target States appear to use very different monitoring manuals or handbooks and varied monitoring procedures. This is due, in part, to the non-prescriptive or non-directive stance the Federal government has assumed with the States.

(2.) Not all States include the same information in the same piece of material; some variable information may have been located in materials not analyzed for this study. This makes it somewhat difficult for someone attempting to make comparisons.

(3.) Some States' manuals contain content information only on some variables with no process information given. This means that the LEA may not know how the variable will be monitored by the SEA and may not be emphasizing the importance of implementing certain variables. These same variables could show up later as deficiencies at the SEA or Federal level.

(4.) The variability in State presentation of monitoring information ranged from a small concise handbook to ten separate manuals. The ease or difficulty in locating information is clearly determined by the overall organization of the monitoring material.
Six of the seven States indicated that their monitoring procedures are only partially dependent on Federal law; the seventh State reported that its monitoring procedures are not at all dependent on the mandates of Federal law. This would imply that, if P.L. 94-142 is significantly changed as President Reagan has proposed, it may not change these six States' policies and procedures.

As concluded from the questionnaire responses, if P.L. 94-142 is altered significantly, some States will probably continue monitoring as they are now and other States will decrease or revise their monitoring procedures. The implication here is that States will most likely monitor to some degree since they all have State special education laws.

The PAR variables most consistently contained in the State monitoring manuals were Annual Program Plan, Child Identification/Location/Evaluation, IEPs, Procedural Safeguards, Confidentiality, and Program Monitoring and Evaluation. It would appear that, as a group, these components are considered the most critical or essential to the target States. (Variables 1, 5, 6, 7, 8, 15, respectively)

Although the seven target States belong to a Consortium, their special education procedures are different enough to indicate that the Consortium probably is not used as a forum for joint planning of policies and procedures.

Recommendations

In light of the findings and implications, the following recommendations are offered:
(1.) One constructive use of the present findings would be for each of the seven States to critically analyze these findings in light of the most recent Federal Program Administrative Review (PAR) of each State. If, in fact, a direct relationship is found between the PAR assessment of a State and the way in which the State monitors its LEAs, there could be significant implications for that State's future planning of monitoring activities and information. For example, if a State is found deficient, after a PAR review, in the areas of compliance with monitoring handicapped students enrolled in programs administered by other State agencies and participation of private school children, then the State could critically look at its own procedure for monitoring the deficient component in relation to how the other Consortium States monitor it. In this way a State could use the comparative information to change or modify its procedures to assure adequate compliance at the LEA level.

(2.) In order to provide LEAs in each State with easy access to all the information they need to appropriately implement the intent of the law and its components, all SEAs should make every attempt to present the information in a concise, easy to follow, comprehensive format. Until an LEA understands exactly how it will be monitored and what preparations to make, the SEA is obligated to clarify the procedures and materials (i.e., process and content). Research into this issue is recommended. For example, again relating back to the Federal PAR evaluations, a State with few or no deficiencies noted as to dissemination of information and clarity of procedures could provide exemplary practices for other States to use in these areas. The essential point

here is that, as long as States work in isolation and only relate to their own procedures, they will not be exposed to a more comprehensive perspective in order to change or adapt to more adequately meet Federal requirements.

(3.) After reviewing the monitoring materials of the seven largest States, this researcher offers the following prescription for a model monitoring package for an SEA to make available to all LEAs in the State:

a.) Within the manual/handbook the Federal/State requirements should be listed with specific monitoring procedures/questions/statements next to the requirement; b.) All P.L. 94-142 PAR variables should be outlined in the manual either with an explanation of procedures as noted previously or with a statement that the SEA is primarily responsible and will monitor it at that level (e.g., the requirement for a State Advisory Panel). In that way the LEA has information on every variable and does not have to question if they have any responsibilities of which they are not aware; c.) The model manual would contain some level of self-questioning or self-monitoring to provide the LEA with the types of information they will be asked for at actual on-site and/or paper reviews; d.) The presentation of material in a looseleaf notebook is an adequate and appropriate method of organization as it then allows for the addition or deletion of relevant information as the SEA makes on-going changes; e.) It is also recommended that this notebook contain a philosophy or statement of purpose for the monitoring review, a list of on-site activities as they will occur, and a section for State special education memoranda of clarification as they are disseminated. (See Appendix G - Format for Model Manual)
Research into the development of an "ideal" State monitoring manual would be advisable and could benefit all States, if made available. The purpose of this research would be to delineate monitoring format, content, and process, and to identify other pertinent, necessary information to be contained in the manual. The essence of these suggestions is that the more detail provided to LEAs regarding specifically what they need to implement and how the State monitoring will occur, the more chance there is for informed, intelligent planning and programming at all levels.

