



— **GUIDING CHANGE** —

National Association of State Directors of Special Education

SPECIAL EDUCATION DIRECTOR TOOLKIT

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Table of Contents

Introduction	3
The Role of a State Special Education Director	3
The History and Purpose of Special Education Law	3
State Education Agency Responsibilities	5
Federal Reporting and Data Use	7
Additional Support and Resources	10

Introduction

Welcome to the Special Education Director Toolkit! This resource is designed to provide a general overview of some of the most critical aspects of your role. Within each section are links to additional resources if you would like to learn more. Each section contains a call to action with a summary of the state director's role related to that section and some suggested next steps for your continued learning. Finally, this toolkit includes additional resources for your consideration. We hope you find this resource useful as you navigate the complexities of your role!

The Role of a State Special Education Director

As a state special education director, you are faced with numerous responsibilities and decisions. How you approach these directly impacts the experience that learners face every day in their school communities. While each state may have unique approaches to the role of state director, the Individuals with Disabilities Education Act (IDEA) defines core responsibilities that each state agency must fulfill related to special education. As the state special education director, it is your responsibility to provide oversight and ensure compliance with these requirements to protect the rights of students with disabilities in your state to a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). This is a complex task with a lot of moving parts. From dispute resolution, to integrated monitoring, to guidance and support, the ways in which the state director navigates their responsibility varies day to day. Below, we will dig into what this means for your role.

The History and Purpose of Special Education Law

To ensure students with disabilities in your state are receiving FAPE, the state special education director must assess the overall educational landscape and apply their knowledge of federal, state, and local law and policy to their state's context. Below, we provide an overview of the relevant laws with links to additional information.

The Every Student Succeeds Act (ESSA)

The Every Student Succeeds Act is the most recent version of a civil rights law passed in 1965- the Elementary and Secondary Education Act (ESEA). ESEA was designed in an effort to provide educational opportunities to all students. It offered grants to school districts that served low income students; provided federal grants for textbooks; funded special education centers; and established federal grants to state education agencies.

In 2001, ESEA was reauthorized into No Child Left Behind (NCLB). Through this reauthorization, NCLB placed a focus on annual testing and accountability. It also established measures to identify achievement gaps among traditionally underserved students. Under NCLB, schools were penalized for failing to meet annual targets. Then, in 2015, we saw the most recent reauthorization which updated certain aspects of the IDEA, and moved federal accountability to the states. In doing so, states are required to submit accountability plans for approval.

Under ESSA, states receive grants to fund the implementation of ESSA programming, such as Title I. You can find more information about ESSA [here](#).

The Individuals with Disabilities Act (IDEA)

The IDEA originated back in 1975 with the Education for All Handicapped Children Act. This law was enacted to protect the rights of children with disabilities and their families. There have been several reauthorizations

National Association of State Directors of Special Education

over the years with the most recent version in 2004. Over time, we have seen an increased emphasis on access to the general education curriculum, transition planning, and increased accountability. There is much speculation about when we might see the next reauthorization of the IDEA.

Like ESSA, the IDEA also includes funding for state agencies to implement the program. The terms “Part B” and “Part C” apply to the parts of the law that provide funding for the education of children ages 3-21 (Part B) and for early intervention services for children birth until age 3 (Part C).

State Administration

IDEA also provides states with the authority to develop state rules and policies to support the implementation of IDEA. These rules and policies can't be more restrictive than IDEA but can provide additional specificity around the ways in which IDEA will be implemented in the state. This authority can be broken down into different levels:

- State statute- laws enacted by a state's legislature or general assembly.
- State rules/regulations- rules enacted by a state agency or governing board that hold the weight of law.
- State policies- guidelines for how laws and rules should be implemented.
- State guidance- materials developed to support the implementation of rules, regulations, and/or policies.

Understanding the authority of states to enact additional rules and policies can inform the approach to general supervision and enforcement of local implementation of special education programs in your state.

Summary and Call to Action

It is important for state directors to have a clear understanding of relevant laws and policies in order to apply that understanding to the local implementation of special education. To extend your learning, we encourage you to consider the steps below.

What is a state special education director's responsibility in relation to special education policy?	What next steps should I take?
State directors are responsible for ensuring students with disabilities have access to the protections available to all students under ESSA.	<p>Visit the USDOE website and locate your state's ESSA plan.</p> <ul style="list-style-type: none"> • What are the key aspects of your state's accountability system? • How is the performance of students with disabilities reflected in your state's accountability system?
State directors are responsible for meeting the conditions under which IDEA funds are received.	<p>Visit the USDOE website and locate your state's grant award letter(s) and state application</p> <ul style="list-style-type: none"> • What assurances and certifications did your state provide in order to receive IDEA funds.
State directors are responsible for implementing any state special education policies that support the IDEA.	<p>Locate your state's education laws annotated</p> <ul style="list-style-type: none"> • Do any education laws in your state govern special education?

