

STATE	INDIANA
DATE	MAY 23, 2025
IDEA	PART B
CONTENTS	LETTER.....1
	MONITORING AND IMPROVEMENT5
	FISCAL MANAGEMENT8
	DISPUTE RESOLUTION12
	DISCIPLINE AND BEHAVIOR.....18
	SIGNIFICANT DISPROPORTIONALITY24
	APPENDIX.....30



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

DIRECTOR

May 23, 2025

By Email

Honorable Katie Jenner
Secretary of Education
Indiana Department of Education
200 West Washington Street, Suite 228
Indianapolis, Indiana 46204

Email: kjenner@doe.in.gov

Dear Secretary Jenner:

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 process¹ 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
- Significant Disproportionality
- Discipline

This DMS monitoring report summarizes OSEP's review of IDEA Part B requirements regarding these monitoring priorities and components. OSEP conducted virtual interviews with representatives from the State educational agency (SEA) the Indiana Department of Education (IDOE) in August 2024. The interviews included staff from across IDOE offices Academics; Information Technology (IT); Finance and Operations,

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

Student Pathways and Opportunities; External Affairs and Partnerships; and Legal. However, interviews were concentrated with the Office of Special Education in the Academics Office. In addition to staff interviews, OSEP reviewed publicly available information, policies, procedures, and other related documents the State submitted to OSEP. Finally, OSEP solicited feedback from various groups of interested parties 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. In addition, on August 26, 2024, the Department’s Office of Special Education and Rehabilitative Services (OSERS) issued a program determination letter (PDL) resolving an audit finding related to IDEA Part B. However, OSERS noted that because Finding 2023-028 involved subrecipient monitoring that was also to be addressed through DMS, OSERS would address this finding through this DMS report. The findings below include one issue identified by the auditors requiring further corrective actions. All other findings in the PDL are resolved with no further corrective actions required.

OSEP has not identified any noncompliance with the data component, therefore, this component is not included in the narrative below. 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.

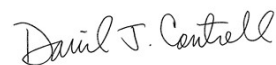
Summary of Monitoring Priorities and Outcomes

MONITORING COMPONENT	FINDINGS SUMMARY
1. Monitoring and Improvement	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, 300.600 through 300.602, and 300.606 through 300.608.
2. Fiscal Management: Subrecipient Monitoring	2.1 OSEP finds that the State’s grant award notifications do not include the required information consistent with the requirements in 2 C.F.R. § 200.332(a) (1)(xi). 2.2 OSEP finds that the State does not have a system for notifying LEAs of any noncompliance with these requirements or a mechanism to track correction of the noncompliance, as required by 2 C.F.R. § 200.332(d) and 34 C.F.R. §§ 300.149, 300.600 through 602, and 300.604.
3. Dispute Resolution	3.1 OSEP finds that the State’s regulations and State complaint procedures contain provisions that are inconsistent with 34 C.F.R. §§ 300.33 and 300.153(b).
4. Discipline	4.1 OSEP finds that the State was unable to provide evidence of the implementation of programmatic monitoring under IDEA Part B that demonstrates compliance with the monitoring and

MONITORING COMPONENT	FINDINGS SUMMARY
	<p>enforcement requirements in 34 C.F.R. §§ 300.149, 300.600 through 300.602, and 300.606 through 300.608.</p> <p>4.2 OSEP finds that the State does not review, and if appropriate revise, (or require the affected State agency or LEA to revise) policies, procedures, and practices of LEAs identified as having a significant discrepancy in the rate of long-term suspensions and expulsions in a school year for children with individualized education programs (IEPs) as required by 34 C.F.R. § 300.170(b), and as such, does not have a mechanism for identifying systemic noncompliance as required by the SPP/APR Measurement Table under Indicator 4.</p>
5. Significant Disproportionality	<p>5.1 OSEP finds that the State does not have a reasonably designed general supervision system to ensure the implementation of the IDEA Part B significant disproportionality requirements in 34 C.F.R. § 300.646(c).</p> <p>5.2 OSEP finds that the State does not have a mechanism in place to ensure the factors contributing to significant disproportionality based on race and ethnicity are linked to the appropriate activities in carrying out comprehensive coordinated early intervening services (CCEIS) in an LEA, as required under 34 C.F.R. § 300.646(d).</p> <p>5.3 OSEP finds that the State does not have a reasonable standard in place for demonstrating or determining whether an LEA is making reasonable progress in lowering the risk ratio or alternate risk ratio for a specific group or category that is based on the advice from stakeholders and other interested parties in accordance with 34 C.F.R. § 300.647(b)(1)(iii)(A).</p>

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 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>1.1 SEA Responsibility for Monitoring</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.</p> <p>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.</p> <p>See also OSEP’s Question and Answer document 23-01, State General Supervision Responsibilities under Parts B and C of the IDEA: Monitoring,</p>	<p><i>The State limits the scope of programmatic monitoring to the SPP/APR indicators, when evaluating and examining LEAs’ compliance with IDEA, which does not meet the requirements in 34 C.F.R. §§ 300.149, and 300.600 through 300.602, and 300.606 through 300.608.</i></p> <p>During interviews with OSEP, the State acknowledged that the State’s monitoring has been limited to the annual review of SPP/APR indicators when evaluating the compliance of districts with the IDEA Part B requirements. The State is in the process of developing a new cyclical, risk-based monitoring system, with plans to fully implement in January 2025. Under the new system, the State will monitor each LEA at least once every six years through a tiered intensive process, based on the results of each LEAs annual risk assessment.</p> <p>At the time of OSEP’s monitoring the State was unable to provide evidence of the full implementation of the proposed monitoring process. However, the State piloted the system during Federal fiscal year (FFY) 2023 using three high-risk LEAs. In addition, the State provided OSEP with copies of the formal communications with the pilot LEAs. The State is also making additional updates to internal policies, procedures, protocols, and communications, in an effort to improve the State’s monitoring practices.</p> <p>Based on the available information at the time of OSEP’s monitoring, the State’s current monitoring process is restricted to the SPP/APR indicators and</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, 300.600 through 300.602, and 300.606 through 300.608.</p> <p>Specifically, the State only identifies noncompliance with IDEA Part B requirements included in SPP/APR indicators, rather than all IDEA Part B requirements.</p>	<p>Policies and Procedures—the State must submit to OSEP by August 19, 2025:</p> <ol style="list-style-type: none"> Updated written policies and procedures which provide a description of the State’s programmatic monitoring under IDEA Part B that demonstrate 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, including monitoring beyond the SPP/APR indicators. <p>Evidence of Implementation—as soon as possible, but no later than May 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> Evidence that the State has policies and procedures in effect and being implemented in compliance with the

