OKLAHOMA STATE DEPARTMENT OF EDUCATION

SPECIAL EDUCATION SERVICES

GENERAL SUPERVISION SYSTEM MANUAL

October 2025

OKLAHOMA Education

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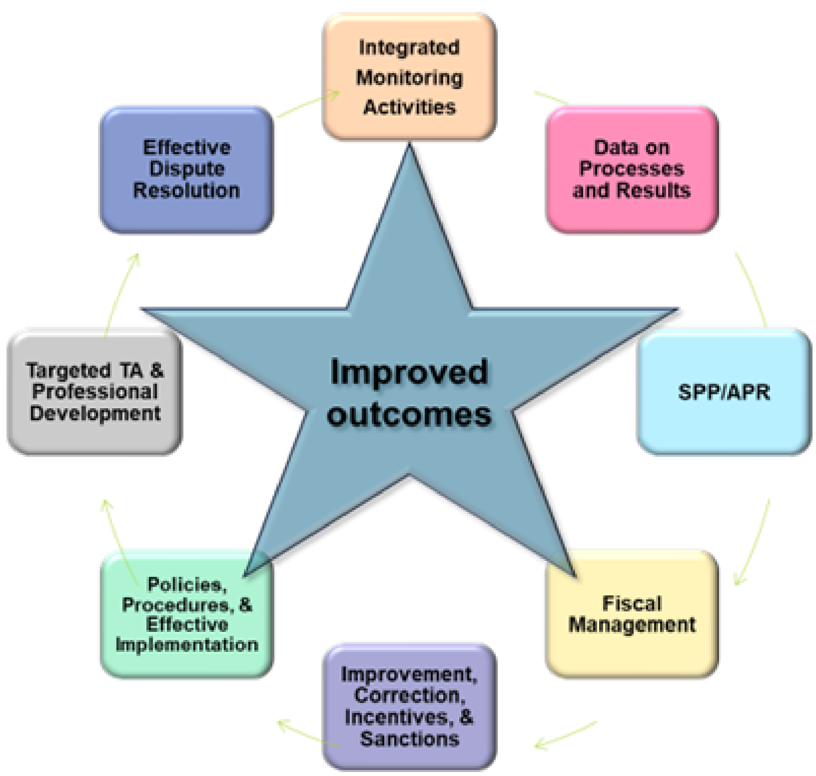
Overview

States have a responsibility under federal law to have a system of general supervision to monitor the implementation of the Individuals with Disabilities Education Improvement Act (IDEA) of 2004 IDEA 34 CFR § 300.600. The purpose of the general supervision system is to supervise the implementation of IDEA by local education agencies (LEAs). Using this system, states are accountable for enforcing compliance and ensuring continuous improvement. This system is designed to: a) ensure compliance with federal and state regulations and b) improve services and results for students with disabilities. These correspond to the monitoring and results-based accountability elements of the General Supervision System in Oklahoma.

The Oklahoma General Supervision System (GSS) consists of eight components focused on improved outcomes for students with disabilities.

- State Performance Plan and Annual Performance Report
- Policies, Procedures & Effective Instruction
- Fiscal Management
- Effective Dispute Resolution
- Data on Processes and Results
- Integrated Monitoring Activities
- Targeted Technical Assistance and Professional Development
- Improvement, Corrections, Incentives & Sanctions



All components have been developed according to the high standards set by the Federal Office of Special Education Programs (OSEP). Please refer to the Oklahoma State Department of Education Office of Special Education Services (OSDE-SES) website at http://ok.gov/sde/special-education for associated documents.

IDEA State Performance Plan and Annual Performance Report

In accordance with the IDEA, states are required to develop a performance plan that evaluates the state's implementation of Part B and describes how the state will improve its implementation. This plan, called the Part B State Performance Plan (SPP), is incorporated into the Annual Performance Report (APR). Each February, states must report to the public and OSEP the performance of the state educational agency (SEA) and the state's local educational agencies (LEAs) on a set of Federal compliance and performance indicators through the APR report.

1. **Graduation** - % of youth with IEPs graduating with a regular diploma
2. **Dropout** - % of youth with IEPs dropping out (ages 14-21)
3. **Assessment** -

   (A) Participation rate for children with IEPs

   (B) Proficiency rate for children with IEPs against grade-level academic achievement standards

   (C) Proficiency rate for children with IEPs against alternate academic achievement standards

   (D) Gap in proficiency rates for children with IEPs and for all students against grade-level academic achievement standards

4. **Suspension and Expulsion**

   (A) % of LEAs with significant discrepancy

   (B) % of LEAs with significant discrepancy by race/ethnicity

5. **Educational Environments** - % of children with IEPs, age 5 and enrolled in kindergarten and ages 6-21, served

   (A) Inside regular class 80% or more of day

   (B) Inside regular class less than 40% of day

   (C) In separate schools, residential facilities, or homebound/hospital placements

6. **Preschool Environments** - % of children with IEPs ages 3, 4, and 5 who are enrolled in a preschool program

   (A) Receiving majority of special education and related services in regular early childhood program

   (B) Attending separate special education class, separate school, or residential facility

   (C) Receiving special education and related services in the home

7. **Preschool Outcomes** - % of preschool children ages 3-5 with IEPs with improved

   (A) Positive social-emotional skills

   (B) Acquisition and use of knowledge and skills

   (C) Use of appropriate behaviors to meet their needs

8. **Parent Involvement** - % of parents who report that the school facilitated parent involvement
9. **Disproportionate Representation** - % of districts with disproportionate representation of racial/ethnic groups in special education and related services due to inappropriate identification.
10. **Disproportionate Representation in Specific Disability Category** - % of districts with disproportionate representation of racial/ethnic groups in specific disability categories due to inappropriate identification.
11. **Child Find** - % of children evaluated within 45 school days of parental consent for initial evaluation.

12. **Early Childhood Transition** - % of Part C referrals for which Part B eligibility and IEP's, if needed, were completed on or before the child's 3rd birthday.
13. **Secondary Transition** - % of youth ages 15+ with measurable, annually updated IEP goals and appropriate transition assessment, services and courses.
14. **Post-School Outcomes** - % of youth with IEPs, no longer in school

    (A) Enrolled in higher education

    (B) Enrolled in higher education or competitively employed

    (C) Enrolled in higher education, other postsecondary education, or training program or competitively employed or in some other employment, within one year of leaving high school.

15. **Resolution Sessions** - % of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.
16. **Mediation** - % of mediations held resulting in mediation agreements.
17. **State Systemic Improvement Plan (SSIP)** - SPP/APR includes comprehensive, ambitious, yet achievable multi-year SSIP, with stakeholder engagement in all phases, for improving results for children with disabilities.
18. **General Supervision** - % of findings of noncompliance corrected within one year of identification.

Policies, Procedures & Effective Instruction

Policies and Procedures

The Oklahoma Special Education Policies and Procedures are in alignment with the IDEA and Federal and State regulations. In an effort to assist LEAs and other entities providing special education and related services in Oklahoma, the OSDE-SES has outlined specific procedures for implementation of the IDEA in the Oklahoma Special Education Policy and Procedures Manual, available on the OSDE-SES website.

Local Education Agencies are responsible for the provision of special education and related services and must abide by Oklahoma State law, policies, procedures, and the Federal regulations for the IDEA Part B. Agencies having these responsibilities include: local education agencies (LEAs), public charter schools not otherwise included as LEAs, inter-locals and co-ops, other public agencies (e.g., State schools for students with deafness and blindness and State and local juvenile and adult correctional facilities), and accredited private schools and facilities as described in the applicable Federal regulations and established by Oklahoma State laws.

LEAs must develop policies and procedures (34 CFR §300.201) at the local level to ensure effective implementation of the IDEA and the Oklahoma Policy and Procedures. In Free Appropriate Public Education (FAPE) (34 CFR § 300.17), LEAs are required annually to complete the *LEA Agreement* for Special Education (34 CFR § 300.200) in the Grants management System (GMS) located in Single Sign-On. Failure to complete these required assurances and agreements in a timely manner can directly affect sub-recipient allocations, approval of budget applications, and other fiscal-related issues. Timeliness factors into District Determinations and the level of support assigned an LEA through differential monitoring or selective reviews.

Effective Instruction

34 CFR §300.1(d) identifies a key purpose of the IDEA is to **assess and ensure the effectiveness of efforts to educate** children with disabilities. The Oklahoma Special Education Policies and Procedures manual includes chapter 3 on effective instruction based on a Multi-tiered System of Supports (MTSS). MTSS is a system framework

to align evidence-based instructional practices to address all students' academic and social-emotional behavioral skills, with regular data collection to facilitate data-based instructional decision making. It is a multi-level, proactive, prevention system to maximize all student achievement and reduce problem behaviors throughout the school community. The Office of Special Education Services provides support for the implementation of effective instruction through the State Systemic Improvement Plan (SSIP) and through the State Personnel Development Grant (SPDG). The Oklahoma State Department of Education supports effective instruction through the use of an Oklahoma Multi-tiered System of Support (OKMTSS) framework.

Fiscal Management

Federal legislation enacted in 1975 (Education for All Handicapped Children's Act, Part B, as amended, Public Law (P.L.) 101-476, P.L. 98-199 and P.L. 99-457) provides funds for special education and related services to local educational agencies (LEA) through the Oklahoma State Department of Education (OSDE) Office of Special Education Services (SES). In 1990, P.L. 101-476 amended the wording from Education of the Handicapped Children's Act to Individuals with Disabilities Education Act (IDEA). On June 4, 1997, the IDEA Amendments of 1997 were enacted into law as P.L. 105-17. December 3, 2004, the IDEA amendments of 2004 were enacted into law as P.L. 108-446.

The majority of Oklahoma's IDEA Part B funds will be awarded to LEAs on the basis of a noncompetitive application. Funds are awarded to the OSDE by the United States Department of Education (USDE), Office of Special Education Programs (OSEP), to "flow-through" to the LEA contingent upon the LEA's consolidated application for IDEA Part B funds.

Section 611, or flow-through funds, will be awarded on a formula based on the number of students with disabilities ages 3 through 21 served on December 1, 1999, as well as the total student enrollment in the LEA (in both public and private schools located in the LEA) and the poverty level of the LEA (defined as the free and reduced lunch count within the LEA). The calculation comes from the October 1child count of the previous year.

Section 619, or Preschool, (P.L. 94-112 as amended by P.L. 99-457, 102-119, 105-17, and 108446) funds are earmarked for children with disabilities ages 3 through 5, and are awarded on a formula based on the number of children with disabilities ages 3, 4, and 5 served on December 1, 1999, as well as the total enrollment in the LEA (in both public and private schools located in the LEA) and the poverty level of the LEA (defined as the free and reduced lunch count within the LEA). The calculation comes from the October 1 child count of the previous year.