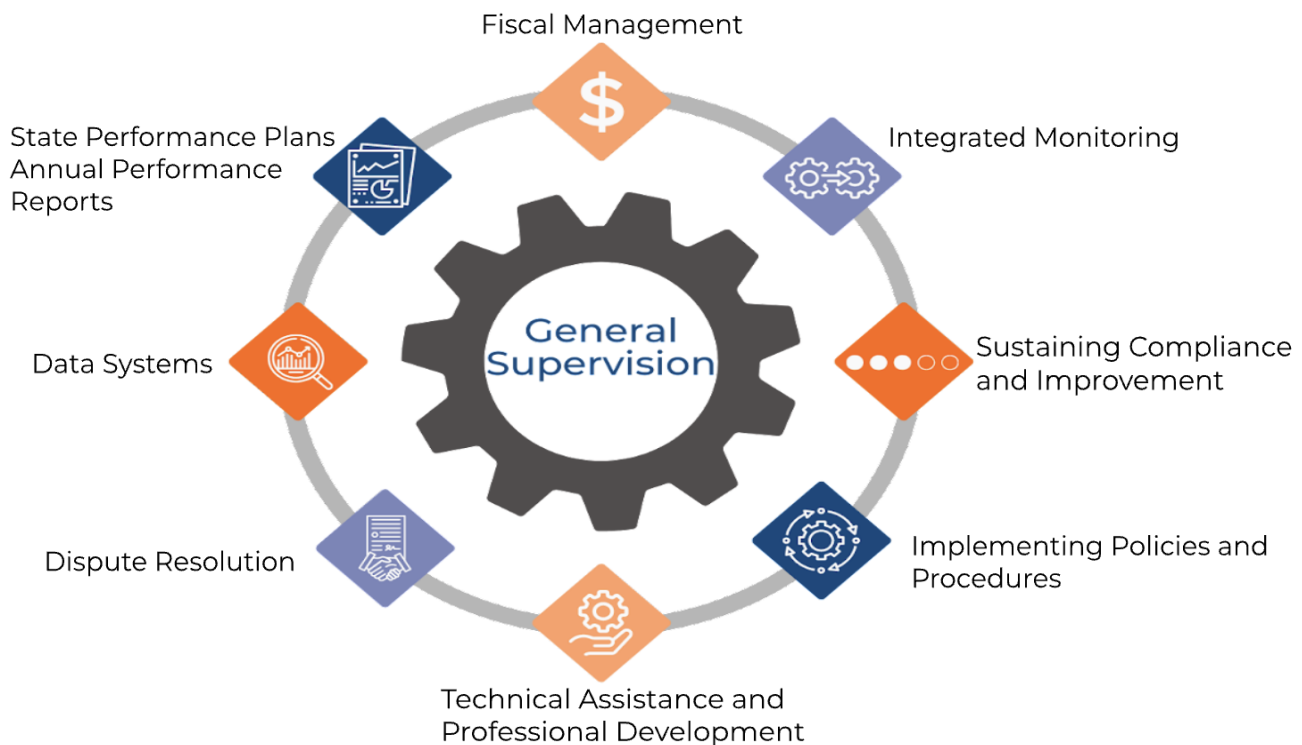
	<p>Locate your state's education rule making authority. This may be your state's department of education or board of education</p> <ul style="list-style-type: none"> What state rules/regulations govern the local implementation of special education?
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State Education Agency Responsibilities

State Education Agencies (SEAs) have a general supervisory responsibility to ensure compliance with both fiscal and programmatic requirements of federal programs, including the IDEA to ensure the civil rights of students are preserved and that FAPE is provided to students with disabilities. General supervision is an integrated system that includes various components to ensure the requirements of the IDEA are met in a manner that supports the SEA in identifying areas for improvement and the support required to ensure LEA's are working towards improving outcomes for students with disabilities. In brief, this framework is the bedrock that allows SEAs the insight into how well school systems are supporting the unique needs of students with disabilities and how to provide the best assistance and support possible.

