



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

July 5, 2023

Honorable Melissa Singleton Weatherton, J.D.
Director Division of Developmental Disabilities Services
Arkansas Department of Human Services
P.O. Box 1437- Slot N501
Little Rock, Arkansas 72201-1437

Email: melissa.weatherton@dhs.arkansas.gov

Dear Director Weatherton:

The purpose of this letter is to provide an update on the status of the findings and corrective actions identified by the U.S. Department of Education's (the Department) Office of Special Education Programs (OSEP) reported in the Differentiated Monitoring and Support (DMS) monitoring report dated January 12, 2023.

This letter is in response to the Arkansas Division of Developmental Disabilities Services' (DDS) April 12, 2023, electronic mail correspondence to OSEP to address the corrective actions noted in the January 12, 2023, DMS monitoring report. These findings and corrective actions were identified as result of the DMS activities conducted by OSEP during its virtual visit with DDS which occurred on May 16, May 17, and May 23-25, 2022.

The summary of monitoring findings and status chart 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
Director
Office of Special Education Programs

cc: Tracy Turner
Part C Coordinator

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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 FINDINGS AND STATUS

MONITORING COMPONENT & FINDING	REQUIRED ACTIONS	OSEP ANALYSIS AND COMMENTS	NEXT STEPS/ STATUS
<p>Monitoring and Improvement</p> <p>1. OSEP finds that the State does not have a general supervision system that is, in its entirety, reasonably designed to identify and verify correction of noncompliance in a timely manner using its different components, as required under 34 C.F.R. §§ 303.120 and 303.700 through 303.702.</p>	<p>Policies and Procedures—within 90 days of the date of this letter:</p> <p>The State must submit to OSEP updated policies, procedures, or protocols documenting its process for monitoring its EIS providers on IDEA Part C requirements such as, IFSP service provision and content requirements, including its process to identify and verify correction of noncompliance consistent with Memo 09-02.</p>	<p>First Connections (FC) submitted to OSEP on April 12, 2023, a copy of its updated manual, First Connections General Supervision and Integrated Monitoring Manual 2021. OSEP is currently working with the State to review and revise as appropriate.</p>	<p>OPEN</p>
<p>Monitoring and Improvement</p> <p>1. OSEP finds that the State does not have a general supervision system that is, in its entirety, reasonably designed to identify and verify correction of noncompliance in a timely manner using its different components, as required under 34 C.F.R. §§ 303.120 and 303.700 through 303.702.</p>	<p>Evidence of Implementation—as soon as possible, but no later than one year from the date of this letter:</p> <p>The State must submit evidence of correction, for example monitoring reports which identify findings of noncompliance with IDEA Part C requirements, including the timeline for</p>		<p>OPEN</p>

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	<p>correction. The State must also provide documentation of the implementation of its revised monitoring procedures and protocols.</p>		
<p>Data</p> <p>2. OSEP finds that the State does not report on the identification and verified correction of noncompliance reflected in its SPP/APR data consistent with its reporting responsibilities, as required by 34 C.F.R. §§ 303.700(a)(2) and 303.702(b)(2), OSEP Memo 09-02 and the SPP/APR.</p>	<p>Policies and Procedures—within 90 days of the date of this letter:</p> <p>The State must submit to OSEP updated policies and procedures documenting its process for identifying noncompliance reflected in SPP/APR data, verifying correction of noncompliance, and accurately reporting on both identification and verified correction of that noncompliance in the State’s the SPP/APR.</p>	<p>OSEP conducted a follow-up conversation with the DDS FC staff on June 12, 2023, to further clarify OSEP expectations regarding the required actions.</p> <p>FC indicated it will submit additional documents to outline how the practice of identification and timely correction of noncompliance will be accurately reported in the APR.</p>	<p>OPEN</p>
<p>Data</p> <p>2. OSEP finds that the State does not report on the identification and verified correction of noncompliance reflected in its SPP/APR data consistent with its reporting responsibilities, as required by 34 C.F.R. §§ 303.700(a)(2) and 303.702(b)(2), OSEP Memo 09-02 and the SPP/APR.</p>	<p>Evidence of Implementation—as soon as possible, but no later than one year from the date of this letter:</p> <p>The State must submit evidence of correction, for example, any checklists, tools, training materials, workbooks, or data reports that it has developed to</p>		<p>OPEN</p>