IDEA Fiscal Accountability Overview

The OSDE - SES must ensure fiscal accountability at each phase in the distribution and use of the IDEA Part B funds. The purpose of the OSDE - SES's IDEA Funding Manual is to provide a comprehensive overview of fiscal policies, procedures, and mechanisms by which the OSDE accounts for the IDEA funds requirements, including:

Use of Amounts

- Ensure Local Education Agencies (LEAs) use the IDEA funds only to pay excess costs of providing special education and related services to children with disabilities;
- Ensure the IDEA funds are used to supplement and not supplant State, local, and other federal funds;
- Ensure that funds provided to an LEA under IDEA Part B must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year;
- Ensure proper use of exceptions and adjustments to maintenance of effort (MOE); and

- Prohibit reduction in the level of expenditures under 34 CFR 300.205(a), if the LEA is not meeting IDEA Part B requirements.

Requirements for Use of Special Education Federal Funds

Federal Requirement

- Each LEA must have in effect policies and procedures that are consistent with the State Education Agency's (SEA) policies and procedures and demonstrate to the satisfaction of the SEA that it meets those conditions.
- Each LEA must be able to establish and maintain a program of sufficient size and scope to effectively meet the needs of children with disabilities.
- Each LEA must meet the excess cost requirement.
  - Amounts provided to an LEA under IDEA Part B may be used only to pay the excess cost of providing special education and related services to students with disabilities.
  - Excess costs are those costs over and above what the LEA spends on average for students enrolled at elementary or secondary level.
  - If an LEA can show that it has (on average) spent the minimum amount for the education of each of its students with disabilities, it has met the excess cost requirement and all additional costs are excess. The IDEA Part B funds can then be used to pay for these additional costs.

Each LEA Must Meet The Non-Supplanting Requirement

IDEA Part B funds must be used by the LEA to supplement the level of federal, State, and local funds expended for special education and related services provided to students with disabilities and in no case to supplant these federal, State, and local funds.

Excess Cost

Local educational agencies (LEAs) must follow certain requirements when accepting federal funds. One of the federal requirements under the Individuals with Disabilities Education Act, Part B (IDEAB) is the concept of excess costs. If your LEA receives a federal grant awarded under IDEA-B, you must spend those funds only on the excess costs of providing special education and related services to eligible students. LEAs may not use IDEA-B funds to pay all the costs of educating students with disabilities. Excess costs are those costs over and above what the LEA spends on average for students enrolled at the elementary or secondary level, including special education students.

Maintenance of Effort

Each LEA must meet Maintenance of Effort (MOE) requirements. Funds provided to the LEA under IDEA Part B may not be used to reduce the level of expenditures for the education of students with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.

Time and Effort Reporting

Federal regulation requires that any salaries and benefits charged to a federal award(s) must be documented in writing. The Time and Effort reports must be prepared for any staff with salary and benefits that are paid out of one or more than one Federal award. The Time and Effort reports must be kept on file at the district level and available when requested.

IDEA Consolidated Application – Early Intervening (Project 623)

An LEA may not use more than 15 percent of the amount such LEA receives under IDEA Part B for any fiscal year, less any amount reduced by the agency, in combination with other amounts; this may include amounts other than education funds to develop and implement CEIS. CEIS may include interagency financing structures for students in kindergarten through grade 12 (with a particular emphasis on students enrolled in kindergarten through grade 3), who have not been identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.

Comprehensive Coordinated Early Intervening Services

In December 2016, the Office of Special Education Programs (OSEP) finalized new regulations on significant disproportionality (34 CFR §300.646). These regulations enforce the use of Individuals with Disabilities Education Act (IDEA) funds for mandatory Comprehensive Coordinated Early Intervening Services (CCEIS), which local education agencies (LEAs) provide upon identification of significant disproportionality, and distinguish use of funds for CCEIS from the use of IDEA funds for voluntary Coordinated Early Intervening Services (CEIS).

LEAs identified as being significantly disproportionate are required to set aside 15 percent of their joint Project 621 and Project 641 IDEA current year allocation. The LEA must address any policy, practice, or procedure it identifies as contributing to the significant disproportionality, including any that result in a failure to identify or the inappropriate identification of a racial or ethnic group or groups. The LEA is required to publicly report on the revision of policies, practices, and procedures. The LEA retains full flexibility regarding whether the reservation is made with project 621 funds, project 641 funds, or both.

For additional information regarding IDEA Part B Funding, refer to the IDEA Part B Funding Manual located on the home page of the Special Education Services under Manuals.

Effective Dispute Resolution

A key purpose of the IDEA according to 34 CFR §300.1(d) is to ensure that the rights of children with disabilities and their parents are protected. Under 34 CFR §300.140, parents are afforded procedural safeguards which include the ability to engage in dispute resolution. When conflicts arise between Local Education Agencies (LEA) and parents and/or adult students, the Oklahoma State Department of Education will engage in effective dispute resolution to assist in resolving disputes. The State will address dispute resolution timely and in accordance with the requirements of IDEA. The resolution options offered through the OSDE include individualized education program (IEP) facilitation, mediation, formal state complaints, due process hearings, facilitated resolution sessions, and expedited due process hearings.

Individualized Education Program (IEP) Facilitation

IEP facilitation is a voluntary process for which a facilitator is appointed to facilitate an IEP team meeting. The role of the facilitator is to help team members communicate more effectively and efficiently. IEP facilitation supports early dispute resolution, providing assistance to the IEP team before a potential conflict develops into a more serious dispute. The facilitator is an impartial third party, not a member of the IEP team, and has no stake in decisions made by the team. For the parties to enter into IEP facilitation, both parties must agree to use of IEP facilitation.

Mediation

Mediation is a structured, voluntary process in which an impartial third party (a mediator) assists parents and/or adult student and LEA personnel resolve disputes. Mediation builds positive working relationships, encourages mutual understanding, and helps the parties focus on their common interest – the student. For the parties to enter into mediation, both parties must agree to the use of mediation.

Formal State Complaints

A formal state complaint may be filed with the OSDE by any individual or organization who believes the LEA or other education agency has violated, within one year, a requirement of IDEA. The complaint will be thoroughly investigated and will result in a written decision of findings within 60 days. If noncompliance is identified, the district will be issued a corrective action plan and must correct the non-compliance as outlined in the decision and in all cases within one year.

Due Process Hearings

A request for a due process hearing may be made by a parent, adult student, attorney representing the parent/adult student, or the LEA. A due process hearing must be initiated within two years of the date the parent and/or adult student knew or should have known of the dispute. The hearing officer will preside over and conduct the proceedings in a fair and impartial manner, permitting all parities an opportunity to present their information and opinions pursuant to the IDEA requirements. The hearing officer will issue a written decision which will include findings of facts and conclusions of law, including an order, if appropriate.

Dispute Resolution Issues

The State tracks issues that arise through the dispute resolution process and uses that data to inform the need for targeted technical assistance and professional development.

Data on Processes and Results

The State is responsible for the collection and validation of data related to special education. The State examines and analyzes the data to inform of regional and district-level concerns, including noncompliance. These identified concerns inform the State's targeted technical assistance and professional development.

In order to determine compliance and performance results based on the 18 Federal indicators outlined in the State Performance Plan (SPP) section of this document, Student-level data and district-level data will be collected annually from districts. Some data elements are pulled directly from the online IEP system, while others are provided from the OSDE Office of Accountability. This data is aggregated and reported as state-level data to OSEP through the SPP.

States must use the indicator targets established in the SPP under 34 CFR § 300.601 and the priority areas described in 34 CFR §300.600(d) to analyze the performance of each LEA. Subsequently, the SEA will report the disaggregated compliance and results data back to each district in the form of the District Data Profile (DDP) in November of each year. Certain compliance and performance results are then transferred for use in the annual district determinations (see Differentiated Monitoring Results in this document for more information). Districts must strive to meet the established indicator targets. The annual targets are set periodically by a group of statewide stakeholders and the IDEA B State Advisory Panel. Oklahoma's SPP/APR and each district's DDP reports are available on the OSDE-SES Data Website.

Beyond the data for the specified indicators, the state collects student level demographic data that is reported for annual child count, counts for disability category and disability category by race. It is also used in calculating significant disproportionality.

For additional information regarding IDEA Part B Data, refer to the General Supervision System Data Collection Manual located on the home page of the Special Education Services under Manuals.

Integrated Monitoring Activities

The primary purpose of integrated monitoring activities is two-fold; investigation related to program improvement and investigation related to non-compliance. Integrated means that information is collected from all parts of the general supervision system (e.g., fiscal management, data on processes and results, effective dispute resolution), using multiple methods to detect noncompliance and ensure correction of noncompliance. This in-turn, informs the State of general and specific needs of technical assistance and professional development that are designed to ultimately lead to program improvement.

While not an exhaustive list, the State employs the use of systems, including Differentiated Monitoring Results, cyclical monitoring, Selective Review, longstanding noncompliance, and Significant Disproportionality to monitor compliance with the IDEA. If noncompliance is identified through these processes, it results in a written notice of findings of noncompliance to the district and is inclusive of a corrective action that must occur within a stated timeframe, not greater than one calendar year of the notice of findings.

Differentiated Monitoring Cycle (DMC)

The Oklahoma State Department of Education, Office of Special Education Services (OSDE-SES) provides a Differentiated Monitoring Cycle (DMC) to districts as part of its Results Driven Accountability (RDA) system for Individuals with Disabilities Act (IDEA), Part B. Under RDA, the State Education Agency (SEA) monitors for both compliance with IDEA requirements and improving results for children and youth with disabilities served under IDEA. OSDE-SES differentiates its approach for each district based on the district's unique strengths, challenges, and needs.

Office of Special Education Programs (OSEP) issued an OSEP QA 23-01 document to assist states in meeting the general supervision responsibilities under Part B of the IDEA. According to the OSEP QA 23-01, the following guidance aligns with the Cyclical Monitoring process.

A11: How frequently should a State monitor its LEA providers?

Answer: A State should monitor all LEA providers within a reasonable period of time and at least once within a six-year period. However, where LEA provided data or other available information indicates an area of concern, a State should consider whether more frequent or targeted monitoring (i.e., a monitoring activity that occurs outside of the State's normal cycle to address emerging or new issues and typically is limited in scope) is necessary. (See Selective Review below for more information regarding how Oklahoma addresses areas of concern outside of the cyclical monitoring process.)

