

OSEP DMS TECHNICAL ASSISTANCE CALL

DMS UPDATES, REPORTS AND PROCESS

MARCH 28, 2024

MSIP Division Director



Gregg Corr

MSIP Director

Office of Special Education Programs (OSEP)

Agenda

- ▶ DMS Cohorts, Phases and Supporting Documents
- ▶ Cohort 1 Monitoring Reports
- ▶ Updated Document Request
- ▶ Considerations When Evaluating a State's General Supervision System
- ▶ General Analysis
- ▶ Questions

Message from OSEP Deputy Director



Leveraging Technical Assistance Centers to Support States' Strong General Supervision Systems

DMS Cohorts, Phases and Supporting Documents

[DMS Resources and Tools](#)

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 shows 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', with 'Resources for Grantees' circled in yellow. The main content area is titled 'Resources for Grantees' and includes a breadcrumb trail 'Home » Resources for Grantees'. Below this, there is introductory text about the U.S. Department of Education's Office of Special Education Programs (OSEP) and a link to 'State Formula Grants'. Under 'State Formula Grants', there are tabs for Overview, SPP/APR, Grants, DMS, and Fiscal, with 'DMS' circled in yellow. The 'Differentiated Monitoring and Support' section follows, with text explaining OSEP's approach. At the bottom, there is a 'DMS Reports' section with a 'DMS 2.0' link circled in yellow, and a 'General Resources' section with two PDF links: '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, there is a 'Connect with us' section with social media icons and a list of links including 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.



DMS Cohort 1: Monitoring Schedule

Monitoring Schedule

Engagement month/year identified for each Cohort in the table below.

Cohort 1 2022-2023	AR-C	AR-B	MI-C	SC-B	AK-B	NY-C	MT-C	MT-B
	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



DMS Cohort 2: Monitoring Schedule

Monitoring Schedule

Engagement month/year identified for each Cohort in the table below.

Cohort 2 2024-2025	IA-B	IA-C	AS-B	AS-C	KS-B	KS-C	IN-B	IN-C
	09/2024	09/2024	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
	01/2025	01/2025	10/2024	10/2024	11/2024	11/2024	12/2024	12/2024

Engagement Months August 2024-January 2025

DMS Cohort 3: Monitoring Schedule

Monitoring Schedule

Engagement month/year identified for each Cohort in the table below.

Cohort 3 2025-2026	RI-B	RI-C	WA-B	WA-C	NH-B	NH-C	GA-B	GA-C
	08/2025	10/2025	10/2025	10/2025	08/2025	08/2025	09/2025	09/2025
	PA-B	PA-C	FSM		DE-B	DE-C	CA-B	CA-C
	09/2025	09/2025	11/2025		09/2025	09/2025	11/2025	11/2025
	MO-B	MO-C	MH		MA-B	MA-C	PR-B	PR-C
11/2025	11/2025	11/2025		12/2025	11/2025	12/2025	12/2025	
		PW						
		11/2025						

Engagement Months August 2025-January 2026



DMS Cohort 4: Monitoring Schedule

Monitoring Schedule

Engagement month/year identified for each Cohort in the table below.

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				

Engagement Months August 2026-January 2027



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
 - Public Input Process
 - 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

Cohort 1 Monitoring Reports

[Part B Monitoring Reports](#)

[Part C Monitoring Reports](#)

DMS Monitoring Reports Part B

- ▶ To date we have released the following Part B monitoring reports:
 - **New York** Part B Targeted Monitoring Report of Sept. 21, 2023
 - New York Part B DMS Status Letter of Dec. 21, 2023
 - **Alaska** Part B DMS Monitoring Report of Sept. 25, 2023
 - **Arkansas** Part B DMS Monitoring Report of Sept. 28, 2023
 - Arkansas Part B DMS Status Letter of Mar. 21, 2024
 - **Virginia** Part B DMS Close-out Letter of Mar. 13, 2024
 - **Virginia** Part B DMS Targeted Monitoring Report of Mar. 13, 2024

DMS Monitoring Reports Part C

- ▶ To date we have released the following Part C monitoring reports:
 - **Arkansas** Part C DMS Monitoring Report of Jan. 12, 2023
 - Arkansas Part C DMS Status Letter of July 5, 2023
 - **Michigan** Part C DMS Monitoring Report of Jan. 12, 2023
 - Michigan Part C DMS Status Letter of Nov. 21, 2023
 - Michigan Part C DMS Close-out Letter of Mar. 12, 2024
 - **Montana** Part C DMS Monitoring Report of Jan. 24, 2023
 - Montana Part C DMS Status Letter of Aug. 10, 2023
 - Montana Part C DMS Status Letter of Dec. 20, 2023
 - **New York** Part C DMS Monitoring Report of Feb. 29, 2024

Updated Document Request

[Part B Document Request](#)

[Part C Document Request](#)

Updated Document Request

► Why are we updating?

