

# OSEP MONTHLY DMS TECHNICAL ASSISTANCE CALL

**DMS MONITORING REPORTS AND REVIEW OF FINDINGS**

OCTOBER 26, 2023

# MSIP Division Director



Gregg Corr

*MSIP Director*

*Office of Special Education Programs (OSEP)*

# Agenda

- ▶ Part B Child Find Protocol
- ▶ DMS 2.0 Review and Update
- ▶ DMS 2.0 and General Supervision Guidance
- ▶ Close-out Process
- ▶ DMS Monitoring Report Themes and Examples
- ▶ Technical Assistance Center Support
- ▶ Questions

# 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

The screenshot displays the IDEA website interface. The top navigation bar includes links for Home, About, Law and Policy, Reports, Grants and Funding, Resources, and News and Media. The 'Resources' link is circled in yellow. A dropdown menu is open under 'Resources', showing options like Parents/ Families, Educators/ Service Providers, Resources for Grantees (circled in yellow), Topic Areas, and Acronyms. The 'Resources for Grantees' page is active, showing a breadcrumb trail: Home » Resources for Grantees. Below this, there is a section for 'State Formula Grants' with tabs for Overview, SPP/APR, Grants, DMS (circled in yellow), and Fiscal. Under the 'DMS' tab, there is a section for 'Differentiated Monitoring and Support' and a 'DMS Reports' section where 'DMS 2.0' is highlighted with a yellow circle. At the bottom, under 'General Resources', there are links to 'DMS 2.0 Framework with Evidence and Intended Outcomes (PDF)' and 'Overview of the Differentiated Monitoring and Support (DMS) System (PDF)'. On the right side of the page, there is a sidebar with links to U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS), Office of Special Education Programs (OSEP), Contacts, IDEA State Contacts, and Building the Legacy: IDEA 2004.

# Part B Child Find Protocol

## ► Newly released Child Find Protocol:

### General Supervision

- Parts B and C — Integrated Monitoring Protocol (Word)
- Parts B and C — Sustaining Compliance and Improvement Protocol (Word)
- Parts B and C — Data and SPP/APR Protocol (Word)
- Part B — Child Find Protocol (Word)
- Part B — 619 Child Find Assessment
- Part C— Child Find Assessment

# A note on protocols and questions

- ▶ Standard protocols used with all States:
  - Integrated Monitoring and Sustaining Compliance
  - Data/APR
  - Fiscal Management (Subrecipient monitoring (B) and Single Line of Responsibility (C))
  - Dispute Resolution
- ▶ Optional protocols OSEP will use at discretion
- ▶ Additional question differentiated by State

Monitoring Schedule

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

	TEAM A		TEAM B		TEAM C		TEAM D	
	AR-C	AR-B	MI-C	SC-B	AK-B	NY-C	MT-C	MT-B
Cohort 1 2022–2023	05/2022	11/2022	05/2022	11/2022	06/2022	12/2022	06/2022	06/2023
	KY-C	KY-B	NV-B	NV-C	ID-B	ID-C	CO-C	CO-B
	05/2023	11/2023	11/2023	11/2023	10/2023	10/2023	11/2023	12/2023
Cohort 2 2024–2025	IA-B	IA-C	AS-B	AS-C	KS-B	KS-C	IN-B	IN-C
	08/2024	08/2024	09/2023	09/2023	09/2024	09/2024	08/2024	08/2024
	OR-B	OR-C	ME-B	ME-C	NE-B	NE-C	MS-B	MS-C
	10/2024	10/2024	09/2024	09/2024	10/2024	10/2024	10/2024	10/2024
	ND-B	ND-C	TN-B	TN-C	UT-B	UT-C	LA-B	LA-C
Cohort 3 2025–2026	01/2025	01/2025	10/2024	10/2024	11/2024	11/2024	12/2024	12/2024
	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				
Cohort 4 2026–2027	SD-B	SD-C	OK-B	OK-C	AZ-B	AZ-C	IL-B	IL-C
	WY-B	WY-C	OH-B	OH-C	NJ-B	NJ-C	MN-B	MN-C
	NM-B	NM-C	GU-B	GU-C	VI-B	VI-C	NC-B	NC-C
			MP-B	MP-C				