The Cyclical Monitoring Process is designed to ensure each LEA, charter, Oklahoma Juvenile Affairs (OJA), Co-Op, Interlocal, and special schools (Oklahoma School for the Blind (OSB) and Oklahoma School for the Deaf (OSD)) are afforded the opportunity to showcase the excellence in their special education services (SES) and to work with the Oklahoma State Department of Education (OSDE), Special Education Services staff to develop and implement areas of needed improvement to ensure all students with disabilities are afforded a Free Appropriate Public Education (FAPE) to meet their unique individualized needs. All entities listed above that receive IDEA funds to support students with disabilities will be placed into the cyclical monitoring process to receive monitoring at least once in a six-year cycle. Due to the sheer number of entities that fall in a single cycle, each cycle will be divided into quarters. The quarters align with the fiscal calendar (i.e., July – September will be quarter 1 of cohort 1, October – December will, be quarter 2 of cohort 1, etc..).

OSDE-SES will release the Differentiated Monitoring Cycle (DMC) cohort in December of each year, notifying districts of their monitoring cohort. Districts will be assigned to one of six cohorts and assigned to a quarter within their cohort. The district's assignment will determine the dates of each phase of the monitoring cycle. See Diagram 1.

Each year, in January, selected districts will participate in a training provided by the OSDE-SES which will outline the expectations and processes of the Monitoring Cycle (DMC). Districts will be provided with materials to support the district in their reviewing their IDEA programs and in preparation for the DMC based on the district's strengths, challenges, and needs.

The Differentiated Monitoring Cycle (DMC) will be divided into phases. The phases are described below.

Phase 1: Monitoring Protocol Review

In January, The OSDE-SES will provide identified cohort districts with a series of protocols related to the following areas of special education:

a) Data
b) Fiscal
c) Dispute Resolution
d) Compliance
e) Improvement
f) Monitoring

The protocols identify a framework of applicable statutory and regulatory requirements and questions for districts to consider regarding their implementation of the requirements. The protocols are neither intended as questionnaires nor forms for districts to complete. Rather, the protocols are intended to spark conversations whereby districts purposefully and systematically consider their implementation of IDEA and its regulations.

Phase 2: Document Submission

Under 34 CF4 300.201, the LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under 300.101 through 300.163, and 300.165 through 300.164. OSDE-SES has created a series of templates in alignment with the protocols from Phase 1 for districts to document their procedures on specific IDEA and State requirements in the areas of data, fiscal, dispute resolution, compliance, improvement, and monitoring. The compilation of these templates will result in the district's written procedures that will be submitted in this phase.

Two months prior to monitoring (based on the district's designated Cohort and Quarter), the district will submit the following documents:

a) District Policies (local board approved)
    i. Child Find
    ii. Extended School Year
    iii. Special Education Transfer
    iv. FERPA
    v. Discipline
b) District Procedures (template provided)

vi. Data
vii. Finance
viii. Dispute Resolution
ix. Compliance
x. Improvement
xi. Monitoring

The OSDE-SES monitoring team will review the submitted District Policies and District Procedures along with other program influences such as defined risk, performance on Federal indicators reported in the district's District Data Profile (DDP), Corrective Action Plans (CAP) resulting from Selective Reviews, District Determinations of Levels 3 or 4, State Complaints, or Due Processes in order to determine the type of monitoring the district will receive. Based on the above information, districts will be assigned one of two types of monitoring:

- Comprehensive (all areas of IDEA programming)
- Targeted (one or more areas of IDEA programming)
  - Compliance Measures
    - Dispute resolution, staffing, restraint/seclusion, significantly disproportionate, extended school year (ESY), least restrictive environments (LRE), exceeding 1% cap for alternative assessments plan for improvement
  - Indicators
    - Child Find, Secondary Transition, Early Childhood, Assessment, Alternative Assessment, and/or Discipline
  - Fiscal
    - MOE, Excess Cost, High Needs, State Audit findings, proportionate share

The entities will be notified of the type of support that will be provided within 4-6 weeks after the document submission.

<u>Phase 3:</u> Monitoring Engagement

The Differentiated Monitoring Cycle (DMC) monitoring engagement may take on the form of in-person or virtual visits; interviews with staff, administration, and/or parents; tracking students for IEP implementation, tour/visit specific programs related to specific concerns (i.e., secondary transition program, early childhood program), or requests for additional documentation. Each type will include some level of student file monitoring most closely related to any areas of identified challenge or need.

All Districts will be monitored on their implementation of IDEA to ensure that they meet the requirements of IDEA 34 CFR 300.600(b) which include

a) Improving educational results and functional outcomes for all children and youth with disabilities; and
b) Meeting requirements under Part B of IDEA with a particular emphasis on those requirements that are most closely related to improving educational results for children and youth with disabilities

<u>Phase 4:</u> Monitoring Report

Following completion of the monitoring, the OSDE-SES will issue a DMC Report. The report will be inclusive of areas of commendation, areas that meet requirements, areas that meet requirements with recommendations, and areas that are in noncompliance and require action to correct the noncompliance. This report will be available to the district generally 60 days after the monitoring is completed (depending on the complexity The OSDE-SES will compile the findings for each quarter for public reporting on the OSDE-SES website on the Compliance tab. If any areas of noncompliance are identified, the district will be given a corrective action plan (CAP) that includes directives and associated timelines. Corrective Action Plans (CAP) that are not met timely may result in additional corrective actions or sanctions.

Phase 5: Close-Out and Follow Up

Under 34 CFR § 300.??? Noncompliance must be corrected as soon as possible and in no case later than one year of the date of the written findings, the entities are expected to have corrected all findings of noncompliance. The OSDE-SES must verify that all identified noncompliance has been corrected and the district is demonstrating continued compliance. If there are concerns, a letter of concern will be provided to guide the district. If the district has fulfilled all requirements and has successfully implemented and continues to monitor progress in the areas identified in the report issued in phase 4, a final close-out letter will be issued.

For additional information regarding Differentiated Monitoring Cycle (DMC), refer to the Cyclical Monitorng Manual located on the home page of the Special Education Services under Manuals.

Differentiated Monitoring Results (DMR)

For the **2024-2025 School Year with Data Packet released November 2025**

OSDE-SES applies a differentiated monitoring result (DMR) for each LEA in Oklahoma based on the LEA's determination rating and an assessment of risk. The DMR initiates a series of integrated monitoring and improvement activities that must be completed by the LEA. These activities correspond with a "level of support" that the OSDE-SES determines is necessary for the LEA to achieve a "meets requirements" designation and mitigate risk in subsequent years. Diagram 1 displays the overall model of the DMR, while table 5 describes the required activities associated with each of the four levels of support.

The OSDE-SES incorporates a risk assessment calculation as part of the DMR in order to meet federal Uniform Grant Guidance requirements (2 CFR §200.331). This risk assessment gauges the risk any LEA poses to the SEA in fiscal responsibilities, including recent maintenance of effort (MOE) results, excess cost, audit findings, special education identification rate, complaint counts, and directors' experience, among other things. Each year, factors included in the risk assessment are evaluated for their usefulness in measuring risk to the SEA and revised as appropriate.

An LEA's DMR and associated level of support are determined through a comparison of the LEA's determination rating and risk score. Based on the greatest need of the district, the LEA will be placed in the corresponding determination rating or risk. The determination and risk assessment are described in more detail in the following paragraphs.

Diagram 1: Differentiated Monitoring

Determination
Based on APR Indicators

Compliance | Performance

and

Risk Assessment Score	
Current MOE result	Late claim(s) submitted
Size of award	Recent audit findings
Change in SPED director	Special/unusual design
Current excess cost results	Complaint count
Special education identification rate	Timely and finalized assurances & agreements
Years since monitoring	

Differentiated Monitoring: Level of Support

Determinations

Annual LEA determinations are required by the IDEA 34 CFR § 300.600. Determinations identify each LEA's quality of compliance and performance for several indicators that the SEA reports to OSEP. The indicator data used are reported annually to the LEAs in the District Data Profile document. Based on the quality of its compliance and performance data, the OSDE-SES assigns each LEA a determination rating tier: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

Determinations are made based on data collected during the previous school year and are provided to the LEAs in November via notification directly to special education directors and Superintendents. The District Data Profile and determination documentation includes a set of instructions for interpreting the data, the calculation matrix, and scores from the current and prior years. Please see Appendix B for a sample determination to view the calculation matrix and reporting template.

The calculation matrix has two parts: one focusing on compliance indicators (4B, 9, 10, 11, 12, 13) and the other on performance (results-based) indicators (1, 3A, 3B, 7 A1-B1-C1). Determination is made by adding the points together that the LEA has earned on compliance and performance by meeting the indicator targets and dividing by the total possible points. Every indicator may not apply to every LEA. Bonus points are available for meeting various criteria that are area of focus for improvement by the SEA. If the LEA score falls close to the target ("approaching" the target), it may receive partial credit for indicator. LEA targets align with state APR targets as shown on the District Data Profile.

Please refer to the district determination template in Appendix B for the list of indicators included and the points allocated to each, as well as a description of the possible bonus points.

Compliance Indicator Descriptions

- Indicator 4B: Significant discrepancy, by race or ethnicity, in the rate of long-term suspensions/expulsions for children with IEPs.
- Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification.
- Indicator 10: Disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification.
- Indicator 11: Initial eligibility completed within 45 school days from the date of parent consent to the date of the eligibility meeting.
- Indicator 12: Children who transfer from SoonerStart Part C to Public Education Part B with an IEP in place by the student's 3rd birthday.
- Indicator 13:

(A) Students who are turning age 15 on or before the first day of 9th grade through to graduation must have an annual IEP addressing secondary transition completed timely.

(B) Students who are turning age 15 on or before the first day of 9th grade through to graduation must have compliant annual secondary transition plans based on current transition assessment data.

Longstanding Noncompliance - LEAs that have been identified for one or more of the compliance indicators for two or more consecutive years will be identified by not adding two points to the LEAs determinations.

Timely Completion of Monitoring Requirements - LEAs that have not submitted the required information, or data timely will be identified by adding two points to the LEAs determinations.

Performance (Results Based) Indicator Descriptions

- Indicator 1A: Percent of youth with IEPs who graduated high school the previous school year with a regular diploma.
- Indicator 1B: Percent of youth with IEPs who graduated high school the previous school year with a regular diploma and an alternate diploma.
- Indicator 3A: Percent of all students with IEPs participating in a state assessment, for grades 4, 8, 11.
- Indicator 3B: Percent of students with IEPs who achieve proficient+ on the regular (OSTP) assessment for reading and math grades 4, 8, and 11.
- Indicator 7 (A1, B1, C1): For each outcome, the percentage of children ages 3-5 who improved functioning to a level nearer to or comparable to same-aged peers when exiting the preschool special education program.

