Improving Your Part C State System:

Lessons Learned from DMS

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Introductions

- Presenters
    - Katy McCullough, ECTA and DaSy
    - Sharon Walsh, ECTA and DaSy

- Participants
    - Show of hands based on affiliation/role
    - Show of hands based on experience with DMS

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Overview of the Session

- Share tips and suggestions to support Part C lead agencies in improving their monitoring, data, dispute resolution and fiscal management systems;
- Discuss these tips and reflect on implications for state systems: and
- Identify one or more take aways to bring home.

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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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Cohort 1 Part C States: OSEP Visits/Reports Issued

- Arkansas (May 2022) – Report issued January 2023
- Michigan (May 2022) – Report issued January 2023
- Montana (June 2022) – Report issued January 2023

- New York (December 2022)
- Kentucky (May 2023)
- Idaho (October 2023) –fiscal finding report issued September 2020
- Colorado (November 2023)
- Nevada (November 2023)

DMS Cohorts 1-3: Monitoring Schedule

Phase 2 engagement month/year is listed for each Cohort in this table. More information is available at
https://sites.ed.gov/idea/grantees/#DMS

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

Preparing for DMS 2.0: Process Considerations

- Create an overall state team for all DMS work with smaller workgroups assigned to specific topics

- Develop a long-term plan for all DMS activities

- Develop and implement a communication plan to keep interested parties informed throughout the process

- Document all activities and plans throughout the DMS process

- Consider developing visuals of the state system and the four DMS topical areas

- Develop a Glossary of Terms

Preparing for DMS 2.0: Topical Content

1. Develop description (and possibly visual depiction) for each DMS system component reflecting how it is being implemented:

    1. Monitoring and Improvement
    2. Data, including SPP/APR
    3. Fiscal Management
    4. Dispute Resolution

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Preparing for DMS 2.0: Topical Content

2. Use developed description and other written information for each DMS systems component to review items in DMS protocols to assess strengths and gaps. Ratings for each item might include:

1. Implemented correctly and accurately documented.
2. Implemented correctly though not accurately documented.
3. Accurately documented though not implemented correctly.
4. Partially implemented and documentation reflects current implementation.
5. Neither implementation nor documentation meets requirements.

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Preparing for DMS 2.0: Topical Content

3. Identify gaps for each DMS systems component based on ratings assigned to DMS protocol items in the related DMS protocol(s).

4. For each gap, decide what can be addressed before OSEP's document request, OSEP visit, and/or after OSEP visit considering capacity, length of time needed for implementing the change, etc.

5. For gaps that cannot be fully addressed before OSEP visit, develop a written plan to share with OSEP that addresses what will be done differently and the steps and timelines for making these changes.

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Let's Look at Information from OSEP DMS Reports

Summary of Findings: Monitoring, Data, Fiscal Management, Dispute Resolution

States	Monitoring	Data	Fiscal Management	Dispute Resolution
A	x	x	x	x
B	x		x	x
C	x	x	x	x
D			x*	

*State D will have their OSEP visit/engagement in 2023. This state's fiscal finding was issued following OSEP's interview on fiscal.

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Required Actions From DMS Reports

- Within 90 days, states will be required to submit needed policies and procedures, or other documentation related to monitoring, revised forms, training schedule for providers, etc.

- Within 90 days, some states will be required to submit a Corrective Action Plan (CAP) that identifies timelines and supporting documentation related to required activities

- Within 1 year of the letter, states will be required to submit evidence that policies were implemented

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Data: Findings

- Not reporting identification and correction of SPP/APR indicators

- Does not have valid and reliable data for C-1, C-2 and C-7

Data: Contextual Factors

- Monitoring process for compliance examines a separate set of data than used in the SPP/APR, as a result no means of providing valid and reliable data on the correction of noncompliance reflected in the SPP/APR