# Monitoring Support Team Members

## Team A

**Fiscal**  
**Vacant**

**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**

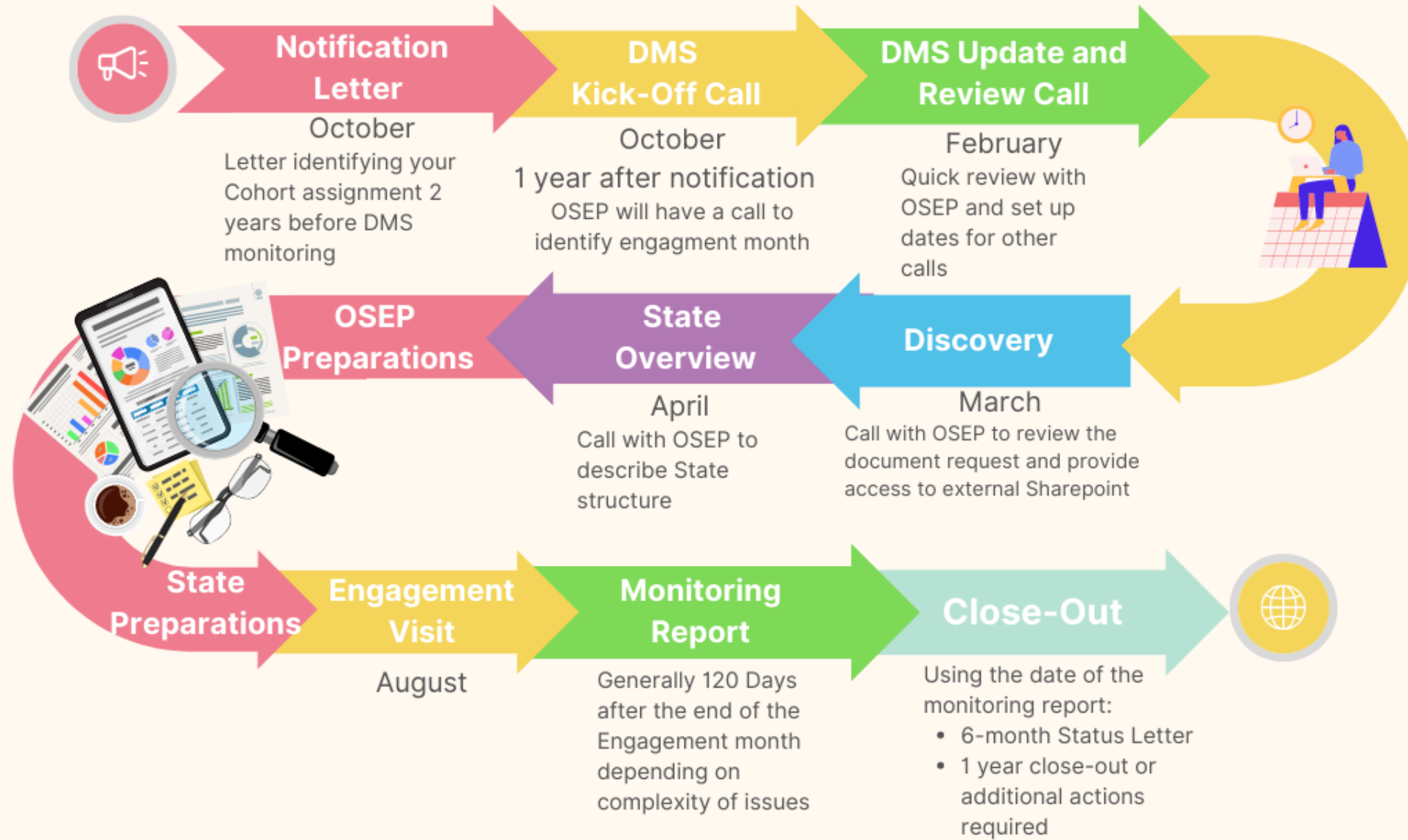
**Team D**  
**State Lead**



# DMS Activities

- ▶ DMS monitoring will occur across three activities:
  - **Discovery** (5 months prior to engagement)
    - Document Request: State will upload documents to an external SharePoint
    - State Overview Call
    - Stakeholder engagement
    - Local Component
  - **Engagement** (the calendar month of the visit through the 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

