

>> Hello. Good afternoon. My name is Gbenimah Slopadoe. I am an OSEP state lead, and today I will be doing the first part of a two-part presentation. Just an update on some of the things that we've been working on at OSEP regarding dispute resolution, I'm a state lead, and I'm also the OSEP dispute resolution point person. That is my lead area, and so I support state leads, CADRE when I can and just generally the department around dispute resolution issues. And I am excited to talk to you today about some of the updates on our dispute resolution policy letters post-2013. 2013 was a pivotal part in our dispute resolution sort of policy guidance history at the department, and so this is an update following 2013. So we can go ahead and get started. All right. So as you see here, this presentation, this is just a general disclaimer. This provides general information. This is not a complete list of the applicable laws and policies, and it does not address any specific issues of compliance. Those are specific and are determined on a case-by-case basis. And so the language used in these slides are approved for only presentation in this particular setting and should not be used for other purposes. Next slide, please. All right. So what we will be talking about today, the overview of the presentation, so I will begin for us with talking about just general about the OSEP MEMO and the Q and A on dispute resolution that was released in 2013. And then following that, I will talk a little bit about 10 policy letters that we have issued since 2013 that have been very instrumental in shaping IDEA and dispute resolution policy. And then I will share some resources as well that are available to you as members of CADRE and stakeholders in your states. I will talk very briefly about what's next and what we are anticipating as the next policy letters that will be released and why we are excited about them. And then finally I will pivot over to my colleague, Kate Moran, who will talk about the DMS 2.0 updates regarding dispute resolution. Next slide, please. Okay. So prior to the dispute resolution Q and A being released in 2013, OSEP issued several policy letters and guidance documents spanning as far back as 1979. These are documents that were written years ago and have been stored on OSEP website and in different letters that have been sometimes difficult to culminate in one place, and so the policy letters issued prior to 2001 have been stored in this one place as much as possible. You will see that the link is available in the PowerPoint. And then we also have policy letters and guidance issued from 2001 to present. This is prior to 2013. And then I will talk next about why 2013 was so pivotal. Next slide, please. All right. So in 2013, we finally had our culmination of all of these prior policy letters and guidance documents that were hovering all over the place. We combined and created a solid document for stakeholders, parents, information centers, school personnels, SEAs and LEAs around mediation, state complaint procedures, and due process complaint and due process hearing procedures. So 2013 was very pivotal in that instead of states going to separate letters that they had to reference in response to their questions around policy guidance, they could finally go to one place where all of these letters were gathered or summarized in questions and referencing the original letters that were written, some of them, like I said before, in the '70s so states can go to. This has been the pivotal tool that we use even now when we reference and we write new policy responses, we reference this Q and A document as our pivot point. Next slide. So some resources that are available to you, first, I want to talk about the IDEA website. So the IDEA website is a tool that is very useful to you, hopefully useful to you, that you can utilize. And it covers a couple of different