2024-2025 Bonus Points

Districts may earn bonus points for the following activities (6 total points possible). **NOTE:** This is the final year for the bonus points described below. Bonus points in the future will focus on Indicator 3.

- Timely submission and certification for both Child Count & End-of-Year Data (must submit both timely) (1 point possible)
- Attendance at the Child Count and end of Year Training (must attend both) (1 point possible)
- Parent Survey Response Rate increase 5% or 50% (1 point possible)
- Increased Parent Survey Response (1 point possible)
- Professional Development (maximum two points). Up to two professional development (PD) bonus points may be earned if the PD meets the following requirements: 1) PD for all district staff over a topic related to students with disabilities for a minimum of three hours. 2) The second PD must be related to the district's

secondary transition program such as participation at the local/area transition team meeting, observing another district's secondary transition program to replicate/build/expand your program, or attendance at the annual Secondary Transition Institute (OTI) held in the fall.

Note: LEAs with any indicators that fall below the target must be addressed regardless of the DMR Level status.

Determination Rating Tiers

Each determination level corresponds to a total percentage calculation measuring the LEA's achievement in the compliance and performance indicators. Table 1 shows the percentage calculation corresponding to each determination tier. The LEA's tier contributes to its DMR and corresponding level of support. LEAs identified as *Meets Requirements* demonstrate adequate compliance and performance on targeted indicators for the implementation of IDEA. An LEA assigned to any tier that *does not* adequately meet compliance and performance on targeted indicators for the implementation of the IDEA, will be required to engage in various monitoring and/or improvement activities, as described by its overall DMR and level of support.

Table 1: Determination Tiers

Determination Rating	Rating Percentage
Tier 1: Meets Requirements	85% to 100%
Tier 2: Needs Assistance	70% to 84.9%
Tier 3: Needs Intervention	55% to 69.9%
Tier 4: Needs Substantial Intervention	less than 55%

Risk Assessment

The risk score is a measure of an LEA's risk to the SEA. Each LEA is assigned a risk category based on its risk score that contributes to the LEA's DMR and corresponding level of support.

Risk Factor Definitions

- <u>MOE Results</u>: LEAs must expend an equal amount of state and/or local funds from year to year. LEAs not meeting Maintenance of Effort (MOE) are subject to a penalty for failure to meet MOE and funds could be withheld from State Aid, increasing the risk to the SEA. Scoring Elements:
  - <u>Met MOE:</u> zero points
  - <u>Not met MOE</u>: 10 points
- <u>Timely & Finalized Assurances and LEA</u>: LEAs must complete the Oklahoma Assurances and LEA Agreement by June 30 annually. Scoring Elements:
  - <u>Met submission requirements</u>: zero points
  - <u>Not met (late or unfinished)</u>: 1 point
  - <u>Not met (late or unfinished for two or more years in a row)</u>: 3 points
- <u>Size of Award</u>: The higher the award amount, the higher the financial risk to the SEA. Scoring Elements:
  - <u>≤$100,000:</u> zero points
  - <u>$100,000 to 500,000:</u> 1 point
  - <u>$500,000 to 900,000:</u> 2 points
  - <u>≥$900,000:</u> 3 points
- <u>Change in SPED Director</u>: LEAs who have appointed or assigned the special education director duties to a new individual in the past two years will receive a higher risk score._Scoring Elements:

- No change in two+ years: zero points
- Second year in LEA: 1 point
- First year in LEA: 2 points

- Excess Cost Results: Excess Costs are costs over and above what the LEA spends on average for all students enrolled at the elementary or secondary level. Any LEA found not meeting excess cost could incur a penalty, requiring SEA to withhold a portion of funds from State Aid, increasing the risk to the SEA. Scoring Elements:
    - Met Excess Cost: zero points
    - Not met Excess Coast: 0 points
- Special Education Identification Rate: LEAs with very high special education identification rates may need additional support, increasing the risk to the SEA. Scoring Elements: (State average 18.25)
    - Less than twice the State average: zero points
    - More than twice the State average: 3 points
- Recent Audit Findings: Any Independent Audit findings related to special education increase the LEAs risk to the SEA. Scoring Elements:
    - No findings: zero points
    - Other: 3 points
    - SPED (with or without other):5 points
- Special Design: LEAs that participate in COOPs or Interlocal, and/or are designated as a charter or virtual school increase the LEAs risk to the SEA. Scoring Elements:
    - No special design: zero points
    - Has a special design: 2 points
- Significantly Disproportionate: The LEA has been identified as significantly disproportionate. Scoring Elements:
    - Has NOT been identified as significantly disproportionate: zero points
    - Has been identified as significantly disproportionate: 2 points
- Late Claim Submitted: Claims must be submitted by August 1st. Any claim submitted after the due date must go before the State Board of Education for approval. Late claims pose a risk to the SEA. Scoring Elements:
    - No late claims have been submitted: zero points
    - Late claims submitted: 3 points
    - Late claims submitted for two or more years in a row: 5 points
- Complaint Count: Higher numbers of complaints that resulted in findings against the LEA are a greater risk to the SEA. IF the LEA has two or more complaints in a single school year that results in findings against the LEA, then the LEA is a greater risk to the SEA. Scoring Elements:
    - No State complaints or one with findings: zero points
    - State complaint(s) with findings (two or more): 3 points
- Years Since Prior On-site Monitoring: LEAs that have not received a monitoring of the Special Education Program including a student confidential file review in more than six years are at greater risk to the SEA. Scoring Elements:
    - Six or fewer years since monitoring: zero points
    - More than six years since monitoring: 5 points

2024-2025 Bonus Points

Districts may earn bonus points to reduce the mitigating factors related to risk assessment. Below are the following activities: **NOTE:** This is the final year for the bonus points as described below.

- Attending the "Hands on Budget Training" (attending will earn1 point)

- Budget application submitted timely (timely submission with earn1 point)
- Attending the First Year Director's Training (earn1 point)

Risk categories

Table 2 describes the risk categories and associated point spread for each. LEAs in risk category 1 are considered very low risk. An LEA assigned any other risk category does not adequately meet risk targets and will be required to engage in various monitoring and/or improvement activities, as described by its overall DMR and level of support. The risk factors are scored according to the values listed in Table 2, then all factor values are summed. The total possible risk score is 50, which OSDE-SES would interpret as imminent failure. A score of zero would be interpreted as extremely low risk.

Table 2: Risk Categories

Risk Category	Risk Score
Category 1: Very Low Risk	0 – 9 points
Category 2: Low Risk	10 – 18 points
Category 3: Moderate Risk	19 – 32 points
Category 4: High Risk	33 – 50 points

For sample forms, please reference Appendix A and B.

DMR Levels of Support Activities **beginning with the November 2025 Data Packet**

Table 5: Levels of Support

			Required Activities						
Level of Support	*Corresponding…*		Integrated Monitoring						
	Risk	Determination	A	B	C	D	E	F	G
1	VL	MR	x	x	x	x	x		x
2	L	NA	x	x	x	x	x	x	x
3	M	NI	x	x	x	x	x	x	x
4	H	NSI	x	x	x	x	x	x	x

List of required activities

A. Targeted Technical Assistance
B. Self-Assessment Toolkits/Root Cause
C. Improvement Plan
D. Progress Monitoring
E. District Professional Development
F. Data Retreat
G. Withheld Funds

Integrated monitoring activities

Required Integrated Monitoring Activities

A. Targeted Technical Assistance (TTA)

Targeted technical assistance (TTA), in the form of an integrated monitoring activity, is a purposeful and planned series of activities. TTA activities are selected and coordinated in collaboration with each LEA by the OSDE-SES. The LEA then carries out these activities at the school or districtwide level with continued support from the OSDE-SES. As a result, these activities increase the capacity of the LEA to support improved outcomes for students.

TTA activities are concern specific, highly focused, and supported by data. Examples of data the OSDE-SES may use when creating TTA for an LEA include the LEA's level of IDEA compliance, the LEA's performance on results-based indicators, the LEA's performance on compliance-based indicators, or a combination of any of these components. Ultimately, TTA is designed to build the capacity of individuals, schools, and LEAs to plan, implement, and support improved outcomes for their students with Individualized Education Programs.

B. Self-Assessment Toolkits/Root Cause Analysis

Self-assessment toolkits are required of all districts assigned to levels of support 1, 2, 3, and 4. The goal is to encourage districts to consider their strengths, weaknesses, and root causes related to one or more indicators on the determination rating or risk factors. They are meant to give an accurate picture of the LEA, school, and teacher practices and are supported by documentation. The use of self-assessments is an important part of the TTA process described above. They are also an important part of improving teaching and learning in schools. Honest self-assessment lays the groundwork for reflective practice that is focused on improving outcomes.

C. Improvement Plan/Progress Monitoring

The improvement plan is required of LEAs completing a Self-Assessment Toolkit. It is intended to serve as a tool for LEAs to use to guide improvement in risk, compliance, and/or student performance. OSDE-SES will assist the LEA in defining what should be included in the improvement plan, timelines, and support. OSDE-SES will support and monitor the implementation of the improvement plan over time.

D. Progress Monitoring

Progress monitoring of the LEA improvement plan is required. The purpose of the progress monitoring is to ensure LEAs are reviewing data and the improvement plan to ensure adequate progress. If there is little to no progress, the LEA must identify why and make any necessary changes or edits to the improvement plan to ensure adequate growth before the next District Data Profiles (DDP) are released on November 15th. Progress monitoring results are due to the Oklahoma State Department of Education, Special Education Services no later than March 31st and May 31st.

E. District Professional Development

LEAs required to conduct this activity will work with an OSDE-SES specialist to determine the appropriate module(s)/training. Professional development must be related to the indicators on the determination rating or risk factors in need of improvement.

F. Data Retreat

LEAs assigned levels of support 2, 3, and 4 are required to send personnel responsible for data management to a data retreat provided by the compliance team. DMR level 2 are required to participate in a half day training while DMR Level 3 and 4 must attend a full day training. These training events will be held annually and will guide personnel through how to conduct root cause analyses and how to use data to inform program improvement.

G. Withheld Funds

The OSDE-SES may withhold funds, in whole or in part, in accordance with the federal regulations at 34 CFR §§ 300.604 and 300.605. OSDE may choose to withhold funds if required timelines are not met during the differentiated monitoring process. More information is below.

