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Differentiated Monitoring and Support (DMS)

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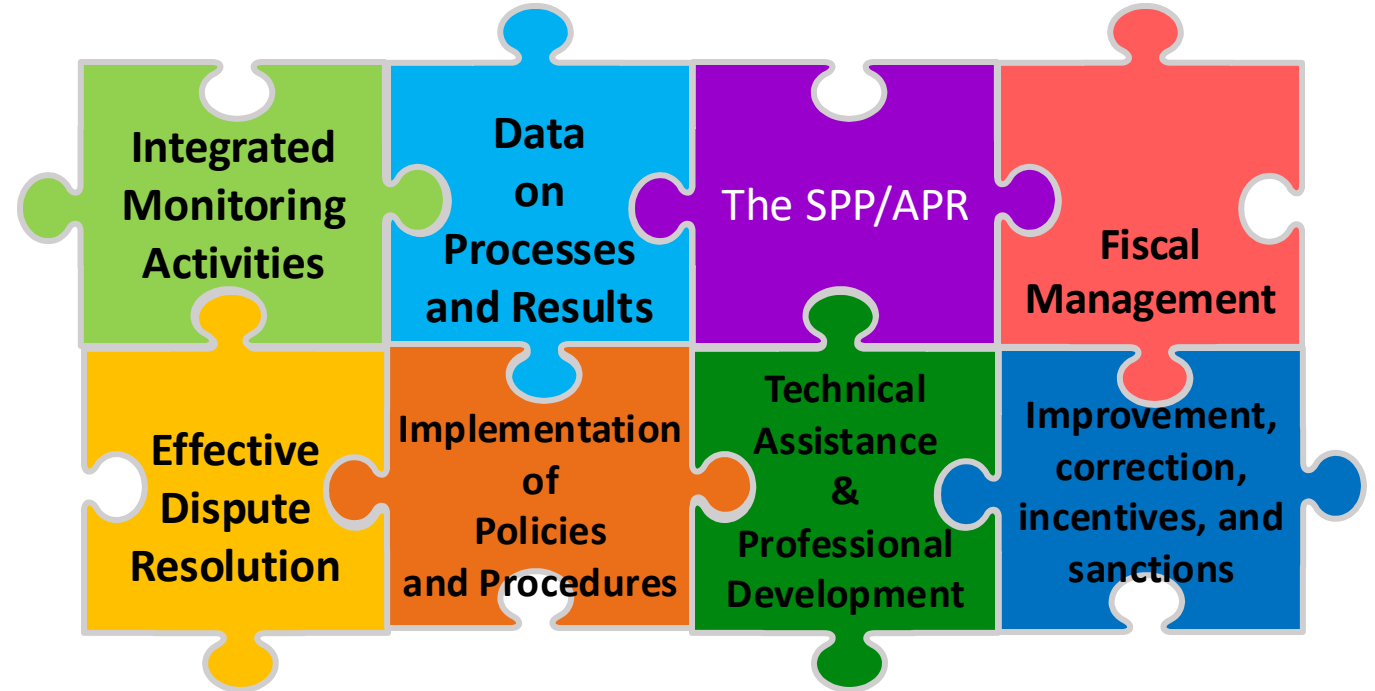# DMS is Part of the OSEPS' Results Driven Accountability (RDA) System

- OSEP must monitor all states to ensure implementation of IDEA

- Focus is on compliance and improving outcomes and results for children and families.

- Focus is on State's systems of general supervision

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Legal Authority

- OSEP must monitor States to ensure implementation of IDEA - 20 U.S.C. 1416

- States must monitor all programs and activities used to implement IDEA, regardless of whether they receive Federal IDEA funding - 20 U.S.C. 1416

- States must have a general supervision system that ensures the identification and correction of noncompliance using all the components of the general supervision system - 20 U.S.C. 1412 and 20 U.S.C. 1435

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Components of General Supervision

- Integrated Monitoring Activities
- Data on Processes and Results
- The SPP/APR
- Fiscal Management
- Effective Dispute Resolution
- Targeted TA and PD
- Policies, Procedures, and Effective Implementation
- Improvement, Correction, Incentives and Sanctions

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'The Why' behind OSEP's DMS and States' Oversight/Monitoring Responsibilities

- Ensure state and federal policies are implemented that address:

  - Timely and Equitably Service

  - Procedural Safeguards for families, including dispute resolution processes

  - Funding sources are coordinated and consistently accessed statewide

  - Data is valid and reliable

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Pennsylvania's 'Why'

- OCDEL's Mission and Vision

- Opportunity to strengthen policies and practices

- Highlight all the good work happening for children and families

- Highlight our service delivery model

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DMS Monitoring Schedule

2022-2023 Cohort 1	2024-2025 Cohort 2	2025-2026 Cohort 3	2026-2027 Cohort 4
Kentucky	North Dakota	Rhode Island	South Dakota
Arkansas	Oregon	Missouri	Wyoming
South Carolina	Iowa	**Pennsylvania**	New Mexico
Michigan	Maine	Pacific Islands	Oklahoma
Nevada	American Samoa	Washington	Ohio
Alaska	Tennessee	New Hampshire	Guam
Idaho	Kansas	Delaware	Northern Mariana Islands
Colorado	Nebraska	Massachusetts	Arizona
Montana	Utah	Georgia	New Jersey
	Indiana	Puerto Rico	Virgin Islands
	Mississippi	California	Illinois
	Louisiana		Minnesota
			North Carolina

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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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Stakeholder Engagement in Detail

Families

- Parent Training & Information Centers
- Statewide Family Engagement

Providers

- Infant Toddler EI Programs
- Preschool EI Programs
- IFSP & IEP implementers

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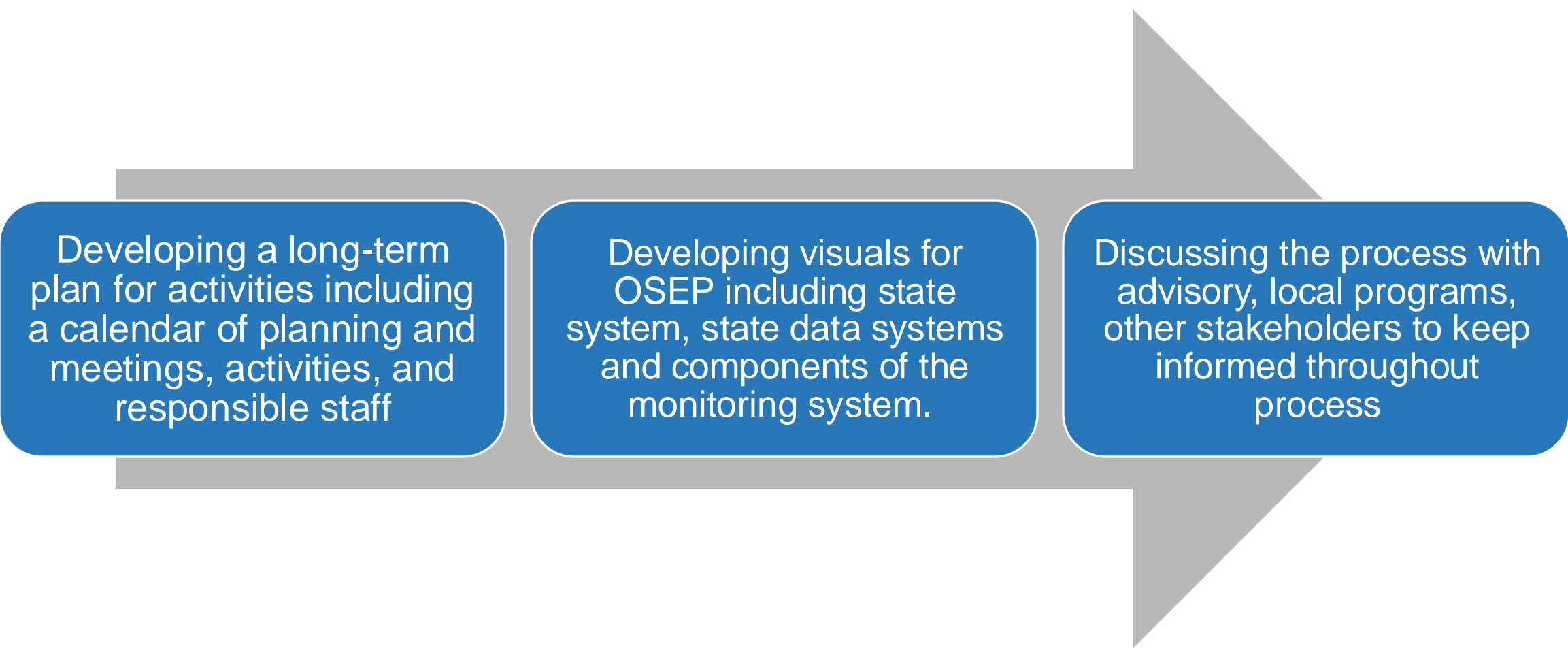and Early Learning

What Happens for PA Now?