components. First, law and policy, it's important to note sometimes the comments and changes that accompany the IDEA rule because as sometimes the nuances of IDEA can only be resolved in the comments section. And so it's useful for us and I think useful for states as they are trying to understand perhaps why OSEP or why IDEA decided to have this interpretation. What is the definition of this subject matter, right? What is the definition of this rule? This is sort of background information that helps the state access how the comments and the changes to IDEA have come over time and influenced what is there in the document now. We'll also have reports which include OSEP review and analysis from certain state dispute resolution systems that you can use and you can hold onto as a resource to help you see some of the things that we've sent to certain states. Some of those reports have been transmitted in letters that I will share today. Some of them are anonymous. Some of them are not. But this is, again, another tool where perhaps you may have a question regarding the state system that we have already answered and issued in a report or issued in a prior guidance document. And then there's resources, such as the model procedural safeguard and other forms that support IDEA requirement. So the model procedural safeguard is very important, I think, a short document, but it sort of summarizes and creates a starting point that states can use in creating their procedural safeguards for their state. So I know I've worked extensively with some states on their procedural safeguard document, and this was the starting place for that work. So we went back to the OSEP procedural safeguard document, and we used that to go back and forth with the states, providing them technical support around developing their own procedural safeguard. Yes, our safeguard is short, but it provides a starting point, like I said. And then also of course there was CADRE, which is this tool here. We also ... I personally and we at OSEP are happy to pull on CADRE where we want to know what you're thinking but also do it in a way without pressure. Your input is very useful in understanding what's happening in a field and making determinations, again, around IDEA and knowing what type of documents to release based on what has happened in the field and what the needs of states are. So CADRE has been very supportive in that. Next slide, please. Okay. So some of the resources that we also have is the OSEP's Part B Dispute Resolution Self-Assessment. So this self-assessment is a comprehensive document that we described, I believe, in last year's session that covers what is required of IDEA, what the state's current IDEA processes looks like and then an opportunity for a state to self-assess to see if what IDEA requires matches their current practices in their state. And then based on that, the state can determine if they need to make adjustments, what kind of shifts they need to make and how they need to move forward or how they need to improve their system. The IDEA Data Center is also useful. It provides quick references to IDEA data. I know we are working on some additional resources that we'll be adding to this IDEA Part B Data dashboard to make the data more interactive, especially around APR data and how dispute resolution shows up in APR. So you will be hearing a little bit more about that in the future and how that will be useful in terms of look at state's data over time. And then obviously and of course there's the National Center for Systemic Improvement. That is also a useful tool that we also support and partner with at OSEP, and it has been useful to states in terms of being a resource. Next slide, please. All right. So I'm going to talk a little bit more now about some policy letters that have been developed and released since 2013. This is what we've been working on. These 10 we found were some of the most popular ones in terms of their range of how many states they impact and how they've been important or pivotal in terms of informing a state's dispute resolution system and improving their system. So the first we'll talk about is the letter to anonymous issued in February of 2017, February 27th. And the issue here

was with the New York state, and the issue was, must the state retain and make available to the general public findings and decisions issued in due process hearing at state level reviews conducted pursuant to IDEA? The rule here that we explored is IDEA CFR 300.5.3 (d) (2). Here the SEA after deleting personally identifiable information must make available to the public findings and decisions issued in due process hearings at state-level reviews conducted pursuant to IDEA. Now regarding the minimum time that the findings should be publicly available, we issued in this letter that ... we decided 3 years, right? So the final issue be made available to the public, yes, that is a requirement. The minimum time frame that it should be provided based on other educational data and finals data, especially that needed to be available in a 3-year time frame, this also needed to be available for a minimum of 3 years. However, we encourage states to exceed that 3-year minimum time frame if they want to keep those findings or decisions publicly available because we find that with the calls that we've received from state, sometimes making that information available can help a parent or an attorney or the LEA, in fact, when they are resolving new dispute resolution issues to serve as a reference point to issues that may have been resolved previously. And then also an exception here is when there is a litigation or case or claim regarding that specific finding, we recommend or require that finding be left available to the public until a final decision is made regarding a finding, and then that can be taken down. All right. And to the next one. So this ... No, no, no. I'm sorry. Number two. So ... Thank you. Back to the previous slide. Yes. So the next letter is, again, letter to anonymous, January 2nd, 2017. Here the issue was whether it is permissible for a parent to file a due process complaint against an SEA. And I'm sure you guys know now the clear answer to that is yes. Here we referenced 300.507 to 516 and then 300.532. Now, OSEP also in its February 15th letter to the state of New Mexico where the parent filed a due process complaint, we applied or we issued a letter saying that New Mexico, in that case, the SEA, the parent COULD file against the SEA, and the hearing officer had the authority to determine sufficiency of all due process complaints filed in that jurisdiction. So if the hearing officer determined that the SEA could be a party, then the SEA could be a party to a complaint. And TO then to the letter to Zirkel, Mr. Zirkel is one of our popular writers, and we appreciate him so much in just challenging the thinking and pushing us to think about the IDEA very deeply and sort of release these policy letters that help everyone be more informed. Oops, the slide ... something.

