

# DMS REPORT

## DIFFERENTIATED MONITORING AND SUPPORT OFFICE OF SPECIAL EDUCATION PROGRAMS U.S. DEPARTMENT OF EDUCATION

---

<b>STATE</b>	<b>MISSISSIPPI</b>														
<b>DATE</b>	JULY 23, 2025														
<b>IDEA</b>	PART B														
<b>CONTENTS</b>	<table><tr><td>LETTER.....</td><td>1</td></tr><tr><td>MONITORING AND IMPROVEMENT.....</td><td>5</td></tr><tr><td>DATA.....</td><td>12</td></tr><tr><td>FISCAL MANAGEMENT .....</td><td>18</td></tr><tr><td>DISPUTE RESOLUTION .....</td><td>20</td></tr><tr><td>DISCIPLINE AND BEHAVIOR.....</td><td>42</td></tr><tr><td>APPENDIX.....</td><td>44</td></tr></table> <hr/>	LETTER.....	1	MONITORING AND IMPROVEMENT.....	5	DATA.....	12	FISCAL MANAGEMENT .....	18	DISPUTE RESOLUTION .....	20	DISCIPLINE AND BEHAVIOR.....	42	APPENDIX.....	44
LETTER.....	1														
MONITORING AND IMPROVEMENT.....	5														
DATA.....	12														
FISCAL MANAGEMENT .....	18														
DISPUTE RESOLUTION .....	20														
DISCIPLINE AND BEHAVIOR.....	42														
APPENDIX.....	44														

---

LETTER.....	1
MONITORING AND IMPROVEMENT.....	5
DATA.....	12
FISCAL MANAGEMENT .....	18
DISPUTE RESOLUTION .....	20
DISCIPLINE AND BEHAVIOR.....	42
APPENDIX.....	44

---



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
OFFICE OF SPECIAL EDUCATION PROGRAMS

DIRECTOR

**July 23, 2025**

By Email

Honorable Richard Lancing Evans  
State Superintendent of Education  
Mississippi Department of Education  
P.O. Box 771  
Jackson, Mississippi 39205

Email: [LEvans@mdek12.org](mailto:LEvans@mdek12.org)

Dear Superintendent Evans:

The purpose of this monitoring report is to provide a summary of the results of the Differentiated Monitoring and Support (DMS) activities conducted by the U.S. Department of Education's (Department's) Office of Special Education Programs (OSEP). As part of the DMS process, States are monitored on their general supervision systems which encompass States' responsibilities to ensure that States and their subgrantees and contractors meet the requirements of the Individuals with Disabilities Education Act (IDEA or the Act). Those requirements include: 1) Improving educational results and functional outcomes for all infants, toddlers, children, and youth with disabilities; and 2) Ensuring that public agencies meet the program requirements under Parts 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. During the DMS process<sup>1</sup> OSEP examined 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
- Dispute Resolution
- Discipline and Behavior

This DMS monitoring report summarizes OSEP's review of IDEA Part B requirements regarding these monitoring priorities and components. OSEP conducted interviews with representatives from the State educational agency (SEA), the Mississippi Department of Education (MDE), including staff from the Office of Special Education (OSE), in October 2024. In addition to staff interviews, OSEP reviewed publicly available information, policies, procedures, and other related documents MDE submitted to OSEP. Finally, OSEP

---

<sup>1</sup> For additional information on DMS, see [Resources for Grantees - DMS](#).

solicited feedback from various groups of parents, the public, and local level staff to gather a broad range of perspectives on the State's system of general supervision.

Based on its review of available documents, information, and interviews conducted, OSEP has identified 10 findings of noncompliance with IDEA requirements described in further detail in the monitoring report, including any required actions.

OSEP's review of monitoring priorities and components of general supervision did not include an examination of the implementation of IDEA Part B requirements by all local educational agencies (LEAs) within your State, and OSEP cannot determine whether the State's systems are fully effective in implementing these requirements without reviewing data at the local level.

### Summary of Monitoring Priorities and Outcomes

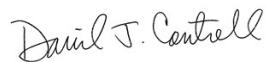
MONITORING COMPONENT	FINDINGS SUMMARY
1. Monitoring and Improvement	<p>1.1 OSEP finds that the State does not have a general supervision system that is reasonably designed to identify noncompliance with all IDEA Part B requirements in a timely manner, as required by 34 C.F.R. §§ 300.149, and 300.600 through 300.602.</p> <p>1.2 OSEP finds that the State does not have a general supervision system that is reasonably designed to verify correction of systemic noncompliance in a timely manner, as required under 34 C.F.R. §§ 300.149, and 300.600 through 300.602.</p> <p>1.3 OSEP finds that the State is not considering 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, when making an annual determination on the performance of each LEA, as required by 34 C.F.R. § 300.603(b).</p>
2. Data	<p>2.1 OSEP finds that the State has not submitted valid and reliable SPP/APR data, as required under 34 C.F.R. §§ 300.601(b), and 300.640 through 300.646.</p> <p>2.2 OSEP finds that the State has not been reporting valid and reliable data and information on the secondary transition requirements for SPP/APR Indicator 13, as required by 34 C.F.R. §§ 300.601(b), and 300.640 through 300.646</p>
3. Fiscal Management: Subrecipient Monitoring	<p>3.1 OSEP finds that the State was unable to provide evidence of a reasonably designed general supervision system, including policies and procedures, for subrecipient monitoring and fiscal management, consistent with 2 C.F.R. § 200.332(d)–(f) and (h), and 34 C.F.R. §§ 300.149, 300.600 through 602, and 300.604, including the issuance of a closeout letter to LEAs.</p>
4. Dispute Resolution	<p><b>State Complaints</b></p>

MONITORING COMPONENT	FINDINGS SUMMARY
	<p>4.1 OSEP finds that the State's regulations, procedural safeguards, and State complaint procedures contain provisions that are inconsistent with the following IDEA requirements:</p> <ol style="list-style-type: none"> <li>34 C.F.R. §§ 300.33, 300.151 and 300.153(b), parties to a State complaint;</li> <li>34 C.F.R. § 300.509(a), State model form for filing a State complaint;</li> <li>34 C.F.R. § 300.152(a)(5), State complaints filed by non-parent complainants;</li> <li>34 C.F.R. § 300.152(a), calculating the 60-day time limit for State complaint resolution; and</li> <li>34 C.F.R. § 300.152(b)(1), extensions to the 60-day time limit for State complaint resolution.</li> </ol> <p><b>Mediation</b></p> <p>4.2 OSEP finds that the State's procedure requiring parties to sign a mediation confidentiality pledge prior to the commencement of mediation is inconsistent with 34 C.F.R. § 300.506(b)(8).</p> <p><b>Due Process</b></p> <p>4.3 OSEP finds that the State's written due process complaint and hearing procedures contain provisions that are inconsistent with the following IDEA requirements:</p> <ol style="list-style-type: none"> <li>34 C.F.R. §§ 300.33 and 300.507, parties to a due process complaint</li> <li>34 C.F.R. § 300.508(b), State model form for filing a due process complaint.</li> <li>34 C.F.R. §§ 300.149, 300.511 through 300.515, and 300.600, timely issuance and implementation of due process hearing officer decisions;</li> <li>34 C.F.R. § 300.510 and 300.532(c)(2), due process hearing and expedited due process hearing timelines; and</li> <li>34 C.F.R. § 300.511(c)(1)(ii)-(iv), training and minimum qualifications for due process hearing officers.</li> </ol>
5. Discipline and Behavior	5.1 OSEP finds that the State was unable to provide evidence of the implementation of the State's responsibility for programmatic monitoring under IDEA Part B that demonstrates compliance with the monitoring and enforcement requirements in

MONITORING COMPONENT	FINDINGS SUMMARY
	34 C.F.R. §§ 300.149, 300.600 through 300.602, and 300.606 through 300.608.

OSEP appreciates the State's ongoing efforts to improve the implementation of IDEA Part B and to develop and implement a reasonably designed general supervision system that ensures compliance and improving results for children with disabilities. OSEP emphasizes that having a consistent and transparent system for identifying and correcting noncompliance, particularly noncompliance that impacts the delivery of special education and related services in accordance with individualized education programs (IEPs), and dispute resolutions systems that protect the rights of parents, are essential elements to ensuring improved results for children with disabilities. If you have any questions, please contact your OSEP State Lead.

Sincerely,



David J. Cantrell, PhD  
Deputy Director

cc: Part B State Director

Enclosure:

DMS Monitoring Report

Appendix

## MONITORING AND IMPROVEMENT

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p><b>1.1 Identification of Noncompliance</b></p> <p>To effectively monitor the implementation of Part B IDEA requirements, the State must have a system that is reasonably designed to ensure that the State can meet its general supervisory responsibility for monitoring the provision of IDEA Part B services as required under 34 C.F.R. §§ 300.149, and 300.600 through 300.602.</p> <p>See also OSEP's Question and Answer document 23-01, <a href="#">State General Supervision Responsibilities under Parts B and C of the IDEA: Monitoring, Technical Assistance, and Enforcement</a> (July 24, 2023) (OSEP QA 23-01).</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p><i>The State is not identifying noncompliance in a timely manner by issuing findings when monitoring LEAs, as required by 34 C.F.R. §§ 300.149, and 300.600 through 300.602, and in the case of noncompliance identified through review of SPP/APR data, has not provided any written notification of the noncompliance.</i></p> <p>According to the State's IDEA Part B Programmatic Monitoring Procedures (revised May 2022), p. 7, the State provides each LEA with a monitoring report, "...within 90 days of the completion of the self-assessment or on-site visit."</p> <p>Based on a review of the documentation provided by the State, OSEP found, and the State confirmed, that written notifications of noncompliance have not been provided to LEAs in a timely manner.</p> <p>During the 2021-2022 school year, nine LEAs were monitored, and five of the nine LEAs were sent monitoring reports beyond the 90-day timeline required to issue notifications of noncompliance.</p> <p>The State confirmed that the LEAs monitored in 2022-2023 school year were provided monitoring reports with written findings of noncompliance in July 2024.</p> <p>The State informed OSEP that, for LEAs monitored during the 2023-2024 school year, IEP file reviews were completed, and written findings of noncompliance would be issued following those reviews.</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State does not have a general supervision system that is reasonably designed to identify noncompliance with all IDEA Part B requirements in a timely manner, as required by 34 C.F.R. §§ 300.149, and 300.600 through 300.602.</p> <p>Specifically,</p> <ol style="list-style-type: none"> <li>1. The State has not issued written notifications (i.e., findings) to LEAs, generally within three months of the State's identification of noncompliance.</li> <li>2. The State does not issue written findings of noncompliance when noncompliance is identified using the</li> </ol>	<p><b>Policies and Procedures</b>—the State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. Updated policies and procedures documenting the State's process for identifying noncompliance in a timely manner to include issuing a written notification of noncompliance (i.e., a finding) to LEAs, generally within three months of the State's identification of noncompliance unless the LEA immediately (i.e., before the State issues a finding) corrects the noncompliance and the State is able to verify the correction, as required by 34 C.F.R. §§ 300.149, and 300.600 through 300.602.</li> <li>2. Updated policies and procedures documenting the State's process for determining compliance using information in the</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>Additionally, the State confirmed that written findings were not issued when noncompliance was identified through a review of the information in the State's data system/database used for SPP/APR reporting. The State indicated that the request to the LEA for updated data was made verbally (i.e., provide a copy of an IEP to verify child-specific compliance), however, the State did not provide OSEP with any evidence that written findings had been issued.</p>	<p>State's data system and data base for SPP/APR reporting.</p>	<p>State's data system. In addition, the State must submit monitoring policies which reflect when the State will examine data collected from its data system to determine LEA compliance with IDEA requirements (e.g., monthly, quarterly, or annually).</p> <p><b>Evidence of Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. Evidence of the State's revised monitoring policies and procedures, such as notification letters, tools to conduct the monitoring, monitoring reports, letters of findings, root cause analysis, technical assistance, examples of finding close-out and verification of correction, or other supporting documentation.</li> </ol>
<b>1.2 Correction of</b>	<i>The State does not ensure correction of LEA systemic</i>	OSEP's analysis is based	<b>Policies and Procedures</b> —