(4.) It is finally recommended that there be more of a collaborative, cooperative effort among States to insure some degree of inter-State consistency and reliability. Research should be conducted to devise a mechanism by which all States could become members of consortiums either by geographical parameters, population and size parameters, and/or by any other logical, identifiable descriptor. This would allow all States to maintain a continued dialogue with other States concerning their monitoring and compliance efforts. One purpose of these consortiums would be to provide a structured forum for: discussing and comparing State policies and procedures; questioning and clarifying any areas of unclarity in the Federal requirements; and developing and maintaining peer support and professional interaction.
APPENDIX A

THE PROGRAM ADMINISTRATIVE REVIEW (PAR) PROCEDURE AND VARIABLES
APPENDIX A
THE PROGRAM ADMINISTRATIVE REVIEW (PAR) PROCEDURE AND VARIABLES

PAR Procedure

Preparation
1. Questionnaire information collected and analyzed
2. Local school sites selected
3. All parties notified of visit

Site Visit

Report

Release

Follow-Up Activities
Continue until all necessary corrective actions are implemented

Program Administrative Review Variables*

1. Submission of Annual Program Plan
2. Right to education policy
3. Full education opportunity goal
4. Priorities
5. Child identification, location, and evaluation
6. Individualized Education Program
7. Procedural safeguards
8. Confidentiality
9. Least restrictive environment
10. Protection in evaluation procedures
11. Comprehensive system of personnel development
12. Participation of private school children
13. Placement in private school
14. SEA responsibility for all educational programs
15. Program monitoring
16. Program evaluation
17. Reporting
18. Child count
19. Administration of funds by SEA
20. Administration of funds by LEA
21. State advisory panel
22. State agency eligibility to participate under P.L. 89-313
23. Eligibility of children to receive benefits
24. Children transferred to LEA's from State operated programs
25. Measurable project goals and objective
26. Evaluation of education achievement of participating children
27. Project monitoring and technical assistance by SEA
28. Dissemination of project findings
29. Distribution of funds among eligible schools and children
30. Use of funds to supplement and not supplant

(State Implementation Studies Branch, 1979)

*Variables 1-21 are identified as monitoring P.L. 94-142; variables 22-30 are identified as monitoring P.L. 89-313 (NASDSE, 1977)
Seven State Consortium

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APPENDIX C

SAMPLE LETTER TO STATE DIRECTORS

OF SPECIAL EDUCATION
February 10, 1982

APPENDIX C

SAMPLE LETTER TO STATE DIRECTORS OF SPECIAL EDUCATION

I am a Ph.D. candidate in Educational Administration at The Ohio State University. My dissertation is entitled: "A Study of the Internal Monitoring and Review Procedures for Special Education in the Seven State Consortium." Since your State is one of the States included in the Consortium, I am asking for your cooperation with and participation in my study. I plan to compare and describe the seven States' internal monitoring procedures, related to the implementation of P.L. 94-142 mandates, in order to offer recommendations and implications for future State and Federal activities related to P.L. 94-142. The States will maintain anonymity for the dissertation purposes.

I have enclosed a summary statement from my dissertation proposal to provide you with an overview of my intent. I am committed to and anticipate sharing the specific research findings with each of the seven State directors when the study is completed (expected Summer 1982). Hopefully, the research results will provide you and your staff additional and significant information to use in compliance efforts with P.L. 94-142 and your State special education laws.

My requests are threefold:

1. Please send me a copy of your State's monitoring and review procedures (guidebook) for overseeing the local education agencies (in as much detail as possible).

2. Please send me all other available special education related information (e.g., State newsletters, rules/standards/laws handbooks, State superintendent or special education director memorandums, annual reports, State special education directories, LEA self-review guides, parent handbooks, etc.).

3. Please complete the enclosed brief questionnaire of background information in order to provide me with a "picture" of your State.

I fully appreciate your time, interest, and cooperation. I ask for the return of all materials and information by March 1, 1982. If I can answer any questions, please do not hesitate to write or call me (614-889-0144 home; 614-877-4361 ext. 517 work). Thank you very much for your assistance with the data retrieval for my dissertation!

Cordially,

[Signature]

Dorothy Goldsmith Jansma
APPENDIX D

RESEARCH PROPOSAL SUMMARY
Research Proposal Summary

A STUDY OF THE INTERNAL MONITORING AND REVIEW PROCEDURES FOR SPECIAL EDUCATION IN THE SEVEN STATE CONSORTIUM

This study proposes to analyze the internal monitoring and review procedures of seven States (Florida, California, Ohio, Texas, Illinois, Pennsylvania, New York) in order to compare, describe, and contrast the variables/components (content) and procedures/tools (process) used in each State. It will provide a comparative description of the special education monitoring and review procedures in these seven largest States, called the Seven State Consortium, which collectively serve over 50% of the handicapped children in the United States. The information generated from this research will assist State directors of special education relative to the future planning of the monitoring and review implementation procedures in individual States. This project will provide a comparative view of how each target State's monitoring functions relates to the procedures in other Consortium States and will allow each to use the information to alter procedures, if appropriate.