Components of a General Supervision System

The graphic below outlines the essential components of a state's general supervision system:



Special Education Director Toolkit

National Association of State Directors of Special Education

Supporting Resources

Resources to support the review of your system of general supervision can be found in the table below:

Component	Definition	Resources
Fiscal Management	A system designed to ensure that IDEA funds are distributed and expended in accordance with Federal fiscal requirements.	Fiscal Part B Subrecipient Monitoring Protocol Fiscal Management for State Agencies with Primary Fiscal Responsibility CIFR
Integrated Monitoring	A multifaceted process or system which is designed to examine and evaluate States with a particular emphasis on educational results, functional outcomes and compliance with IDEA procedural and programmatic requirements.	Integrated Monitoring
Sustaining Compliance and Improvement	A system for recognizing, and improving compliance and performance including use of improvement activities, incentives, and sanctions.	Sustaining Compliance and Improvement
Implementation of Policies and Procedures	Policies and procedures outline the goals, objectives, processes and statutory requirements of a Part B and Part C Program, that must be implemented with fidelity.	State specific bulletins and policy documents.
Technical Assistance and Professional Development	A system of technical assistance and professional development that uses data-informed root cause analysis areas to address State priorities and areas in need of improvement.	Root cause analysis guidance document
Dispute Resolution	A system designed as part of a State's general supervisory responsibility to ensure implementation of IDEA's dispute resolution procedures consistent with IDEA requirements.	Dispute Resolution – State Complaint Dispute Resolution – Due Process Dispute Resolution – Mediation CADRE

Data Systems	A data system designed to ensure that the data collected and reported are valid and reliable and that information is reported to the Department and the public in a timely manner. The data system will inform and focus a State's improvement activities as well as verifying that the data collected and reported reflect actual practice and performance.	Data and SPP/APR IDEA Data Center
SPP/APR	A multifaceted plan that evaluates the State's efforts to implement the requirements and purpose of the IDEA and describes how the State will improve its implementation.	Data and SPP/APR IDEA Data Center
Additional Resources		
DMS 2.0 Framework and Intended Outcomes NCSI WestEd DMS General Supervision Activities Timetable Five Drivers of Coherence in State General Supervision Systems		

Summary and Call to Action

General supervision is one of the most critical aspects of a special education director's role. A state's system of general supervision determines the extent to which local education agencies (LEAs) are held accountable for ensuring the rights and protections of students with disabilities. To extend your learning, we encourage you to consider the steps below.

What is a state special education director's responsibility in relation to general supervision?	What next steps should I take?
The state special education director is responsible for ensuring the SEA's system of general supervision is sufficient for ensuring compliant implementation of IDEA at the local level.	<p>STEP 1: Identify an SEA lead for each component of the general supervisory system.</p> <p>STEP 2: Identify partners (e.g; technical assistance centers, consulting groups, or other organizations) who have the capacity to support your review efforts.</p> <p>STEP 3: Convene the general supervisory team to review each component of the system and identify any gaps or needed improvements.</p> <p>STEP 4: Document your SEA's system of general supervision. A customizable template to outline a state's system of general supervision can be found here.</p>

Special Education Director Toolkit

National Association of State Directors of Special Education

Federal Reporting and Data Use

The Office of Special Education Programs (OSEP) requires that each state submit information throughout the year as a condition of their grant award. Although OSEP requires states to collect and report certain data, it's important to consider ways in which data can be used to inform the work of the SEA. As state director, you are able to influence how data are talked about and how data are used. The data we collect for federal reports should also be used to identify goals and priorities and measure progress towards those goals. Data should be at the center of our decision making as state special education leaders.

The table below outlines the timeline and resulting actions for each of the required federal reports related to IDEA:

Timeline	February	May	November/December
Report	Section 616 Submission- State Performance Plan/Annual Performance Report (SPP/APR)	State Formula Grant Application	Section 618 submission (EdFacts reports)
Description	IDEA requires each state to develop a SPP/APR that evaluates the state's efforts to implement the requirements and purposes of the IDEA and describes how the state will improve its implementation.	States must apply for IDEA funding each year and make certain assurances in order to receive their state's grant.	EDFacts centralizes data supplied by state education agencies (SEAs) within the USDOE to enable better analysis and use in policy development, planning and management.
Resulting Action	OSEP uses the data from the SPP/APR to make state determinations.	Part B formula grants are issued to states.	Data submissions impact the data reported in the SPP/APR and other state accountability systems.

State Determinations

Each year, OSEP uses a State's APR to make determinations using the following categories:

MEETS REQUIREMENTS	The state meets the requirements and purposes of the IDEA
NEEDS ASSISTANCE	If a State "needs assistance" for two consecutive years, the Department must take one or more enforcement actions, including, among others, requiring the State to access technical assistance, designating the State as a high-risk grantee, or directing the use of State set-aside funds to the area(s) where the State needs assistance.
NEEDS INTERVENTION	If a State "needs intervention" for three consecutive years, the Department must take one or more enforcement actions, including among others, requiring a corrective action plan or compliance agreement, or withholding further

	payments to the State.
NEEDS SUBSTANTIAL INTERVENTION	Any time a State “needs substantial intervention” the Department must take immediate enforcement action, such as withholding funds or referring the matter to the Department’s inspector general or to the Department of Justice.