- To be responsive to State requests, we have provided a more comprehensive document request template with additional examples.
- To provide more examples of evidence and materials that OSEP has found helpful when evaluating State systems.
- To ensure that OSEP has the most up to date documents and tools that States are using as a part of their general supervision system.
- To assist State's in identifying documents that OSEP will need to conduct our monitoring activities.

Updated Document Request

▶ Part B Document Request

- 25 Pages
- Includes documents needed related to **Significant Disproportionality** (all Part B States will be monitored), **Child Find and Evaluation**, and **Discipline** (documents will be reviewed to determine if further evaluation is needed)

▶ Part C Document Request

- 17 Pages
- Includes documents needed related to **Child Find** documents will be reviewed to determine if further investigation is needed), other focus areas, such as **Early Childhood Transition**, may be reviewed based on analysis of State data or other information available to OSEP.

Document Request Organization

- ▶ Each template includes a table of contents to include each of the DMS component areas:
 - Monitoring and Improvement (Integrated Monitoring and Sustaining Compliance and Improvement)
 - Data
 - Fiscal
 - Dispute Resolution (Mediation, State Complaints, Due Process)
 - Focus for Areas Part B: Significant Disproportionality (all States), Child Find and Evaluation (some not all States), and Discipline (some not all States)
 - Focus Areas Part C: Child Find (some not all States)

Comparison Identification Doc Request

OLD

State's documentation of procedures for identifying noncompliance, including at a minimum:
<ul style="list-style-type: none"> • methods for determining whether noncompliance has occurred,
<ul style="list-style-type: none"> • steps to identify noncompliance through the State's monitoring system,
<ul style="list-style-type: none"> • timelines for making a written finding of noncompliance and notifying the affected public agency of that finding.
Examples of State monitoring protocols

NEW

Samples of documents used in an <i>Actual Comprehensive Monitoring Cycle</i> from three LEA from the past three years of the State's monitoring cycle	
<ul style="list-style-type: none"> • Letter of notification to LEA regarding the State's monitoring activity 	
<ul style="list-style-type: none"> • Data file or information that the State used to evaluate the LEA compliance with IDEA (child specific and systemic). 	<p>Examples of data or information used could include:</p> <ul style="list-style-type: none"> • On-site visit agendas • Self-Assessment completed by the LEA • Notes from school or site visits, copies of notes from interviews with students or parents • Notes from interviews with local staff • Notes from any observations completed (classroom or provider) • Notes from classroom or site walkthroughs • Review of student transcripts • Discipline data
<ul style="list-style-type: none"> • Finalized letter/report to the LEA after monitoring activity is completed 	
<ul style="list-style-type: none"> • Actual evidence and examples (documents and data) reviewed that the LEA must produce to demonstrate that correction has occurred: <ul style="list-style-type: none"> ◦ Child-specific compliance ◦ Systemic compliance 	<p>Examples of data or information used could include if applicable:</p> <ul style="list-style-type: none"> • Populated CAPs which include timelines and activities, • Data files demonstrating child-specific correction, • Trainings or other activities completed by the LEA related to the area of finding, or • Memorandums or other documents the State uses as a part of their correction process.
<ul style="list-style-type: none"> • Tracking tool or resource used to track the status of correction for identified findings 	
<ul style="list-style-type: none"> • Noncompliance close-out letter to the LEA 	



Comparison Data Doc Request

OLD

OSEP Required Documents to Review:
Data user guide/manual (SEA and/or local program)
Business rules documentation
Standardized training materials (SEA and/or local program)
Data monitoring protocols (SEA and/or local program)
Data collection/reporting calendar