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p><b>Noncompliance</b></p> <p>To effectively monitor the implementation of Part B IDEA requirements, the State must have a system that is reasonably designed to ensure that the State can meet its general supervisory responsibility for monitoring the provision of IDEA Part B services as required under 34 C.F.R. §§ 300.149 and 300.600 through 300.602.</p> <p>In exercising its monitoring responsibilities under 34 C.F.R. § 300.600(e), the State must ensure that when it identifies noncompliance with IDEA Part B requirements by LEAs, the noncompliance is corrected as soon as possible, and in no case later than one year after the State's written notification of noncompliance. See OSEP QA 23-01, Questions B-10 and B-14.</p> <p>Additionally, the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit</p>	<p><i>noncompliance within the required timeline and limits the scope of the verification of correction activities, which does not meet the requirements under 34 C.F.R. §§ 300.149, and 300.600 through 300.602.</i></p> <p>During interviews with OSEP, the State confirmed that systemic noncompliance LEA findings had not been verified as corrected for the 2021-2022 school year. Specifically, the verification of systemic correction was requested for one LEA monitored during 2021-2022, however, State staff indicated that there was no evidence that the verification had occurred.</p> <p>Additionally, because the State has not identified noncompliance in a timely manner, for noncompliance identified in 2022-2023 and 2023-2024 school years, the State had not verified correction in a timely manner for these findings as well.</p> <p>Furthermore, the State documented in the Federal fiscal years (FFYs) 2021 and 2022 SPP/APRs that updated data was reviewed when verifying correction of noncompliance, during on-site interviews with OSEP, the State acknowledged that only child-specific noncompliance had been verified as corrected for SPP/APR indicators.</p> <p>The State's policies and procedures related to the correction of systemic noncompliance are inconsistent with OSEP's longstanding position that in order to demonstrate systemic compliance the State must verify that the LEA is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance with the relevant IDEA</p>	<p>on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State does not have a general supervision system that is reasonably designed to verify correction of systemic noncompliance in a timely manner, as required under 34 C.F.R. §§ 300.149, and 300.600 through 300.602.</p> <p>Specifically, OSEP's review found that:</p> <ul style="list-style-type: none"> <li>a. The State does not have a system in place to verify the systemic correction of noncompliance for compliance indicators reported in the SPP/APR.</li> <li>b. The State's practice of allowing LEAs to self-select files to review when demonstrating systemic compliance, is not consistent with the</li> </ul>	<p>the State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. Updated policies and procedures that ensure the correction of noncompliance by verifying that the LEA is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance with the relevant IDEA requirements) based on a review of updated data and information, such as data and information subsequently collected through integrated monitoring activities or the State's data system, as required by 34 C.F.R. §§ 300.149, and 300.600 through 300.602.</li> <li>2. Updated policies and procedures that demonstrate that in reviewing updated data, the State is selecting the files to review.</li> </ol> <p><b>Evidence of Implementation</b>—as soon</p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>Requirements for Federal Awards (OMB Uniform Guidance) requires grantees to establish and maintain effective controls that provide a reasonable assurance of compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.</p> <p>2 C.F.R. § 200.303(a).</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>requirements) based on a review of updated data and information, such as data and information subsequently collected through integrated monitoring activities or the State's data system. See OSEP QA 23-01, Question B-10.</p> <p>Finally, as evidenced in the State's monitoring procedures, p. 16, and examples of LEA close-out reports, the State has allowed LEAs to select the files submitted for the updated data review. The following excerpt was noted on one of the LEA close-out reports provided to OSEP:</p> <p>The attached chart includes results from the files selected by [the LEA] and reviewed by the MDE, OSE during the FY22 Cyclical Monitoring audit and details of the corrective actions the district completed for compliance verification.</p> <p>Although IDEA does not specify the type and amount of information the State must review when verifying the correction of noncompliance and ensuring LEA compliance with IDEA requirements, the OMB Uniform Guidance requires grantees to maintain effective controls that provide a reasonable assurance of compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.</p> <p>2 C.F.R. § 200.303(a). States should ensure that the type and amount of data reviewed when verifying the correction of noncompliance accurately reflects the LEA's level of compliance.</p> <p>Allowing LEAs to self-select files that demonstrate compliance does not meet the State's responsibility to verify that the LEA is correctly implementing the specific regulatory requirements of IDEA Part B at</p>	<p>requirement to ensure correction of all noncompliance.</p>	<p>as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. Documentation that the State reviewed updated data and information, such as data and information subsequently collected through monitoring activities or the State's data system.</li> <li>2. Documentation that the State's review of updated data, from a State selected sample of data and information did not reveal any continued noncompliance.</li> <li>3. A copy of the notification issued to all LEAs, advising them of the State's revised policies and procedures to ensure the correction of noncompliance by verifying that the LEA is correctly implementing the specific regulatory requirements (i.e., achieved 100 percent compliance with the relevant IDEA requirements) as</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>the systemic level. States should consider a variety of factors in determining whether an LEA has corrected identified noncompliance which may include ensuring that the correction of noncompliance addresses the extent and root cause of the identified noncompliance, in addition to ensuring child-specific and systemic correction. See OSEP QA 23-01, Question B-14.</p>		<p>described above</p> <p>4. Documentation demonstrating the State-level training provided to LEAs on the correction of noncompliance, both individual and systemic, in accordance with OSEP QA 23-01, such as, presentation materials, attendance logs, calendar, and dates of trainings provided.</p>
<p><b>1.3 Annual Determinations</b></p> <p>States must make annual determinations about the performance of each LEA and enforce Part B requirements consistent with 34 C.F.R. § 300.600(a)(2) and (3).</p> <p>Under 34 C.F.R. § 300.603(b)(1), when making an annual determination on the performance of each LEA under Part B, consistent with IDEA requirements and OSEP's longstanding guidance, a State must consider the following factors: (1) performance on</p>	<p><i>The State is not considering 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, when making an annual determination on the performance of each LEA, as required by 34 C.F.R. § 300.603(b).</i></p> <p>During interviews with OSEP, the State confirmed that annual determinations have been made solely on the basis of an LEA's performance on the SPP/APR compliance indicators, and the State does not consider other required factors for making annual determinations such as an LEAs submission of valid and reliable data, the status of correction of any identified noncompliance, and other data available to the State about an LEA's compliance with IDEA, including any relevant audit findings. The State's annual determination policies and procedures were confirmed in the LEA Determinations posted on the</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State is not considering 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, when making an annual determination on the performance of each LEA,</p>	<p><b>Policies and Procedures</b>—the State must submit to OSEP by Oct. 21, 2025:</p> <p>1. Updated policies and procedures for issuing annual IDEA determinations on the performance of each LEA, that consider the following factors: (1) performance on SPP/APR compliance indicators (including Indicators 4B, 9, and 10); (2) valid and reliable data; (3) correction of identified noncompliance; and (4) other data available to the</p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>compliance indicators; (2) valid and reliable data; (3) correction of identified noncompliance; and (4) other data available to the State about the LEA's compliance with IDEA, including any relevant audit findings.<sup>2</sup></p> <p>See OSEP QA 23-01 Section D.</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>State's website, on the <a href="#">Special Education Performance Determination Report</a> page.</p> <p>As reported to OSEP, the State is planning to revise the annual determination process moving forward to include the additional factors required by 34 C.F.R. § 300.603(b).</p>	<p>as required by 34 C.F.R. § 300.603(b).</p>	<p>State about the LEA's compliance with the IDEA, including relevant audit findings, consistent with 34 C.F.R. § 300.603(b).</p> <p><b>Evidence of Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. Copies of the State's annual IDEA determinations on the performance of at least 15 LEAs, with any underlying protocols or rubrics that were used in completing the determinations.</li> </ol>

<sup>2</sup> IDEA Section 616(a)(1)(C)(ii) requires States to monitor using Section 616(a)(3) and enforce using Section 616(e). Under IDEA Section 616(a)(3), the Department must monitor priority areas and States must follow the Department. The Department issued its first annual IDEA determinations in 2007 for Part B based on compliance data. Since 2014 for Part B States (and 2018 for Part B entities), the Department made IDEA determinations using both compliance and results data. Beginning in 2006, OSEP communicated the required use of the four factors in training and technical assistance activities.

## RECOMMENDATIONS

During interviews with OSEP, the State acknowledged the historical challenges with maintaining a State advisory panel (SAP) that meets the requirements of IDEA. While OSEP did not identify noncompliance with these IDEA requirements, OSEP notes, and the State confirmed, that the SAP's role in the development and implementation of activities related to monitoring and coordinating services for children with disabilities has been limited over the past three years. The State did report that progress has been made on the engagement of the SAP and the SAP has recently provided suggestions to the State for improving the cyclical monitoring activities, including an onsite monitoring component. The State has incorporated the SAPs suggestions into the new monitoring process. OSEP encourages the State to continue engaging the SAP in a manner that solicits meaningful feedback and input into the development and implementation of policies, procedures, and practices that improve outcomes for children with disabilities.

In addition, during on-site interviews, the State noted that the special education office is not fully staffed, and this impacts the State's ability to complete the required IDEA monitoring responsibilities. OSEP encourages the State to fully staff the special education office to ensure and maintain compliance with IDEA and to improve educational and functional outcomes for children with disabilities and their families.