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>Technical Assistance, and Enforcement (July 24, 2023) (OSEP QA 23-01).</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>does not include any process for determining if services have been provided consistent with the IEP, whether a free appropriate public education (FAPE) is being provided, or if the LEAs' process for child find and evaluation are consistent with IDEA. However, as described to OSEP, the State's risk-based system should provide the State with the information necessary to exercise its responsibility for programmatic monitoring under IDEA Part B and ensure appropriate monitoring, technical assistance (TA), and enforcement regarding LEA's compliance with IDEA Part B.</p> <p>As discussed in OSEP QA 23-01, Question A-4, solely relying on an LEA's performance on the SPP/APR indicators does not constitute a reasonably designed general supervision system. While the SPP/APR indicators were designed to measure important aspects of State compliance with, and performance under, IDEA, some requirements related to the fundamental rights of children with disabilities and their families are not represented in the indicators. For example, the SPP/APR does not measure the extent to which children with disabilities are receiving the IDEA services as specified in their IEPs, or the provision of IDEA services for children with disabilities residing in nursing homes or correctional facilities.</p>		<p>monitoring and enforcement requirements, as described under the corrective action above.</p> <p>Examples of evidence of implementation, including monitoring beyond the SPP/APR indicators, could include completed monitoring reports, checklists or other tools developed by the State to document monitoring activities, and any letters of findings and documentation to verify the correction of any noncompliance that the State has developed and implemented.</p>

RECOMMENDATIONS

During interviews with OSEP, the State described the process to notify LEAs of identified noncompliance and the requirements to achieve timely correction of the noncompliance. While OSEP did not identify inconsistencies with IDEA regarding the elements of a written notification of noncompliance, however, the required elements were disbursed throughout multiple documents, which could reduce clarity, consistency, and cohesion between notifications and documents that are addressing the same issue(s) of noncompliance. Therefore, the State must ensure, that any revisions to the LEAs notifications about the identification and timely correction of noncompliance remain consistent with OSEP QA 23-01, Question B-6.

For a State to ensure proper notice to LEAs and promote the timely correction of noncompliance, the finding should include:

- A description of the identified noncompliance;
- The statutory or regulatory IDEA requirement(s) with which the LEA is in noncompliance;
- A description of the quantitative and/or qualitative data (i.e., information supporting the State's conclusion that there is noncompliance);
- A statement that the noncompliance must be corrected as soon as possible, and in no case later than one year from the date of the State's written notification of noncompliance;
- Any required corrective action(s); and
- A timeline for submission of a corrective action plan or evidence of correction.

Additionally, OSEP encourages the State to be consistent in iterations and reiterations of all notifications of noncompliance and subsequent documentation that identifies and approves corrective actions, tracks those corrective actions, and approves the timely correction of the noncompliance. For example, when an LEA submits a corrective action plan or when the State verifies correction of a finding of noncompliance, the correspondence to the LEA should reference the above criteria to ensure clarity and consistency of the issue(s) being addressed.

FISCAL MANAGEMENT

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>2.1 Grant Award Notifications</p> <p>Under 2 C.F.R. § 200.332(a), all pass-through entities must ensure that every subaward is clearly identified to the subrecipient as a subaward and includes information as specified by 2 C.F.R. § 200.332(a)(1)(xi) at the time of the subaward, and if any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. <i>Id.</i> at 2 C.F.R. § 200.332(a).</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>The State’s Grant Award Notifications (GANs) do not include all of the information required by the Office of Management and Budget’s Uniform Grants Guidance, as specified by 2 C.F.R. § 200.332(a)(1)(xi).</p> <p>Subsequent to OSEP’s document request in April 2024, OSEP received the State’s fiscal year (FY) 2023 Single State audit in which the auditors found the State did not include the proper Federal Award Identification Number (FAIN) on the subawards for 31 subrecipients. While the State was aware that the incorrect FAINs were listed on the subaward grant award letters, the State did not modify subsequent subaward notifications to its subrecipients.</p> <p>The auditors also found that the State did not have policies or procedures in place to ensure all required Federal award identification information was appropriately included in the grant award letters provided to subrecipients.</p> <p>In response to OSEP’s June 3, 2024, inquiry to the State regarding the auditors’ findings, on July 2, 2024, the State informed OSEP that the LEA grant award letter template was updated with the release of the FY 2023 IDEA Part B 611 and 619 budgets. The State is also developing a new award letter in collaboration with the Center for IDEA Fiscal Reporting. The State did not, however, provide OSEP with written policies and procedures to ensure LEA grant award notifications include the correct FAIN.</p> <p>During the DMS monitoring activity, the State</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 grant award notifications do not include the required information consistent with the requirements in 2 C.F.R. § 200.332(a)(1)(xi).</p> <p>Specifically, the State did not follow up with OSEP to provide a copy of the written policies and procedures used to ensure LEA GANs include information, as specified by 2 C.F.R. § 200.332(a)(1)(xi) at the time of the subaward</p>	<p>Policies and Procedures—the State must submit to OSEP by August 19, 2025:</p> <ol style="list-style-type: none"> 1. A copy of written policies and procedures for reviewing GANs to LEAs to ensure all proper information is included in the notification including the LEA’s FAIN, in accordance with in 2 C.F.R. § 200.332(a)(1)(xi). <p>Evidence of Implementation—as soon as possible, but no later than May 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A sample of GANs to LEAs identified by auditors that demonstrate the FAIN was corrected. Including, a sample of the letters with the incorrect FAIN, and a sample of the corrected FAIN for those same LEAs.