Required Activities in Response to Noncompliance

As stated previously, each state is required to report all findings of noncompliance on APR indicators 4 and 9 through 13. Any LEA that is not 100 percent compliant must resolve all noncompliance in student records and confirm its resolution ("prong 1" activities) and then be monitored for continuous compliance ("prong 2" activities). These are federally required monitoring activities.

Assurance Statement

LEAs found in noncompliance are required to provide the OSDE-SES with a letter of assurance. The purpose of the assurance statement is for the LEA to inform the OSDE-SES that LEA will correct its noncompliance to 100%. In accordance with 34 CFR 300.600(e), noncompliance must be corrected as soon as possible, and in no case later than one year from the date on which the LEA is notified of a finding of noncompliance.

DMR Levels and required activities

Beginning 2025-2026 School year.

DMR Level 1	DMR Level 2	DMR Level 3	DMR Level 4
Toolkits must be completed for the following indicators the LEA is not meeting the target. • Indicators 4, 9, 10 • Indicators 11, 12, & 13 • Indicator 3	Toolkits must be completed for the following indicators the LEA is not meeting the target. • Indicators 4, 9, 10 • Indicators 11, 12, & 13 • Indicators 1, 2, 3, & 7 • Fiscal The LEA will also participate in a ½ day data retreat	Toolkits must be completed for the following indicators the LEA is not meeting the target. • Indicators 4, 9, 10 • Indicators 11, 12, & 13 • Indicators 1, 2, 3, & 7 • Fiscal The LEA will also participate in a full day data retreat Develop & submit LEA processes for monitoring	Toolkits must be completed for the following indicators the LEA is not meeting the target. • Indicators 4, 9, 10 • Indicators 11, 12, & 13 • Indicators 1, 2, 3, & 7 • Fiscal The LEA will also participate in a full day data retreat Develop & submit LEA processes for monitoring

		for each indicator of noncompliance.	of indicators of noncompliance. LEA team will meet with SDE team quarterly to review data and progress for each indicator of noncompliance.

Prong II: Systemic Compliance (Indicators 11, 12, 13) and Student Confidential Records Review

OSEP requires states to verify systemic compliance, or "Prong II," as part of the correction of findings of noncompliance process that must be completed within one year of issuing a written finding of noncompliance to an LEA. Prong II reviews ensure that LEAs with findings of noncompliance have addressed the source of the noncompliance in the indicator(s) of interest or student specific file reviews and that they are now correctly implementing the IDEA regulatory requirements. OSDE-SES refers to this Prong II process as systemic compliance reviews. Below you will find specific information for the Indicators and student specific file review.

Compliance Indicators Prong II Systemic Compliance Review (Indicators 4, 9, 10, 11, 12, and 13)

OSDE-SES conducts systemic compliance reviews through a sampling process by which data is pulled from EdPlan to identify potential student records that require compliance reviews related to the specific to the area of the identified noncompliance. The random sampling (Prong II Systemic Compliance Review) will begin in March of each year, after LEAs have corrected student-specific noncompliance and implemented their corrective actions and continue until the LEAs have demonstrated 100% compliance for the specific indicator(s) (Indicators 4, 9, 10, 11, 12, and 13) with identified noncompliance.

Random samples of student records selected to complete Prong II, or systemic compliance reviews for Indicators 4, 9, 10, 11, 12, and 13 will be pulled from an LEA's full set of student records relevant to the indicator for a specific sampling period. Once the LEA demonstrates 100% compliance within a sampling period, their findings of noncompliance will be considered closed out. The number of records reviewed will be 10% or if 1 file is 10% then 3 files will be selected, up to a maximum of 35 records selected. However, if 10% of this population equals three or fewer records, all records will be reviewed. The OSDE-SES will begin the Prong II random sampling of records in April for the month of March, May for the month of April, June for the month of May, September for the month of August, October for the month of September, November for the month of October, and so on until the LEA demonstrates 100%.

> Example 1: An LEA has a finding of noncompliance related to Indicator 13 and the first sampling period for systemic compliance reviews is the month of March for the most recent school year. There are 35 IEPs completed in March for secondary transition-aged students who require transition plans. OSDE-SES will review 10%, or 3 records, from this sampling period to review for compliance with regulatory requirements.
>
> Example 2: An LEA has a finding of noncompliance for Indicator 11 and the first sampling period for systemic compliance reviews is the month of March for the most recent school year. There are 10 initial evaluations completed within the month of March, and 10% of this population would be 1 student but the minimum number of records reviewed for a sampling period is 3. Accordingly, OSDE-SES will randomly sample 3 records from this sampling period to review for compliance with regulatory requirements.

If an LEA does not have subsequent student records available in a given sampling period, OSDE-SES will include the LEA in reviews for the next sampling period. For example, if an LEA with noncompliance for Indicator 12 does not have any students transitioning from Part C to Part B within the month of March, OSDE-SES will wait to review data in the month of April. If no new records are available through October of the following school year, OSDE-SES will look for other evidence of implementation of regulatory requirements (e.g., training materials, LEA-developed tools or processes to address area(s) of noncompliance finding, documented policies and procedures addressing area(s) of noncompliance finding) to verify systemic compliance and implementation of regulatory requirements.

Differentiated Monitoring Cycle (DMC) Prong II Systemic Compliance Review

LEAs that have completed their student file review of the DMC will also have a Prong II Systemic Compliance review for student confidential record review. The Prong II or systemic compliance review must be completed within one year of the issuance of the DMC Monitoring Report. For example, the LEA receives their DMC monitoring report on October 1st prong II corrections will be required to meet compliance by October 1st of the following year.

The OSDE-SES will complete a sampling of new records that have had a new eligibility and/or IEP, only reviewing the areas of identified noncompliance. The number of records that will be reviewed with be 10% with a maximum of 35 records and no fewer than 3 records.

Differentiated Monitoring Results (DMR)

For the <u>**2025-2026 School Year with Data released November 2026**</u>

OSDE-SES applies a differentiated monitoring result (DMR) for each LEA in Oklahoma based on the LEA's determination rating and an assessment of risk. The DMR initiates a series of integrated monitoring and improvement activities that must be completed by the LEA. These activities correspond with a "level of support" that the OSDE-SES determines is necessary for the LEA to achieve a "meets requirements" designation and mitigate risk in subsequent years. Diagram 2 displays the overall model of the DMR, while table 5 describes the required activities associated with each of the four levels of support.

The OSDE-SES incorporates a risk assessment calculation as part f the DMR in order to meet federal Uniform Grant Guidance requirements (2 CFR §200.331). This risk assessment gauges the risk any LEA poses to the SEA in fiscal responsibilities, including recent maintenance of effort (MOE) results, excess cost, audit findings, special education identification rate, complaint counts, and directors' experience, among other things. Each year, factors included in the risk assessment are evaluated for their usefulness in measuring risk to the SEA, and revised as appropriate.

An LEA's DMR and associated level of support are determined through a comparison of the LEA's determination rating and risk score. Based on the greatest need of the district, the LEA will be placed in the corresponding determination rating or risk. The determination and risk assessment are described in more detail in the following paragraphs.

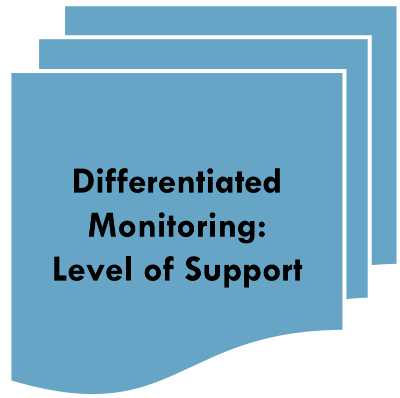
Diagram 2: Differentiated Monitoring

Determination
Based on APR Indicators

Compliance | Performance

and

Risk Assessment Score	
Current MOE result	Late claim(s) submitted
Size of award	Recent audit findings
Change in SPED director	Special/unusual design
Current excess cost results	Complaint count
Special education identification rate	Timely and finalized assurances & agreements
Years since monitoring	



Determinations

Annual LEA determinations are required by the IDEA 34 CFR § 300.600. Determinations identify each LEA's quality of compliance and performance for several indicators that the SEA reports to OSEP. The indicator data used are reported annually to the LEAs in the District Data Profile document. Based on the quality of its compliance and performance data, the OSDE-SES assigns each LEA a determination rating tier: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

Determinations are made in November via notification directly to special education directors and Superintendents. The District Data Profile and determination documentation includes a set of instructions for interpreting the data, the calculation matrix, and scores from the current and prior years. Please see Appendix B for a sample determination to view the calculation matrix and reporting template.

The calculation matrix has two parts: one focusing on compliance indicators (4B, 9, 10, 11, 12, 13) and the other on performance (results-based) indicators (1, 3A, 3B, 7 A1-B1-C1). Determination is made by adding the points together that the LEA has earned on compliance and performance by meeting the indicator targets and dividing by the total possible points. Every indicator may not apply to every LEA. Bonus points are available for meeting various criteria that are area of focus for improvement by the SEA. If the LEA score falls close to the target ("approaching" the target), it may receive partial credit for indicators other than assessment results (indicator 3). LEA targets align with state APR targets as shown on the District Data Profile.

Please refer to the district determination template in Appendix B for the list of indicators included and the points allocated to each, as well as a description of the possible bonus points.

Compliance Indicator Descriptions

- Indicator 4B: Significant discrepancy, by race or ethnicity, in the rate of long-term suspensions/expulsions for children with IEPs.
- Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification.
- Indicator 10: Disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification.
- Indicator 11: Initial eligibilities completed within 45 school days from the date of parent consent to the date of the eligibility meeting.
- Indicator 12: Children who transfer from SoonerStart Part C to Public Education Part B with an IEP in place by the student's 3rd birthday.
- Indicator 13:
    - (A) Students who are turning age 15 on or before the first day of 9th grade through to graduation must have an annual IEP addressing secondary transition completed timely.
    - (B) Students who are turning age 15 on or before the first day of 9th grade through to graduation, must have compliant annual secondary transition plans based on current transition assessment data.

Longstanding Noncompliance - LEAs that have been identified for one or more of the compliance indicators for two or more consecutive years will be identified by not adding two points to the LEAs determinations.

Performance (Results Based) Indicator Descriptions

- Indicator 1A: Percent of youth with IEPs who graduated high school the previous school year with a regular diploma.
- Indicator 1B: Percent of youth with IEPs who graduated high school the previous school year with a regular diploma and an alternate diploma.
- Indicator 3A: Percent of all students with IEPs participating in a state assessment, for grades 4, 8, 11.
- Indicator 3B: Percent of students with IEPs who achieve proficient+ on the regular (OSTP) assessment for reading and math grades 4, 8, and 11.
- Indicator 7 (A1, B1, C1): For each outcome, the percentage of children ages 3-5 who improved functioning to a level nearer to or comparable to same-aged peers when exiting the preschool special education program.