## DATA

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p><b>2.1 Data Systems</b></p> <p>To meet the data reporting requirements of IDEA Sections 616 and 618 and 34 C.F.R. §§ 300.601(b) and 300.640 through 300.646, the State must have a data system that is reasonably designed to collect and report valid and reliable data and information to the Department and the public in a timely manner and ensure that the data collected and reported reflects actual practice and performance.</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p><i>The State does not have data collection and reporting policies and procedures in place for all Sections 616 and 618 requirements to ensure those data are valid, reliable, accurate, and consistent with EDFacts file specifications and the SPP/APR Indicator Measurement Table, as required by 34 C.F.R. §§ 300.601(b) and 300.640 through 300.646.</i></p> <p>Based on publicly available information, documents submitted by the State, and as confirmed during discussions with OSEP, while the State has developed some policies and procedures to meet the Sections 616 and 618 data collection requirements, the policies and procedures are not complete and are not being fully implemented to ensure that data are valid, reliable, accurate, and consistent with EDFacts file specifications and the SPP/APR Indicator Measurement Table. Notably, the State's data collection policies and procedures do not include full explanations of data governance, business rules, data quality/validations standards, and information on data security.</p> <p>During discussions with OSEP, the State indicated that data processes have not been developed and communicated with LEAs related to data quality and the collection of the Sections 616 and 618 data. The State acknowledged that staff are developing updated procedures for LEAs to follow and will be utilizing an OSEP-funded Technical Assistance Center to train relevant State and LEA staff.</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State has not consistently submitted valid and reliable SPP/APR data, as required under 34 C.F.R. §§ 300.601(b), and 300.640 through 300.646.</p>	<p><b>Policies and Procedures</b>—the State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. Updated written policies and procedures to collect and report valid and reliable data, consistent with the requirements in 34 C.F.R. §§ 300.601(b), and 300.640 through 300.646.</li> </ol> <p>The State's policies and procedures must specify timelines, definitions, calculation methods, and data sources for the IDEA Sections 616 and 618 data collection requirements to include data governance, business rules, data quality/validation, and data security.</p> <p><b>Evidence of Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. Evidence of the State's revised policies and</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>The lack of data collection and reporting policies and procedures is reflected in challenges the State has had in reporting valid and reliable Section 616 and 618 data to the Department. For the past three SPP/APR submissions (FFYs 2020, 2021, and 2022), there has been a pattern of concerns with the quality and accuracy of the data.</p> <p>In the State's FFY 2020 APR, the State reported conflicting data that resulted in an OSEP determination of not valid and reliable data (NVR) for SPP/APR Indicator 10. In the State's FFY 2021 APR, submitted on February 1, 2023, the State's data was not valid and reliable for SPP/APR Indicator 9. In 2023, the State's Section 618 dispute resolution data were suppressed due to data quality concerns. As a result, the State was unable to report valid and reliable data for SPP/APR Indicators 15 and 16 in the FFY 2022 SPP/APR, submitted on February 1, 2022. In addition, the State reported "data entry errors" for SPP/APR Indicators 4B and 8.</p> <p>With the FFY 2022 Part B Maintenance of Effort Reduction and Coordinated Early Intervening Services (LEA-MOE-CEIS) reported Section 618 data submission, the State reported more IDEA funds were allocated for IDEA Section 619 than the total FFY 2022 IDEA Section 619 award, and the State did not provide a data note at the time of submission to explain the error. In a response to OSEP's request for a detailed explanation as to what occurred, the State indicated that:</p> <p>...the FFY 2021 [Section] 611 allocations reported in the FFY 2021 data submission were different from the FFY 2021 [Section] 611</p>		<p>procedures such as copies of the State's data reports that demonstrate valid and reliable data, written notifications to LEAs regarding the results of the State's data checks, and documentation demonstrating the revision and correction of clerical errors identified by the State in data reports provided to LEAs.</p> <p>2. Documentation demonstrating the State-level training provided, such as, presentation materials, attendance logs, calendar, and dates of trainings, to State and LEA staff on the updated data collection processes to include all required components of IDEA Sections 616 and 618 data collection requirements, and 34 C.F.R. §§ 300.601(b), and 300.640 through 300.646.</p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>allocations reported in the FFY 2022 data submission due to a FIFO [first-in-first-out] that was included in the total allocation amount and should not have been.</p> <p>The State further reported the number of students receiving comprehensive coordinated early intervening services (CCEIS) instead of those students receiving CEIS. Finally, the State reported, that the total FFY 2021 Section 611 allocations entered for the FFY 2022 data submission did not include ARP IDEA Section 611 allocations. As a result of the magnitude of the reported LEA-MOE-CEIS Section 618 data entry errors, OSEP suppressed these data from public reporting.</p>		
<p><b>2.2 Data Reporting: SPP/APR Indicator 13</b></p> <p>Under Sections 616 and 618 and 34 C.F.R. §§ 300.601(b), and 300.640 through 300.646, States must report for SPP/APR Indicator 13, valid and reliable data and information to the Department on the percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition</p>	<p><i>The State is not reporting valid and reliable data for SPP/APR Indicator 13, including information on the secondary transition requirements, as required by 34 C.F.R. §§ 300.601(b), and 300.640 through 300.646. Specifically, the State does not have a process in place to verify and review evidence ensuring that the secondary transition requirements have been addressed to meet the postsecondary goals and annual IEP goals related to the student's transition services needs.</i></p> <p>During discussions with OSEP, the State confirmed that the State has not collected SPP/APR Indicator 13 data consistent with the SPP/APR Indicator Measurement Table. When reporting to OSEP under SPP/APR Indicator 13 the State must report on the percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals. However, the State's documents</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State has not been reporting valid and reliable data and information on the secondary transition requirements for SPP/APR Indicator 13, as required by 34 C.F.R. §§ 300.601(b), and 300.640 through 300.646.</p> <p>Specifically, the State does</p>	<p><b>Policies and Procedures</b>—the State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. Updated written policies and procedures to collect and report valid and reliable data and information on the secondary transition requirements for SPP/APR Indicator 13, as required by 34 C.F.R. §§ 300.601(b), and 300.640 through 300.646.</li> <li>2. Updated written policies and procedures that describe the State's</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs.</p> <p>When reporting SPP/APR Indicator 13 data, the State must have a mechanism in place to verify and review evidence ensuring that the student was invited to the IEP Team meeting where transition services are to be discussed and ensure that, if appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</p> <p>Under 34 C.F.R. § 300.600(d)(2),</p>	<p>demonstrated, and interviews confirmed, that the State was actually reporting whether or not a transition plan existed, not whether the transition plan was compliant with the requirements under 34 C.F.R. § 300.320(b).</p> <p>One of the documents submitted by the State that OSEP reviewed related to SPP/APR Indicator 13 was a spreadsheet that listed LEA names and data under columns titled <i>yes</i>, <i>no</i>, and <i>missing</i>. The State indicated that the headers on this document indicated whether the LEAs had transition plans in place for students 14 years of age and older.</p> <p>The State also shared that the data system has a checkbox to indicate if the student has a transition plan. If the box is not checked and the student is of transition age, this would indicate that a transition plan was not in place or missing. If a transition plan was not in place, the State would follow up with the LEA and request copies of the IEPs to verify if the plan is present and if so, if the plan is compliant with secondary transition requirements. If the box is marked <i>no</i>, there is no transition plan even though the student is of transition age. If the box is marked <i>yes</i>, there is a transition plan included in the student's IEP.</p> <p>Additionally, the State's SPP/APR Indicator 13 data protocol, p. 3, includes the following:</p> <p>MSIS [Mississippi Student Information System] has a report that can be run to determine if each student has a transition plan... Data are pulled from MSIS...that creates LEA specific reports, with a count of students, and those who are</p>	<p>not have a process in place to verify and review evidence ensuring that the secondary transition requirements have been addressed to meet the postsecondary goals and annual IEP goals related to the student's transition services need.</p>	<p>process to verify and review evidence ensuring that the secondary transition requirements have been addressed and meet the postsecondary goals and annual IEP goals related to the student's transition services need, when reporting SPP/APR Indicator 13 data.</p> <p>The State's process must ensure that LEAs are inviting students to the IEP Team meeting where transition services are to be discussed; and ensure that, if appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached</p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>States must monitor the LEAs located in the State, in specific priority areas, which includes a system of transition services using quantifiable indicators and such qualitative indicators that as are needed to adequately measure performance in those areas.</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>“Yes” “No” or “Missing”</p> <p>The State’s SPP/APR Indicator 13 protocol continues, p. 4:</p> <p>Data for Indicator 13 is pulled...in September...this is the count data for how many did or didn’t have transition plans in each district.</p> <p>In addition, the State’s actual FFY 2022 SPP/APR Indicator 13 data spreadsheet, submitted to OSEP as part of the State’s document request, demonstrated 98.25 percent compliance, however, the State reported a different percentage, 99.97 percent, in the final FFY 2022 SPP/APR submitted to OSEP on Feb. 1, 2024. The State was unable to explain the discrepancy between the reported data and the data in the spreadsheet. Regardless of the discrepancy, OSEP notes that, since the State was measuring the presence of transition plans, rather than the presence of compliant transition plans, neither of the data figures are valid. The State confirmed that the SPP/APR Indicator 13 reported data was based on whether or not a transition plan was present and not, as required, if all components of secondary transition were present in the IEPs, resulting in the State’s reported data being invalid.</p> <p>In the State’s FFY 2023 SPP/APR, submitted Feb. 1, 2025, the State included a change to the data collection process used for Indicator 13:</p> <p>The MDE OSE has changed the source of data collection for this indicator and now uses its cyclical monitoring system to collect data for this indicator. A sample of student IEPs for each of</p>		<p>the age of majority.</p> <p><b>Evidence of Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. Evidence that the State has policies and procedures in effect and being implemented in compliance with the data reporting requirements and secondary transition requirements under SPP/APR Indicator 13, as described under the corrective action above.</li> </ol> <p>Examples of evidence to include revised secondary transition monitoring protocols, copies of completed transition protocols demonstrating the monitoring of all required secondary transition components, evidence demonstrating that the FFY 2023 data submitted Feb. 1, 2025 is consistent with the State collected data for reporting, and evidence</p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>the LEA's monitored are reviewed for transition. The Cyclical Monitoring protocol for Transition includes the following components:</p> <ul style="list-style-type: none"> <li>• appropriate measurable postsecondary goals that are annually updated and based upon an age-appropriate transition assessment,</li> <li>• transition services including courses of study that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs</li> <li>• evidence that the student was invited to the IEP Team meeting where transition services are to be discussed</li> <li>• and evidence that, if appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</li> </ul> <p>OSEP's review of the protocol used by the State to collect the monitoring data that is the current source of Indicator 13 data, indicates that the State now appears to be consistent with the SPP/APR Indicator Measurement table.</p>		<p>that FFYs 2023 and 2024 data was analyzed for compliance with the secondary transition requirements, and copies of any written findings of noncompliance, if applicable, for all files that do not meet all of the required components in 34 C.F.R. §§ 300.601(b), and 300.640 through 300.646.</p> <p>2. Documentation demonstrating the State-level training provided, such as, presentation materials, attendance logs, calendar, and dates of trainings, to State and LEA staff regarding the revised policies and procedures and how secondary transition requirements will be monitored.</p>

## FISCAL MANAGEMENT

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p><b>3.1 Subrecipient Monitoring</b></p> <p>Under IDEA Part B and OMB Uniform Guidance, SEAs are responsible for oversight of the operations of IDEA supported activities under 2 C.F.R. § 200.332(e) and 34 C.F.R. §§ 300.149, 300.600 through 602, and 300.604. Each SEA must monitor its own activities and those of its LEAs to ensure compliance with applicable Federal requirements and that performance expectations are being achieved. Id. See OSEP QA 23-01, Question A-1. In order to meet its general supervisory responsibilities, the SEA must evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the</p>	<p><i>The State has not fully implemented a fiscal monitoring process, that meets the fiscal monitoring requirements under IDEA and the OMB Uniform Guidance, consistent with 2 C.F.R. § 200.332(d)–(f) and (h), and 34 C.F.R. §§ 300.149, 300.600 through 602, and 300.604.</i></p> <p>The State submitted a copy of the drafted fiscal monitoring procedures, the IDEA Part B Fiscal Monitoring Procedures (fiscal monitoring procedures) (Rev. July 2024), which describes the four levels of monitoring the State uses:</p> <ol style="list-style-type: none"> <li>1. Universal: Universal monitoring activities are conducted for all LEAs each year</li> <li>2. Cyclical: annual monitoring activities. The State uses the cyclical protocol.</li> <li>3. Targeted: The State only looks at a specific topic area; uses the cyclical protocol.</li> <li>4. Intensive: LEAs that scored 13 points or higher in the risk rubric.<sup>3</sup> The State uses a separate monitoring protocol.</li> </ol> <p>However, OSEP's review of State submitted</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State was unable to provide evidence of a reasonably designed general supervision system, including policies and procedures, for subrecipient monitoring and fiscal management, consistent with 2 C.F.R. § 200.332(d)–(f) and (h), and 34 C.F.R. §§ 300.149, 300.600 through 602, and 300.604, including the issuance of a closeout letter to LEAs.</p>	<p><b>Evidence of Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. Examples of evidence of the State's full fiscal monitoring processes (effective with the fiscal monitoring implemented in 2024), from issued LEA notification letters to closeout letters (including those LEAs with corrective actions). This could include completed monitoring reports, checklists or other tools developed by the State to document monitoring activities, and any letters of findings and closeout documentation to verify the correction of any noncompliance that the State has developed and</li> </ol>

<sup>3</sup> The State uses separate risk rubrics for programmatic and fiscal monitoring. However, the State uses a similar process for each, and the inconsistency identified above in the programmatic risk rubric between the written policies and the practice articulated by the State also exists for the fiscal risk rubric. The State also clarified that the intention is to aggregate the risk scores for programmatic and fiscal into one final score for each LEA.

