OSEP Monthly DMS Technical Assistance Call

DMS Monitoring Reports and Review of Findings

February 9, 2023

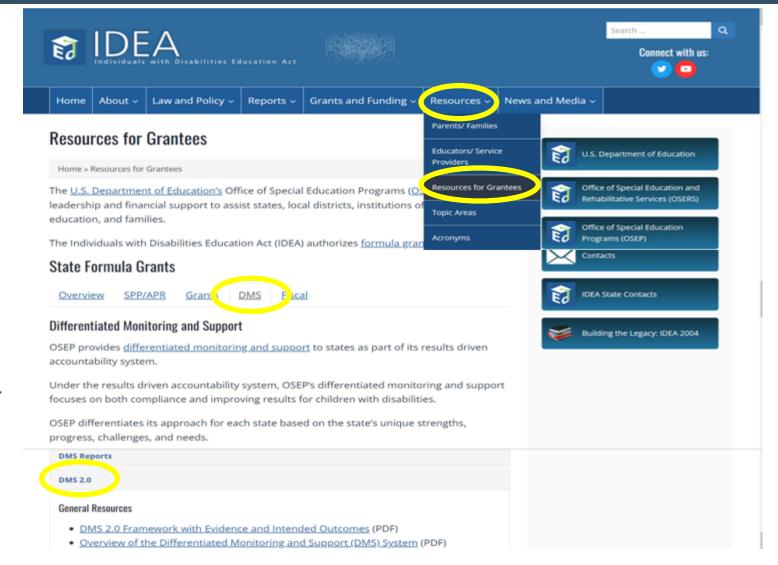OSERS | Office of Special Education and Rehabilitative Services

MSIP Division Director

Gregg Corr
MSIP Director
Office of Special Education Programs (OSEP)

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Agenda

- DMS 2.0 Review

- Monitoring Report Layout

- Close-out Process

- DMS Monitoring Report Themes and Examples

- Questions

- Deputy Director Closing Remarks

DMS 2.0 Protocols and Resources

▶ DMS Protocols and Resources, including the monitoring schedule and monitoring reports can be found on the IDEA website, under Resources for Grantees, DMS Reports/DMS 2.0

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DMS Cohorts 1-3: Monitoring Schedule

Monitoring Schedule

Phase 2 engagement month/year identified for each Cohort in the table below.

	TEAM A		TEAM B		TEAM C		TEAM D	
Cohort 1 **2022-2023**	**KY-B** 11/2023	**KY-C** 05/2023	**SC-B** 11/2022	**MI-C** 05/2022	**AK-B** 06/2022	**NY-C** 12/2022	**CO-B** 12/2023	**CO-C** 11/2023
	AR-B 11/2022	**AR-C** 05/2022	**NV-B** 11/2023	**NV-C** 11/2023	**ID-B** 10/2023	**ID-C** 10/2023	**MT-B** 06/2023	**MT-C** 06/2022
Cohort 2 **2024-2025**	**ND-B** 01/2025	**ND-C** 01/2025	**ME-B** 09/2024	**ME-C** 09/2024	**KS-B** 09/2024	**KS-C** 09/2024	**IN-B** 08/2024	**IN-C** 08/2024
	OR-B 10/2024	**OR-C** 10/2024	**AS-B** 09/2023	**AS-C** 09/2023	**NE-B** 10/2024	**NE-C** 10/2024	**MS-B** 10/2024	**MS-C** 10/2024
	IA-B 08/2024	**IA-C** 08/2024	**TN-B** 10/2024	**TN-C** 10/2024	**UT-B** 11/2024	**UT-C** 11/2024	**LA-B** 12/2024	**LA-C** 12/2024
Cohort 3 **2025-2026**	**RI-B**	**RI-C**	**FSM**		**NH-B**	**NH-C**	**GA-B**	**GA-C**
	MO-B	**MO-C**	**MH**		**DE-B**	**DE-C**	**PR-B**	**PR-C**
	PA-B	**PA-C**	**PW**		**MA-B**	**MA-C**	**CA-B**	**CA-C**
			WA-B	**WA-C**				

Monitoring Support Team Members

Team A

Fiscal
Jennifer Finch

MON | IMP | Data
Kimberly Mitchell

DR
Marjorie Thompson

Team A
State Lead

Team B

Fiscal
Alecia Walters

MON | IMP | Data
Brenda Wilkins

DR
Ronda Sortino

Team B
State Lead

Team C

Fiscal
Laura Duos

MON | IMP | Data
Dwight Thomas

DR
Justin Arner

Team C
State Lead

Team D

Fiscal
Danny Rice

MON | IMP | Data
Koko Austin

DR
Genee Norbert

Team D
State Lead

DMS Phases

▶ DMS monitoring will occur in three (3) phases:

- **Discovery** (5 months prior to engagement)
  - Document Request: State will upload documents to an external SharePoint
  - State Overview Call
  - Stakeholder engagement
  - Local Component

- **Engagement** (1 month (visit) through issuance of the DMS Monitoring Report)
  - Onsite and Virtual monitoring interview calls
  - Issuance of the DMS Monitoring Report

- **Close-out** (up to one year after the issuance of the DMS Monitoring Report)
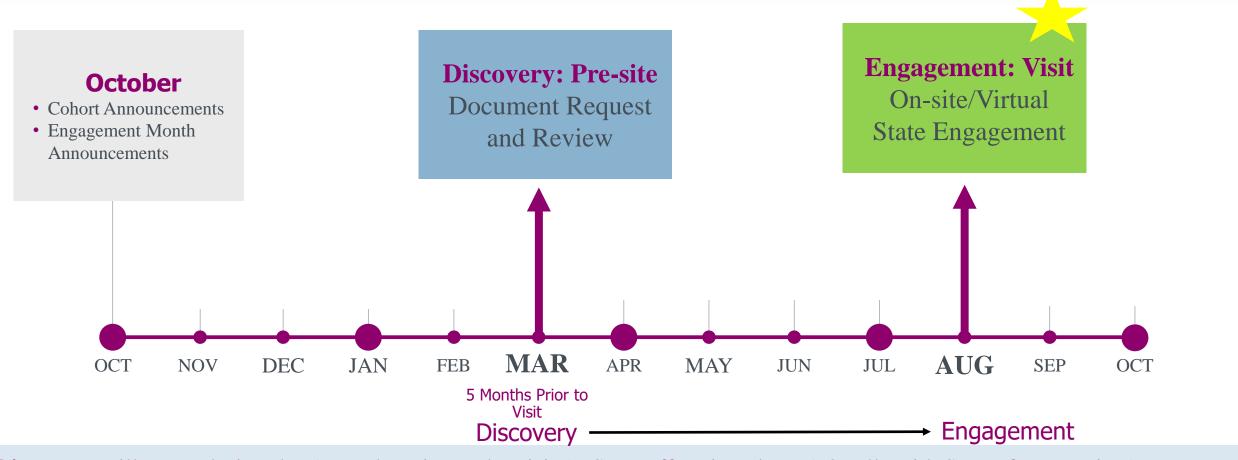 - Review of evidence of correction
  - Technical Assistance

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DMS 2.0 Timeline SAMPLE AUG Visit

December
- Issue Monitoring Report for **August visit**

October
- Cohort Announcements
- Engagement Month Announcements

Discovery: Pre-site
Document Request and Review

Engagement: Visit
On-site/Virtual State Engagement

OCT NOV DEC JAN FEB **MAR** APR MAY JUN JUL **AUG** SEP OCT

5 Months Prior to Visit

Discovery ———————————————→ Engagement

Discovery will occur during the 5 months prior to the visit (MSIP staff review docs, 1-2 calls with States for overview)
Engagement will occur from the on-site/virtual visit through the issuance of the monitoring report (generally 120 days after visit)
Close-Out will occur up to one year after the issuance of the monitoring report.

DMS Monitoring Report

▶ The DMS monitoring report includes the following:

- **Cover page with a table of contents**

- **DMS monitoring letter**
  - Summary of monitoring priorities and components
  - Table including a summary of findings identified through OSEP's monitoring

- **Monitoring Components (included if findings are identified): Monitoring and Improvement, Data, Fiscal, Dispute Resolution, other focus areas**
  - Background
  - Legal Requirements
  - OSEP Analysis
  - Conclusion and Action Required

- **Appendix:** Listing of additional legal requirements

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DMS Monitoring Report Close-Out

Close-out (up to one year after the issuance of the DMS Monitoring Report)

- After the monitoring report is issued you will work with your State Lead and monitoring teams to address any corrective actions specified in your report.

- In some instances, you may have to submit updated policies and procedures, in others you may have to submit evidence of implementation or both.

- OSEP will provide the State with an update of the status of their findings based on the corrective action timelines established.

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Monitoring and Improvement DMS Findings

Themes and Examples

▶ States only monitoring on the SPP/APR indicators.

▶ OSEP found that States often were monitoring only on the SPP/APR indicators and addressing any IDEA requirements outside of the indicators by only providing technical assistance, rather than issuing a finding of noncompliance.

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MON: Implementing IDEA

▶ States are not collecting data or monitoring LEA/EIS providers to determine whether IDEA Part B or Part C services are being provided consistent with the Individualized Education Program (IEP) or Individualized Family Service Plans (IFSPs).