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>confirmed with OSEP that they sent updated letters with corrected FAINs to the affected LEAs and the new GANs for FFY 2024 include the correct FAINs. The State further indicated that they have policies and procedures, and the GANs are reviewed by two fiscal specialists to ensure they are correct. In addition, the GANs are signed-off by the LEA special education director. The State did not provide additional documents to demonstrate appropriate steps were completed to close the audit finding.</p> <p>Specifically, the State did not follow up with OSEP to provide a copy of the written policies and procedures used to ensure LEA GANs include information as specified by 2 C.F.R. § 200.332(a)(1)(xi) at the time of the subaward.</p>		
<p>2.2 Subrecipient Monitoring</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(d) 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</p>	<p><i>The State does not have a formal process for following-up with LEAs if IDEA fiscal noncompliance is identified when reviewing and approving LEA budgets, applications, application modifications, requests for reimbursements, and year-end reconciliations and reports, consistent with 2 C.F.R. §§ 200.332(d), and 34 C.F.R. §§ 300.149, 300.600 through 602, and 300.604.</i></p> <p>During the DMS monitoring activity, the State described and documented two parallel fiscal monitoring processes, one administered by the Audit Office in the Division of Finance, and one administered by the State’s Office of Special Education (OSE).</p> <p>The State demonstrated that the Audit Office implements a reasonably designed system of fiscal</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 system for notifying LEAs of any noncompliance with these requirements or a mechanism to track correction of the noncompliance, as required by 2 C.F.R. § 200.332(d)</p>	<p>Policies and Procedures—the State must submit to OSEP by August 19, 2025:</p> <ol style="list-style-type: none"> Updated written policies and procedures for notifying LEAs of any noncompliance with these requirements or tracking correction of the noncompliance in accordance with 2 C.F.R. § 200.332(d) and 34 C.F.R. §§ 300.149, 300.600 through 602, and 300.604.

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>requirements and that performance expectations are being achieved. <i>Id.</i> See OSEP QA 23-01, Question A-1.</p> <p>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 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 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-</p>	<p>monitoring of all Federal programs, including IDEA, that addresses Uniform Guidance and other crosscutting fiscal requirements.</p> <p>OSE demonstrated an effective annual system for reviewing and approving LEA budgets, applications, application modifications, requests for reimbursements, and year-end reconciliations and reports. As part of this system, the State does review key IDEA fiscal requirements, such as LEA MOE, excess cost, and proportionate share.</p> <p>The State does not, however, have a formal system for notifying LEAs of any noncompliance with these requirements or a mechanism to track correction. The State explained that these issues are addressed through phone calls and emails but was unable to document a process for notification and tracking correction.</p>	<p>and 34 C.F.R. §§ 300.149, 300.600 through 602, and 300.604.</p>	<p>Evidence of Implementation—as soon as possible, but no later than May 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. Evidence that the State has implemented its policies and procedures as described under the first corrective action. <p>Evidence should include any letters of findings (e.g., notification to State staff and LEAs), documentation to verify the correction of any noncompliance, training documents, and other technical assistance mechanisms that the State has developed and implemented.</p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
01, Question A-6. See Appendix for a listing of additional legal requirements.			

DISPUTE RESOLUTION

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>3.1 Parties to a State Complaint</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 Part B of the Act or the Part B regulations, including the facts on which the statement is based. (Emphasis added).</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p><i>The State's regulations and procedural safeguards restrict the parties subject to a State complaint. The State's definition of public agency does not provide notice to parents that the IDEA Part B due process procedures are available to resolve allegations against the entities listed in its definition, but also the SEA, which is included in the definition of public agency at 34 C.F.R. § 300.33.</i></p> <p>The State's regulations at, 511 IAC 7-32-77, p. 16, describes the procedures for filing a State complaint and defines <i>public agency</i> as follows:</p> <p>Public agency means any public entity that is responsible for providing special education and related services, including the following:</p> <ol style="list-style-type: none"> (1) Public school corporations operating programs individually or cooperatively. (2) Charter schools that are not part of a public school corporation. (3) Programs operated by the [S]tate department of health. (4) The Indiana School for the Blind and Visually Impaired. (5) The Indiana School for the Deaf. (6) Programs operated by the department of correction. <p>Furthermore, the State's regulations at 511 IAC 7-45-1, p. 117, description of the State complaint process, notes that a State complaint must</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 regulations and State complaint procedures contain provisions that are inconsistent with 34 C.F.R. §§ 300.33 and 300.153(b).</p> <p>Specifically, the State's regulations at 511 IAC 7-32-77, and State complaint procedures do not include all of the entities listed under IDEA's definition of <i>public agency</i>, as required by 34 C.F.R. §§ 300.33 and 300.153(b).</p>	<p>Policies and Procedures—the State must submit to OSEP by August 19, 2025:</p> <ol style="list-style-type: none"> 1. A copy of the memorandum or other directive to all LEAs, parent advocacy groups, and other interested parties advising them of the changes proposed to the State complaint procedures, revised to be consistent with the requirements in 34 C.F.R. §§ 300.33 and 300.153(b). <p>Evidence of Implementation—as soon as possible, but no later than May 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. Final approved copies of the State complaint procedures, and any other State documents that were revised to be consistent with the requirements in 34 C.F.R. §§ 300.33 and 300.153(b).

