



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

DIRECTOR

March 21, 2024

By Email

Honorable Jacob Oliva
Secretary of Education
Arkansas Department of Education
Four Capitol Mall, Room 304-A
Little Rock, Arkansas 72201

Email: Jacob.Oliva@ade.arkansas.gov

Dear Secretary Oliva:

The purpose of this letter is to provide an update on the status of the finding and corrective actions identified by the U.S. Department of Education's (the Department) Office of Special Education Programs (OSEP) reported in the September 28, 2023, Differentiated Monitoring and Support (DMS) monitoring report issued to the Arkansas Department of Education (ADE).

This letter is in response to ADE's December 22, 2023, email correspondence to OSEP to address the corrective actions required in the September 28, 2023, DMS report. The finding and corrective actions were identified as a result of the DMS activities conducted by OSEP with staff of ADE's Office of Special Education virtually on November 7-9, 2022.

The summary of monitoring priorities and outcomes chart below includes the monitoring component, finding, required actions, OSEP analysis, and status of finding(s) based on the evidence received by OSEP to date.

We appreciate your efforts to ensure compliance and improve results for children with disabilities. If you have any questions, please contact your OSEP State Lead.

Sincerely,

Valerie C. Williams

cc: Part B State Director

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The Department of Education's mission is to promote student achievement and preparedness for global competitiveness by fostering educational excellence and ensuring equal access.

SUMMARY OF MONITORING PRIORITIES AND OUTCOMES

MONITORING COMPONENT AND FINDING	REQUIRED ACTIONS	OSEP ANALYSIS AND COMMENTS	NEXT STEPS/REQUIRED ACTIONS/STATUS
<p>Monitoring and Improvement</p> <p>1.1 The State does not have a general supervision system that is reasonably designed to identify noncompliance in a timely manner as required under 34 C.F.R. §§ 300.149 and 300.600 through 300.602. Specifically, the State was not issuing its written notifications of noncompliance (i.e., a findings) to its [local educational agencies] (LEAs), generally within three months of the State’s identification of noncompliance. Further, the State may not use the “pre-finding” flexibility to allow its LEAs an indiscriminate amount of time to correct any noncompliance prior to a finding being issued. “Pre-finding correction” should generally occur within three months of the</p>	<p>Policies and Procedures— within 90 days of the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. Updated policies and procedures documenting its 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. 	<p>In a December 22, 2023, email to OSEP, the State submitted the following documents for OSEP review:</p> <ul style="list-style-type: none"> • Division of Elementary and Secondary Education (DESE)-Office of Special Education (OSE) Special Education Monitoring Manual (2023) • DESE-OSE Tiered Monitoring Graphic (2023) <p>The State’s submissions reflect a revised process in which the State issues written notification of noncompliance to LEAs within three months of the State’s identification of the noncompliance. The State’s submissions also reflect a revised process that allows for pre-finding correction to occur within the three months between the State’s identification of noncompliance and written notification of the noncompliance.</p> <p>Therefore, based on the State’s submissions, OSEP has determined that the State has completed the first required action identified in the September 28, 2023, DMS report.</p>	<p>CLOSED</p>

MONITORING COMPONENT AND FINDING	REQUIRED ACTIONS	OSEP ANALYSIS AND COMMENTS	NEXT STEPS/REQUIRED ACTIONS/STATUS
<p>State’s monitoring.</p>	<p>Evidence of Implementation— as soon as possible, but no later than one year from the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. Evidence of timely identification of noncompliance consistent with the State’s updated policies and procedures for identifying noncompliance in a timely manner, generally within three months of the State’s identification of noncompliance, including notification letters, evidence of integrated monitoring activities and letters of findings to its LEAs. 	<p>In its December 22, 2023, email to OSEP, the State did not submit evidence of implementation to address this finding.</p> <p>The State must provide evidence of implementation, as soon as possible, but no later than September 28, 2024 (one year from the date of DMS monitoring report).</p>	<p>OPEN</p> <p>OSEP reminds the State that, as detailed in the September 28, 2023, DMS report, the State must submit evidence of implementation of the State’s revised policies and procedures as soon as possible, but no later than September 28, 2024, one year from the date of the DMS report.</p>