▶ OSEP found that some States did not have accurate and sufficient written policies and procedures to help the State determine compliance with IDEA with their LEA/EIS providers, including whether IDEA Part B or Part C services were being implemented as written on the IEP/IFSP.

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► States are not ensuring correction of noncompliance within one year.

  • This includes corrective actions required by State complaint investigations and due process hearings.

► OSEP found that some States were unable to provide evidence of correction such as, close-out letters, corrective action charts with completion dates, redacted excel file charts or checklist indicating that individual child correction had occurred.

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Data DMS Findings

Themes and Examples

Data: Validity and Reliability

▶ States are not monitoring to ensure that the LEAs/EIS providers are correctly entering data into the States data systems and are therefore not timely identifying and verifying the correction of noncompliance of SPP/APR data.

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Fiscal DMS Findings

Themes and Examples

▶ States do not have general supervision systems reasonably designed to monitor its LEAs/EIS providers to ensure fiscal compliance with IDEA Part B and Part C.

▶ OSEP found that some States were not able to demonstrate that their system was reasonably designed to identify and correct noncompliance with the IDEA Part B and Part C fiscal requirements. In some instances, States had not made any fiscal findings of noncompliance, as they were only issuing findings of noncompliance based on the SPP/APR indicators.

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Fiscal: System of Payments (SOPs)

▶ Some States are not verifying that all the IDEA system of payments requirements are being reviewed or met through monitoring their EIS providers for compliance.

▶ OSEP found that some States policies and procedures did not include a mechanism to verify that all the IDEA system of payments requirements had been reviewed or met.

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▶ Some States are not ensuring that their system of payment policy is being consistently implemented in all regions of the State.

▶ OSEP, therefore, is unclear how the lack of consistent implementation across a State regarding funding sources could affect the State's ability to ensure that resources are made available under Part C for all geographic areas within the State.

▶ Not accessing all payor sources may result in lower numbers of eligible children being served, reduction in the provision of EI services, and diminished outcomes for infants and toddlers in those service areas.

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▶ Some States do not have systems to ensure the appropriate use of IDEA Part B and Part C funds or any activities which would provide reasonable assurances that the LEA/EIS providers are managing Federal awards in compliance with Federal statutes, regulations, and the terms and conditions of the IDEA Part B and Part C award, as required in 2 C.F.R. § 200.303(a) and (d).

▶ OSEP found that some States when obligating funds to their LEA/EIS providers for computers, technology devices or teletherapy services to support the programs, no additional activities were conducted to ensure that the funds were actually used for allowable purposes.

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▶ Some States do not have effective internal controls that provide a reasonable assurance of compliance by its LEA/EIS providers with their Federal award.

▶ OSEP found that in some instances States were collecting information about services provided but were unable to demonstrate how they were verifying authorized services provided or that the funds were obligated and liquidated for appropriate obligations.

▶ OSEP was often provided checklists or tools, that did not also include the practices and procedures on how the State was verifying the information or ensuring the funds awarded were used for allowable purposes.

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Fiscal: Contract Oversight

▶ Some States are not monitoring LEA/EIS provider contracts for IDEA Part B and Part C fiscal requirements, as well as other cross-cutting fiscal requirements, including applicable provisions in the General Education Provisions Act (GEPA), the Education Department General Administrative Regulations (EDGAR) in 34 C.F.R. Part 76, and the OMB Uniform Guidance in 2 C.F.R. Part 200.

▶ OSEP found that States were unable to provide evidence of contractual oversight of LEAs/EIS providers including the general administration and supervision of LEA/EIS programs and activities administered by contracted organizations, and LEAs/EIS providers receiving assistance under IDEA Part B or Part C.

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Lessons Learned- Fiscal Monitoring

▶ Do your practices reflect the policies on file with OSEP?

- Are operational procedures consistent with the SEA/LA policies?

- Do practices at the SEA/LA and LEA/EIS provider level reflect policies and procedures?

- Is there consistent implementation of policies across LEA/EIS providers?

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Dispute Resolution DMS Findings

Themes and Examples

DR: State Complaint Content

▶ States process for filing a State Complaint are inconsistent with IDEA and require extra information.

▶ OSEP found that in some instances State's included additional requirements for filing a State complaint, such as name of legal representation, or contact of legal representation. On some States forms it was unclear if these additional requirements were "optional" or "required."

DR: Informal Dispute Resolution Procedures

▶ States are using informal dispute resolution procedures, which appear to serve as a prerequisite for seeking formal dispute resolution procedures.

▶ OSEP found that in some instances these informal practices were interfering with the ability of appropriate parties to request mediation, file a State complaint, or initiate a due process hearing.

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▶ States not using trained mediators or maintaining a list of trained mediators.