- Received a notification email November 2023

- Scheduling call with OSEP in October 2024 to discuss documentation submission and dates for onsite visit

- Documentation will need to be submitted in May 2025

- Onsite visit expected to be in October 2025

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What Activities are BEISFS Doing Now

Created an overall state team for DMS work on specific topics

Reviewing documentation what we have, gathering documents to share with OSEP

Gathering evidence for OSEP protocols and overarching questions

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What Activities are BEISFS Doing Now

Developing a long-term plan for activities including a calendar of planning and meetings, activities, and responsible staff

Developing visuals for OSEP including state system, state data systems and components of the monitoring system.

Discussing the process with advisory, local programs, other stakeholders to keep informed throughout process

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Content Areas for the DMS Process

- Dispute Resolution

- Data and SPP/APR

- Integrated Monitoring and Sustaining Compliance and Improvement

- Fiscal

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Dispute Resolution

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Dispute Resolution: Protocol Overarching Questions

Does the State have policies, procedures, and practices that are reasonably designed to:

A. implement the **State complaint** requirements of IDEA?
B. implement the **mediation** requirements of IDEA?
C. implement the **due process** complaint requirements of IDEA?

How does the State ensure that parents and others have:

A. Access to the **State complaint** form
B. Have access to **state complaint**, **mediation** and **due process** procedures

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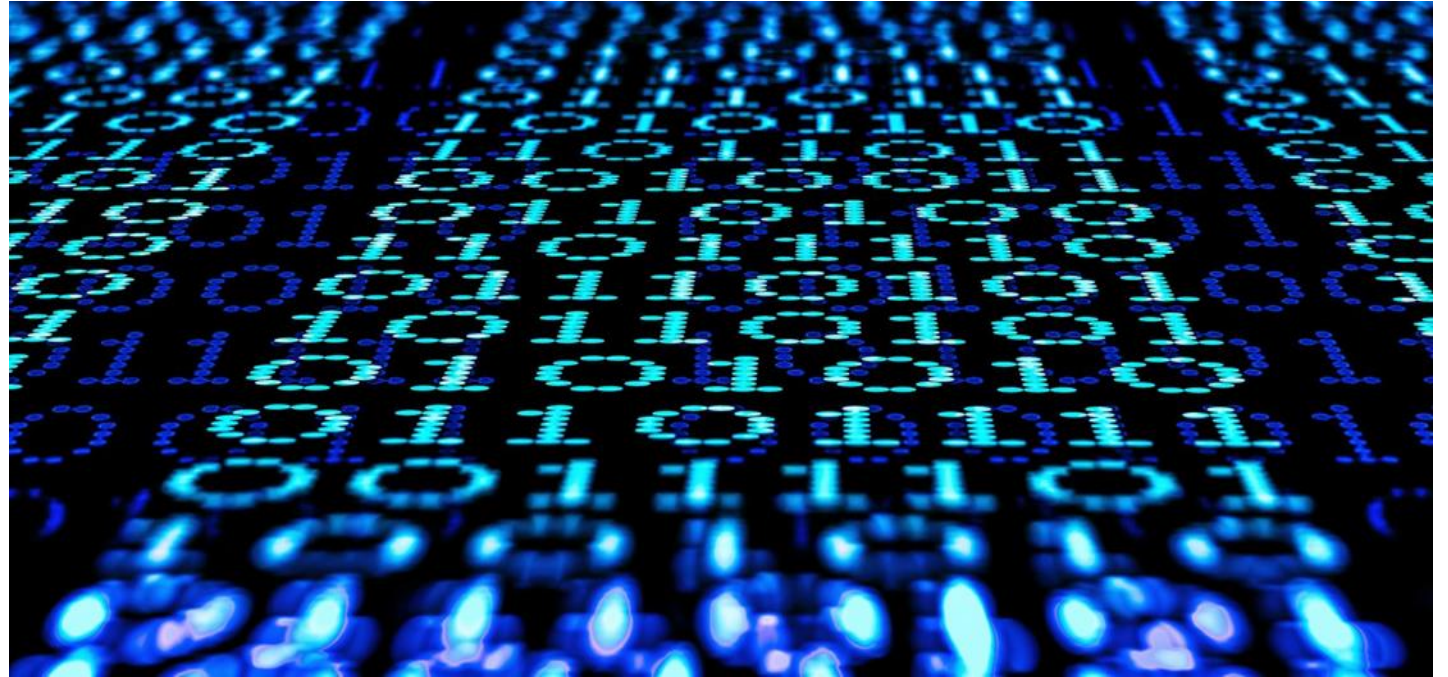**Office of Child Development and Early Learning**