>> Something happened on my end. Just keep going. I'll get the slide back.

>> Okay. All right. So then the issue here was, what is the timely implementation of required actions in terms of a state complaint and a due process complaint? So regarding the state complaint, the timeline for implementation is 1 year. Now, understandably here we said that understandably the period can exceed a year when compensatory education is involved, right, meaning the services will be delivered outside of the year's time frame, or a parent or an adult student fails to take action that is essential to the implementation of that ruling, or the parties mutually agreed to extend a time period over the year. Now for due process complaints, the time frame that is issued or prescribed by the hearing officer. Now it must be completed within a reasonable set time by the state requirements that fits within IDEA, but it also ... Yes. So it must be a reasonable time but that reasonable time, which reasonable is always questionable, right, because what is reasonable? But in summary, reasonable is very fact-specific and left to the specific facts of that case. So depending on how the hearing officer ruled, if the hearing officer determined that the reasonable time is 1 year, 3 years depending on those facts, that is the time frame that in due process complaints, the implementation of those required actions should be completed. Now to the fourth letter, which is here that the SEA complaint resolution, specifically the requirement to issue a written decision. This I find very interesting because ... We are on four, so we are on the previous slide. Yes, letter to Lipsitt. Thank you. This I found interesting because when we did our presentation last year, and we gathered data around what the top five into top 10 dispute resolution issues that arise within states, not having decisions written interestingly was one of the biggest issues or challenge that states were facing in terms of their IDEA requirement. So yes, IDEA requires that decisions must be in writing, and it must be issued within a 60-day timeline, of course subject to extensions in certain circumstances. And then it must address each allegation raised in the complaint. It has to have a finding of fact and conclusion, and it has to state the SEA's reasons for that final decision. And our next slide. Okay, so to the fifth letter, this fifth letter addresses two things, part A and part B. So the first thing is resolution of complaints against the SEA, and then the second thing is how enforcement of those complaint decisions need to be sort of monitored. So first the issue is, how does the SEA resolve complaints against the SEA, against itself, right? And the answer is, we send [Indistinct]. So the SEA is responsible on its own accord, without any pressure from the LEA or from the federal government, should take the initiative to follow IDEA rule, which has also responded to in question B12 on this Q and A and now pursuant to 300.151 to 153, the SEA must ensure that all relevant information is reviewed and that an independent determination is made as to whether the public agency, in this case the SEA itself, has violated a requirement of IDEA part B. So the SEA is responsible for investigating itself, and it has to take the initiative to do so and follow the process that it would as if it was investigating the LEA or another educational entity. All right. So then the second part of that is, how must the SEA ensure enforcement of its own complaint decisions? So here, the SEA of course needs to ensure that whatever that it issues ... whatever ruling that it issues, it ensures that it is corrected as soon as possible and within the time frame set by the SEA in its written decision. Again, knowing that this is a state complaint that we're talking about, this should be not exceed a period of 1 year. So the SEA needs to ensure that its complaint decisions are being enforced, and it needs to make sure that it needs to be completed within a reasonable time, not to exceed 1 year. So to number six, does the state complaint procedures have jurisdiction and remedial authority for tuition reimbursement? This, again, is a letter to Zirkel sent out in May 2019 where OSEP said that yes, there's nothing in IDEA that limits the SEA's authority to award tuition reimbursement. So if the SEA