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	<p>ensure compliance and implementation with the data reporting requirements in IDEA sections 616 and 618 (as modified by IDEA section 642) and 34 C.F.R. §§ 303.124, 303.224 and 303.701(c) and 303.720 through 303.724.</p>		
<p>Fiscal Management: Single Line of Responsibility</p> <p>3. OSEP finds that the State does not conduct fiscal monitoring as required under 34 C.F.R. § 303.120(a)(1).</p>	<p>Policies and Procedures—within 90 days of the date of this letter:</p> <p>The State must submit revised fiscal monitoring policies and procedures demonstrating how the LA ensures compliance with appropriate IDEA Part C fiscal requirements consistent with 34 C.F.R. § 303.120(a) and establishes internal controls to ensure compliance with cost principles under the Uniform Guidance as required under 2 C.F.R. § 200.303.</p>	<p>On April 12, 2023, OSEP received the “<i>First Connections Fiscal Oversight Guide</i>”. OSEP has determined that the document submitted does not demonstrate compliance with the appropriate IDEA Part C fiscal requirements consistent with 34 C.F.R. § 303.120(a), such as payor of last resort and systems of payments.</p>	<p>OPEN</p> <p>The State must submit revised fiscal monitoring policies and procedures demonstrating how the LA ensures compliance with appropriate IDEA Part C fiscal requirements consistent with 34 C.F.R. § 303.120(a) and establishes internal controls to ensure compliance with cost principles under the Uniform Guidance as required under 2 C.F.R. § 200.303.</p>
<p>Fiscal Management: Single Line of Responsibility</p> <p>3. OSEP finds that the State does not conduct fiscal monitoring as required under</p>	<p>Evidence of Implementation—as soon as possible, but no later than one year from the date of this letter:</p>		<p>OPEN</p>

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34 C.F.R. § 303.120(a)(1).	The State must submit evidence of correction, for example monitoring reports or other supporting documentation demonstrating the State's oversight of the fiscal requirements and implementation of internal controls as listed in corrective actions.		
<p>Fiscal Management: Single Line of Responsibility</p> <p>3. OSEP finds that the State has not established effective internal controls that provide reasonable assurance of compliance by its EIS providers with "Federal statutes, regulations, and the terms and conditions of their Federal award," as required under 2 C.F.R. § 200.303.</p>	<p>Policies and Procedures—within 90 days of the date of this letter:</p> <p>The State must submit revised fiscal monitoring policies and procedures demonstrating how the LA ensures compliance with appropriate IDEA Part C fiscal requirements consistent with 34 C.F.R. § 303.120(a) and establishes internal controls to ensure compliance with cost principles under the Uniform Guidance as required under 2 C.F.R. § 200.303.</p>	<p>OSEP has received the “<i>First Connections Fiscal Oversight Guide</i>”. OSEP has determined that the document submitted does not demonstrate compliance with the appropriate IDEA Part C fiscal requirements consistent with 2 C.F.R. § 200.303, which establishes internal controls to ensure compliance with cost principles under the Uniform Guidance.</p>	<p>OPEN</p> <p>The State must resubmit revised fiscal monitoring policies and procedures demonstrating how the LA ensures compliance with appropriate IDEA Part C fiscal requirements consistent with 2 C.F.R. § 200.303, which establishes internal controls to ensure compliance with cost principles under the Uniform Guidance.</p>
<p>Fiscal Management: Single Line of Responsibility</p> <p>3. OSEP finds that the State has not established effective</p>	<p>Evidence of Implementation—as soon as possible, but no later than</p>		<p>OPEN</p>

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MONITORING COMPONENT & FINDING	REQUIRED ACTIONS	OSEP ANALYSIS AND COMMENTS	NEXT STEPS/ STATUS
<p>internal controls that provide reasonable assurance of compliance by its EIS providers with "Federal statutes, regulations, and the terms and conditions of their Federal award," as required under 2 C.F.R. § 200.303.</p>	<p>one year from the date of this letter:</p> <p>The State must submit evidence of correction, for example monitoring reports or other supporting documentation demonstrating the State's oversight of the fiscal requirements and implementation of internal controls as listed in corrective actions.</p>		
<p>Dispute Resolution</p> <p>4. The State's written procedures for filing a due process complaint are inconsistent with the requirements of 34 C.F.R. § 303.441(b).</p>	<p>FC Form for Reporting a Concern—within 90 days of the date of this letter:</p> <p>The State must submit a revised copy of its FC Form for Reporting a Concern, including language making clear that reporting a concern through the form does not limit access to other procedural safeguards and that appropriate parties may still request one of three dispute resolution options (mediation, due process, or State complaint) and includes a statement that filing the FC Form is not a prerequisite to</p>	<p>On April 14, 2023, the State submitted an updated copy of the FC Form for Reporting a concern which included additional language on the first page, that said:</p> <p>“If the incident being reported involves a specific child or children, the parent/s of impacted child/children may request Mediation or a Due Process Hearing or submit a Written State Complaint regarding the issue reported in a Service Concern; in such cases, the issue will be handled following the Dispute Resolution policies, guidelines, and procedures.”</p> <p>OSEP concluded that this form now makes it clear that reporting a concern through the form does not limit any further Dispute Resolution action. No further action is required.</p>	<p>CLOSED</p>

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	initiating any of the IDEA Part C dispute resolution options.		