NEW

OSEP Required Documents to Review	
Data user guide/manual (LA and/or local program)	
Business rules documentation	
Standardized training materials (LA and/or local program)	
Data monitoring protocols (LA and/or local program)	
Data collection/reporting calendar	
Copy of data file or information that the State uses to evaluate the LEA/EIS program or provider compliance with IDEA specific to the compliance indicators (child specific and systemic)	
<ul style="list-style-type: none"> Part C Indicator 1 	
<ul style="list-style-type: none"> Part C Indicator 7 	
<ul style="list-style-type: none"> Part C Indicator 8A, 8B, 8C 	



Considerations When Evaluating a State's General Supervision System

HOW TO EVALUATE YOUR DOCUMENTS AND PRACTICES FOR ENSURING COMPLIANCE WITH IDEA AND IMPROVING RESULTS

True or False: GS System

▶ True or False

- A reasonably designed general supervision system may solely rely on an LEA's or EIS program's performance on SPP/APR indicators.

True or False: Answer FALSE

▶ FALSE

- ~~A reasonably designed general supervision system may solely rely on an LEA's or EIS program's performance on SPP/APR indicators.~~
- ▶ An effective general supervision system should, **at a minimum**, include the eight components identified in **OSEP QA 23-01**, **only one of which is the SPP/APR.**

True or False: Data

▶ True or False

- A State's general supervision system should be reasonably designed to ensure that 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).

True or False: Answer TRUE

▶ True

- A State's general supervision system should be reasonably designed to ensure that 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).
- ▶ A State **must consider how it will review the information in its data system** to determine compliance and reflect in its monitoring policies how that review of data will be used to identify noncompliance. 34 C.F.R. §§ 300.600(e) and 303.700(e). See also [OSEP QA 23-01, Question A-3](#)

True or False: Dispute Resolution

▶ True or False

- The State is not permitted to use any of its IDEA funds to support alternative dispute resolution activities, such as for Facilitated IEP and IFSP meetings, Ombudsman Program, etc.

True or False: Answer FALSE

▶ False

- ~~• The State is not permitted to use any of its IDEA funds to support alternative dispute resolution activities, such as for Facilitated IEP and IFSP meetings, Ombudsman Program, etc.~~
- ▶ A State **may use IDEA funds** to support alternative dispute resolution activities, such as facilitated IEP or IFSP meetings, Ombudsman Programs and other mechanisms to support the resolution of disputes.

General Analysis

EVALUATING CONSISTENCY OF STATE RULES, PROCEDURES, AND PRACTICES WITH ONE ANOTHER AND ENSURING THESE ARE NOT INCONSISTENT WITH IDEA

Question to consider

- ▶ What is the difference, if any, between concluding that a State's procedures **are consistent with IDEA** versus concluding that a State's procedures **are not inconsistent with IDEA**?

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What to review for consistency?

- ▶ OSEP's review of your State System will include a comparison of policy, procedure and practices to the IDEA regulations:
 - IDEA Regulations
 - State laws, rules, or regulations (policy)
 - Review the State's IDEA grant application for any relevant State-imposed rules
 - State's written procedures for implementing (procedure)
 - Including Manuals or other tools
 - Procedural Safeguards, Model Forms, etc.
 - Evidence of implementation (practice)
 - State-issued guidance, FAQs, instructions, etc.

Questions to ask?

- ▶ What content, if any, is inconsistent with the IDEA requirements? What content is unclear? What, if anything, is missing?
- ▶ If there are inconsistencies, how do those impact (or potentially impact) the rights of parents and children with disabilities?
- ▶ Are there any inconsistencies within or among the State's documents?
- ▶ Are there any procedures that could be problematic, depending on how they are implemented?
- ▶ Are there any procedures that appear to be especially effective in protecting the rights of parents and children with disabilities?
- ▶ Does information from the public about experiences with the State's system, raise questions about the State's policies, procedures, and practices?