determines that it is an appropriate remedy in resolving an IDEA complaint in which the SEA has found that an LEA or even the SEA has denied appropriate services, the SEA can, in that jurisdiction, issue remedies that include tuition reimbursement. And then to seven, expedited due process hearings and applying the timeline, this was a letter to Fletcher issued in 2018. Here the issue was whether expedited due process hearings can be expedited, right, or can be extended, and the answer is no. Now, here pursuant to IDEA 300.532, the SEA or the LEA is responsible for arranging expedited due process hearings which must occur within 20 school days of the date that a complaint was filed. Now the hearing officer must issue determinations within 10 school days after that hearing concludes. Now the hearing officer may not grant extensions of expedited due process hearings. I thought there was a nuance here that was interesting that I wanted to share from that letter because if the school was out of session, pursuant to IDEA, a school day for non-disabled students or students without disabilities, is the same as the school day for students without disabilities. So in the case where an extended school year program was held for only students with disabilities, and students without disabilities were not in summer school or were not having a school day, that technically is not a school day. So in this case, the school day is only when all students are having a school day, and so I thought that was interesting. But I thought the distinction here to make is, but what does this look like for the SEA requirement to meet a 30-day resolution timeline, right, or 45-day hearing timeline? Now over here, these timelines still stand even when the school is in session or not in session. So the expedited timeline for expedited hearings require a 20-day school day period, and then the non-expedited or standard or whatever you want to call it due process complaints of hearings, those do not ... Whether schools are in session or not, those timelines stay in effect. Now to the next letter, which is eight, still on the same page. Not next slide, I apologize. All right. So to the next letter. So this is a letter to ... Okay. So this is the SEA complaint procedures and the compensatory services to redress violations. This is a letter to Lipsitt. So essentially whether OSEP ... the state asks OSEP to clarify under what circumstances would it be appropriate for an SEA to consider compensatory education to redress violations it has identified through state complaint procedures under IDEA. And we say that the states and the supervisory authority has the right to ensure that it addresses the failure to provide appropriate services, which includes corrective actions such as compensatory education or monetary remedies that we've already talked about in a letter to Zirkel and must show that appropriate future provisions are made for children with disabilities. So essentially, yes, the SEA can issue or require compensatory educational services to redress violations under IDEA. Next slide. All right. We have only two more letters. I know I'm speeding through them because I have only about 25 minutes. Now this letter nine regards mediation. This one was quite recent. This was in 2020. This was regarding whether parties to mediation process, if the parties were required to sign a confidentiality pledge or agreement prior to or as a precondition to begin mediation. And the answer to that, OSEP found, was no. 300.506 CFR says that discussions during remediation sessions must be confidential anyway, and so confidential pledges should not be prerequisites for mediation. Mediation also, the public agency is required to ensure that mediation so voluntary on both party's parts, and then they must not be used to deny or delay a parent's right to hear. Now right before the last one, we also have questions and answers on part B resolution procedures released during COVID. That was a hot document that OSEP worked hard on in response to either COVID pandemic and some of the challenges that states were having in their dispute resolution process considering that schools were closed and could no longer meet in person. So a lot