# DMS August Engagement



# DMS Monitoring Report Close-Out

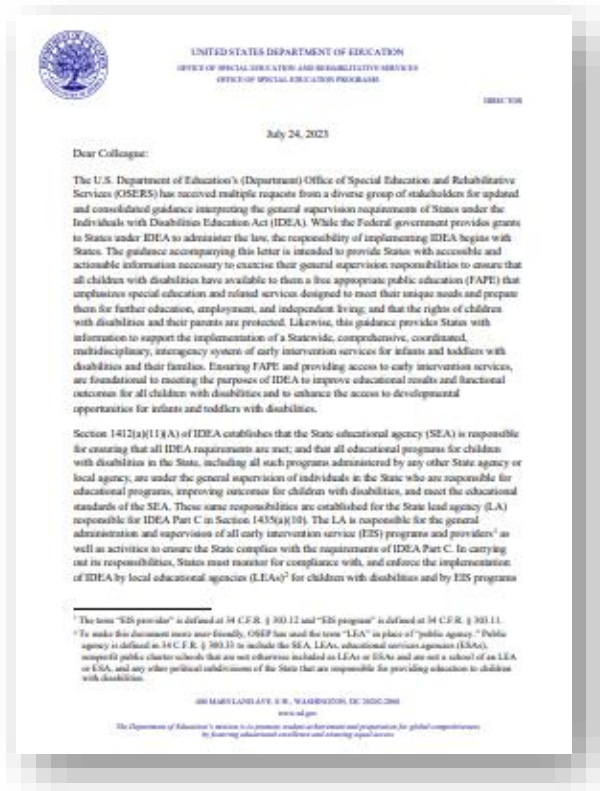
**Close-out** (up to one year after the issuance of the DMS Monitoring Report)

- 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

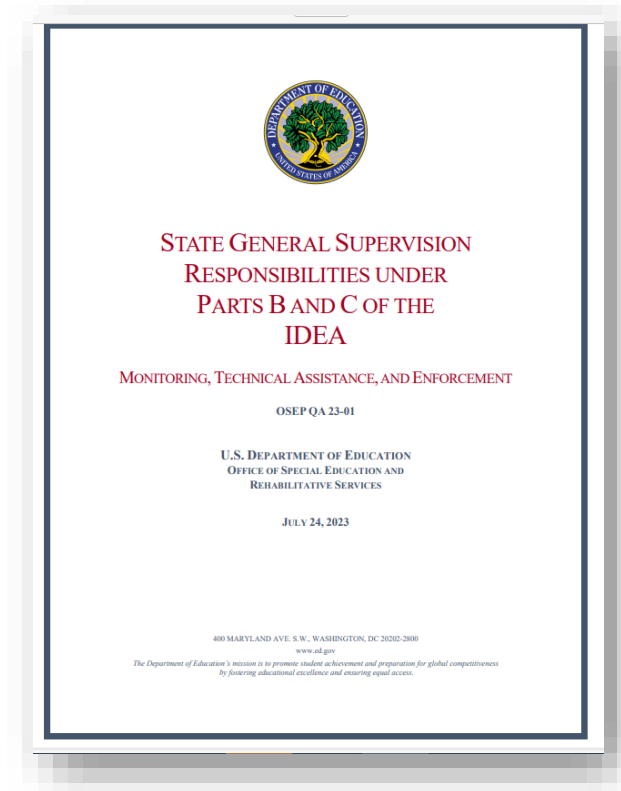
# DMS 2.0 AND QA 23-01

## GENERAL SUPERVISION GUIDANCE

# OSEP QA 23-01



OSEP Dear Colleague Letter  
on General Supervision  
Responsibilities. July 24, 2023.  
(ed.gov)



State General Supervision  
Responsibilities under  
Parts B and C of the IDEA  
(ed.gov)

# Connecting QA 23-01 to DMS

- ▶ QA 23-01 consolidates older guidance, and in some instances expands and/or clarifies that guidance
- ▶ Reflects historical findings and what OSEP discovered during recent DMS visits
- ▶ As we review the major themes in released DMS 2.0 reports, we will make connections to QA-23-01

# OSEP QA 23-01 and Reasonableness

- ▶ Many questions related to guidance and OSEP standards
- ▶ Answers to questions are often fact and State specific
  - What type of information should be reviewed during monitoring?
  - How many files should be examined?
  - How to determine if files examined are representative of the local program?
- ▶ States should be prepared to discuss why their answers demonstrate the system is reasonably designed

# DMS Monitoring Reports

► To date we have released the following monitoring reports:

- Arkansas Part C: [DMS Monitoring Report of Jan. 12, 2023](#)
- Michigan Part C: [DMS Monitoring Report of Jan. 12, 2023](#)
- Montana Part C: [DMS Monitoring Report of Jan. 24, 2023](#)
- New York Part B: [Targeted Monitoring Report of Sept. 21, 2023](#)
- Alaska Part B: [DMS Monitoring Report of Sept. 25, 2023](#)
- Arkansas Part B: [DMS Monitoring Report of Sept. 28, 2023](#)

<https://www2.ed.gov/fund/data/report/idea/dmsrpts/index.html>



# INTEGRATED MONITORING AND SUSTAINING COMPLIANCE

THEMES AND EXAMPLES



# Findings and correction

- ▶ Identifying noncompliance and providing technical assistance (TA), without either pre-finding correction or written notification of findings
  - State identifies noncompliance in review of APR data, but provides TA to LEA
  - Calls into question correction data provided in APR

The State's general supervision system should be reasonably designed to ensure the State examines data collected through its data system at regular intervals to **determine LEA or EIS program or provider compliance** with IDEA requirements (e.g., monthly, quarterly, or annually). This includes reviewing data collected to meet the IDEA reporting requirements under the SPP/APR and IDEA Sections 616 and 642.