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>subaward for purposes of determining the appropriate subrecipient monitoring as required under 2 C.F.R. § 200.332(b). The monitoring activities must ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved as required under the OMB Uniform Guidance at 2 C.F.R. § 200.332(d)–(f) and (h), and IDEA Part B in 34 C.F.R. §§ 300.149, 300.600 through 602, and 300.604. See OSEP QA 23-01, Question A-6.</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>documents and interviews with the State demonstrate that the State has not consistently implemented the monitoring system.</p> <p>The State also informed OSEP there is no historical knowledge of the monitoring activities prior to fiscal year (FY) 2022-2023, with the exception of a pilot monitoring period that occurred between FY 2020-2022, at which time less than 20 percent of the LEAs were monitored. The State is in the process of following up with the monitoring activities remaining from that period.</p> <p>During the FY 2022-2023 (2023-2024 school year), the State began implementing a five-year fiscal monitoring process. During the FY 2023-2024 (2024-2025 school year), the State began moved to an integrated monitoring process that incorporates programmatic and fiscal monitoring components.</p> <p>As described to OSEP, the State's current fiscal monitoring system would provide the State with the information necessary to exercise their responsibility for fiscal monitoring under IDEA Part B and ensure appropriate monitoring, technical assistance (TA), and enforcement regarding LEA's compliance with IDEA Part B. However, at the time of OSEP's monitoring the State was unable to provide evidence of the full implementation of the State's fiscal monitoring process, including final closeout letters to LEAs.</p>		implemented.

## DISPUTE RESOLUTION

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p><b>4.1 Procedures for Filing a State Complaint</b></p> <p>Under 34 C.F.R. § 300.151, the State must adopt written procedures for resolving any complaint, including a complaint filed by an organization or individual from another State, that meets the requirements of 34 C.F.R. § 300.153. Under 34 C.F.R. § 300.153, the complaint, among other requirements, must be in writing and signed and contain a statement alleging that a public agency has violated a requirement of Part B of the Act or the Part B regulations, including the facts on which the statement is based.</p>			
<p><b>a. Parties to a State Complaint</b></p> <p>Under 34 C.F.R. § 300.151, the State must adopt written procedures for resolving any complaint, including a complaint filed by an organization or individual from another State, that meets the requirements of 34 C.F.R. § 300.153.</p> <p>Under 34 C.F.R. § 300.153, the complaint, among other requirements, must be in writing and signed and contain a statement alleging that a <i>public agency</i> has violated a requirement of IDEA Part B or the implementing regulations, including the facts on which the statement is based. (Emphasis added).</p> <p>Under 34 C.F.R. § 300.33, the</p>	<p><i>The State's model form contains provisions that restrict the parties subject to the State complaint procedures. By using the term "school district," or "district," individuals and organizations do not have notice that the IDEA complaint procedures are available to resolve allegations against not only LEAs, but also the SEA and other agencies included in the definition of public agency, as required by 34 C.F.R. §§ 300.33, 300.151, and 300.153(b)</i></p> <p>At the time of OSEP's monitoring, the State had two separate model forms, a State complaint model form located on the State's website, the <a href="#">Formal State Complaint Form Under Part B</a> (Aug. 2011) (formal model form), and a different model form embedded in the State's policies and procedures, <a href="#">Procedures for State Board Policy 74.19 Volume III: Procedural Safeguards, Dispute Resolution, Confidentiality</a> (revised July 8, 2016) (dispute resolution procedures), on p.58 (DR.E).</p> <p>The State's formal model form, including the model form embedded within the dispute resolution procedures, p. 58 (DR.E), contains incorrect information about who the complainant can allege has violated IDEA:</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State's model form and dispute resolution procedures for filing a State complaint contains language that is inconsistent with 34 C.F.R. §§ 300.33, 300.151, and 300.153(b).</p>	<p><b>Policies and Procedures</b>—the State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. A copy of the State's model form and dispute resolution procedures for filing a State complaint, revised to be consistent with the requirements in 34 C.F.R. §§ 300.33, 300.151, and 300.153(b).</li> </ol> <p><b>Evidence of Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. Evidence of any training that the State has provided to LEAs to support implementation of the State's revised model form and dispute resolution procedures related to filing a State complaint, and the</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>definition of public agency includes the SEA, LEAs, educational service agencies (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>See Appendix for a listing of additional legal requirements.</p>	<p>A complaint process can be used when you believe a district violated a requirement of Part B of the Individuals with Disabilities Education Act (IDEA) or State Policies Regarding Children with Disabilities (State Board Policy 74.19) or the district is not implementing a due process hearing decision.</p> <p>The State's dispute resolution procedures also have inconsistent language included in State's dispute resolution procedures, Chapter 8, p.12:</p> <p>A statement that the school district has violated a requirement of Part B of Individuals with Disabilities Education Act (IDEA), State Board Policy 74.19 or a statement that the public agency is not implementing a due process hearing decision...</p> <p>By using the term <i>school district</i> or <i>district</i>, individuals and organizations do not have notice that the IDEA complaint procedures are available to resolve allegations against not only LEAs (school districts or districts), but also the SEA and other agencies included in the definition of public agency at 34 C.F.R. § 300.33.</p> <p>IDEA's State complaint procedures are available to resolve allegations that a <i>public agency</i> violated a requirement of IDEA Part B or the implementing regulations. (Emphasis added). IDEA defines <i>public agency</i> to include 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</p>		<p>requirements in 34 C.F.R. §§ 300.33, 300.151, and 300.153(b).</p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>to children with disabilities.</p> <p>OSEP notes that the State uses the correct language regarding who can be a party to a State complaint under 34 C.F.R. § 300.33, on p.50 (DR.A), of the State's dispute resolution procedures document, and on p.11, of the State's procedural safeguards.</p>		
<p><b>b. Model Form for Filing a State Complaint</b></p> <p>Under 34 C.F.R. § 300.509(a), each State must develop model forms to assist parents and other parties in filing a State complaint under 34 C.F.R. §§ 300.151 through 300.153. However, the SEA or LEA may not require the use of the model forms. Parents, public agencies, and other parties may use the appropriate model form or another form or other document, so long as the form or document that is used meets, as appropriate, the content requirements in 34 C.F.R. § 300.153(b) for filing a State complaint.</p> <p>Under 34 C.F.R. § 300.151, the State must adopt written procedures for resolving any complaint, including a</p>	<p><i>The State's model form for filing a State complaint does not clearly state the requirements in 34 C.F.R. § 300.509(a). Specifically, the State's model form for filing a State complaint includes several content requirements for filing a State complaint that exceed what is required under 34 C.F.R. § 300.153(b) and does not specify that each additional item is optional.</i></p> <p>As stated above, at the time of OSEP's monitoring, the State had two separate model forms, a formal model form, and a model form embedded in the State's dispute resolution procedures, on p.58 (DR.E).</p> <p>OSEP reviewed both forms that are available for use when filing a State complaint. Both of the State's model forms include several content requirements for filing a State complaint that are not required under IDEA Part B and do not specify that each additional item is optional.</p> <p>The additional components on the State's formal model form that are not listed as optional include:</p> <ol style="list-style-type: none"> <li>1. the child's age or date of birth; and</li> <li>2. efforts to resolve the complaint informally.</li> </ol> <p>The additional components in the State's model</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State's model form for State complaints is inconsistent with 34 C.F.R. § 300.509(a), because the form requires information beyond what is required by the IDEA regulation at 34 C.F.R. § 300.153(b) without designating the additional information requested as optional.</p>	<p><b>Policies and Procedures</b>—the State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. A copy of the State's revised model State complaint form, and any other State documents that contain additional required information for filing a State complaint, that clearly identifies any additional information that is requested as optional, in accordance with 34 C.F.R. § 300.153(b).</li> <li>2. Evidence that the State has posted the revised model form on the State's website and other appropriate methods to ensure wide dissemination to all LEAs, parent advocacy groups, and other interested parties.</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>complaint filed by an organization or individual from another State, that meets the requirements of 34 C.F.R. § 300.153. Under 34 C.F.R. § 300.153, the complaint, among other requirements, must be in writing and signed and contain a statement alleging that a <i>public agency</i> has violated a requirement of Part B of the Act or the Part B regulations, including the facts on which the statement is based. (Emphasis added).</p> <p>Under 34 C.F.R. § 300.33, the definition of public agency includes the SEA, LEAs, educational service agencies (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>See Appendix for a listing of additional legal requirements.</p>	<p>form within the State's dispute resolution procedures, p.58, (DR.E), that are not listed as optional include the family's information, including the parent's name, address, email address, and phone number</p> <p>OSEP notes that on the model form within the dispute resolution procedures, the form also requires the requestor's (i.e. the complainant's) name and contact information without specifically indicating that these are optional. The name and contact information for the requestor is listed with an asterisk symbol indicating that:</p> <p>*If another individual representing the parent (e.g., attorney) completes this form on the parent's behalf, this form must be submitted with written authorization for representation signed by the parent.</p> <p>This indicates that if the complainant is the parent, contact information is required, but is optional if the complainant is someone other than the parent.</p> <p>The State's requirement that the additional components be included when filing a State complaint, could limit an individual or organization's ability to file a State complaint. Further, the SEA could inappropriately dismiss complaints that do not include the additional information but otherwise, meet IDEA's filing requirements, which the State specifies on, p. 57 (DR.E), in the dispute resolution procedures:</p> <p>If the form is not completed accurately and as completely as possible, the MDE/OSE will notify the complainant in writing that the</p>		