The state’s determination affects the department’s response. States that are determined to “need assistance” might be required to access technical assistance, be designated as a high risk grantee for the purpose of differentiated monitoring support, or directing the use of state set aside funds. States that are categorized as “needs intervention” for three consecutive years will require enforcement action such as a corrective action plan or compliance agreement, or withholding further payments to the state. If a state is determined to need “substantial intervention,” the department must take immediate enforcement action such as withholding funds or referring the issue to the inspector general or department of justice.

Additional Considerations for Federal Reporting

Below are some factors to consider in your approach to federal reporting and data submission:

- Accuracy: The data submitted is used to inform policy and other decisions. Information from 618 EdFacts reports impacts the data reported in the 616 SPP/APR
- Timeliness: Data collection takes time and requires collaboration across the SEA- start early!
- Transparency: All reports must be made available to the public

Summary and Call to Action

Federal reporting is a required condition of your state’s grant award; however, it also provides an opportunity to look strategically at the health and performance of your state’s special education program. To extend your learning, we encourage you to consider the steps below.

What is a state special education director’s responsibility in relation to federal reporting and data use?	What next steps should I take?
State directors are responsible for ensuring the timely submission of all federal reports.	Identify your state data manager <ul style="list-style-type: none"> • Who is responsible for submitting your state’s SPP/APR • Who is responsible for submitting your state’s EdFacts reports? • Who is responsible for submitting your state’s application for IDEA formula grants?
State directors are responsible for setting targets and monitoring performance of the state’s SPP/APR.	Visit the USDOE website and locate your SPP/APR <ul style="list-style-type: none"> • How is your state performing on its state targets? • Are you able to identify any longitudinal trends? • How are areas in need of improvement currently addressed in your state’s initiatives and priorities?
State directors are responsible for any required actions as a result of its state determination.	Visit the USDOE website and locate your state determination letter and RDA matrix <ul style="list-style-type: none"> • What was your state’s most recent determination?

Special Education Director Toolkit

National Association of State Directors of Special Education

	<ul style="list-style-type: none"> Are any actions required as a result of the state's determination?
State special education directors are responsible for submitting the IDEA grant application and budgeting for the state's allocation.	<p>Download the grants to states summary table and review your state's allocation:</p> <ul style="list-style-type: none"> What was your state's total grant award for FY21 (Column B)? This is the total amount of your state's federal IDEA allocation What was your state's 611 base allocation to LEAs (Column C)? This is the amount that must be distributed to local education agencies (LEAs) What was your state's maximum set aside for administration (Column D)? This is the maximum amount that states can reserve for administrative costs and other state level activities Locate your state's interactive worksheet to identify how your state budgeted for the use of your state set-aside.
State special education directors are responsible for using data to inform state policy and guidance.	<p>Reflect on the following questions as it relates to your state/office's collection and use of data:</p> <ul style="list-style-type: none"> Out of all of the data you collect, what is most important to look at/reference when making decisions? Once trends are determined, what additional data do you need to contextualize what you are seeing? How can we communicate what we are learning from the SPP/APR indicators to increase stakeholder engagement and understanding?

Conclusion

The role of a state special education director is a complex one. Adding to this complexity is the fact that each state approaches the role differently. NASDSE is committed to supporting state directors and adjusting to these realities. We encourage you to use the resources within this toolkit and to consider the additional resources available through your membership to NASDSE. For more information, please visit our [website](#) and take advantage of opportunities to get involved!

Additional Support and Resources

- NASDSE'S Innovative Leader Toolkit can be found [here](#).
- A quick reference to indicators included in the SPP/APR can be found [here](#)
- If you want to learn more about the state application and applicable forms, check out this resource: [OSEP IDEA formula grants](#)

Special Education Director Toolkit

National Association of State Directors of Special Education

- If you want to learn more about the EdFacts reports, check out this resource: [EDFacts](#)
- If you want to learn more about how state allocations are made, check out this resource: [IDEA Allocations at a Glance](#)
- If you want to learn more about how services for SWDs are funded, check out this resource: [CCSSO_RR_SEA_Workbook-v2](#)
- If you want to learn more about IDEA's MFS requirement, check out this resource: [Quick Reference Guide on IDEA Maintenance of State Financial Support](#)
- If you want to learn more about the sections of the IDEA state application, check out this resource: [Annual State Application for IDEA Funds Instructions Sheet](#)
- If you want to learn more about how states can use their state set-aside funds , check out this resource: [State set-aside activities](#)
- Programs and Major Initiatives:
 - [Templates for Part B SPP/APR Stakeholder Involvement and Target Setting](#)
 - [Operationalizing Your SSIP Evaluation](#)
- Performance Management: [Checklist to Identify and Address SSIP Data Quality Issues](#)
- Resource Allocation & Budgeting: [What Now? States Must Act to Meet People's Data Access Needs](#)