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>include a statement alleging that the <i>public agency</i> has violated a requirement of:</p> <ul style="list-style-type: none"> (A) this article; (B) the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.; or (C) the [F]ederal regulations implementing the Individuals with Disabilities Education Act.” <p>Because the State’s definition of <i>public agency</i> does not include the SEA, this description is inconsistent with IDEA.</p> <p>Additionally, the State’s revised procedural safeguards (Aug. 2024), p. 16, contains the following language:</p> <p>Any individual, group of individuals, agency, or organization may file a complaint with the IDOE, in writing or electronically, alleging the public agency’s failure to comply with the requirements of Article 7 or the IDEA. You may also file a complaint if the public agency is not complying with orders issued by an independent hearing officer (IHO) as the result of a due process hearing.</p> <p>The State’s procedural safeguards does not provide notice to parents that the IDEA Part B State complaint procedures are available to resolve allegations against the entities listed in its definition, but also the SEA, which is 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</p>		

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>requirement of Part B of IDEA or its implementing regulations. (Emphasis added). IDEA defines public agency to include 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. 34 C.F.R. § 300.33.</p> <p>The State’s definition of public agency at 511 IAC 7-32-77 does not include the SEA.</p> <p>Additionally, during interviews with State staff, the State acknowledged that the previous version of the State complaint procedures contained language that was inconsistent with 34 C.F.R. §§ 300.151; and 300.153(b) and the revised procedural safeguards, effective August 2024, prior to OSEP’s DMS monitoring. Although the State attempted to revise the State complaint procedures by replacing the term <i>school</i> with <i>public agency</i>, one section of the State complaint procedures contains language that remains inconsistent with 34 C.F.R. §§ 300.151 and 300.153(b). The State’s procedural safeguards, p.16, states that:</p> <p>A complaint is a written, signed allegation that the school is not complying with one or more of the procedural requirements of [S]tate or [F]ederal statutes, regulations, rules, or constructions governing special education. It is submitted to the Division for investigation in accordance with the requirements of Article 7.</p> <p>IDEA’s State complaint procedures are available to</p>		

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	resolve allegations that a <i>public agency</i> violated a requirement of IDEA Part B. As noted above, 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.		

RECOMMENDATIONS
<p>State Complaint Procedures:</p> <p>While the State reported to OSEP that there is no requirement for parents to engage with the school and/or public agency prior to the State’s formal investigation of a State complaint, staff acknowledged that the language described in the State’s procedural safeguards and parent training materials may imply otherwise. Specifically, the procedural safeguards outline a 10-day timeline for schools/LEAs when a State Complaint is filed. The State’s procedural safeguards, p. 16, contains the following language:</p> <p>The school has 10 calendar days from the date it receives your complaint to:</p> <ul style="list-style-type: none"> • Respond to the complaint in writing and forward the response to the Division and to you, the complainant; • Resolve the complaint with you, prepare a written agreement that you and the school both sign, and forward the agreement to the Division, indicating if any issues remain to be investigated; • Obtain your written agreement to engage in mediation (you must agree to participate in mediation in order for the mediation to occur); or • Notify the Division to begin investigating the complaint. <p>While the State’s procedural safeguards specifically state that parents must agree to participate in mediation, the procedural safeguards do not indicate that the parent’s participation in resolving the complaint with the school during the 10 calendar days after filing a State complaint is voluntary.</p> <p>During interviews with parents and the State’s parent training and information center (PTI), parents reported that they did not utilize the State complaint system due to fear of retaliation by school personnel. In addition, during OSEP’s document request, the State submitted a document called, Discipline, Suspension and Expulsion, created by the PTI in collaboration with the State, that suggests that parents must attempt to resolve</p>

RECOMMENDATIONS

the complaint with the school before the formal State complaint process can begin.

The State's document contained the following language:

- (1) Before filing a complaint, requesting mediation, or requesting a due process hearing:
 - Identify the specific disagreement
 - Discuss your concerns with the teacher of record (TOR), principal, and/or special education director

You may request a CCC [case conference committee] meeting at any time to discuss your concerns
- (2) If a resolution cannot be reached, the parent may:
 - File a complaint;
 - Request mediation; or
 - Request a due process hearing.
- (3) The school may also request mediation or a due process hearing.

The State acknowledged that the language in the presentation and overall messaging may suggest that parents must engage with the school prior to the formal State complaint process. The State reported that appropriate steps will be taken, such as revising the presentation and other public-facing materials, and will work with the PTI to ensure that parents understand their procedural safeguards, consistent with 34 C.F.R. §§ 300.151 and 300.153(b).

Therefore, OSEP makes the following recommendations:

1. Consider clarifying the language in the procedural safeguards;
2. Provide training and guidance to all LEAs regarding the right to file a State complaint consistent with 34 C.F.R. §§ 300.151 and 300.153(b); and
3. Collaborate with the State's PTI to ensure that parents understand their procedural safeguards, specifically their right to file a formal State complaint consistent with 34 C.F.R. §§ 300.151 and 300.153(b).

State Complaint and Due Process Procedures:

During a review of the State's documents, OSEP found that only the State's regulations at *511 IAC 7* were cited when issuing letters of finding or included in corrective action plans, and did not also include the relevant IDEA citations. While the State reported that *511 IAC 7* covers all of the IDEA requirements, *511 IAC 7* contains additional State-specific regulations beyond IDEA. Additionally, IDEA is the overarching Federal law that outlines what States must do to meet the needs of students with disabilities, therefore, IDEA should be cited when violations of IDEA Part B are identified by the State.

RECOMMENDATIONS

In the State’s procedural safeguards, p. 16, the State requires complainants to:

include a statement alleging that the public agency has violated a requirement of Article 7 [511 IAC 7], the IDEA, or the [F]ederal regulations implementing the IDEA...

The State is revising their general supervision system to include IDEA Part B citations in their monitoring reports, letters of findings, and corrective action plans. To ensure consistency across the State’s systems, i.e. Monitoring and Improvement and Dispute Resolution, and within the State’s external and internal processes and procedures, OSEP makes the following recommendations:

1. When issuing letters of findings and in corrective action plans, the State should include IDEA Part B citations, in addition to 511 IAC 7, when violations of IDEA Part B are identified.
2. The State should provide additional training to State complaint officers, if necessary, to identify the applicable IDEA Part B citation when a violation of IDEA Part B has been identified.
3. The State should enhance the I-Champ system to include IDEA Part B citations, when appropriate, in addition to 511 IAC 7 when violations of IDEA Part B are identified.