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>complaint has been determined to be insufficient and what additional information is needed in order for the complaint to meet the requirements of the regulations.</p> <p>OSEP notes that the content in the dispute resolution procedures, Chapter 8, p. 12, and the State's procedural safeguards document, <i>Procedural Safeguards: Your Family's Special Education Rights</i> (revised Dec. 17, 2013) (procedural safeguards), p. 11 are both consistent with the State complaint filing requirements under 34 C.F.R. § 300.153(b).</p>		
<p><b>c. Complaints Filed by Non-Parent Complainants</b></p> <p>The State must resolve a State complaint regardless of whether it has been filed by the child's parent or by an organization or individual other than the child's parent. In resolving such a complaint, the State would be required to follow the minimum State complaint procedures in 34 C.F.R. § 300.152 as it would for any other State complaint that alleges that a public agency has violated a requirement of Part B of the IDEA or the Part B regulations. This includes issuing a written decision to the complainant that</p>	<p><i>The State's policies and procedures do not allow for a case-by-case determination as to whether non-personally identifiable information in the SEA's decision on a State complaint can be provided to a non-parent complainant, as required by 34 C.F.R. § 300.152(a)(5).</i></p> <p>The State's dispute resolution procedures, p. 57 (DR.E), includes the following:</p> <p>The Formal State Complaint Form, or a similar form containing all of the same required information, may be used by parents or an individual authorized to represent the parents to make an official complaint when the parent believes a public agency has violated a requirement of Part B of the Individuals with Disabilities Education Act (IDEA) or State Policies Regarding Children with Disabilities (State Board Policy 74.19) or that the public agency is not implementing a due process hearing decision.</p> <p>2. If the Formal State Complaint is filed on</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State's policies and procedures contain provisions that are inconsistent with 34 C.F.R. § 300.152(a)(5). Specifically, the State's dispute resolution procedures do not allow for a case-by-case determination as to whether non-PII in the SEA's final decision on a State complaint can be</p>	<p><b>Policies and Procedures</b>—the State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. A copy of the State's dispute resolution procedures, revised to be consistent with the requirements in 34 C.F.R. § 300.152(a)(5).</li> <li>2. A memorandum or other directive to all LEAs, parent advocacy groups, and other interested parties advising them of the changes to the State policies and procedures to ensure they are consistent with the IDEA requirements as described above.</li> </ol> <p><b>Evidence of</b></p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>addresses each allegation in the complaint and contains –</p> <p>(i) Findings of fact and conclusions; and</p> <p>(ii) The reasons for the SEA’s final decision in accordance with 34 C.F.R. § 300.152(a)(5), subject to the conditions discussed below.</p> <p>Under these circumstances, parental consent must be obtained before the State may provide personally identifiable information (PII) about a child to the non-parent complainant as part of the complaint decision. 34 C.F.R. §§ 99.30 and 300.622.</p> <p>If parental consent is not obtained, any PII about the child who is the subject of the complaint must be redacted from the SEA’s written decision on the complaint. Because the complaint resolution would likely involve the child’s PII, it may not be possible for the SEA’s decision to be released to the non-parent complainant. The SEA must make this</p>	<p>behalf of an individual student and the complainant is not the child’s parent, a consent or authorization to disclose confidential information that is signed by the parent must be submitted in order for the MDE/OSE to provide the findings and decision to the complainant. The consent or authorization must be signed by the parent and specifically authorize the MDE/OSE to release information about the child to the complainant.</p> <p>The State confirmed that the SEA’s decision on the complaint is not shared with the complainant unless the complainant obtains the parent’s consent and files the appropriate consent for release of information.</p> <p>The State’s policies and procedures do not provide for a case-by-case determination of the information that must be withheld when resolving a complaint filed by someone other than the child’s parent and the parent has not consented to the release of their child’s PII. Specifically, when resolving a complaint filed by someone other than the child’s parent and the SEA does not receive the parent’s permission to disclose PII about the child, the SEA must make a case-by-case determination about information that must not be disclosed. OSEP has advised that the SEA should not withhold relevant non-PII from the complainant regarding the results of the SEA’s complaint resolution.</p>	<p>shared with a non-parent complainant, which is inconsistent with 34 C.F.R. § 300.152(a)(5).</p>	<p><b>Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. A copy of the final dispute resolution procedures, revised to be consistent with the requirements in 34 C.F.R. § 300.152(a)(5).</li> <li>2. Evidence of training that the State has provided to LEAs to support implementation of the State’s policies and procedures, consistent with the IDEA Part B requirements as described above.</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>determination on a case-by-case basis but should not withhold relevant non-PII from the complainant regarding the results of the State's complaint resolution.</p> <p>See Question B-11 in OSEP's <a href="#">Questions and Answers on IDEA Part B Dispute Resolution Procedures</a> (July 23, 2013) (OSEP Dispute Resolution QA).</p> <p>See Appendix for a listing of additional legal requirements.</p>			
<p><b>d. Calculating the 60-Day Time Limit for State Complaint Resolution</b></p> <p>Under 34 C.F.R. § 300.151, each SEA must adopt written procedures for resolving any complaint, including a complaint filed by an organization or individual from another State, that meets the requirements of 34 C.F.R. § 300.153.</p> <p>Under 34 C.F.R. § 300.152(a), the State must include in its minimum State complaint procedures a time limit of 60 days after the date that the</p>	<p><i>The State's process to calculate the 60-day timeline is inconsistent with 34 C.F.R. § 300.152. Specifically, the State does not use the date of receipt of the complaint by the SEA as the start of the 60-day timeline, rather upon verification by the SEA that the LEA has received the complaint, which does not ensure the timely resolution of State complaints.</i></p> <p>When reviewing the State-submitted documentation, OSEP found that the State's policies and procedures do not contain pertinent information regarding the procedures for documenting when a State complaint has been received, and document the start of the 60-day time limit.</p> <p>OSEP's review of sample letters of receipt sent to complainants included the following, inconsistencies with IDEA:</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State's dispute resolution procedures, procedural safeguards and model forms contain provisions that are inconsistent with 34 C.F.R. § 300.152(a). Specifically, State's dispute resolution procedures, State</p>	<p><b>Policies and Procedures</b>—the State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. A copy of the State's revised State complaint procedures that make clear when the 60-day timeline begins if a complainant has not provided a copy of the complaint to the LEA or public agency serving the child at the same time the complaint is filed with the SEA, or if the SEA is not sure if the LEA was provided a copy of the complaint, as required by 34 C.F.R. §§ 300.152(a)</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>complaint is filed to resolve the complaint. This includes all signed written complaints, including complaints filed electronically, if applicable. The Department interprets this requirement to mean that States must ensure that the 60-day time limit for complaint resolution begins on the date that a complaint is received.</p> <p>Under 34 C.F.R. § 300.152(a) and (b), the State must ensure that its procedures allow for the timely resolution of complaints and are uniformly applied.</p> <p>Under 34 C.F.R. § 300.153(d), the complainant must provide a copy of the complaint to the LEA or public agency serving the child at the same time the complaint is filed with the SEA.</p> <p>See OSEP Dispute Resolution QA, Question B-17.</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>The MDE OSE has sixty (60) calendar days from the date the Complaint is verified by the District to conduct its investigation, review all relevant information, and to render a written Letter of Finding(s) and Decision.</p> <p>Additionally, the State's complaint log contains data fields that include:</p> <ol style="list-style-type: none"> <li>1) date the complaint was received; and</li> <li>2) date the complaint was verified.</li> </ol> <p>According to the State complaint log, the due date for the final decision is dated 60 days from the date the complaint was verified by the school district. OSEP confirmed the State's verification process through a review of the State's complaint logs. The complaint logs revealed that the range of time to that a school district or other public agency took to verify receipt of the complaint ranged from one to 21 days, meaning the 60-day time limit was extended to 81 days in some instances.</p> <p>During discussions with the State, staff reported that the State adopted the procedure to begin the 60-day timeline when the State complaint is "verified by the district" due to complainants' chronic failure to provide copies of the complaints to the school district or other public agency serving the child, as required by the State's procedural safeguards and model forms, consistent with 34 C.F.R. § 300.153(d).</p> <p>The State further explained that when a State complaint is received, the complaint is immediately forwarded to the school district. The 60-day timeline does not begin when the email is sent to the school</p>	<p>complaint model form, letter of receipt to the complainants, or procedural safeguards do not make clear that the 60-day timeline does not begin until the school district or public agency serving the child verifies that the complaint has been received.</p>	<p>and 300.153(d).</p> <p><b>Evidence of Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. If available, copies of letters of receipt, to the complainant, making clear when the timeline begins, if the complaint was not provided to the LEA at the same time the complaint is filed with the SEA.</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>district, rather the timeline begins when the school district verifies receipt of the State complaint. The State's dispute resolution procedures, State complaint model form, letter of receipt to the complainants, or procedural safeguards do not make clear that the 60-day timeline does not begin until the school district or public agency serving the child verifies that the complaint has been <i>received</i>. The State's process unduly inhibits the ability of all parties to understand the timeline and due date for resolution of the State complaint given the range of days that the State takes to verify receipt of the State complaint, and the failure to include this information in the State's dispute resolution procedures and other State documents.</p> <p>Although the IDEA Part B regulations do not specifically address a situation where the complainant only provides the complaint to the SEA and does not also send the complaint to the LEA or public agency serving the child, or if the SEA does not know if the LEA also received the complaint, the State should include the actions that will be taken under these circumstances in the complaint procedures established under 34 C.F.R. § 300.151(a) and provide proper notice of the procedures.</p> <p>The State's complaint procedures should also address how the complainant's failure to provide the required copy to the LEA or public agency serving the child will affect the initiation of the complaint resolution timeline. See OSEP Dispute Resolution QA, Question B-17.</p>		
<b>e. Extensions to the 60-Day</b>	<i>The State does not have written procedures to</i>	OSEP's analysis is based	<b>Policies and Procedures</b> —the

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p><b>Time Limit for State Complaint Resolution</b></p> <p>The IDEA Part B regulations specify two allowable reasons for extending the 60-day time limit for complaint resolution. Under 34 C.F.R. § 300.152(b)(1), the SEA may extend this time limit only if: (1) exceptional circumstances exist with respect to a particular complaint; or (2) the parent (or individual or organization, if mediation or other alternative means of dispute resolution is available to the individual or organization under State procedures) and the public agency involved agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>OSEP has found that the following do not constitute exceptional circumstances that would warrant an extension of the 60-day time limit: State staff shortages or heavy caseloads; school vacations and breaks; the use of mediation or alternative</p>	<p><i>ensure consistent implementation of the process to extend the 60-day resolution time limit, due to exceptional circumstances and does not document the reason for extension of the 60-day timeline to ensure compliance with the allowable reasons in 34 C.F.R. §§ 300.152(b)(1).</i></p> <p>The State's dispute resolution procedures do not include a process to determine if the timeline for the resolution of a State complaint should be extended. In addition, based on a review of State-submitted documentation, specifically the State's letters to the complainant, OSEP found that on several occasions, the State extended the 60-day timeline and did not provide a reason for the extension.</p> <p>For example, the following language was used in a few of the State complaint decision letters OSEP reviewed:</p> <p>In accordance with 34 C.F.R. § 300.152(b)(1); Miss. Admin. Code 7-3:74.19, State Board Policy Chapter 74, Rule 74.19 § 300.152(b)(1), the MDE may also permit an extension of the sixty (60) calendar day time-limit only if exceptional circumstances exist with respect to a particular complaint. The MDE OSE has determined exceptional circumstances exist. Therefore, the MDE is extending the time-limit for this complaint to include an additional 60 calendar days.</p> <p>No further information was provided regarding the reasons for the extensions. OSEP did review the State's complaint log, however the complaint log did not indicate on multiple occasions that an extension</p>	<p>on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State's dispute resolution procedures and other State documents do not include a definition of, or a process to, track the extension of the 60-day time limit to resolve State complaints due to exceptional circumstances, consistent with 34 C.F.R. § 300.152(b)(1).</p>	<p>State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>Written procedures to ensure consistent implementation of the process to extend the 60-day time limit to resolve a State complaint due to exceptional circumstances, consistent with 34 C.F.R. § 300.152(b)(1).</li> <li>A copy of the State's revised dispute resolution procedures that ensures when granting specific extensions of the 60-day timeline for resolving State complaints, the reason for the extension is documented, and compliant with 34 C.F.R. § 300.152(b)(1).</li> </ol> <p><b>Evidence of Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>Documentation that demonstrates that the State has complied with the 60-day time limit for issuing a written decision for a State complaint or an extended</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>dispute resolution without agreement by the parent (or individual or organization under State procedures) and the public agency to extend the 60-day time limit.</p> <p>See OSEP's Dispute Resolution QA, Question B-21.</p> <p>See Appendix for a listing of additional legal requirements</p>	<p>was granted or the reasons for the extension.</p> <p>OSEP guidance has made clear that States need to determine case by case whether it is appropriate to extend the 60-day resolution time limit for a particular complaint due to exceptional circumstances. In addition, OSEP's longstanding position, as discussed in OSEP Dispute Resolution QA, Question B-21, is that State staff shortages or heavy caseloads; school vacations and breaks; the use of mediation or alternative dispute resolution without agreement by the parent (or individual or organization under State procedures) and the public agency to extend the 60- day time limit do not constitute exceptional circumstances that would warrant an extension of the 60-day time limit.</p> <p>Without written procedures for determining when to extend the timeline, and with no tracking of the reason for extensions, the State is unable to ensure that extensions are being implemented in accordance with 34 C.F.R. § 300.152(b)(1)(i),</p>		<p>timeline if exceptional circumstances exist with respect to the particular complaint or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State, as required by 34 C.F.R. § 300.152(b)(1).</p>