Dispute Resolution: Evidence Requested

- Polices & Procedures
  - State complaint
  - Mediation
  - Due Process

- Prior Written Notice & Procedural Safeguards Documentation

- State imposed Rules & Regulations

- Forms & Instructions for families and others regarding filing/request State complaint, Mediation and Due Process

- State complaint logs

- Description and evidence of training of Mediators and Hearing Officers

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What is OSEP Finding?

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

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

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

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

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DATA and SPP/APR

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Data: Protocol Overarching Questions

A. Does the State have a system in place to collect valid and reliable data?

B. Does the State have a system in place to report timely and accurate data?

C. How does the State use data to analyze performance across SPP/APR indicators and other priority areas, with a focus on improving educational results and functional outcomes for all children with disabilities?

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Data: Evidence Requested

- Data Monitoring Protocols/Activities

- Copy of Data used when submitting the Annual Performance Report
  - On Time Services
  - On Time Plans (IFSP/IEP)
  - Transition

- Family Survey Data

- Process and Activities used for setting targets for the APR

- Public Data Displays

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What is OSEP Finding?

- States are not monitoring to ensure that the programs are correctly entering data into the States data systems

- Not timely identifying and verifying the correction of noncompliance of SPP/APR data

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Integrated Monitoring and Sustaining Compliance and Improvement

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Monitoring and Compliance: Protocol Overarching Questions

A. Does the State have a general supervision system that is reasonably designed to identify noncompliance and address improved results and functional outcomes in a timely manner using its different components?

B. Does the State have a general supervision system that is reasonably designed to ensure correction of identified noncompliance and improved results in a timely manner?

C. Describe the State's monitoring process and the areas covered by the monitoring.

D. When are LEAs/EIS providers notified of findings of noncompliance or the need for improved results?

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Monitoring and Compliance: Evidence Requested

- Data or information that the State used to evaluate compliance with IDEA
  - On-site visit agendas
  - Self-Assessments completed
  - Notes from interviews with parents, local staff and observations
- Annual Determination Letters

- Monitoring procedures and manuals (Verification)

- Finalized letter/report after monitoring activity is completed

- Evidence and examples (documents and data) reviewed that demonstrate that correction of noncompliance has occurred.

What is OSEP Finding?

- States only monitoring on the SPP/APR indicators

- States are not collecting data or monitoring programs to determine services are being provided consistent with the Individualized Education Program (IEP) or Individualized Family Service Plans (IFSPs).

- States are not ensuring correction of noncompliance within one year

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Financial Management

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Fiscal: Protocol Overarching Questions

- Does the State have policies and procedures on fiscal monitoring to ensure that programs are accomplishing performance goals?

- Does the State have policies and procedures that are reasonably designed to ensure financial responsibility?

- Does the State ensure that resources are available to all areas of the geographic region within the State?

- Does the State have polices and procedures for preparing budgets for the use of funds?

- Does the State have policies and procedures for timely obligation and liquidation of funds?

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Fiscal: Evidence Requested

- Organizational Charts demonstrating fiscal practices and monitoring

- Fiscal manuals, documents and reports templates

- Policy and procedure for contract making & executed contracts

- Monitoring procedures and manuals

- Evidence and examples (documents and data) reviewed that demonstrate that correction of noncompliance has occurred.

- Fiscal System demonstrations

- System of Payment Policy

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What is OSEP Finding?

- States do not have general supervision systems reasonably designed to monitor its LEAs/EIS providers to ensure fiscal compliance

- States are not ensuring their system of payment policy is being consistently implemented statewide

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

- 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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Resources and DMS Materials

- OSEP Monitoring

- OSEP Differentiated Monitoring and Support (DMS) Protocols

- OSEP Differentiated Monitoring and Support (DMS) Reports