The critical research questions to be specifically investigated in this study are: (1.) What procedures do each of the seven target States use to monitor compliance with P.L. 94-142? (2.) How are these processes similar and different? (3.) Which variables are incorporated into the content of the monitoring procedures? (4.) What implications and recommendations can be drawn from an analysis of the seven States' monitoring efforts?

The major impact of this research will be in the implications drawn and recommendations made to the selected State directors of special education concerning the content and process of P.L. 94-142 monitoring. The descriptive nature of this research analysis will provide Consortium States with information to which they previously have not had access.

Dorothy Goldsmith Jansma
The Ohio State University
Educational Administration
2/8/82
APPENDIX E

SAMPLE QUESTIONNAIRE
APPENDIX E - SAMPLE QUESTIONNAIRE

DISSERTATION QUESTIONNAIRE
FOR STATE DIRECTORS OF
SPECIAL EDUCATION

State: _ _ _ _ _ _ _ _ _ _ Person Completing Form: _____________

Date: _ _ _ _ _ _ _ _ _ _ Position of Respondent: ____________

A.) Statistical Information

1.) State population: ________________________________

2.) Child count for special education: _______________

   Above inclusive dates: ___________________________

3.) Number of local education agencies in State: _______

B.) State Education Agency Administrative Structure

1.) Please include your table of organization indicating the size and structure of the central office staff.

2.) Number of personnel monitoring special education within your State: Central Office Staff _______
   Regional or other Decentralized Staff _______

3.) For monitoring purposes, the State is divided by:

   Regions ___________
   Counties ___________
   Other _____________ Please explain:

4.) Which of the following apply to your State's monitoring procedures? (check those that are applicable)

   Peer review within LEAs ______
   Peer review across LEAs ______
   SEA monitoring only:
   By team (If so, how many? ___ In what State positions?)
   By individual ___ (In what State position?)
   On-site visitations ____________________________
   Central Office "paper" review ___________
   Monitoring of other State agencies serving handicapped children (If so, please list agencies ____________)
   Monitoring of handicapped children in private schools ______

(cont.)
Questionnaire (cont.)

C.) Procedural Information

1.) Do the LEAs use a Self-Review Guide prior to the SEA monitoring? Yes ___ No ___
   Is one provided by the SEA? Yes ___ No ___

2.) What do you provide parents with concerning P.L. 94-142 rights?
   Booklet ___
   Inservice Meetings ___
   Other ___ Please explain:

3.) Are your present State special education monitoring procedures dependent on the Federal law mandates?
   Totally ___
   Partially ___
   Not at all ___
   Comment:

4.) If P.L. 94-142 is repealed or altered significantly, which of the following best reflects your present response?
   We shall continue our State monitoring procedures as they are now. ___
   We shall significantly decrease our monitoring activities. ___
   We have not decided what we shall do. ___
   Other. ___ Please explain:

D.) Supplementary Information

Please comment on any other aspect(s) of your State's special education monitoring and review system which is not reflected in the questions above or in your State's monitoring procedures/guidebook.

2/10/82
Dorothy Goldsmith Jansma
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Columbus, Ohio 43210
APPENDIX F

MATRIX OF STATES' MONITORING INFORMATION
## PAR Variables (IASIE, 1977)

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>States</th>
<th>Interstate Variable Analysis Totals (max = 7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Submission of Annual Program Plan</td>
<td>A</td>
<td>P C F C F C F C F C F C F C F C</td>
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<tr>
<td>2.</td>
<td>Right to education policy</td>
<td></td>
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<tr>
<td>3.</td>
<td>Full education opportunity goal</td>
<td></td>
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<tr>
<td>4.</td>
<td>Priorities</td>
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<td>5.</td>
<td>Child identification, location, and evaluation</td>
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<td>6.</td>
<td>Individualized Education Program</td>
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<td>7.</td>
<td>Procedural safeguards</td>
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<td>8.</td>
<td>Confidentiality</td>
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<td>14.</td>
<td>SFA responsibility for all educational programs</td>
<td></td>
<td></td>
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<tr>
<td>15.</td>
<td>Program monitoring and evaluation</td>
<td></td>
<td></td>
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<tr>
<td>16.</td>
<td>Reporting and Child Count</td>
<td></td>
<td></td>
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<tr>
<td>17.</td>
<td>Administration of funds by SFA and LEA</td>
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<td></td>
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<tr>
<td>18.</td>
<td>State advisory panel</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Key:
- **P** = Process
- **C** = Content
- + = Information located
- 0 = No information located
APPENDIX C

FORMAT FOR MODEL MANUAL
APPENDIX G
FORMAT FOR MODEL MANUAL

Philosophy or Statement of Purpose for Monitoring Review

List of On-Site Activities and Timelines

Each P.L. 94-142 Requirement

Federal Reference

State Reference

Criteria Statements

Specific Monitoring Procedure for Every Variable

Self-Monitoring Questions

On-Site Visit Probes

Allowance for Additions/Deletions/Modifications

Clearly Defined

Overall Format to be Functional for Local Education

Concisely Presented

Agency

Compliance Related
BIBLIOGRAPHY