## MEDIATION

4.2 Confidentiality of Mediation Discussions	<p><i>The State's mediation forms and Mississippi Code 1972 Annotated (Miss. Code Ann.) § 37-23-141 (July 1, 2024), require parties to sign a confidentiality pledge before participating in mediation, which is inconsistent with the voluntary nature of IDEA's mediation process, and the requirements in 34 C.F.R. § 300.506(b)(8).</i></p> <p>The State has a confidentiality pledge (June 28, 2011) that requires a signature and date. The confidentiality pledge reads:</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State's code at Miss. Code Ann. § 37-23-141(8)</p>	<p><b>Policies and Procedures</b>—the State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. A copy of the State's mediation procedures, and any other State documents related to confidentiality and mediation, revised to be consistent with the requirements in</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>due process complaint, to resolve disputes through a mediation process. If the parties resolve a dispute through the mediation process, the parties must execute a legally binding agreement that sets forth that resolution and that—</p> <p>(1) states that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and</p> <p>(2) is signed by both the parent and a representative of the agency who has the authority to bind the agency.</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>We agree that we will not at any time, before, during, or after mediation, call the mediator or anyone associated with the mediator as a witness in any judicial, administrative, or arbitration proceeding concerning this dispute.</p> <p>This language suggests that the confidentiality pledge must be signed before mediation may begin.</p> <p>In addition, the State's regulation at <i>Miss. Code Ann. § 37-23-141(8)</i> includes language about parties having to sign a confidentiality pledge prior to mediation.</p> <p>(8) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.</p> <p>Under 34 C.F.R. § 300.506(a), States must establish and implement procedures to allow parties to resolve disputes involving any matter under IDEA, including matters arising prior to the filing of a due process complaint, through a mediation process. The public agency must ensure, among other requirements, that the mediation process is voluntary on the part of the parties.</p> <p>34 C.F.R. § 300.506(b)(1)(i).</p> <p>Additionally, mediation may not be used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under 34 C.F.R. § 300.506(b)(1)(ii). The goal of mediation is for the parties to resolve</p>	<p>and mediation procedures requiring parties to sign a mediation confidentiality pledge prior to the commencement of mediation is inconsistent with</p> <p>34 C.F.R. § 300.506(b)(8).</p>	<p>34 C.F.R. § 300.506(b)(8).</p> <ol style="list-style-type: none"> <li>2. A specific written assurance from the State that shows— <ol style="list-style-type: none"> <li>(1) The State will revise the State's code at <i>Miss. Code Ann. § 37-23-141(8)</i>, as soon as possible but in no case later than one year from the date of OSEP's 2025 DMS report, to be consistent with the requirements in 34 C.F.R. § 300.506(b)(8);</li> <li>(2) The State will issue a memorandum or other directive to all LEAs, parent advocacy groups, and other interested parties advising them of the changes proposed to the State regulation and mediation procedures to ensure they are consistent with the IDEA requirements as described above; and</li> <li>(3) The State will comply with 34 C.F.R. § 300.506(b)(8) throughout the FFYs</li> </ol> </li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>disputes and execute legally binding written agreements reflecting that resolution. See OSEP's <a href="#">Letter to Anonymous</a> (July 31, 2020).</p> <p>The requirement that discussions that occur during mediation remain confidential is fully applicable regardless of whether the parties sign a separate confidentiality pledge or agreement prior to commencing the mediation process.</p> <p>While mediation is voluntary on the part of the parties, under IDEA, a public agency may not condition participation in mediation on the parties' signing a confidentiality pledge. While nothing in IDEA is intended to prevent States from allowing parties to sign a confidentiality pledge, public agencies may not condition their participation in mediation on such an agreement, because such a requirement is counter to the voluntary nature of the mediation process.</p>		<p>2025 and 2026 grant periods.</p> <p><b>Evidence of Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. A copy of the finalized changes to the State's code and documentation of the revisions.</li> <li>2. Evidence of training that the State has provided to LEAs to support implementation of the State's policies and procedures, consistent with the IDEA Part B requirements related to confidentiality, as described above.</li> </ol>

#### 4.3 Procedures for Filing a Due Process Complaint

Under 34 C.F.R. § 300.507, the State must adopt written procedures for resolving a due process complaint, including a complaint filed by a parent or a public agency on any of the matters described in 34 C.F.R. § 300.503(a)(1) and (2) (relating to the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child), including the due process complaint and impartial due process hearing and expedited due process hearing requirements in 34 C.F.R. §§ 300.500, 300.507 through 300.518 and 300.532. The due process complaint must allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the due process complaint, or, if the State has an explicit time limitation for filing a due process complaint under this part, in the time allowed by that State law, except that the exceptions to the timeline described in 34 C.F.R. § 300.511(f) apply to the timeline in this section.

a. Parties to a Due Process	The State's due process procedures restrict the	OSEP's analysis is based	Policies and Procedures—the
-----------------------------	---	--------------------------	-----------------------------

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p><b>Complaint</b></p> <p>Under 34 C.F.R. § 300.507(a), a parent or a <i>public agency</i> may file a due process complaint on any of the matters described in 34 C.F.R. § 300.503(a)(1) and (2) (relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of FAPE to the child). (Emphasis added). The due process complaint must allege a violation that occurred not more than two years before the date the parent or <i>public agency</i> knew or should have known about the alleged action that forms the basis of the due process complaint, or, if the State has an explicit time limitation for filing a due process complaint under Part B of the IDEA regulations, in the time allowed by that State law, except that the exceptions to the timeline described in 34 C.F.R. § 300.511(f) of the regulations apply. (Emphasis added).</p> <p>Under 34 C.F.R. § 300.33, the</p>	<p><i>parties subject to the due process complaint. By using the term “school district,” individuals and organizations do not have notice that the IDEA Part B due process procedures are available to resolve allegations against not only LEAs, but also the SEA and other agencies included in the definition of public agency at 34 C.F.R. § 300.33.</i></p> <p>The State’s <a href="#">Procedural Safeguards</a> (July 17, 2013), p. 12, includes the following:</p> <p>You or the school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, or the provision of FAPE to your child.</p> <p>IDEA’s due process complaint and hearing procedures are available to resolve allegations that a <i>public agency</i> violated a requirement of IDEA Part B or its implementing regulations. (Emphasis added). The term <i>public agency</i> as defined in 34 C.F.R. § 300.33, includes not only LEAs, but also the SEA and other agencies.</p>	<p>on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State’s due process complaint procedures apply only to <i>school district</i> rather than all of the entities listed under IDEA’s <i>public agency</i> definition, as required by 34 C.F.R. §§ 300.33 and 300.507.</p>	<p>State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. A copy of the State’s policies and procedures, revised to be consistent with the requirements in 34 C.F.R. §§ 300.33 and 300.507.</li> <li>2. A link to the State’s website where the State has posted a copy of revised procedural safeguards, and any other documents that explain the State’s due process complaint procedures, to ensure wide dissemination to all LEAs, parent advocacy groups, and other interested parties.</li> </ol> <p><b>Evidence of Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. Evidence of any training that the State has provided to LEAs to support implementation of the State’s revised procedural safeguards related to filing a due process complaint, and the requirements in</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>definition of public agency 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>See Appendix for a listing of additional legal requirements.</p>			34 C.F.R. §§ 300.33 and 300.507.
<p><b>b. Model Form for Filing a Due Process Complaint</b></p> <p>Under 34 C.F.R. § 300.509(a), each State must develop model forms to assist parents and other parties in filing a due process complaint in accordance with 34 C.F.R. §§ 300.507(a) and 300.508(a) through (c). However, the SEA or LEA may not require the use of the model forms. Parents, public agencies, and other parties may use the appropriate model form or another form or other document, so long as the form or document that is used meets, as appropriate,</p>	<p><i>The State's model form for filing due process complaints does not clearly state the requirements in 34 C.F.R. § 300.509(a). Specifically, the model form includes data fields that go beyond those required by 34 C.F.R. § 300.508(b), without individually marking the additional information asked for as optional.</i></p> <p>The State has two separate model forms: a due process complaint model form located on the State's website, <a href="#">Due Process Complaint Model Form</a> (Aug. 31, 2011) (due process model form); and a separate due process complaint model form embedded in the State's dispute resolution procedures on p.56 (DR.D). The State's model forms include several content requirements for filing a due process complaint that are not required under IDEA Part B and do not specify that each additional item is optional.</p> <p>The additional components on the State's due</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State's model forms for filing a due process complaint are inconsistent with 34 C.F.R. § 300.508(a). Specifically, the model forms for filing a due process complaint include information, beyond what is required by 34 C.F.R. § 300.508(b),</p>	<p><b>Policies and Procedures</b>—the State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. A copy of the State's revised model forms, and any other State documents that contain references to additional information for filing a due process complaint, which clearly mark as optional any information requested that is not required by 34 C.F.R. § 300.508(b).</li> <li>2. Evidence that the State has posted the revised model form on the State's website and other appropriate methods to ensure wide</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>the content requirements in 34 C.F.R. § 300.508(b) for filing a due process complaint.</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>process model form that are not marked as optional include:</p> <ol style="list-style-type: none"> <li>1. name, address, phone number and email address of the parent;</li> <li>2. indicating if the requesting party is also requesting mediation; and</li> <li>3. the signature of parent.</li> </ol> <p>The additional components on the State's due process complaint model form embedded in the dispute resolution procedures, p. 56 (DR.D) that are not marked as optional include:</p> <ol style="list-style-type: none"> <li>1. family's information, including,             <ol style="list-style-type: none"> <li>a. the parent's name and address</li> <li>b. the parent's email address</li> <li>c. the parent's phone number</li> </ol> </li> <li>1. indicating if the filing party is also requesting mediation; and</li> <li>2. the signature of the complainant.</li> </ol> <p>OSEP notes that the complainant's name and contact information are required. So, if the complainant is the parent, contact information is required, but is optional if the complainant is someone other than the parent.</p> <p>Additionally, although the following elements included on both forms are marked with an asterisk symbol, the forms do not indicate that these items are optional:</p> <ol style="list-style-type: none"> <li>1. address and phone number if not the parent;</li> </ol>	<p>and do not individually mark the items as optional.</p>	<p>dissemination to all LEAs, parent advocacy groups, and other interested parties.</p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>and</p> <p>2. position/role (if not the parent).</p> <p>Both forms also include a footnote with an asterisk symbol that states the following:</p> <p>If another individual representing the parent (e.g., attorney) completes this form on the parent's behalf, this form must be submitted with written authorization for representation signed by the parent.</p> <p>The additional information listed on the model forms that are not marked as optional may limit a parent or public agencies ability to file a due process complaint. Further, the SEA could inappropriately dismiss complaints that do not include the additional information, but otherwise meet IDEA's filing requirements.</p> <p>An SEA may <i>request</i> information not required by 34 C.F.R. § 300.508(b) but may not <i>require</i> the information to process the due process complaint. 34 C.F.R. § 300.508(b). In addition, the State must ensure that the failure to provide the additional information does not delay the resolution of the complaint.</p> <p>OSEP notes that the content in the State's regulations dispute resolution procedures related to State complaints on p. 15, and the State's <a href="#">Procedural Safeguards</a> (Dec. 17, 2013), Chapter 8, p. 12, that details the requirements for filing a State complaint is consistent with 34 C.F.R. § 300.153(b).</p>		
<b>c. Timely Issuance and</b>	<i>The State is not ensuring that the hearing officers'</i>	OSEP's analysis is based	<b>Policies and Procedures</b> —the