DISCIPLINE AND BEHAVIOR

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>4.1 SEA Responsibility for Monitoring: Discipline Procedures</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.</p> <p>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.</p> <p>The SEA, pursuant to its general supervisory responsibility in 34 C.F.R. §§ 300.149, and 300.600 through 300.602</p>	<p><i>The State does not have a reasonably designed general supervision system to effectively ensure IDEA discipline procedures under 34 C.F.R. §§ 300.530 through 300.536 are implemented. Specifically, the State does not have policies and procedures that ensure IDEA Part B's 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>During interviews with OSEP and confirmed through a review of the State-submitted documentation, the State has only been monitoring LEAs for compliance required by the SPP/APR Indicators. The State's approach of only monitoring LEAs based on the SPP/APR indicator requirements is inconsistent with 34 C.F.R. §§ 300.149, and 300.600 through 300.602, and 300.606 through 300.608, which requires the State to ensure that all requirements under IDEA Part B are carried out.</p> <p>While the State has the flexibility to develop its own model of general supervision and may elect to address the underlying Federal requirements in other ways, it is OSEP's longstanding presumption that an effective system of general supervision used to monitor LEAs within the State will be reasonably designed and broader than the monitoring responsibilities under IDEA Sections 616 and 642. (See OSEP QA 23-01).</p> <p>During the DMS interviews with the State, the State</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 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 34 C.F.R. §§ 300.530</p>	<p>Policies and Procedures—the State must submit to OSEP by August 19, 2025:</p> <ol style="list-style-type: none"> Updated policies and procedures that demonstrate the State has a reasonably designed general supervision system revised to be consistent with the 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 requirements in 34 C.F.R. §§ 300.530 through 300.536. <p>Evidence of Implementation—as soon as possible, but no later than May 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> Evidence that the State has policies and procedures in effect and being implemented in compliance with the

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>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>	<p>acknowledged that the monitoring of LEA implementation of the IDEA Part B discipline procedures addressed under 34 C.F.R. §§ 300.530 through 300.536 has been limited to LEAs identified as having a significant discrepancy in the rates of long-term (more than 10 school days) out-of-school suspensions and expulsions, including by race and ethnicity, as required by SPP/APR Indicators 4A and 4B.</p> <p>In FFY 2020, four LEAs were identified as having a significant discrepancy under Indicator 4A, four LEAs were identified as having a significant discrepancy by race and ethnicity under Indicator 4B, and of those, two LEAs had policies, procedure or practices that contributed to the significant discrepancy and do not comply with requirements. In FFY 2021, one LEA was identified as having a significant discrepancy under Indicator 4A, and no LEAs were identified as having a significant discrepancy by race and ethnicity under Indicator 4B. Therefore, the State’s monitoring of IDEA’s Part B discipline procedures addressed under 34 C.F.R. §§ 300.530 through 300.536 in FFYs 2020 and 2021 has been limited to a small subset of LEAs and did not evaluate the remaining LEAs in the State.</p> <p>The State reported to OSEP, that when an LEA is identified as having a significant discrepancy in the rates of long-term suspensions and expulsions, including by race and ethnicity under SPP/APR Indicators 4A and 4B, the State issues a <i>notification of identification and monitoring</i> letter to the LEA. This letter explains the State’s process for the policy, procedure, and practice review and notifies the LEA</p>	<p>through 300.536.</p>	<p>monitoring, enforcement, and discipline procedures in 34 C.F.R. §§ 300.530 through 300.536.</p> <p>Examples of evidence such as 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 the IDEA discipline procedures in 34 C.F.R. §§ 300.530 through 300.536.</p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>that the State will conduct a file review of five student files via the State’s online IEP data system (known as Indiana IEP (IIEP)). Following the file review, the State will then issue a notification of compliance or noncompliance to the LEA. If noncompliance is identified, the State will then provide additional information about correcting the noncompliance.</p> <p>During interviews with OSEP the State confirmed review of the five individual student files using criteria that addresses the following topics:</p> <ul style="list-style-type: none"> • whether the conduct was a result of the school’s failure to implement the IEP; • whether or not the conduct was a manifestation determination of the student’s disability; • whether the student received appropriate services during periods of removal; and • whether the student was removed to an interim alternative educational setting due to carrying a weapon or school or possesses a weapon, knowingly possessing or uses illegal drugs or sells or solicits the sale of a controlled substance, or due to having inflicted serious bodily injury upon another person, while at school, on school premises, or at a school function. <p>The State’s process does not include a review of the LEA’s policies and procedures related to the IDEA discipline procedures addressed under 34 C.F.R. §§ 300.530 through 300.536. While the</p>		

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>State’s process addresses the practices of identified LEAs through the individual file review of five students, this analysis does not provide the State with information regarding whether the LEA’s policies or procedures are consistent with the IDEA requirements in 34 C.F.R. §§ 300.530 through 300.536.</p> <p>Further, the State does not engage in integrated monitoring activities related to the IDEA discipline procedures addressed under 34 C.F.R. §§ 300.530 through 300.536, such as interviewing local LEA staff, conducting interviews of parents of children with disabilities or other members of the public, or reviewing and analyzing data collected through the State’s data system. The State did share that information is disseminated through newsletters and other outreach efforts in response to trends identified through the State complaint investigation process.</p>		
<p>4.2 Suspension and Expulsion Rates: Review of Policies, Procedures, and Practices</p> <p>Under 34 C.F.R. § 300.170(b), if the State determines that an LEA has a significant discrepancy in the rates of long-term suspensions and expulsions of children with disabilities, the SEA must review, and if, appropriate,</p>	<p><i>The State does not review, and if appropriate revise, (or require the affected State agency or LEA to revise) policies, procedures, and practices of LEAs identified as having a significant discrepancy in the rate of long-term suspensions and expulsions in a school year for children with IEPs as required by 34 C.F.R. § 300.170(b).</i></p> <p>During interviews with OSEP and confirmed through a review of the State-submitted documentation, the State does not provide for the policy and procedure review of LEAs that have been identified as having a significant discrepancy in the rates of long-term suspensions and expulsions, including by race and ethnicity, as required by 34 C.F.R. § 300.170 and</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 review, and if appropriate revise, (or require the affected State agency or LEA to revise) policies, procedures, and practices of LEAs identified</p>	<p>Policies and Procedures—the State must submit to OSEP by August 19, 2025:</p> <ol style="list-style-type: none"> 1. Updated policies and procedures that demonstrate the State reviews, and if appropriate revises, (or requires the affected State agency or LEA to revise) policies, procedures, and practices of LEAs identified as having a