# Timely Notification of Findings

- ▶ States are not providing written notification of findings in a reasonable amount of time (generally 3 months)
  - Exception for prefinding correction

The State must issue a written notification of noncompliance (i.e., a finding) to the relevant LEA or EIS program or provider, generally within three months of the State exercising due diligence and reaching a conclusion in a reasonable amount of time that the LEA or EIS program or provider has violated an IDEA requirement (QA 23-01 B-7)

# Determinations

- ▶ States not using all required elements for local determinations
  - Performance on compliance indicators;
  - valid and reliable data;
  - correction of identified noncompliance; and
  - other data available to the State about the LEA's compliance with IDEA, including any relevant audit findings.

(QA 23-01 D-2)



# FISCAL MANAGEMENT

## THEMES AND EXAMPLES

# Fiscal: Identify and Correct Noncompliance

- ▶ States do not have reasonably designed system, policies and procedures, and internal controls for its subrecipient monitoring process consistent IDEA and Uniform Guidance
  - Fiscal monitoring required as part of general supervision.
  - Includes:
    - Ensuring allowable use of funds
    - Compliance with IDEA and Uniform Guidance
    - Resolution of Audit findings of subrecipients
    - Conducting Risk Assessment and consideration during monitoring
  - Standards for Correction- QA 23-01 B-16

# Fiscal: Grant Award Notifications (GANS)

- ▶ Unable to ensure that every subaward is clearly identified to the subrecipient and includes the required information consistent with 2 C.F.R § 200.332(a), such as:
  - Period of Performance
  - Name of Federal Awarding Agency



# DISPUTE RESOLUTION

## THEMES AND EXAMPLES

# Procedural Safeguards

- ▶ Parents may not understand their rights under IDEA
- ▶ Procedural safeguards not being provided in native language
- ▶ Note these did not rise to level of findings, but were documented as concerns leading to recommendations

# DR: State Complaints

- ▶ State complaints that are “set aside” because they are also the subject of pending due process hearings, are not being tracked to ensure resolution when appropriate and burden is placed on complainant to refile
- ▶ Statute of Limitations inappropriately applied to “set aside complaints”, rather than holding pending issues in abeyance

# State Complaints and Correction

- ▶ Policies and procedures related to State complaints do not address the award of a remedy for the denial of appropriate services, particularly when the child has left the original LEA

“Regardless of the LEAs or EIS program’s or provider’s obligation to ensure correction for a child who is no longer within the jurisdiction of the LEA or EIS program or provider, the State is not relieved of its responsibility to ensure FAPE and appropriate early intervention services for the affected child.”

QA 23-01 B10, Footnote 24, also Footnote 25

# Mediation

- ▶ The State does not have a system in place to ensure that mediation agreements that result in IEP facilitation are formalized in written mediation agreement
- ▶ If a parent requests mediation and the parties determine IEP facilitation is appropriate, then the decision to provide IEP facilitation should be documented in a formal mediation agreement

# Due Process Hearings and Procedures

- ▶ Due Process Hearing Model Forms include information not required under IDEA, without indicating information is optional
- ▶ States do not have procedures to ensure that LEAs are convening a resolution meeting within 15 days of receiving notice of the parent's due process complaint or tracking the 30-day resolution period requirements
- ▶ States are not tracking and ensuring implementation of due process hearing decisions in a timely manner

# EARLY CHILDHOOD TRANSITION

THEMES AND EXAMPLES



# Early Childhood Transition

- ▶ States are not ensuring a smooth and effective transition
  - Monitoring to ensure that the child find process is being implemented year-round
  - Validating early childhood transition data; and
  - Ensuring documentation regarding LEAs attending early childhood transition conferences and other implementation of key IDEA early childhood transition requirements
- ▶ Ensuring that procedural safeguards are provided to all parents potentially eligible children with disabilities



# TECHNICAL ASSISTANCE CENTER SUPPORT

# TA Center Part B Support

- ▶ 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/>

[Center for Appropriate Dispute Resolution in Special Education \(CADRE\)](#)

# TA Center Part C Support

- 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/>

[Center for Appropriate Dispute Resolution in Special Education \(CADRE\)](#)

# Find Your Center

OSEP has developed a new handy dandy listing of all of our funded TA centers on our OSEP Ideas that Work web site. You may know it as the OSEP Placemat. This is the latest iteration that includes our FY 23 new centers

[Find a Center or Grant | OSEP Ideas That Work](#)









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