of those things involved ... Those policy guidance involved virtual hearings and resolution meetings, whether that parties can agree to extend timelines, that like I said, resolution meetings can be held virtually and that, yeah, timelines on a case-by-case basis could be extended. So yes, we are not in a COVID timeline, but there's still in case we ever go back to that place where we have to go back and quarantine, hopefully never, at least we have some guidance here that has been responsive to something like COVID, and so we can use that as a guidance to build on next time, if ever, something like this happens. And then finally, the last policy letter is IDEA and its use of part B funds for due process hearings, using IDEA funds to pay due process hearing officers. And here there were quite a few different resources or statutes that were pulled to come up with an answer. We looked at the uniform administrative requirements, also looked at the cost principles. We looked at the audit requirements for federal rewards, aka the uniform guidance, and of course we looked at IDEA implementation requirements. And in summary, we found that since a hearing officer may not be an employee of an SEA or an LEA and if it's not really uncommon for IDEA funds to be used to pay contractors, like a hearing officer who is an external party or external staff from the LEA and the SEA. And then because the state is required to ensure that parents and LEA have an opportunity for an impartial hearing, the cost of paying for that hearing is a reasonable cost in conducting a hearing decision. And so in that case, in the one-tier system or the two-tier system, we found that IDEA funds can be used to pay for due process hearings, particularly due process hearing officers. Next slide, please. Okay, so some more resources available. So here, this is the part B dispute resolution COVID-19 Q and A document that addresses, like I said before, the extension of the 60-day state complaint timeline that states on a case-by-case basis have flexibility to do so, provided that it is reasonable. And then it also discusses the use of alternative means of conducting mediation sessions, in making sure it's consistent with state law and federal law and most importantly, making sure that the parties involved either agree or understand that in these circumstances that are unforeseen, some exceptions need to be made not at all to violate student's rights but just to shape things differently, maybe setting, maybe services, things like that in response to COVID-19. Next slide, please. Okay. So what's next? 2021, what are we looking at now? We are looking at the summary judgement question. And the geek in me is excited about this because we received a lot of questions from states around whether states can use summary judgement to make a final judgement on a parent's claim without a full due process hearing. So it is whether a [Indistinct] case, or on its face, a state can say that there is no summary judgement rule that there is no case sufficient enough to build a case against the LEA or the SEA. So based on that, a case or claim of complaints raised is being dismissed. And then the response we have not released yet, but we are doing research, and we'll have that response to you soon, but the response is grounded in CFR 300.511(a), which generally says that whenever a due process complaint is received under IDEA, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing that is consistent with the procedure of IDEA. So it seems like we may be looking towards leaning more towards a statement saying that yes, you cannot use summary judgement to make a final judgement without having the parents [Indistinct] before a hearing officer. It seems most likely that is the case because the statute is pretty much clear on that. But we will have an answer definitely to you shortly. Now, what happens if both parties stipulate to inclusion of a summary judgement? Then does that make it fair, right? Is that then an equitable understanding between both parties that have agreed to issue a summary judgement? The question is the likelihood of a parent agreeing on it freely and not

coerced to include summary judgement where a parent's case to be potentially dismissed before it's heard. We will see the likelihood of that. But we will have a response to that shortly. Next slide or final slide. All right. If you have more information, I know this was a [Indistinct]. This really was just a refresher on things you already know. And just wanted to talk about some of the policy letters that we've been working on and some of the ones that we're excited and look forward to working on in the future. Now my name is Gbenimah Slopadoe, and my e-mail is available. If you have any questions regarding the presentation or regarding IDEA in general, just send me an e-mail, and I'll be happy to correspond with you. Thank you so much for your time, and now I will pivot onto Kate. I know I went, I think, a minute over time.

>> Oh, I think you're fine, Gbenimah. That's great. But we did want, if folks do have questions, you can feel free to type them into the chat, or you can use the raise hand feature. At this point, if you have any questions specific to the policy that's been issued this year for Gbenimah, and if not, we will move to my portion of the presentation. Not seeing any hands raised at this time. So we'll start with mine and then as we get through my presentation, if there's questions for Gbenimah, he'll still be on the line. He's not going anywhere. But we can follow up at that point with him. All right. Well, thank you, Gbenimah.

>> Thank you. Kate.