Comparison Example: Inconsistent with IDEA

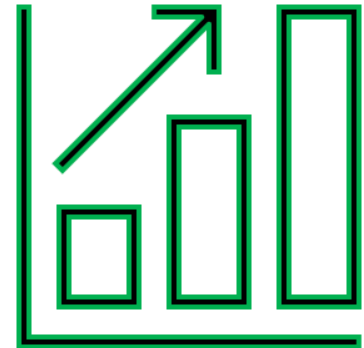
IDEA Regulation	State Law or Policy	State Procedure	Evidence of Implementation	OSEP Conclusion
<p>Under 34 C.F.R. § 300.33, the definition of <i>public agency</i> includes the SEA, LEAs, ESAs, nonprofit public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA, and any other political subdivisions of the State that are responsible for providing education to children with disabilities.</p>	<p>The State’s Code XX-YZZ includes: The Department of Education provides for an impartial special education due process hearing system to resolve disputes between parents and local educational agencies with respect to any matter relating to: (XX-YZZZ of the Code of Any State; 34 C.F.R. §§ 300.121 and 300.507 through 300.518.</p>	<p>Either a parent(s) or the local school division (LEA) may file a request for a due process hearing when a disagreement arises regarding the identification, evaluation, educational placement or services of a child with a disability (including disagreements regarding payment for an independent educational evaluation).</p>	<p>The State’s Parent Guide to Special Education includes the following: The parent(s) or the local school division (LEA) may file a request for due process hearing when a disagreement arises.</p>	<p>The State’s regulation at XX-YZZ, due process complaint procedures and the State’s guidance included in it’s parents guide, apply only to “LEAs” or “school divisions” rather than all of the entities listed under IDEA’s “public agency” definition as required by 34 C.F.R. §§ 300.33 and 300.507.</p>

Comparison Example: Not Inconsistent with IDEA

IDEA Regulation	State Law or Policy	State Procedure	Evidence of Implementation	OSEP Conclusion
<p>Under 300.322(f), the public agency must provide the parent a copy of the child's IEP at no cost to the parent.</p>	<p>Each assessment, report, data chart, draft Individualized Education Program (IEP), or other document the IEP team or other multidisciplinary team plans to discuss at that meeting, at least 5 business days before the scheduled meeting; and (b) The completed IEP not later than 5 business days after a scheduled IEP or other multidisciplinary team meeting</p>	<p>IEP teams or other multidisciplinary team must provide a copy of each assessment, report, data chart, draft IEP or other document the team plans to discuss at that meeting, at least 5 business days before the scheduled meeting; and the completed IEP must be provided to the parent not later than 5 business days after a scheduled IEP or other multidisciplinary team meeting</p>	<p>The State includes in a guidance document for parents related to the IEP and their rights the following:</p> <p>“You are to receive a copy of all documents that the IEP team plans to discuss, at least five (5) business days before your child’s IEP team meeting.”</p> <p>“You are to receive the proposed or final IEP five (5) business days after the completion of the IEP”</p>	<p>As you can see IDEA does not provide a timeline for providing a copy of the child’s IEP to the parent. Nor does it require or specify that a draft IEP or any assessment reports etc. be provided to the parent in advance of the IEP meeting.</p> <p>This would be a practice that is not inconsistent with IDEA, and in fact provides parents with important information to effectively participate</p>

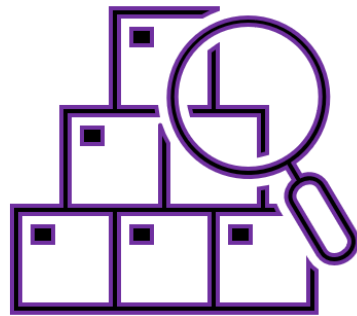
The Rest of the Puzzle

- ▶ OSEP reviews a lot of information in its monitoring in addition to the policies, procedures and practices:
 - SPP/APR, 618 Data, State Systemic Improvement Plan
 - Grant Applications and Specific Conditions
 - Customer Service Information
 - Local Component conversations
 - Interviews and conversations with the public
 - Review of Historical State Information
 - Other Publicly available information



Triangulating Data

- ▶ OSEP triangulates the data it has received and collected across the areas we discussed in detail today and others we have listed on the previous slide
- ▶ After reviewing all of the information, OSEP will make determinations and reach conclusions about the State's system and issue any findings of noncompliance in the final monitoring report.



Knowledge Check

- ▶ What data points or information does OSEP evaluate when monitoring State's to determine compliance with IDEA and their efforts to improve results?
- ▶ <https://www.menti.com/aluahspbn6p1>

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Message from the OSEP Director



Improving Results for Infants, Toddlers and Children with Disabilities by Ensuring IDEA Compliance



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