Note: LEAs' with any indicators that fall below the target must be addressed regardless of the DMR Level status.

Bonus Points Beginning 2025-2026 School Year for Data Fall 2026

Indicator 3B: The opportunity to earn a half a point for any growth for each grade (4th, 8th, and 11th) for a possible 1.5 bonus points.

Determination Rating Tiers

Each determination level corresponds to a total percentage calculation measuring the LEA's achievement in the compliance and performance indicators. Table 3 shows the percentage calculation corresponding to each determination tier. The LEA's tier contributes to its DMR and corresponding level of support. LEAs identified as *Meets Requirements* demonstrate adequate compliance and performance on targeted indicators for the implementation of IDEA. An LEA assigned to any tier that *does not* adequately meet compliance and performance on targeted indicators for the implementation of the IDEA, will be required to engage in various monitoring and/or improvement activities, as described by its overall DMR and level of support.

The determination tiers below have been changed from previous years. For a comparison, please reference the level of support chart located on page 26.

Table 3: Determination Tiers

Determination Rating	Rating Percentage
Tier 1: Meets Requirements	80% to 100%
Tier 2: Needs Assistance	65% to 79.9%
Tier 3: Needs Intervention	50% to 64.9%
Tier 4: Needs Substantial Intervention	less than 50%

Risk Assessment

The risk score is a measure of an LEA's risk to the SEA. Each LEA is assigned a risk category based on its risk score that contributes to the LEA's DMR and corresponding level of support. Table 2 lists the eleven factors included in the risk factor score and their factor weights.

Risk Factor Definitions

- <u>MOE Results:</u> LEAs must expend an equal amount of state and/or local funds from year to year. LEAs not meeting Maintenance of Effort (MOE) are subject to a penalty for failure to meet MOE and funds could be withheld from State Aid, increasing the risk to the SEA. Scoring Elements:
    - <u>Met MOE:</u> zero points
    - <u>Not met MOE:</u> 10 points
- <u>Timely & Finalized Assurances and LEA Agreements</u>: LEAs must complete the Oklahoma Assurances and LEA Agreement by June 30 annually. Scoring Elements:
    - <u>Met submission requirements:</u> zero points
    - <u>Not met (late or unfinished):</u> 1 point
    - <u>Not met (late or unfinished for two or more years in a row):</u> 3 points
- <u>Size of Award</u>: The higher the award amount, the higher the financial risk to the SEA. Scoring Elements:
    - <u><$100,000:</u> zero points
    - <u>$100,000 to 500,000:</u> 1 point
    - <u>$500,000 to 900,000:</u> 2 points
    - <u>>$900,000:</u> 3 points
- <u>Change in SPED Director</u>: LEAs who have appointed or assigned the special education duties to a new individual in the past two years will receive a higher risk score. Scoring Elements:
    - <u>No change in two+ years:</u> zero points
    - <u>Second year in LEA:</u> 1 point
    - <u>First year in LEA:</u> 2 points
- <u>Excess Cost Results:</u> Excess Costs are costs over and above what the LEA spends on average for all students enrolled at the elementary or secondary level. Any LEA found not meeting excess cost could incur a penalty, requiring SEA to withhold a portion of funds from State Aid, increasing the risk to the SEA. Scoring Elements:
    - <u>Met Excess Cost:</u> zero points
    - <u>Not met Excess Coast:</u> 10 points

- Special Education Identification Rate: LEAs with very high special education identification rates may need additional support, increasing the risk to the SEA. Scoring Elements:
    - Less than twice the State average: zero points
    - More than twice the State average: 3 points
- Recent Audit Findings: Any Independent Audit findings related to special education increase the LEAs risk to the SEA. Scoring Elements:
    - No findings: zero points
    - Other/SPED: 3 points
    - SPED (with or without other): 5 points
- Special Design: LEAs that participate in COOPs or Interlocal, and/or are designated as a charter or virtual school increase the LEAs risk to the SEA. Scoring Elements:
    - No special design: zero points
    - Has a special design: 2 points
- Significantly Disproportionate: The LEA has been identified as significantly disproportionate. Scoring Elements:
    - Has NOT been identified as significantly disproportionate: zero points
    - Has been identified as significantly disproportionate: 2 points
- Late Claim Submitted: Claims must be submitted by August 1st. Any claim submitted after the due date must go before the State Board of Education for approval. Late claims pose a risk to the SEA. Scoring Elements:
    - No late claims have been submitted: zero points
    - There are late claims submitted: 3 points
    - There are late claims submitted for two or more years in a row: 5 points
- Complaint Count: Higher numbers of complaints that resulted in findings against the LEA are at greater risk to the SEA. IF the LEA has two or more complaints in a single school year that results in findings against the LEA, then the LEA is a greater risk to the SEA. Scoring Elements:
    - No State complaints or one with findings: zero points
    - State complaint(s) with findings (two or more): 3 points
- Years Since Prior On-site Monitoring: LEAs that have not received monitoring of the Special Education Program including a student confidential file review in more than six years are at greater risk to the SEA. Scoring Elements:
    - Six or fewer years since monitoring: zero points
    - More than six years since monitoring: 5 points
- Years Since Prior On-site Monitoring: LEAs that have not received monitoring of the Special Education Program including a student confidential file review in more than six years are at greater risk to the SEA.
    - Six or fewer years since monitoring: zero points
    - More than six years since monitoring: 5 points

Risk categories

Table 4 describes the risk categories and associated points spread for each. LEAs in risk category 1 are considered very low risk. An LEA assigned any other risk category does not adequately meet risk targets and will be required to engage in various monitoring and/or improvement activities, as described by its overall DMR and level of support. The risk factors are scored according to the values listed in Table 2, then all factor values are summed. The total possible risk score is 50, which OSDE-SES would interpret as imminent failure. A score of zero would be interpreted as extremely low risk.

Table 4: Risk Categories

Risk Category	Risk Score
Category 1: Very Low Risk	0 – 9 points
Category 2: Low Risk	10 – 18 points
Category 3: Moderate Risk	19 – 32 points
Category 4: High Risk	33 – 50 points

For sample forms, please reference Appendix C and D.

Differentiated Monitoring Result

The Differentiated Monitoring Result (DMR) is the state's tool for identifying an LEAs' required level of support and associated monitoring and/or improvement activities. Determination Tiers and Risk Categories are designated according to the formulas outlined previously. Each LEA receives one Determination Tier and one Risk Category. Whichever outcome demonstrates the higher need is the DMR. For example, if LEA X is rated a Tier 2 on its Determination Tier and a Category 3 on its Risk Category, its designated DMR is "Level 3." If LEA Y receives a determination Tier 1 and a Category 1 on its Risk Rating, its designated DMR is "Level 1." This DMR directly corresponds to the assigned level of support during the next fiscal year.

Levels of support

Based on the LEA's assigned level of support, corresponding "integrated monitoring" activities are required of the LEA that are intended to improve LEA compliance and/or performance. The activities associated with each level of support are listed in Table 5. Activities associated with the letters in the table below are described in the following sections.

The percentages for the levels of determinations (see below) have also changed. The OSDE-SES has aligned the DMR Levels to the Office of Special Education Programs (OSEP) levels. Below you will find a chart that demonstrates the previous total percentage of points earned and on the right, you will find the new percentages for the total DMR points earned.

New Percentage of Points Earned (Beginning with the November 2026 Data Packet)	Level of Determination	Current Percentage of Points Earned
80% to 100%	Tier 1: Meets Requirements	85% to 100%
65% to 79.9%	Tier 2: Needs Assistance	70% to 84.9%
50% to 64.9%	Tier 3: Needs Intervention	55% to 69.9%
Less than 50%	Tier 4: Needs Substantial Intervention	Less than 55%

Selective Review

Office of Special Education Programs (OSEP) issued an OSEP QA 23-01 document to assist states in meeting the general supervision responsibilities under Part B of the IDEA. According to the OSEP QA 23-01, the following guidance aligns with the Selective Review process.

B1: What is an “area of concern”?

Answer: Although not defined in IDEA and its implementing regulation an “area of concern” means a credible allegation regarding an IDEA policy, procedure, or practice, or other requirement that raises one or more potential implementation or compliance issues, if confirmed true. Such credible allegations (e.g., information and awareness) may come from integrated monitoring activities, data reviews, grant reviews, stakeholder calls, media reports, dispute resolution systems, or other mechanisms that relate to IDEA implementation.

B2: What actions must a State take when made aware of an area of concern with an LEA’s program’s implementation of IDEA?

Answer: The State must ensure that its general supervision system includes policies, procedures, and practices that are reasonably designed to consider and address areas of concern (i.e., credible allegations of LEAs program) in a timely manner. 34 CFR §§300. 149 and 303.120. A State must conduct proper due diligence when made aware of an area of concern regarding an LEA’s program implementation of IDEA and reach a conclusion in a reasonable amount of time. A State’s proper due diligence activities may include but are not limited to: conducting clarifying legal research, interviewing staff, parents of children with disabilities, children with disabilities, and groups that represent the families and communities served but the LEA’s program, and reviewing and analyzing data or information.

The selective review process is intended to enable the SDE to investigate credible allegations of noncompliance in an effort to support LEAs. When issues of concern are brought to OSDE-SES’s attention regarding an LEA’s implementation of IDEA, a selective review may be conducted to determine if any noncompliance exists and the level of assistance needed. For example, OSDE-SES may determine an LEA needs a comprehensive on-site review or targeted technical assistance, depending on the information provided, the source of that information, and other relevant factors. Selective reviews may consider (but are not limited to) the following data elements: stakeholder concerns, phone log information, state complaint , due process hearing requests or hearing results, mediation, email correspondence, District Data Profile (DDP), Differentiated Monitoring Results (DMR), fiscal, student level file review and critical and/or special investigative audits and findings related to special education. Any identified noncompliance will result in a formal letter of noncompliance with a corrective action plan (CAP). A selective review may happen at any time.

Longstanding Noncompliance

Office of Special Education Programs (OSEP) issued an OSEP QA 23-01 document to assist states in meeting the general supervision responsibilities under Part B of the IDEA. According to the OSEP QA 23-01, the following guidance aligns with the Longstanding Noncompliance Expectations.

B17: What factors should a State consider if an LEA provider has longstanding noncompliance with the IDEA requirement?