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>revise) or require the affected State agency or LEA to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that these policies, procedures, and practices comply with IDEA.</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>Indicator 4 of the SPP/APR Measurement Table. Specifically, the SPP/APR Indicator 4 Measurement Table requirements state that:</p> <p>If significant discrepancies occurred, describe how the State educational agency reviewed and, if appropriate, revised (or required the affected local educational agency to revise) its policies, procedures, and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with applicable requirements.</p> <p>Additionally, the SPP/APR Indicator 4 Measurement Table requires the State to, “[p]rovide detailed information about the timely correction of child-specific and regulatory/systemic noncompliance....” To meet this requirement, the State must first identify whether any child-specific and systemic noncompliance exists.</p> <p>While the State does identify LEAs that have a significant discrepancy in the rates of suspension and expulsion of greater than 10 days, including by race and ethnicity, the State’s review of identified LEAs is limited to an analysis of five individual student files, which, by design, can only assess for child-specific noncompliance. The State does not include a review of the LEAs’ policies and procedures related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, as required by 34 C.F.R. § 300.170 and Indicator 4A and 4B of the SPP/APR Measurement Table, which is necessary to</p>	<p>as having a significant discrepancy in the rate of long-term suspensions and expulsions in a school year for children with IEPs as required by 34 C.F.R. § 300.170(b), and as such, does not have a mechanism for identifying systemic noncompliance as required by the SPP/APR Measurement Table under Indicator 4.</p> <p>Additionally, the State does not meet the data reporting requirements of IDEA Section 616, as required by the SPP/APR Measurement Table under Indicator 4.</p> <p>Specifically, the State’s procedures are inconsistent with SPP/APR Indicator 4 reporting requirements, which require the State to describe how the SEA reviewed and, if appropriate, revised (or required the affected local educational agency to revise) the policies, procedures, and practices related to the development and implementation of IEPs, the</p>	<p>significant discrepancy in the rate of long-term suspensions and expulsions in a school year for children with IEPs, as required by 34 C.F.R. § 300.170(b).</p> <p>Evidence of Implementation—as soon as possible, but no later than May 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. Evidence that reflects the revised procedures including, State reviews, and if appropriate revision of, (or requires the affected State agency or LEA to revise) policies, procedures, and practices of LEAs identified as having a significant discrepancy in the rate of long-term suspensions and expulsions in a school year for children with IEPs, as required by 34 C.F.R. § 300.170(b). <p>Examples of evidence such as notification letters, tools to conduct the monitoring,</p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	identify any regulatory/systemic noncompliance.	use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with applicable requirements, as required by the SPP/APR Measurement Table.	monitoring reports, letters of findings, technical assistance, examples of finding close-out and verification of correction, or other supporting documentation.

RECOMMENDATION

During interviews with parents of children with disabilities in the State, OSEP was informed that LEAs are using *threat assessments* to remove children with disabilities from school if they are deemed to be a danger to themselves or others. Additionally, the State shared that the length of time for these removals can vary and the process for returning to school is inconsistent. In some cases, approval may be required by a medical or mental health professional for the child to be able to return to school.

OSEP asked the State whether there are State policies, procedures, or guidance to LEAs regarding the use of *threat assessments* for children with disabilities. The State was not aware of any State-issued policy, procedure, or guidance that has been issued related to *threat assessments* and that the use of these assessments has only come up in a small number of State complaints.

OSEP recommends that the State collaborate with other offices within the State, and any other relevant agencies, to ensure that the IDEA Part B requirements are followed, and the needs and protections afforded to children with disabilities are adequately addressed in any *threat assessment* policy, procedure, or practice used by LEAs.

SIGNIFICANT DISPROPORTIONALITY

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>5.1 Significant Disproportionality Policies and Procedures</p> <p>Under 34 C.F.R. § 300.646(c), when significant disproportionality has been identified the State must:</p> <p>(1) Provide for the annual review and, if appropriate, revision of the policies, practices, and procedures used in identification or placement in particular education settings, including disciplinary removals, to ensure that the policies, practices, and procedures comply with the requirements of IDEA Part B.</p> <p>(2) Require the LEA to publicly report on the revisions of policies, practices, and procedures described under 34 C.F.R. § 300.646(c)(1) consistent with the requirements of the Family Educational</p>	<p><i>The State does not have a reasonably designed general supervision system to ensure the implementation of the IDEA Part B significant disproportionality requirements in 34 C.F.R. § 300.646(c).</i></p> <p>During the DMS 2.0 monitoring, the State informed OSEP that, up until two years ago, the oversight and monitoring of significant disproportionality was handled through a contractor, Indiana University (IU) in collaboration with IDOE’s Office of Student Support and Accessibility (OSSA). In 2022, the contract with IU ended, and subsequently in 2023, OSSA was dissolved, at which time the oversight and management of IDOE’s significant disproportionality work transitioned back to OSE. While IU and OSSA continued to monitor LEAs and to identify significant disproportionality, much of the history of the processes have been lost in the transition of the work. Although the State indicated that OSE staff were involved in the significant disproportionality process, it was unable to demonstrate OSE was exercising general supervision or oversight of the process.</p> <p>Further, the State was unable to provide evidence, through policies and procedures or data, that the State was ensuring:</p> <ol style="list-style-type: none"> 1. That the LEA reviewed policies, practices, and procedures and, if appropriate, revision of the policies, practices, and procedures used in identification, or placement in 	<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 reasonably designed general supervision system to ensure the implementation of the IDEA Part B significant disproportionality requirements in 34 C.F.R. § 300.646(c).</p> <p>Specifically, the State was unable to provide evidence, through policies, procedures, or data, that the State was ensuring that:</p> <ol style="list-style-type: none"> 1. The LEAs reviewed policies, practices, and procedures and, if appropriate, revision of the policies, practices, and procedures used in identification, or placement in particular education disciplinary 	<p>Policies and Procedures—the State must submit to OSEP by August 19, 2025:</p> <ol style="list-style-type: none"> 1. Updated written policies and procedures demonstrating a reasonably designed general supervision system to effectively ensure the implementation of the significant disproportionality requirements in 34 C.F.R. § 300.646(c). <p>Evidence of Implementation—as soon as possible, but no later than May 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. Examples of notifications to LEAs regarding the revised significant disproportionality policies and procedures. 2. Evidence of training to