- Lacking a mechanism to validate data entered by EIS providers

- SPP/APR data is likely inaccurate

- Reported data do not align with OSEP's findings through interviews and record reviews:
  - C1: high reported compliance but interviews revealed long waiting lists for services
  - C2: high reported natural environments but interviews revealed families travel long distances to receive services

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Monitoring and Improvement: Findings

Does not have a general supervision system in place reasonably designed to:

- Identify & verify correction of noncompliance in a timely manner
- Monitor EIS providers to ensure compliance with IDEA requirements such as timely service provision- to ensure no waitlists for services
- Monitor the provision of IDEA Part C services according to the IFSP

Monitoring and Improvement: Contextual Factors

- Lacking clearly written policies and procedures related to the state monitoring system

- Not having a monitoring system or other mechanisms/protocols in place to monitor EIS providers' compliance with IDEA Part C requirements; and ensuring EI services are carried out according to the IFSP including:
    - Parental consent to IFSP services
    - IFSP service implementation (frequency and intensity, method, length, and duration)
    - Timely service provision

- Not identifying or issuing findings of noncompliance for failure to meet IDEA requirements beyond SPP/APR compliance indicators (1, 7, 8)

- Not adequately tracking or accounting for noncompliance in the SPP/APR or otherwise

- Not having a means for verifying the correction of noncompliance in a timely manner (within one year)

Fiscal Management: Findings

- Does not have fiscal monitoring policies and procedures nor conduct monitoring of:
    - Payor of last resort
    - System of payment
- Does not consistently implement system of payments policies to ensure payor of last resort nor have data on how this impacts resources
- Does not have effective internal controls

Fiscal Management: Contextual Factors

- Contract oversight down to the provider level, even if providers do not receive IDEA funds

- Inconsistent implementation of state policies may result in reduced access, experiences and outcomes and/or families paying for services when they should not have per state policy

- Allocation formulas solely based on population do not assure equitable distribution of funds

- Use of IDEA funds must be allocable and necessary to the program, and reasonable

Dispute Resolution: Findings

- Written procedures for filing due process not consistent with IDEA
- Informal concern process/forms not consistent with IDEA requirements related to accessing formal dispute resolution processes
- Procedures and practices do not ensure implementation of Mediation requirements, specifically related to confidentiality and selection of mediators
- Do not have a list of trained mediators
- Hearing officers are not trained

Dispute Resolution: Contextual Factors

- Must maintain and implement a responsive dispute resolution system
- Language on documents and processes must be consistent with IDEA requirements to ensure parents can access all procedural safeguards
- Intentional collaboration is needed when dispute resolution is managed by another program
- Engaging in informal concern process cannot delay or be a prerequisite to engaging in a formal dispute resolution process

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What Happens Next With DMS 2.0

- Cohort 3 States and Entities will be notified in October 2023 of their Engagement (visit) month
  - Cohort 3 visits are expected to be August 2025-January 2026

- Notification emails will be sent to all States and Entities in Cohort 4 in October 2023
  - Cohort 4 dates are expected to be set in October 2024 with visits expected August 2026-January 2027

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TA Center Resources: Part C (ECTA)

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 Data (DaSy)

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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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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Resource Spotlight

- Individuals with Disabilities Education Act (IDEA) website
  - Brings together IDEA information and resources from the Department and its grantees.
  - https://sites.ed.gov/idea/

- IDEAS That Work
  - For information from research to practice initiatives funded by OSEP that address the provisions of IDEA and ESSA. This website includes resources, links, and other important information relevant to OSEP's research to practice efforts.
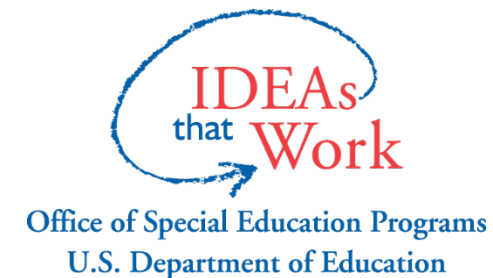 - https://osepideasthatwork.org/

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Find out more at ectacenter.org and dasycenter.org

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