>> Yup. So today what I'm going to be talking to you about is how dispute resolution fits into our new DMS 2.0 process, which is a process that we rolled out last year related to our MSIP monitoring. So you can go to the next slide. This is just my contact information. I am the DMS facilitator within MSIP. I work very closely with Matt Schneer, who is the ADD overseeing this work, and he and I work collaboratively with a team of ... I think we're up to 12 staff at this point. It might be 11 working on this very important work. So we'll move to the next slide. Today what I'm going to be talking to you about is what DMS 2.0 is. I'm sure many of you have some questions about that. I'm going to be discussing the eight key components that we see as integral to our monitoring system. I'm going to talk about the DMS framework that built this monitoring structure. And then I'm also going to talk about the DMS timeline and road map for how these activities are going to be carried out with our states. Also I'll walk you through our current protocols, give you some background on how those are structured, set up, organized. And then I'm also going to talk through the protocols themselves. We've developed three, one on state complaints, due process and mediation. And then we'll open it up for some questions after that. I am hearing some. I don't know if it's my presenters or if somebody is unmuted, so if we could mute everybody, that would be great, and we can move to the next slide, please. And you'll probably have to hit it twice to have the puzzle pieces come in. All right. So our DMS structure, so the way in which MSIP will be doing our monitoring this year began last October. We revised the way in which we do it to a new structure that encompasses these eight key components that we see as integral for a state to have ... for MSIP to be able to evaluate a state's system and structure related to their general supervision responsibilities. So we are going to be looking at a state's fiscal management, integrated monitoring, the identification of noncompliance, the sustaining compliance and improvement, so looking at how they're correcting that noncompliance and how results plays into that work that the states have in place. We're also going to be looking at dispute resolution, data and the SPP/APR. We will be looking at technical assistance as it crosses over all of these components, and then we're also going to be looking at the implementation of policies and procedures. So all of the structures that states and programs put in place related to these components and how they're actually implementing them. So we feel that once this puzzle comes together, in evaluating that, we would have a very clear picture of a state system and be able to really evaluate them on their compliance with the IDEA regulations. So we'll move to the next slide. We began this work last October in 2020, and we pivoted during the pandemic in February. So in October, we discussed with our states the framework or the components that I just reviewed with you, and then we also have posted this DMS framework that walks through each of the components that I just described with specific definitions, with results that we would see occur if a state has something in place ultimately leading to that outcome of improving educational results and functional outcomes for all infants, toddlers, children and youth with disabilities. It's also our mechanism for ensuring that the public agencies are meeting their program requirements under part B and part C of the IDEA and looking at how they're carrying out their general supervision responsibilities. So there is a hyperlink to that in this presentation. It's also going to be on our main DMS page that I'll share with you later in addition to lots of other resources. But it's a good guidebook for what this DMS 2.0 process is. Next slide, please. So timelines and phases, we will be carrying out a cyclical monitoring process which is over three phases, and we have five cohorts of states. So we have grouped our states into five different groups, and we'll be working with each of them across three phases when we begin our monitoring. So this first cohort we have 16 programs



that we are working with. That's B and C. And then going into cohort two, I believe issue 24 or 18. I'd have to go back and check. But each year, we will be having about the same number or increasing slightly the number of programs and states that we're monitoring to hopefully complete those across those five cohorts. Each cohort will engage in these phases. So the first phase will be a document collection followed by 4 months of interviews and conversations around the protocols. Phase two will occur, which is an on-site or virtual component. That will be through the issuing of the monitoring report. And then phase three will occur up to a year after that phase two on-site visit to allow for the correction of any noncompliance that we've identified during that time frame. So on the next slide, we have a visual that I think will make this a little clearer. So each program and state will be engaged in ... I think this has gotten a little off, unfortunately, but that's okay. Each state will have a 6-month period of engagement with OSEP during that phase one and phase two period. So we'll be talking with our states about what the date is for their phase-two activity, and then that will trigger off the timeline of the 5 months prior to the visit that we'll be having a document request and then the 4 months subsequent to that that we would be engaging in interviews and conversations with the state and their staff around the particular component protocols that I discussed earlier. And then as we can see here, this is an example of a visit that might occur in June. They would begin engagement in January with their MSIP monitoring team, spending February, March and April having some protocol interviews. And then that on-site and virtual component would occur in June. That visit is slightly different than if anyone was around when we did our previous monitoring or even our most recent. We're hoping to have a little bit of a hybrid, Especially since we've gotten more familiar with this virtual environment, we feel like we may be able to engage a lot more stakeholders in conversations during our phase-one activities and that those may be happening virtually. We also will be working with our states to identify what works best for them. In the past, we have gotten some feedback that spending a significant amount of time, like 5 days in a row, it's a burden for the state sometimes and their stakeholders and getting all the players involved. So we are probably most likely going to be splitting that up throughout that month so that maybe we do 2 days at the beginning that are virtual, that are conversations and also engaging stakeholders followed by an on-site of 3 days where we would really be spending some time actively working with the state, looking through documents, things like that. So we believe that this hybrid of sorts will be an effective way to really understand the state's system. And some of those phases are typed out there, but I think in probably the transitioning of the slides it's gotten a little blocked there, so hopefully we'll be able to fix that before we get that posted. But next slide, please. Great. So each of the components that I've messaged before has a monitoring protocol that MSIP has created to support our monitoring. So they are created for us, but we're sharing them publicly to be transparent about both the expectation that we see around the particular questions listed on there and what a state would need to be thinking about as they prepare for this on site. We have a common structure across the current protocols that we have posted. They're designed, again, for our purposes, but we've shared them and will be discussing them throughout the coming months so that states have an opportunity prior to us coming on site, you as stakeholders have an opportunity to review that information and understand what it is that we're looking at related to the IDEA regulations and what we're expecting of our states and programs. That website there will link to the website that has all of our protocols and the currently released information, which is cohort one and cohort two, so that schedule, those states that are going to be in that are posted right now. Cohorts three, four and five will be notified a year