Answer: If an LEA provider did not correct identified noncompliance in a timely manner (i.e., within one year from the written notification of noncompliance), the State must still verify that the noncompliance was subsequently corrected. If an LEA provider is not yet correctly implementing the statutory or regulatory requirement(s), the State needs to identify the cause(s) of continuing noncompliance and take steps to address the continued lack of compliance including, as appropriate, enforcement actions.

Additional required steps for any LEA that has not corrected noncompliance within one year of the written finding will be subject to additional corrective actions as listed in the Tiered process beginning on page 28 of this manual. Longstanding noncompliance applies to Indicators, 3, 4, 7, 9, 10, 11, 12, 13, unresolved Selective Review findings, cyclical monitoring findings, state complaint findings, mediation agreement. If additional supports are not correcting noncompliance, the LEA may receive an accreditation notice or a deficiency.

Significant Disproportionality

In accordance with IDEA 34 CFR § 300.223, comprehensive coordinated early intervening services (CCEIS) are services provided to children and youth in early childhood and /or kindergarten through grades 12 who are not currently identified as needing special education and related services, but who need additional academic and behavioral supports to succeed in a general education environment. The 2016 regulations, which went into effect in May 2019, governing CCEIS required states to incorporate early childhood data in the risk ratio calculations beginning in July 2020. Oklahoma uses a three-year pattern to identify LEAs as having significant disproportionality.

Local Education Agencies (LEAs) identified as having significant disproportionality, as defined by the state, are required to set aside 15% of their new IDEA allocations for the development and provisions of comprehensive coordinated early intervening services (CCEIS) for student's not currently identified as needing special education services. LEAs may also voluntarily set aside funds (up to 15%) for the development and provisions of CCEIS.

The rationale for using IDEA funds for CCEIS is based on research showing that the earlier a child's learning problems or difficulties are identified, the more quickly and effectively the problems and difficulties can be addressed and the greater the chance that the child's problems will be ameliorated or decreased in severity.

The current CCEIS District Profiles include the federally required seven racial and ethnic groups in the areas of identification, disability category, education environment category, and five disciplinary action categories.

For additional information regarding significant disproportionality, refer to the OSDE-SES website.

Targeted Technical Assistance and Professional Development

Implementing effective PD requires responsiveness to educators' needs and the contexts in which teaching and learning will occur. OSDE-Special Education Services is committed to their ongoing and effective professional development. OSDE-SES partners with districts in providing educators with professional learning options. OSDE-SES provides professional development in a variety of formats for varying purposes. OSDE-SES makes use of asynchronous modules for building foundational knowledge, webinars to build basic knowledge and regional in-person training to provide depth and breadth of knowledge. Professional development sessions include relevant background information, activities, and/or a presentation for special education compliance and instructional topics. These PD Sessions are perfect to support administrators, educators, and support staff. To learn more about the module descriptions, please view the District-Level Professional Development.

Improvement, Corrections, Incentives & Sanctions

The improvement, corrections, incentives and sanctions below detail the supports and steps a LEA may be required to complete as a result of continuous noncompliance related to the differentiated monitoring process (DMR). The tiered process described below is designed to encourage LEAs to continually monitor progress towards the required improvement plans. As the LEAs make progress, the LEA will remain at the assigned tier until the LEA has met the expected target. However, if the LEA does not make progress, the LEA will move to the tier below and will then be required to complete additional activities in an effort to facilitate moving towards compliance.

Sanctions may also be applied to LEAs with concerns outside of the DMR process. The concerns may result from any area under IDEA, which could result in an Accreditation Warning, Accreditation Deficiency, and/or withholding of funds. See below for more information.

Continuous Noncompliance and/or not Meeting Target for Multiple Years

LEAs will have additional required activities if found in noncompliance and/or have not met the state target in the same area/indicator across three consecutive years. The purpose of these activities is for the LEA to work with district staff and the community as a team to meet compliance requirements and performance expectations.

Below outlines two types of tiered processes.

- Indicators 4, 9, & 10 concerns but policy, procedures & practices are not problematic
- LEAs not meeting indicator(s) target(s) for multiple years

Indicators 4, 9, & 10 concerns but policy, procedures & practices are **not** problematic

Indicators 4, 9, and/or 10

If the LEA has exceeded the target for two or more consecutive years but the district Policies, Procedures, and Practices (PPP) appear to **not** be problematic, the LEA still has to work to bring the indicator into compliance (at or below the state target) and will be required to identify the root cause and implement a plan of correction.

Tiered Process

The activities below are assigned on a tiered system depending on the number of consecutive years of noncompliance for one area with a growth measure built in. The tiered process is designed to provide additional supports to the LEAs special education department as they implement changes. As the changes are implemented, the LEA should continuously monitor and adjust the plan to ensure growth.

Tier 1: 2nd year exceeding the target for one or more of the indicators above. The LEA is required to complete the following additional activities:

- Identify the root cause related to the specific indicator.
- Update/develop and implement the LEAs policy, internal procedures, and document the LEAs practices related to the specific indicator. Submit to the SDE for review.

-If the district has demonstrated a 10% or more growth while implementing their improvement plan, they will remain at their current tier for the next year. If there is no growth or decline, they will move to the tier below their current placement.

Tier 2: 3rd year exceeding the target for one or more of the indicators above. The LEA is required to complete the following additional activities:

- Review the previous year's root cause findings to assist in developing an improvement plan related to the specific indicator.

- Review the implementation of the PPP implemented the previous year. Make any necessary updates or changes to ensure progress in the specific indicator. Submit to the SDE for review.
- Develop a plan for improvement, implement, and monitor not less than twice in a school year aligned to the specific indicator.

-If the district has demonstrated a 10% or more growth while implementing their improvement plan, they will remain at their current tier for the next year. If there is no growth or decline, they will move to the tier below their current placement.

Tier 3: 4th plus years or more of consecutive noncompliance in one or more areas listed above. The LEA is required to complete the following additional activities:

- Review the past two years' root cause findings to assist in developing an improvement plan related to the specific indicator. One SDE staff or contracted outside representative will participate in the team planning to support the identification of the root cause, data review, and the plan for improvement.
- Use 615 professional development funds to address the improvement plan implementation related to the specific indicator. The amount or percentage of funds directed will be determined in consultation with OSDE-SES.
- Develop or utilize a parent Advisory Board, meeting quarterly, to discuss the root cause, the improvement plan developed, how the 615 funds will be utilized to support the plan and share progress towards the plan related to the specific indicator.
- Discuss in a school board meeting the LEAs efforts and data trends for the past three years related to the area of noncompliance. Extend an invitation to parents of students with disabilities to attend the school board meeting.

If the district has demonstrated a 10% or more growth while implementing their improvement plan, they will remain at their current tier for the next year. If there is no growth or decline, they will move to the tier below their current placement.

LEA **NOT** Meeting Indicator Targets or Compliance Expectations for Multiple Years

Indicators 4, 9 and/or 10

If the LEA has been notified for three consecutive years that their policies, procedures, and/or practices (PPP) **are** contributing to overidentification, the LEA will be required to complete the appropriate tier activities below.

Indicators 11, 12 and/or 13

If the LEA has been identified as noncompliant (less than 100%) for three consecutive years for the same indicator will be required to complete the appropriate tier activities below.

LEAs that have been identified as noncompliant for Indicator 11, 12, and/or 13 and did not demonstrate compliance for two consecutive years as a part of the Prong II review may receive a Notice on their accreditation report.

DMR Level 3 and/or Level 4

If the LEA has been identified as a DMR Level 3 and/or DMR Level 4 in the same focus/target area of improvement for three consecutive years, the district will be required to complete the appropriate tier activities below.

LEAs that have been identified as a DMR Level 3 or 4 and did not complete the confidential student file monitoring by the deadline may receive a Notice on their accreditation report.

Tiered Process

The activities below are assigned on a tiered system depending on the number of consecutive years of noncompliance for one area with a growth measure built in. The tiered process is designed to provide additional supports to the LEAs special education department as they implement changes. As the changes are implemented, the LEA should continuously monitor and adjust the plan to ensure growth.

Tier 1: 3rd year of consecutive noncompliance in one or more areas listed above. The LEA is required to complete the following additional activities:

- Review the past two years' root cause findings to assist in developing an improvement plan.
- Use 615 professional development funds to address the improvement plan implementation. The amount or percentage of funds directed will be determined in consultation with OSDE-SES.

If the district has demonstrated a 10% or more growth while implementing their improvement plan, they will remain at their current tier for the next year. If there is no growth or decline, they will move to the tier below their current placement.

Tier 2: 4th year of consecutive noncompliance in one or more areas listed above. The LEA is required to complete the following additional activities:

- Review the past three years' root cause findings to assist in developing an improvement plan.
- Use 615 professional development funds to address the improvement plan implementation. The amount or percentage of funds directed will be determined in consultation with OSDE-SES.
- Develop or utilize a parent Advisory Board, meeting quarterly, to discuss the root cause, the plan developed, how the 615 professional development funds will be utilized to support the plan and share progress towards the plan. The parent advisory board must include at least one parent of a child with disabilities for elementary, middle, and high school.

If the district has demonstrated a 10% or more growth while implementing their improvement plan, they will remain at their current tier for the next year. If there is no growth or decline, they will move to the tier below their current placement.

Tier 3: 5th plus years of consecutive noncompliance in one or more areas listed above. The LEA is required to complete the following additional activities:

- Review the past four years' root cause findings to assist in developing an improvement plan. One SDE staff or contracted outside representative will participate in the team planning to support the identification of the root cause, data review, and the plan for improvement.
- Use 615 professional development funds to address the improvement plan implementation. The amount or percentage of funds directed will be determined in consultation with OSDE-SES.

- Develop or utilize a parent Advisory Board, meeting quarterly, to discuss the root cause, the improvement plan developed, how the 615 professional development funds will be utilized to support the plan and share progress towards the plan.
- Discuss in a school board meeting the LEAs efforts and data trends for the past three years related to the area of noncompliance. Extend an invitation to parents of students with disabilities to attend the school board meeting.

If the district has demonstrated a 10% or more growth while implementing their improvement plan, they will remain at their current tier for the next year. If there is no growth or decline, they will move to the tier below their current placement.

Accreditation Warning

The Oklahoma State Department of Education will issue an accreditation warning to the district superintendent and local school board in an effort to provide a final alert to a concern that may be elevated to a deficiency if not addressed. An accreditation warning is not a deficiency, but could move to a deficiency in the future if the concern is not corrected at the LEA level. Areas of concern that are subject to accreditation warning include:

- DMR Level 4 for two or more consecutive years for the same indicators with no progress towards improvement.

- Untimely corrections as directed by a noncompliance report. This includes all Corrective Action Plan (CAP) directives issued as a result of a selective review, differentiated monitoring cycle, differentiated monitoring results, and any dispute resolution process.

