

# Overview of the Office of Special Education Programs' (OSEP) Differentiated Monitoring and Support (DMS) System

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## Executive Summary

In 2016, OSEP began providing differentiated monitoring and support (DMS) to States as part of its Results Driven Accountability (RDA) system under Parts B and C of the Individuals with Disabilities Education Act (IDEA). Under RDA, OSEP made a shift from monitoring based solely on compliance with IDEA requirements to monitoring and support focused on both compliance and improving results for infants, toddlers, children with disabilities referred to and/or served under the IDEA (collectively referred to as children with disabilities). OSEP differentiates its approach for each State based on the State's unique strengths, challenges, and needs. Beginning in Federal fiscal year (FFY) 2021, Part B and Part C programs in States will be monitored by OSEP in a five-year cycle. OSEP will monitor all States<sup>1</sup> on their general supervision systems. OSEP will continue to provide support and technical assistance that is differentiated based on each State's unique strengths, challenges, and needs.

## Monitoring Cycle

OSEP will release the monitoring cycle two years prior to a State's engagement.

- Cohort 1 will be completed by December 2023
- Cohort 2 will occur between August 2024-January 2025
- Cohort 3 will occur between August 2025-January 2026
- Cohort 4 will occur between August 2026-January 2027
- Cohort 5 will occur between August 2027-January 2028

## Flexibility to Visit States Off Cycle

In addition to the States that are identified for monitoring in a given year in the cycle, OSEP will reserve resources to visit States based on Technical Assistance requests, or to conduct monitoring based on awareness of additional information that warrants additional exploration.

## Phased Monitoring

OSEP's monitoring of each State will be conducted in three (3) phases:

- **Discovery** (5 months prior to Engagement):
  - The OSEP monitoring team will provide a document request to the State 5 months prior to the Engagement monitoring activities. During this time the monitoring teams will meet with the State for one or two calls to better understand the State structure and organization. In addition, OSEP will conduct Stakeholder and local component calls and meetings prior to the onsite/virtual Engagement activities with the State.

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<sup>1</sup> The State educational agency (SEA) is responsible for implementing Part B of the IDEA and the State lead agency (LA) is responsible for implementing Part C of the IDEA in the State. Both the SEA and LA respectively must exercise general supervision over the programs and activities used to implement IDEA requirements in the State (regardless of whether Federal IDEA funds are provided to such programs and activities). [20 U.S.C. Sections 1416\(a\)\(3\), 1435\(a\)\(10\), 1437\(a\)\(1\) and 1442](#) and [34 C.F.R. §§ 303.120\(a\) and 303.700\(b\)](#) for IDEA Part C. [20 U.S.C. Sections 1412\(a\)\(11\) and 1416\(a\)\(3\)](#) and [34 C.F.R. §§ 300.149 and 300.600 for IDEA Part B.](#)

- **Engagement** (1-month of monitoring engagement through issuance of the DMS Monitoring Report):
  - OSEP will develop an agenda for the on-site/virtual visit focusing on the policies, procedures, and implementation of IDEA through interviews and conversations with the State using our posted protocols.<sup>2</sup>
- **Close-out** (up to one year after the issuance of the DMS Monitoring Report):
  - In the year following the on-site visit, the OSEP State Lead will work with the State to ensure correction of any remaining outstanding findings, provide technical assistance, and support, and discuss progress in improving identified results areas.

## Content of Monitoring

All programs will be monitored on their general supervision systems. General supervision encompasses the States' responsibility to ensure that it and its subgrantees and contractors meet the requirements of IDEA which includes:

- Improving educational results and functional outcomes for all infants, toddlers, children, and youth with disabilities; and
- Ensuring that public agencies meet the program requirements under Part B and C of IDEA, with a particular emphasis on those requirements that are most closely related to improving educational results for infants, toddlers, children, and youth with disabilities.

As outlined in the [DMS Framework](#), OSEP will examine the State's policies and procedures and State-level implementation of these policies and procedures regarding the following monitoring priorities and components of general supervision:

- Monitoring and Improvement
- Data, including the State Performance Plan/Annual Performance Report (SPP/APR)
- Fiscal Management: Subrecipient Monitoring or Single Line of Responsibility
- Dispute Resolution

In addition to the core general supervision monitoring, States will be monitored more deeply, or in additional areas, based on the results of OSEP's risk assessment, review of publicly available and State provided information, and pre-site work. Specifically, OSEP may focus on one or more of the following areas for each of the States:

- Child Find
- Evaluation and Assessment
- Discipline
- Significant Disproportionality

## **Stakeholder Engagement**

The primary purpose of the stakeholder input process is to give stakeholders at the State level an opportunity to provide OSEP with input relating to the effectiveness of the SEAs/LAs general supervision system. Additionally, OSEP may solicit additional information from State stakeholders pertaining to any area identified by OSEP for a focused monitoring activity. The stakeholder input process will focus on assisting OSEP in

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<sup>2</sup> OSEP's monitoring protocols identify a framework of applicable IDEA statutory and regulatory requirements. They are neither intended as questionnaires nor as forms for States to complete. Rather, OSEP will conduct its IDEA monitoring based on State-specific circumstances and the conversation with States will be guided by the information both provided by the State and information that is publicly available to help OSEP determine how States are implementing IDEA requirements and where there may be a need for additional technical assistance or other support.

identifying States' system-wide issues rather than child-specific issues. OSEP will gather stakeholder input from State Protection and Advocacy systems (P&A); State Advisory Panels (SAP); State Interagency Coordinating Councils (SICC), Parent Training and Information (PTI) centers and Community Parent Resource Centers (CPRCs), including focus groups of parents of children with disabilities.

## Monitoring Report

OSEP will issue a final monitoring report generally within 120 days (depending on the complexity and levels of review required of the specific report) of the completion of the monitoring activity. The report will summarize the monitoring process, provide recommendations and next steps, and identify noncompliance based upon legal requirements with required actions.

## Benefits of Revised DMS Process

OSEP is instituting these changes as a result of an internal evaluation of the DMS process and feedback from States. The process will have the following positive impacts related to both the internal evaluation and feedback from the field:

- Enhanced Transparency:
  - A monitoring cycle will provide State sufficient notice to prepare for monitoring visits. There will also be less confusion as to what factors led to a State's identification for monitoring.
  - OSEP will make its monitoring protocols available to all States as a form of universal TA. Prior to active OSEP monitoring, States may use the protocols as self-assessments to identify and correct any potential areas of noncompliance and/or identify areas of improvement. State Leads will also work with States to identify areas of concern and provide TA.
- Enhanced Collaboration:
  - Ensure that all States are monitored within a reasonable timeline.
  - Provide opportunity for OSEP to examine the key general supervisory responsibilities of all States.
  - Maintain ability to differentiate monitoring based on the identified needs of a State.