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p><b>Implementation of Due Process Hearing Decisions</b></p> <p>Under 34 C.F.R. §§ 300.511 through 300.514, due process hearing decisions must be implemented within the timeframe prescribed by the hearing officer, or if there is no timeframe prescribed by the hearing officer, within a reasonable timeframe set by the State. The SEA, pursuant to its general supervisory responsibility under 34 C.F.R. §§ 300.149 and 300.600, must ensure that the public agency involved in the due process hearing implements the hearing officer's decision in a timely manner, unless either party appeals the decision.</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p><i>decisions are being issued and implemented in a timely manner, as required by 34 C.F.R. §§ 300.149, 300.511 through 300.514, and 300.600.</i></p> <p>OSEP reviewed State submitted documentation, including a sample of the due process complaints filed with the State and a log used for tracking the timelines of all due process complaints filed. However, the date(s) that the hearing officer decision was implemented is not included in the tracking system. During interviews with OSEP, the State acknowledged the deficiencies of the tracking system and explained that they are developing a tracking system to capture the Section 618 information and timely administration of the hearing officer decisions. The State also acknowledged that their tracking process to ensure that the hearing officer decisions are being implemented in a timely manner were informal (i.e., handwritten notes in a folder at times or added to their informal tracker), and that the new tracking system they are working on would account for extensions as well.</p> <p>During discussions with OSEP, the State confirmed that timelines for due process complaints are tracked in each individual file, including completion of corrective actions. The State reported that the tracking form has not been consistently used as a mechanism to track the implementation of the due process hearing decisions.</p> <p>Based on a review of documents and discussions with the State, OSEP concluded that the State does not have an effective mechanism in place to ensure that the public agency involved in the due process hearing is implementing the hearing officer's</p>	<p>on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State does not have a mechanism in place to ensure that due process hearing decisions have been timely issued and implemented within the timeframe prescribed by the hearing officer, or if there is no timeframe prescribed by the hearing officer, within a reasonable time set by the State, as required under 34 C.F.R. §§ 300.149, 300.511 through 300.515, and 300.600.</p>	<p>State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. Revised policies and procedures which demonstrate that the State has a mechanism to: <ol style="list-style-type: none"> <li>a. Track the issuance and implementation of the final due process hearing decisions; and</li> <li>b. Monitor LEAs to ensure final due process hearing decisions are implemented within the timeframe prescribed by the hearing officer, or if there is no timeframe prescribed by the hearing officer, within a reasonable timeframe set by the State in accordance with the requirements in 34 C.F.R. §§ 300.149, 300.511 through 300.514, and 300.600.</li> </ol> </li> </ol> <p><b>Evidence of Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. Evidence of the State's tracking mechanism and</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>decision in a timely manner, as required by under 34 C.F.R. §§ 300.149 and 300.600.</p> <p>To ensure that children with disabilities are provided a free appropriate public education (FAPE) without undue delay, due process hearing decisions must be implemented within the timeframe prescribed by the hearing officer, or if there is no timeframe prescribed by the hearing officer, within a reasonable timeframe consistent with 34 C.F.R. §§ 300.511 through 300.514, unless either party appeals the decision.</p>		<p>monitoring activities which ensure due process hearing decisions are being implemented in a timely manner, in accordance with the requirements in 34 C.F.R. §§ 300.149, 300.511 through 300.514, and 300.600.</p> <p>2. Evidence of any training that the State has provided to hearing officers to support implementation of the IDEA requirements as described above.</p>
<p><b>d. Extensions to the Due Process Hearing and Expedited Due Process Hearing Timelines</b></p> <p>Under 34 C.F.R. § 300.510(b)(1), if the LEA has not resolved the due process complaint to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur. Under 34 C.F.R. § 300.510(c), the 30-day resolution period may be adjusted to be shorter or longer if one of the</p>	<p><i>The State does not have policies and procedures to ensure due process hearings or expedited due process hearings meet required timelines under 34 C.F.R. §§ 300.510 and 300.532(c)(2).</i></p> <p>OSEP's review of the due process case files found that hearing officers granted extensions of the due process hearing timeline when neither party requested an extension of time, which is inconsistent with the requirements in 34 C.F.R. § 300.515(a) and (c).</p> <p>In one example, a hearing officer dismissed a due process complaint due to the student being 21 years of age at the time of filing, which is inconsistent with the requirements in 34 C.F.R. § 300.507(a)(2).</p> <p>In another example, a hearing officer failed to conduct an expedited due process hearing when the complainant filing clearly indicated that the due</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State does not have procedures to ensure the timely resolution of due process complaints, and to ensure due process hearing decisions are implemented within the timeframe prescribed by the hearing officer, or if there is no timeframe prescribed by</p>	<p><b>Policies and Procedures</b>—the State must submit to OSEP by Oct. 21, 2025:</p> <p>1. Updated policies and procedures that ensure timely resolution of due process complaints and expedited due process complaints revised to be consistent with the requirements in 34 C.F.R. §§ 300.510 and 300.532(c)(2).</p> <p><b>Evidence of Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must</p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>circumstances identified in that paragraph are present.</p> <p>Under 34 C.F.R. § 300.515(a), the public agency must ensure that not later than 45 days after the expiration of the 30-day resolution period under 34 C.F.R. § 300.510(b), or the adjusted time periods described in 34 C.F.R. § 300.510(c), a final decision is reached in the hearing; and a copy of the decision is mailed to the parties, unless, under 34 C.F.R. § 300.515(c), a hearing officer grants a specific extension of the 45-day timeline at the request of either party.</p> <p>Under 34 C.F.R. § 300.532(c)(1), whenever a hearing is requested under 34 C.F.R. § 300.532(a), the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of 34 C.F.R. §§ 300.507, 300.508(a) through (c), and</p>	<p>process complaint was related to a change in the child's educational placement as a result of a disciplinary matter, which is inconsistent with the requirements in 34 C.F.R. § 300.532(a).</p> <p>Finally, a hearing officer extended the timeline for a due process hearing due to pre-existing commitments on the part of the hearing officer and needed more time to accommodate the scheduling issues, which is inconsistent with 34 C.F.R. § 300.515(c).</p> <p>The timelines for due process hearings and reviews described in 34 C.F.R. § 300.515(a) and (b) may only be extended if a hearing officer or reviewing officer exercises the authority to grant a specific extension of time at the request of a party to the hearing or review, consistent with 34 C.F.R. § 300.515(c).</p> <p>Under IDEA and reaffirmed in OSEP's Dispute Resolution QA, Question C-22, a hearing officer may not unilaterally extend the 45-day due process hearing timeline. In addition, a hearing officer may not extend the hearing decision timeline for an unspecified time period, even if a party to the hearing requests an extension but does not specify a time period for the extension.</p> <p>Likewise, a reviewing officer may not unilaterally extend the 30-day timeline for reviewing the hearing decision. Finally, a reviewing officer may not extend the review decision timeline for an unspecified time period, even if a party to the review requests an extension but does not specify a time period for the extension.</p>	<p>the hearing officer, within a reasonable timeframe set by the State, consistent with 34 C.F.R. § 300.510 and 300.532(c)(2).</p>	<p>submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. A copy of a memorandum or other directive to all LEAs, parent advocacy groups, and other interested parties advising them of the changes to the State due process and expedited due process procedures to ensure consistency with 34 C.F.R. §§ 300.510 and 300.532(c)(2).</li> <li>2. Evidence of any training that the State has provided to hearing officers to support implementation of the IDEA requirements as described above.</li> </ol>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>34 C.F.R. §§ 300.510 through 300.514, except as provided in 34 C.F.R. § 300.532(c)(2) through (4).</p> <p>Under 34 C.F.R. § 300.532(c)(2), the SEA or LEA is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the due process complaint requesting the hearing is filed. The hearing officer must make a determination within 10 school days after the hearing.</p> <p>See OSEP Dispute Resolution QA, Question C-22.</p> <p>See Appendix for a listing of additional legal requirements.</p>			
<p><b>d. Impartial Due Process Hearing Officer Knowledge</b></p> <p>Under 34 C.F.R. § 300.511(c)(1)(ii)-(iv), a hearing officer also must: (1) possess knowledge of, and the ability to understand, the provisions of the IDEA, Federal and State regulations pertaining to the IDEA, and legal</p>	<p><i>The State does not ensure that hearing officers possess knowledge of, and the ability to understand the provisions of IDEA, as well as the knowledge and ability to conduct hearings, and render and write decisions, in accordance with IDEA Part B and other appropriate, standard legal practice, as required by 34 C.F.R. § 300.511(c)(1)(ii)-(iv).</i></p> <p>The State submitted one agenda from a Center for Alternative Dispute Resolution workshop from February 2024 as evidence of training for hearing officers. A blank certificate of attendance was also submitted, however, no documentation</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State does not ensure that hearing officers contracted by the State meet the minimum</p>	<p><b>Policies and Procedures</b>—the State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. Updated policies and procedures for impartial due process hearing officers, revised to be consistent with 34 C.F.R. § 300.511(c)(1)(ii)-(iv).</li> </ol> <p><b>Evidence of</b></p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>interpretations of the IDEA by Federal and State courts; (2) possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and (3) possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>demonstrating that the hearing officers attended the State's training was submitted. During discussion with the State, no additional documentation was available to verify the attendance of hearing officers at the State's training. The State confirmed that there was no evidence to document additional trainings made available to the hearing officers even though additional opportunities have been afforded to them.</p>	<p>qualifications, as required under 34 C.F.R. § 300.511(c)(1)(i)-(iv).</p> <p>Specifically, the State does not ensure that hearing officers:</p> <ol style="list-style-type: none"> <li>1) Possess knowledge of, and the ability to understand, the provisions of the IDEA, Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts;</li> <li>2) Possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and</li> <li>3) Possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.</li> </ol>	<p><b>Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. Documentation and participation logs of annual, or more frequent, trainings the State held with hearing officers on: <ol style="list-style-type: none"> <li>a. the provisions of IDEA Part B as required under 34 C.F.R. § 300.511(c)(1)(ii)-(iv), Federal and State regulations pertaining to IDEA Part B, and legal interpretations of the IDEA Part B by Federal and State courts;</li> <li>b. the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and</li> <li>c. the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.</li> </ol> </li> </ol>

## DISCIPLINE AND BEHAVIOR

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p><b>5.1 SEA Responsibility for Monitoring: Discipline Procedures</b></p> <p>To effectively monitor the implementation of IDEA Part B requirements, the State must have a system that is reasonably designed to ensure that the State can meet its general supervisory responsibility for monitoring the provision of IDEA Part B services as required under 34 C.F.R. §§ 300.149 and 300.600 through 300.602. Specifically, under 34 C.F.R. §§ 300.149(b), the State must have in effect policies and procedures to ensure that it complies with the monitoring and enforcement requirements in 34 C.F.R. §§ 300.600 through 300.602 and 300.606 through 300.608. The SEA, pursuant to its general supervisory responsibility in 34 C.F.R. §§ 300.149, and</p>	<p><i>The State does not have a reasonably designed general supervision system to effectively ensure the IDEA Part B discipline procedures under 34 C.F.R. §§ 300.530 through 300.536. Specifically, the State does not have policies and procedures that ensure the discipline procedures under 34 C.F.R. §§ 300.530 through 300.536 are carried out through the monitoring and enforcement requirements in 34 C.F.R. §§ 300.149, 300.600 through 300.602, and 300.606 through 300.608.</i></p> <p>The State was unable to provide evidence of any monitoring conducted to ensure the implementation of those policies and procedures, although the State did review the policies and procedures currently in place for discipline. During discussions with OSEP, the State confirmed that the State's LEA monitoring discipline procedures has not been consistently implemented over the past three years. The State was unable to verify how LEAs were monitored in 2020-2021 and 2021-2022, including discipline requirements. While the State conducted monitoring in 2022-2023 and 2023-2024, the State is still in the process of completing the monitoring process with LEAs. See the Monitoring and Improvement section of this report for additional information about the State's programmatic monitoring.</p> <p>The State recently provided evidence that issued monitoring reports have been issued for the 2022-2023 school year and indicated that the State is in the process of reviewing the monitoring data from 2023-</p>	<p>OSEP's analysis is based on a review of the documents and information provided by the State, and interviews with State staff and other interested parties. Based on this analysis, OSEP finds that:</p> <p>The State was unable to provide evidence of the implementation of the State's responsibility for programmatic monitoring under IDEA Part B that demonstrates compliance with the monitoring and enforcement requirements in 34 C.F.R. §§ 300.149, 300.600 through 300.602, and 300.606 through 300.608.</p> <p>Specifically, the State's system is designed to only identify LEAs that have a significant discrepancy in the rates of long-term suspensions and expulsions and is not designed to provide oversight of IDEA Part B discipline procedures addressed under</p>	<p><b>Policies and Procedures</b>—the State must submit to OSEP by Oct. 21, 2025:</p> <ol style="list-style-type: none"> <li>1. Updated policies and procedures revised to be consistent with the IDEA monitoring and enforcement requirements in 34 C.F.R. §§ 300.149, 300.600 through 300.602, and 300.606 through 300.608, and the discipline procedures addressed under 34 C.F.R. §§ 300.530 through 300.536.</li> </ol> <p><b>Evidence of Implementation</b>—as soon as possible, but no later than July 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> <li>1. Evidence of programmatic monitoring that addresses the IDEA discipline procedures addressed under 34 C.F.R. §§ 300.530 through 300.536.</li> </ol>

<b>Legal Requirements</b>	<b>Noncompliant Policy, Procedure or Practice and OSEP Analysis</b>	<b>OSEP Conclusion/Finding</b>	<b>Next Steps/Required Actions</b>
<p>300.600 through 300.602 must ensure the implementation of discipline procedures addressed under 34 C.F.R. §§ 300.530 through 300.536.</p> <p>See also OSEP QA 23-01, Questions A-1 and A-2.</p> <p>See Appendix for a listing of additional legal requirements.</p>	2024.	34 C.F.R. §§ 300.530 through 300.536.	Evidence may include notification letters, tools to conduct the monitoring, monitoring reports, letters of findings, technical assistance, examples of finding close-out and verification of correction, or other supporting documentation used to ensure LEAs are implementing IDEA discipline procedures addressed above.