in advance of their engagement, so this coming October 2022, we'll be working with our cohort-two states on their phase-two date, but cohort three will be announced I think October 2023. I may be off on that, but keep an eye on that website, and we'll be posting that up quick. So next slide, please. So each of the protocols is broken out into a couple of areas. You have a main overarching question followed by some suggested documents to review which are kind of evidentiary, I guess, where we are going to be using that information to populate our protocols and answer some of the questions that we have. That main overarching question or main question for the protocol is followed by some ... Sometimes there's 10. We actually called them overarching questions, so those are then followed by general information about what the question is asking, followed by possible follow-up questions and finishing out with areas or issues of concern. And I'll talk a little bit more about what those mean as we move forward, but the suggested document for review we had received questions about during phase one, what are wanting to see? What information will we want to review? And we really wanted to clarify that that phase-one document review and things that we would be using in relation to our protocols are really about policies and procedures. So that component related to implementation we're looking at during phase two. Next slide, please. So this is a sample of the state complaint protocol. Prior to this page, there is an overview that explains a lot of the information that I've just talked through today, and that's included on every protocol. We've broken up the dispute resolution protocols into three areas: state complaint, due process and mediation. So you can see here, this is the main overarching question that we're asking about state complaints and then a definition there related to dispute resolution. That definition is pulled from our framework. So again, it's just connecting back to all the pieces that are building out this structure that we've created. And then the suggested documents to review are included on each of the protocols. When possible, we've included information of things that might just be for phase one versus phase two. Some may be listed out like this. Maybe it's not differentiated. There are probably going to be things that cross over both. So we've included that so that states that begin to review that information in preparing documents. We don't expect states to create documents if they don't have them. That would just be something we would address with them later. Next slide. So the relevant years for the document request has been a question we've received from our programs and states. During our monitoring, we would be going back 3 years from the date of the phase-two activity. So unfortunately we can't map out a specific timeline because every state's visit may be in a different year. So you would just be taking whatever year that is, that current year's data, and thinking about going back 3 years because specifically for integrated monitoring, we would want to be looking at taking their monitoring of a local program all the way through to closeout of any findings that were identified. Sometimes that might cross over that 3-year period. Next slide, please. So again, this is the next page that you would see on the protocol. It's our overarching questions. We have hyperlinked that page so that it populates right to that question in the protocol. Also you'll notice what we have tried to do is link the relevant regulations to the question that's being asked in addition to some relevant Q and A questions that both stakeholders and internally will be useful when we're looking at the question. So in previous times, a state may ask, "Well, why are you asking this question? Where is it coming from? Where is this in the regulations?" We're trying to be very clear of where these questions are coming from and why we're asking them. Next slide, please. So this is what a question ... As we get into the document, this is one of the overarching questions. You'll see there that it has the relevant regulations followed by any supporting document that we thought was relevant. And then we get into