▶ Some States are not selecting mediators on a random, rotational, or other impartial basis. OSEP found in some States their policy when selecting a mediator was to allow for parents and the school to select the mediator. This practice does not allow for a random, rotational or other impartial basis when selecting the mediator.

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DR: Hearing Officers

▶ States are not ensuring that their Hearing Officers are trained in IDEA Part B or Part C.

- Hearing officers must possess knowledge of Part C and the needs of, and EI services available for, infants and toddlers with disabilities and their families, consistent with 34 C.F.R. § 303.435(a)(1)

or

- Possess knowledge of, and the ability to understand the provisions of the Act, Federal and State regulations pertaining to the act, and legal interpretations of the Act by Federal and State courts 34 C.F.R §§ 300.511(c)(1)(ii) or 303.443(c)(1)(ii).

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National Center for Systemic Improvement (NCSI) DMS page: [NCSI's Differentiated Monitoring and Support (DMS) 2.0](#)

- [General Supervision (Integrated Monitoring, Sustaining Compliance and Improvement, Data and SPP/APR) Adapted Protocol (Worksheets)](#)

▶ [Customizable General Supervision Templates](#)

▶ [Five State Strategies to Effectively Communicate and Reinforce IDEA Compliance Requirements](#)

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TA Center Resources: Part B (NCSI)+

▶ [Results-Based Accountability and Support Fast Fives](#)

▶ [A State Guide on Identifying, Correcting, and Reporting Noncompliance in Accordance with IDEA Requirements (February 2021)](#)

▶ [A State Guide on Identifying, Correcting, and Reporting Noncompliance with IDEA Requirements (Table)](#)

▶ Shared Interest Group for Cohort 1, 2, and 3 states

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TA Center Resources: Part B Data (IDC)

▶ The **IDEA Data Center** (IDC) DMS Tools:

- <u>SEA Data Processes Toolkit</u>: This collection of templates is used to document IDEA data collection and reporting procedures and activities

- <u>LEA Data Processes Toolkit</u>: Provides a map for documenting data processes within local districts

- <u>Data Meeting Toolkit</u>: The data meeting toolkit provides tools that groups can use to guide conversation around data and support databased decision making

- <u>Enhanced Pre-submission Edit Check Tools</u>: These tools are used to check your data before you submit

- <u>SPP/APR Resources</u>: A collection of resources to support SPP/APR planning and implementation

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▶ For more information and support, contact your state liaison and TA facilitator

IDC: https://www.ideadata.org/technical-assistance

NCSI: https://ncsi-resources.wested.org/

Center for IDEA Fiscal Reporting (CIFR): https://cifr.wested.org/contact/

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Early Childhood Technical Assistance Center (ECTA) DMS page: [ECTA Differentiated Monitoring and Support (DMS) 2.0](#)

▶ [General Supervision (Integrated Monitoring, Sustaining Compliance and Improvement, Data and SPP/APR) Protocol Worksheets](#)

▶ [Dispute Resolution (State Complaints, Due Process, Mediation) Protocol Worksheets](#)

▶ [A State Guide on Identifying, Correcting, and Reporting Noncompliance in Accordance with IDEA Requirements](#)

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TA Center Resources: Part C (ECTA)+

- [Improving Part C Results and Compliance: A Six-Step Inquiry Cycle](#)

- [General Supervision and Monitoring Procedures Outline or Checklist](#)

- [Fiscal Monitoring Indicators](#)

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The **Center for IDEA Early Childhood Data Systems** (DaSY) DMS page: DaSy Differentiated Monitoring and Support (DMS) 2.0

▶ Target Setting Guide

▶ Part C Data Processes Toolkit

▶ Stakeholder Knowledge Toolkit: Building Knowledge about Data

▶ Data Culture Toolkit

▶ SPP/APR 101: What You Need to Know and SPP/APR Checklist

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▶ For more information and support, contact your state liaison and TA support contact

ECTA State Contact: https://ectacenter.org/contact/state-assignments.asp

DaSy State Liaison: https://dasycenter.org/technical-assistance/state-technical-assistance-liaisons/

Center for IDEA Fiscal Reporting (CIFR): https://cifr.wested.org/contact/

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Dispute Resolution Resources

▶ Question and Answers about Dispute Resolution Procedures under Part B of the Individuals with Disabilities Education Act (Part B) (July 23, 2013)

▶ Dear Colleague Letter on Use of Due Process Procedures After a Parent has Filed a State Complaint (April 15, 2015)

▶ IDEA Website: Dispute Resolution

▶ Self-Assessments

▶ Center for Appropriate Dispute Resolution in Special Education (CADRE)

▶ 618 Data: Part B | Part C

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