## APPENDIX

---

### Monitoring and Improvement Legal Requirements

In order to effectively monitor the implementation of IDEA Part B, the State must have policies and procedures that are reasonably designed to ensure that the State can meet:

1. The general supervisory responsibility as required in 34 C.F.R. § 300.149;
2. The monitoring responsibilities in 34 C.F.R. §§ 300.600 through 300.602; and
3. The responsibility to annually report on the performance of the State and of each LEA, as provided in 34 C.F.R. § 300.602(b)(1)(i)(A) and (b)(2).

A State's monitoring responsibilities include monitoring LEAs' compliance with the requirements of IDEA Part B underlying the SPP/APR indicators, to ensure that the SEA can effectively carry out its general supervision responsibility under IDEA Part B, consistent with 34 C.F.R. § 300.149(a).

Under 34 C.F.R. § 300.600(b), the State's monitoring activities must primarily focus on:

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

In exercising its monitoring responsibilities under 34 C.F.R. § 300.600(d), the State also must ensure that when it identifies noncompliance with IDEA Part B requirements by LEAs, the noncompliance is corrected as soon as possible, and in no case later than one year after the State's identification of the noncompliance.

34 C.F.R. § 300.600(e).

Further, under 34 C.F.R. § 300.149(b), the State must have in effect policies and procedures to ensure compliance with the monitoring and enforcement requirements in 34 C.F.R. §§ 300.600 through 300.602 and 300.606 through 300.608.

In addition, under 34 C.F.R. § 300.600(a)(1), the State must monitor the implementation of IDEA Part B, and under 34 C.F.R. § 300.600(a)(4) must report annually on the performance of the State and each LEA on the targets in the State's Performance Plan. As a part of the monitoring responsibilities under these provisions, the State must use quantifiable and qualitative indicators in the priority areas identified in 34 C.F.R. § 300.600(d) and the SPP/APR indicators established by the Secretary, consistent with 34 C.F.R. § 300.600(c). Each State also must use the targets established in the State's performance plan under 34 C.F.R. § 300.601 and the priority areas described in 34 C.F.R. § 300.600(d) to analyze the performance of each LEA. 34 C.F.R. § 300.602.

### Data Legal Requirements

To meet the data reporting requirements of IDEA Sections 616 and 618 and 34 C.F.R. §§ 300.601(b) and 300.640 through 300.646, the State must have a data system that is reasonably designed to collect and report valid and reliable data and information to the Department and the public in a timely manner and ensure that the data collected and reported reflects actual practice and performance.

## **Fiscal Management Legal Requirements**

Under the IDEA and the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), SEAs are responsible for oversight of the operations of IDEA-supported activities. Each SEA must monitor its own activities, and those of its LEAs, to ensure compliance with applicable Federal requirements and that performance expectations are being achieved. Specifically, the SEA must ensure that every subaward is clearly identified to the subrecipient as a subaward and includes required information at the time of the subaward. 2 C.F.R. § 200.332(b). The SEA also must evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring.

2 C.F.R. § 200.332(c). The monitoring activities must ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. 2 C.F.R. § 200.332(e); also see 34 C.F.R. §§ 300.149 and 300.600. In addition, the SEA must evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward, for the purposes of determining the appropriate subrecipient monitoring. 2 C.F.R. § 200.332(c). The SEA's monitoring activities also must verify that every subrecipient is audited in accordance with the Uniform Guidance and must consider enforcement actions against noncompliant subrecipients as required under the Uniform Guidance and IDEA. 2 C.F.R. §§ 200.339 and 200.332(f) and (h); 34 C.F.R. §§ 300.149, 300.600, and 300.604. Further, under 2 C.F.R. § 200.303, the SEA must establish effective internal controls that provide reasonable assurance of compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, and the SEA must monitor its compliance with the requirements of the Federal award.

## **Dispute Resolution Legal Requirements**

The State must have reasonably designed dispute resolution procedures and practices if it is to effectively implement:

1. The State complaint procedures requirements in 34 C.F.R. §§ 300.151 through 300.153;
2. The mediation requirements in 34 C.F.R. § 300.506; and
3. The due process complaint and impartial due process hearing and expedited due process hearing requirements in 34 C.F.R. §§ 300.500, 300.507 through 300.518 and 300.532.

### ***Mediation***

Under 34 C.F.R. § 300.506(a), each SEA must ensure that procedures are established and implemented to allow parties to dispute involving any matter under this part, including matters arising prior to the filing of a due process complaint, to resolve disputes through a mediation process. Under 34 C.F.R. § 300.506(b)(1), the State's procedures must ensure that the mediation process:

1. Is voluntary on the part of the parties;
2. Is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under IDEA Part B; and
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

Under 34 C.F.R. § 300.506(c)(1)(i)–(ii), an individual who serves as a mediator may not be an employee of the SEA or the LEA that is involved in the education or care of the child and must not have a personal or professional interest that conflicts with the person's objectivity.

### ***State Complaint Procedures***

Under 34 C.F.R. § 300.151, each SEA must adopt written procedures for resolving any complaint, including a complaint filed by an organization or individual from another State, that meets the requirements of 34 C.F.R. § 300.153. Under 34 C.F.R. § 300.153, the complaint, among other requirements, must be signed and written and contain a statement alleging that a public agency has violated a requirement of Part B of the Act or the Part B regulations, including the facts on which the statement is based. Under 34 C.F.R. § 300.153(c), the complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received. Under 34 C.F.R. § 300.152(a), the minimum State complaint procedures must include a time limit of 60 days after the complaint is filed to:

1. Carry out an on-site investigation, if the SEA determines that an investigation is necessary;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the public agency with the opportunity to respond to the complaint, including, at a minimum—
  - a. At the discretion of the public agency, a proposal to resolve the complaint; and
  - b. An opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation consistent with 34 C.F.R. § 300.506;
4. Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of IDEA Part B or of this part; and
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains—
  - a. Findings of fact and conclusions; and
  - b. The reasons for the SEA's final decision.

Under 34 C.F.R. § 300.152(b)(1), the State's procedures must permit an extension of the 60-day time limit only if:

1. Exceptional circumstances exist with respect to a particular complaint, or
2. The parent (or individual or organization, if mediation or other alternative means of dispute resolution is available to the individual or organization under State procedures) and the public agency involved agree to extend the time to engage in mediation under 34 C.F.R. § 300.152(a)(3)(ii), or to engage in other alternative means of dispute resolution, if available in the State.

### ***Due Process Complaint and Hearing Procedures: Resolution Process***

Under 34 C.F.R. § 300.510(a), the LEA must convene a resolution meeting within 15 days of receiving notice of the parent's due process complaint, and prior to the initiation of a due process hearing under 34 C.F.R. § 300.511. Under 34 C.F.R. § 300.510(a)(3), the resolution meeting need not be held if the parent and the LEA agree in writing to waive the meeting; or the parties agree to use the mediation process described in 34 C.F.R. § 300.506.

Under 34 C.F.R. § 300.510(b)(1), if the LEA has not resolved the due process complaint to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur. Under 34 C.F.R. § 300.510(c), the 30-day resolution period may be adjusted to be shorter or longer if one of the circumstances identified in that paragraph are present. Under 34 C.F.R. § 300.515(a), the public agency must

ensure that not later than 45 days after the expiration of the 30-day resolution period under 34 C.F.R. § 300.510(b), or the adjusted time periods described in 34 C.F.R. § 300.510(c), a final decision is reached in the hearing; and a copy of the decision is mailed to the parties, unless, under 34 C.F.R. § 300.515(c), a hearing officer grants a specific extension of the 45-day timeline at the request of either party.

### ***Expedited Due Process Complaint and Hearing Procedures***

Under 34 C.F.R. § 300.532(a), the parent of a child with a disability who disagrees with any decision regarding placement under 34 C.F.R. §§ 300.530 and 300.531, or the manifestation determination under 34 C.F.R. § 300.530(e), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to 34 C.F.R. §§ 300.507 and 300.508(a) and (b). Under 34 C.F.R. § 300.532(c)(1), whenever a hearing is requested under 34 C.F.R. § 300.532(a), the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of 34 C.F.R. §§ 300.507, 300.508(a) through (c), and 34 C.F.R. §§ 300.510 through 300.514, except as provided in 34 C.F.R. § 300.532(c)(2) through (4). Under 34 C.F.R. § 300.532(c)(2), the SEA or LEA is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the due process complaint requesting the hearing is filed. The hearing officer must make a determination within 10 school days after the hearing.

Under 34 C.F.R. § 300.532(c)(3), a resolution meeting must occur within seven days of receiving notice of the due process complaint, unless the parties agree in writing to waive the meeting or agree to use mediation. Under 34 C.F.R. § 300.532(c)(4), a State may establish different procedural rules for expedited due process hearings than it has established for other due process hearings, but, except for the timelines as modified in 34 C.F.R. § 300.532(c)(3) (governing the resolution process), the State must ensure that the requirements in 34 C.F.R. §§ 300.510 through 300.514 are met.

### **Discipline Legal Requirements**

IDEA entitles each eligible child with a disability to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet the child's unique needs. Under 34 C.F.R. §§ 300.17 and 300.320 through 300.324, the primary vehicle for providing FAPE is through an appropriately developed individualized educational program (IEP) that is based on the individual needs of the child. In the case of a child whose behavior impedes the child's learning or that of others, the IEP Team must consider – and, when necessary to provide FAPE, include in the IEP – the use of positive behavioral interventions and supports (PBIS), and other strategies, as described under 34 C.F.R. §§ 300.324(a)(2) and (b)(2); and 300.320(a)(4). Under 34 C.F.R. §§ 300.530 through 300.537, in situations where a child with a disability<sup>4</sup> violates a school's code of student conduct that results in proposed disciplinary action, such as suspension, expulsion, or placement in an interim alternative educational setting, IDEA's discipline provisions would apply. Finally, under 34 C.F.R. §§ 300.149, 300.600 through 300.604, and 300.608, States must ensure that Part B requirements are implemented through the development of a reasonably designed State general supervision system.

---

<sup>4</sup> Under 34 C.F.R. § 300.534, there are some circumstances when IDEA's discipline protections would apply to children not yet determined eligible for special education and related services.