general information. So we have combined these so they are part B and part C. Some of our other protocols, it's a little bit more of a straighter line. With the dispute resolution protocols, there was a lot more nuance. We've added things that would say, "Part B applicable," "Part C applicable," "Part C programs who have adopted part B due process hearing requirements," things like that so that it's specific of who the information is relevant to. The general information section is outlining what the question is getting at, so it's going to be helpful to the reader to understand, what is this question really asking, and what are the expectations around it? So how does the state ensure that the parents and others have access to the state's model state complaint form under part B? So the state forms need to include specific information. What are the things we're going to look at? Under part B of IDEA, the state must have the state complaint form, so things like that that would explain what the question is asking about and looking at the regulation and making it understandable. Next slide. Possible follow-up questions is the next area that you'll see under each one of those overarching questions. It goes overarching questions, general information, possible follow-up questions. Some of these questions we may ask. We may not ask all of them. They may not be relevant, but we're including them. As we're digging deeper into a particular area or component, we want to make sure that we're covering all of the information that we need to, so those would be possible follow-up questions. Next slide. And the next one is areas or issues for follow-up. So these would be concerns. They're not always going to be a finding of noncompliance, but they would be items that we are engaging in conversation. During phase two, they will be areas that we'll be following up on, looking for more information and could lead to a finding of noncompliance if verified as true. The other thing I will say is that if during any of our processes, so during phase one, if we identified something that we realized very quickly was noncompliance, we had all the information that we needed. We would be issuing a letter of finding at that time. I will say that through this process, that 4-month period, when we identify findings, we want to make sure that we've collected and gathered all the information that we can so that we're really verifying that yes, to the knowledge that we have, the information that we've reviewed that we do see something as a finding. So that is an area that we have encouraged states to look at and consider as they're evaluating their systems if there's any gaps or things that they might need to put in place or review. Next slide, please. So as I noted before, we do have a part B dispute resolution state complaint protocol. We have a due process protocol and a mediation protocol. On those, we have outlined different areas for tier-one and tier-two systems. You'll see information about that. We've included the information about part B and part C specific areas. So we have tried to make this as user-friendly for all and to hopefully have it in one package so that people didn't have to go from one document to the other. We really tried to create it as one document. And again, keeping in mind these are our protocols, so these are the items that we're going to be using as we're evaluating a state system. And the next slide is showing you where it is on our website, so on the IDEA website, it's under resources and then under DMS, and you'll see DMS 2.0. The information to the right there is kind of blown-up part of that website, but this has actually been updated, so we just put in the two cohort one and cohort two states so you can see that on this web page. And then you'll also notice there that there are DMS reports, so that's a link that's going to take you out to our previously issued monitoring reports and then information about prior monitoring systems that we had in place around that. So quiet group today, I think the chat has been pretty quiet. Hopefully it's not locked, but this would be the time if you have questions for myself or for Gbenimah on any of the information that he covered. We will be having component leads in

dispute resolution across all of the teams that will be working on evaluating the state's system and using these protocols. And we work closely with Gbenimah within MSIP to ensure that we're all working together on this information. So I do see that they put in a session evaluation survey in the chat, but are there any questions at this time? I don't see any hands raised. Great. Okay. They always say to wait 6 seconds, so I did. Thank you for that feedback. Great. We're glad to hear that. You can go to the last slide. This is just general information for where our different websites are, the blog, Twitter, YouTube. Those are our Office of Special Education Program resources. Again, my contact information is included in the slide as well as Gbenimah's. So if you leave the presentation today and have more questions, please feel free to reach out. I know both of us will be happy to hear from you. So thanks, everybody.

>> Thank you.