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>Rights and Privacy Act, its implementing regulations in 34 C.F.R. Part 99, and Section 618(b)(1) of IDEA Part B.</p> <p>Under 34 C.F.R. § 300.646(d)(1)(ii), when significant disproportionality has been identified, in implementing CCEIS, an LEA must identify and address the factors contributing to the significant disproportionality.</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>particular education disciplinary settings, including disciplinary removals, to ensure that the policies, practices, and procedures comply with the requirements of IDEA.</p> <p>2. The LEAs publicly report on the revision of policies, practices, and procedures described above. 34 C.F.R. § 300.646(c).</p> <p>The State has begun to develop and updated policies, and procedures to meet these requirements and OSEP looks forward to reviewing these policies and procedures.</p>	<p>settings, including disciplinary removals, to ensure that the policies, practices, and procedures comply with the requirements in IDEA Part B.</p> <p>2. The LEAs public reporting on the revision of policies, practices, and procedures described above.</p>	<p>relevant State and LEA staff regarding the revised significant disproportionality policies and procedures.</p> <p>3. As available, evidence or documentation of the implementation of the revised policies and procedures.</p>
<p>5.2 CCEIS</p> <p>Under 34 C.F.R. § 300.646(d), any LEA identified with significant disproportionality based on race and ethnicity is required to reserve the maximum amount of funds to provide to address factors contributing to the significant disproportionality.</p> <p>Under 34 C.F.R. § 300.646(d)(1)(ii) an LEA must identify and</p>	<p><i>The State does not have a mechanism in place to ensure the factors contributing to significant disproportionality are linked to the appropriate activities in carrying out CCEIS in an LEA, as required by 34 C.F.R. § 300.646(d).</i></p> <p>During discussions with the State, the State informed OSEP that there is a separate grant application and approval process for LEAs identified with significant disproportionality, and thus, required to reserve 15 percent to carry out CCEIS activities. The State indicated that each affected LEA is required to submit a narrative in the application that is tracked through the finance and program offices to ensure the activities align with the budget. The State does not, however, have a</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 mechanism in place to ensure the factors contributing to significant disproportionality based on race and ethnicity are linked to the appropriate activities in carrying out</p>	<p>Policies and Procedures—the State must submit to OSEP by August 19, 2025:</p> <p>1. Updated written policies and procedures for ensuring that LEA CCEIS application narratives are reviewed to determine the activities reported in the application align with factors contributing to an LEA’s significant</p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>address Must identify and address the factors contributing to the significant disproportionality, which may include, among other identified factors, a lack of access to scientifically based instruction; economic, cultural, or linguistic barriers to appropriate identification or placement in particular educational settings; inappropriate use of disciplinary removals; lack of access to appropriate diagnostic screenings; differences in academic achievement levels; and policies, practices, or procedures that contribute to the significant disproportionality.</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>mechanism to ensure those activities are linked to the factors contributing to significant disproportionality.</p>	<p>CCEIS in an LEA, as required under 34 C.F.R. § 300.646(d).</p>	<p>disproportionality based on race and ethnicity, as required by 34 C.F.R. § 300.646(d).</p> <p>Evidence of Implementation—as soon as possible, but no later than May 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. As available, evidence or documentation of the implementation of the State’s policies and procedures as described above.
<p>5.3 Determining Significant Disproportionality</p> <p>Under 34 C.F.R. § 300.647(b)(1)(iii) (A), in determining whether significant disproportionality exists in a State or LEA under 34 C.F.R. § 300.646(a) and</p>	<p><i>The State has not established standards for determining reasonable progress based on advice from stakeholders, including State Advisory Panels, as provided under Section 612(a)(21)(D)(iii) of IDEA Part B.</i></p> <p>The State explained to OSEP, during monitoring discussions, that the standard used to determine reasonable progress was developed under a former</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>Policies and Procedures—the State must submit to OSEP by August 19, 2025:</p> <ol style="list-style-type: none"> 1. Updated written policies and procedures for gathering input from parents and other

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
<p>(b), a State or LEA must establish standards based on advice from stakeholders, including State Advisory Panels, as provided under Section 612(a)(21)(D)(iii) of IDEA Part B.</p> <p>See Appendix for a listing of additional legal requirements.</p>	<p>contract with IU.</p> <p>The State was unable to document how the method for determining reasonable progress was decided, due to the lack of prior history and input from the public and other interested parties. Under the State’s current method, an LEA must demonstrate a risk ratio greater than 2.5 and below 3.5 for two consecutive years, including the final year to be considered reasonable progress.</p> <p>Specifically, the State indicated that an LEA may be considered to be making reasonable progress if progress has been demonstrated in ALL three criteria:</p> <ol style="list-style-type: none"> 1. Having an overall risk ratio below 3.5 for at least the most recent year of data 2. A decreasing overall risk ratio for the last two years of data and of least .001 percent; and 3. A decreasing risk index of the target group for the last two years of data. <p>OSEP is concerned with the State’s current methodology to determine reasonable progress, since progress as low as .001 percent in decreasing the risk ratio is considered reasonable progress. The State noted that the addition of the risk index in the standard for reasonable progress makes the methodology more rigorous.</p> <p>In subsequent communication from the State on September 30, 2024, the State clarified that the risk index is a component of significant progress, which determines whether an LEA is identified with</p>	<p>The State does not have a reasonable standard in place for demonstrating or determining whether an LEA is making reasonable progress in lowering the risk ratio or alternate risk ratio for a specific group or category that is based on the advice from stakeholders and other interested parties in accordance with 34 C.F.R. § 300.647(b)(1)(iii) (A).</p>	<p>interested parties when establishing a standard for determining whether an LEA is making reasonable progress in lowering the risk ratio or alternate risk ratio for a specific group or category, as required by 34 C.F.R. § 300.647(b)(1)(iii)(A).</p> <ol style="list-style-type: none"> 2. An explanation of how the State’s methodology for determining reasonable progress is reasonably designed. <p>Evidence of Implementation—as soon as possible, but no later than May 23, 2026, the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. As available, evidence or documentation of the implementation of the State’s policies and procedures as described above. 2. Documentation demonstrating the State

