#  *Coaching Questions for State Agencies*

# *Establishing Processes to address credible allegations*

# The Office of Special Education and Rehabilitative Services (OSERS) issued the guidance document, [State General Supervision Responsibilities under Parts B and C of the IDEA (OSEP QA 23-01, July 24, 2023](https://sites.ed.gov/idea/files/Guidance_on_State_General_Supervision_Responsibilities_under_Parts_B_and_C_of_IDEA-07-24-2023.pdf)). The Office of Special Education Programs’ (OSEP’s) longstanding policy is for states to assess an expressed area of concern for possible noncompliance of the IDEA by a local education agency or an early intervention service provider or program. A credible allegation presents to the state education agency or state lead agency a possible IDEA compliance issue from a reliable source or sources of information.

# CADRE, the Center for Appropriate Dispute Resolution in Special Education, offers this resource to assist states in establishing their own processes for addressing credible allegations. The coaching questions provided are not intended to offer a prescriptive approach for states to follow, but instead to provide considerations as states develop their own systems for addressing credible allegations.

# Each State May Approach Credible Allegations Differently

As each state is unique, each must establish reasonable criteria for what rises to a credible allegation in their state. What is important is that **criteria** are in place and a process is **followed consistently** to ensure that credible allegations are addressed.

1. **How a state might address credible allegations**

There are no specific requirements for how a state addresses credible allegations. The process for assessing a credible allegation could be part of the state’s dispute resolution system, tied to the state’s monitoring system, or be part of another system designed separately but in parallel with existing processes.

Regardless of how a state addresses credible allegations, the state must ensure the rights to access dispute resolution options afforded under the IDEA are not delayed or denied. The IDEA dispute resolution rights must be available even if a separate credible allegations process has been initiated.

**Coaching questions for developing a consistent structure to address credible allegations:**

* **Does the state already have a mechanism in place for receiving, tracking, and addressing credible allegations?**

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* **Are there processes for different parts of the system to coordinate information (e.g., dispute resolution, monitoring)?**

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* **What mechanisms are in place to allow the state to recognize emerging patterns and trends from multiple sources?**

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*These questions may not be exhaustive nor applicable in all states. The process for addressing credible allegations should ensure that there is consistency and accountability.*

**Notes:**

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1. **How a state might become aware of a credible allegation**

Allegations of noncompliance may come to the attention of the state in various ways, including telephone calls, text messages, emails, letters, in-person contacts, media stories, or through a third party. No matter how an allegation comes to the state’s attention, the agency has a responsibility to respond through a developed mechanism designed to address such allegations.

Additionally, the State must be able to determine if areas of concern brought by different sources at different times are evidence of a trend or a possible systemic issue.

**Coaching questions for establishing how allegations are received and how credibility is determined:**

* **How did the state agency receive the information?**

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* **Does the state have a process to identify allegations received from multiple sources (e.g., telephone calls, text messages, emails, letters, in-person contacts, media stories, or through a third party)?**

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* **Is the entity or individual providing the information a credible source?**

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* **What information or facts are presented to support or give validity to the claim of noncompliance?**

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* **Are there multiple sources providing the state with the same or similar information?**

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* **Is the subject of the allegation part of a pattern or trend apparent in existing data?**

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**Notes:**

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1. **Establishing a process to determine if a credible allegation is founded**

Under the IDEA, the state must conduct proper due diligence when made aware of an area of concern or credible allegation regarding an LEA or EIS program or provider’s implementation of IDEA and reach a conclusion in a reasonable amount of time.

OSEP expects states to have **a documented process in place** to ensure that they are practicing due diligence when they are made aware of a credible allegation of possible non-compliance.

How a state conducts proper due diligence is the responsibility of the state to determine.

**Coaching questions for developing a consistent process for investigating credible allegations.**

### How will the credible allegations investigation be structured and conducted?

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### Will the investigation process include legal research, documentation review, or an onsite visit?

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### Will investigations include interviewing staff, parents, representative groups, or students?

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### What criteria will determine the investigatory approach?

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### Will the allegations that do not fall under IDEA be referred to other state agencies or entities (e.g., Office of Civil Rights, Department of Health and Welfare)?

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**Notes:**

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**d. Establishing a process to address founded allegations**

**Under the State’s general supervisory responsibility, the state must not ignore or disregard a credible allegation, as a credible allegation may impact a child with disabilities’ ability to obtain a free appropriate public education (FAPE), early intervention services, or violate other requirements afforded under the IDEA.**

**The state must have means of documenting findings and any required corrective actions and ensure the timely completion of corrective actions ordered.**

**Coaching questions for developing a process to address findings of noncompliance.**

### How will the investigation and determination of findings be documented?

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### Who will receive the documentation or findings?

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### How will corrective actions be determined, and by whom?

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### What will be the timeline for the corrective action and how will it be determined?

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### Who or what entity will be responsible for monitoring the correction of noncompliance?

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**Notes:**

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 **E. Establishing a process for closing a case and reporting activity**

**If a state determined there was noncompliance, it must issue findings and ensure timely correction. The findings of noncompliance must be documented and corrective actions tracked. The state will need to determine how this will be reported in their 618 data (e.g., Indicator 18).**

**Coaching questions for developing a consistent process to implement corrective actions and close a case.**

### If noncompliance is determined, how will corrective actions be implemented, tracked, monitored, and closed?

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### If no noncompliance is found, will the complainant be informed?

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### How will the credible allegation case be closed (e.g., who is notified and how)?

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### How will findings of noncompliance be compiled and reported (e.g., Indicator 18)?

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### How will the credible allegations process inform the state’s general supervision system?

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**Notes:**

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