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	<p>significant disproportionality.</p> <p>Specifically, the State indicated that:</p> <p>[t]he risk ratio is what determines whether an LEA has significant disproportionality, ...the target risk index is used in part to identify LEAs with significant disproportionality...For an LEA to be eligible for significant progress [(i.e., reasonable progress)], its risk ratio must decrease for two consecutive years (and be below 3.5 in the most recent year), but its Target Risk Index must also decrease for two consecutive years.</p> <p>However, OSEP notes that the preamble to the 2016 IDEA Part B regulations, 81 Fed. Reg. 92408 (December 19, 2016), addressed comments regarding a risk index as follows:</p> <p>The Department believes that creating an exception to a determination of significant disproportionality based on a comparison between racial or ethnic group risk and a risk index or modifying the standard methodology to include this use of the risk index, would undermine the determinations required under 618(d) and create strong incentives to violate IDEA’s requirements for identification, placement, and disciplinary removals...To allow States to add additional criteria—even if only a second criterion—would reduce comparability between States’ approaches while adding to the complexity of the standard methodology as a whole and creating additional burdens.</p>		<p>engaged interested parties when establishing a standard for determining whether an LEA is making reasonable progress in lowering the risk ratio or alternate risk ratio for a specific group or category, as required by 34 C.F.R. § 300.647(b) (1)(iii)(A).</p>

Legal Requirements	Noncompliant Policy, Procedure or Practice and OSEP Analysis	OSEP Conclusion/Finding	Next Steps/Required Actions
	The inability of the State to document that the standard for reasonable progress is based on the advice from stakeholders and other interested parties is inconsistent with 34 C.F.R. § 300.647(b)(1)(iii)(A).		

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. Its general supervisory responsibility as required in 34 C.F.R. § 300.149;
2. Its monitoring responsibilities in 34 C.F.R. §§ 300.600 through 300.602; and
3. Its 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 its 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 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.

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 its 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(a). 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(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. 2 C.F.R. § 200.332(d); 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(b). 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.

Significant Disproportionality Legal Requirements

Under 34 C.F.R. § 300.646, States are required to collect and examine data to determine whether significant disproportionality based on race and ethnicity is occurring in the State and LEAs of the State with respect to the identification of children as children with disabilities, including identification as children with particular impairments; the placement of children in particular educational settings; and the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

Where significant disproportionality is occurring, the State must engage in a review, and, if appropriate, revision of policies, procedures, and practices used in the identification, placement, or discipline of a child with a disability to ensure that they comply with the requirements of IDEA; require the LEA to publicly report on the revision of policies, practices, and procedures; and require the LEA to reserve 15 percent of its IDEA Part B funds to provide CCEIS to identify and address the factors contributing to the significant disproportionality.

Under 34 C.F.R. § 300.646(d), any LEA identified with significant disproportionality is required to reserve the maximum amount of funds to provide CCEIS to address factors contributing to the significant disproportionality. In addition, an LEA that is required to use 15 percent of its IDEA Part B allocation on CCEIS because the SEA identified the LEA as having significant disproportionality under 34 C.F.R. § 300.646 will not be able to reduce local maintenance of effort under Sections 616(f) and 613(A)(2)(C) of the Act.

In determining whether significant disproportionality exists in a State or LEA the State must set a reasonable risk ratio threshold; reasonable minimum cell size; reasonable minimum n-size; and standard for measuring reasonable progress if a State uses the flexibility described in 34 C.F.R. § 300.647(d)(2).

34 C.F.R. § 300.647(b). These standards must be based on advice from interested parties, including State Advisory Panels, as provided under Section 612(a)(21)(D)(iii) of the Act; and are subject to monitoring and enforcement for reasonableness by the Secretary consistent with Section 616 of the Act.

Except as provided in 34 C.F.R. § 300.647(d), the State must identify as having significant disproportionality based on race or ethnicity under 34 C.F.R. § 300.646(a) and (b) any LEA that has a risk ratio or alternate risk ratio for any racial or ethnic group in any of the categories described in paragraphs 34 C.F.R. § 300.647(b)(3) and (4) that exceeds the risk ratio threshold set by the State for that category. 34 C.F.R. § 300.647(b)(6). If an LEA is identified with significant disproportionality, the State must provide for the annual review, and, if appropriate, revision of policies, procedures, and practices used in the identification, placement, or discipline of a child with a disability to ensure that they comply with the requirements of IDEA; require the LEA to publicly report on the revision of policies, practices, and procedures; and require the LEA to reserve 15 percent of its IDEA Part B funds to provide CCEIS to identify and address the factors contributing to the significant disproportionality. 34 C.F.R. § 300.646(c) and (d).

The State must report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, and standards for measuring reasonable progress selected under paragraphs 34 C.F.R. § 300.647(b)(1)(i)(A) through (D), and the rationales for each, to the Department at a time and in a manner determined by the Secretary. Rationales for minimum cell sizes and minimum n-sizes not presumptively reasonable under paragraph 34 C.F.R. § 300.647(b)(1)(iv) must include a detailed explanation of why the numbers chosen are reasonable and how they ensure that the State is appropriately analyzing and identifying LEAs with significant disparities, based on race and ethnicity, in the identification, placement, or discipline of children with disabilities.

Finally, under 34 C.F.R. § 300.173, the State must have in effect, consistent with the purposes of Part B of IDEA and with Section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 C.F.R. § 300.8.

Discipline Legal Requirements

IDEA entitles each eligible child with a disability to 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 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 disability² 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.

² 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.