- DMR Level 1-4 identified as noncompliant for indicator (1, 3, 7,11, 12, 13) and have not submitted an improvement plan by May 15^{th}.

- Continuous Noncompliance – Two consecutive years not demonstrating continued compliance through Prong II for indicators 11, 12, & 13.

- Untimely Submission for both Child Count and End-of-Year data for two consecutive years.

- Fiscal Noncompliance for Two Consecutive Years, including not meeting Maintenance of Effort, Excess Cost, Missing deadlines for submission of IDEA budget, and/or Late claims that require State Board Approval.
- The LEAs State or federal funds have been withheld or are in the process of being withheld due to concerns relating to their special education program.

- Other identified concerns, including but not limited to: a pattern of recurring concerns and/or noncompliance, forging a team member's signature or backdating student-level confidential documents, and inappropriate eligibility and IEPs without sufficient documentation.

Accreditation Deficiency

The Oklahoma State Department of Education will issue an accreditation deficiency to the district superintendent and local school board regarding special education. *A district will receive a deficiency on the current year's Accreditation Report for one or more of the following:*

- DMR Level 3 or 4 for three consecutive years for the same indicators with no progress towards improvement.

- Longstanding Noncompliance – for three consecutive years for the same identified concern on the annual DDP for Indicators, 3, 4, 7, 9, 10, 11, 12, 13, or any unresolved Selective Review findings, cyclical monitoring findings, state complaint findings, and mediation agreement that have exceeded the one-year timeline.

- Due Process, State Compliant, or Mediation Agreements – the LEA has not completed the corrective actions timely.

- Two or more consecutive years identified as not meeting MOE and/or Excess Cost.

- Other identified credible allegations or corrective actions that have not been resolved, resulting from a Selective Review Letter of Noncompliance or a pattern of recurring concerns and/or noncompliance.

- Inappropriate documentation, including forging a team member's signature or backdating student-level confidential documents.

- The LEAs State or federal funds have been withheld or are in the process of being withheld due to concerns relating to their special education program.

Withholding of IDEA Funds

34 CFR §300.600 State Monitoring and Enforcement

(1) The State must –

1. Monitor the implementation of this part;
2. Make determinations annually about the performance of each LEA using the categories;
3. Enforce this part, consistent with §300.604, using appropriate enforcement mechanisms, which must include, if applicable, the enforcement mechanisms identified in §300.604 (a)(1) (technical assistance), (a)(3) (conditions on funding of an LEA), (b)(2)(i) (a corrective action plan or improvement plan), (b)(2)(v) (withholding funds, in whole or in part by the SEA), and (c)(2) (withholding funds, in whole or in part, by the SEA).

34 CFR §300.605 Withholding funds

300.605 outlines the processes the US Department of Education, Office of Special Education will use to withhold IDEA funds from states. Likewise, the Oklahoma State Department of Education, Office of Special Services will mirror this process to withhold IDEA funds from the local education agency (LEA). This process will ensure that every opportunity is afforded to LEAs in correcting non-compliance. In this case, the authority designated to the Secretary at the Federal level will be designated to the State Director at the State level.

(a) Opportunity for hearing. Prior to withholding any funds under Part B of the Act, the Secretary provides reasonable notice and an opportunity for a hearing to the SEA involved pursuant to the procedures.

(b) Suspension. Pending the outcome of any hearing to withhold payments under paragraph (a) of this section, the secretary may suspend payments to a recipient, suspend the authority of the recipients to obligate funds under Part B of the Act, or both, after the recipient has been given reasonable notice and an opportunity to show cause why future payments or authority to obligate funds under Part B of the Act should not be suspended.

(c) Nature of withholding

1. If the secretary determines that it is appropriate to withhold further payments under §300.640 9B0920 or (C)(2), the secretary may determine –
   i. That the withholding will be limited to programs or projects, or portions of programs or projects, that affected the secretary's determination under §300.603 (b)(1); or
   ii. That the SEA must not make further payments under Part B of the Act to specified State agencies or LEAs that caused or were involved in the Secretary's determinations
2. Until the Secretary is satisfied that the condition that caused the initial withholding has been substantially rectified –
   i. Payments to the State under Part B of the Act must be withheld in whole or in part; and
   ii. Payments by the SEA under Part B of the Act must be limited to State agencies and LEAs whose actions did not cause or were not involved in the Secretary's determination under §300.603 (b)(1), as the case may be.

Oklahoma Statute 70.18-116 (J)

State statutes further clarifies the expectations of the LEA. OS 70.18-116 states: "Any school district that is not in compliance with the standards and requirements established by the State Board of Education related to the state student record system as provided in Section 3-160 of this title shall forfeit its State Aid for the time of noncompliance."

The Oklahoma State Department of Education (OSDE), Office of Special Education Services (SES) has the authority to withhold all or part of the funding of a local educational agency (LEA), Charter School, or any other school that receives IDEA funds to support the education of students with disabilities.

Conditions That May Trigger Withholding of IDEA Funds

Continuous noncompliance in one or more indicators with little to no improvement in the district's data and/or plan of improvement over a two or more year period.

Selective Review – Credible allegation that results in a written findings of noncompliance report with corrective actions and directives have not been met within the required timelines or identified for a selective review for multiple consecutive years as a result of a pattern of recurring concerns and/or noncompliance.

State Complaint or Due Process - a written State Complaint Decision or a Due Process Decision of noncompliance with corrective actions that have been issued and the LEA has not met the corrective action directives within the required timelines.

Other concerns – May include, but not limited to, lack of certified teachers or paraprofessionals, caseload, class size concerns, inappropriately eligible students (MEEGS process and IEP) without sufficient documentation.

Notifications of Withholding IDEA Funds

Prior to withholding any funds under Part B of the Act, the OSDE-SES will provide reasonable notice to the LEA. The LEA will have an opportunity to submit an appeal. The OSDE-SES will consider the LEA's request through a hearing. The notice provided to the LEA will detail:

- Areas of noncompliance that have not been corrected to satisfy the OSDE-SES
- Timeline of support provided to assist the LEA in correcting the noncompliance
- Date of the hearing

The letter will also notify the LEA of the OSDE-SES's intention to

- Withhold IDEA funds in whole or in part
- Suspend payments to a recipient, in whole or in part
- Suspend the authority of the recipients to obligate funds under Part B

After the recipient has been given reasonable notice, the LEA will have an opportunity to show cause why future payments or authority to obligate funds under Part B of the Act should not be withheld or suspended.

The hearing team will consist of the following:

- OSDE-SES General Counsel or a designee
- State Director of Special Education Services
- Program Manager of Finance
- Compliance or Monitoring staff
- Deputy Chief of Staff or a designee

The hearing team will consist of no less than three members from above.

The final decision of the appeal team will be provided to the LEA in a formal letter. The letter will also be provided to the Office of Accreditation and State Aid. The letter will provide the following information:

- The final decision
- The amount of allocation withheld, if any
- The date allocation funds will be withheld, if any
- Detailed corrective actions and due date, if any
- Date of the next appeal team review (within one month from the date of the final decision) to determine if the LEA has met the obligation for the funds to be released.

There will be up to three appeal team meetings, each one month apart, to review the LEA progress and determine if the LEA has met the obligation for the funds to be released. If after the third appeal team meeting, the LEA has made inadequate progress or no attempts to meet obligations, the appeal team may consider one or all of the following actions:

- Withhold the remaining funds
- Withhold all the next allocation funds
- Accreditation Warning
- Accreditation Deficiency
- Submit to State School Board for consideration to remove accreditation status

Timeline and Deadlines

The state's timeline for issuing risk scores and determinations, assigning levels of support, and LEA fulfillment of requirements is described in Table 7. Some target deadlines are flexible, depending on the availability of data. Others are firm deadlines to align with federal reporting requirements.

Table 7: Timeline of District Reporting Results

Prong	State Action	State Timeframe	LEA Timeframe
Prong I	District Data Profile (DDP)	Draft issued each Fall between **October 15 and November 1st** using data collected during prior school years. Final version is sent with the **November 15th** Data Packet.	May respond within two weeks with questions and concerns for draft data only.
	Differentiated Monitoring Results (DMR)	Result is issued each fall around **November 15** via a letter dictating the assigned level of support and all required LEA activities.	All required activities must be completed by **June 30**, though specific activities may have earlier deadlines.
	Risk Assessment	Issued each fall around **November 15** in the Data Packet.	All required activities must be completed by **June 30**, though specific activities may have earlier deadlines.
	Determination	Issued each fall around **November 15** in the Data Packet.	All required activities must be completed by **June 30**, though specific activities may have earlier deadlines.
Prong II – Systemic Compliance	Review for compliance (Indicators 4, 9, 10, 11, 12, & 13)	Conducted monthly beginning in March and completed by October 31. Letters will be issued monthly to notify the LEA with the results of the results and any additional corrective actions	Complete any additional activities by the assigned timeframe.

Table 8 Timeline for DMR Timelines

Monitoring Process	State Timeframe	LEA Timeframe
DMR Status	Determinations are issued each fall by November 15 via a letter emailed to the Superintendent and special education director, designating the assigned level of support and all required LEA activities.	None
Required DMR/Compliance PD	Schedule required PD between November 15th and December 15th. LEAs will be notified regarding the required PD with the date and time.	LEA participation in assigned PD.
Toolkits/Corrective action plans for indicators identified as not meeting target(s)	The SEA provides instructions and expectations at the time of the required professional development that will occur after the November Data Packet has been provided to the LEAs.	Toolkits are due January 15th.
OSDE-SES review/guidance	OSDE-SES will review the district's root cause, plan for improvement, and progress monitoring. Any questions or concerns regarding the plan will be provided to the district. The review and guidance will begin no later than January 15 through March 1.	The district should implement the plan during the review process.
Progress Review	The OSDE-SES will review the progress reviews. Any questions or concerns regarding the progress will be provided to the district.	The district will provide updates (progress review) for each indicator not meeting the State target. The progress reviews should provide information regarding the implementation of the plan, data to demonstrate progress, and identify if the plan will be changed in whole or part. Progress reviews are due: First progress review – **March 31st** Second progress review – **May 31st**

*Noncompliance may also be identified during monitoring activities. If found, additional letters of noncompliance with correction will be issued and will require a different timeframe.

Appendix A: FY 2025 District Risk Score *Example*

(November 2025 Data Packet)

FACTOR (FY)	**District Result**	**District Score**
Current MOE Result (2024)	Met	0
Timely & Finalized Assurances and LEA Agreement (FY 2024 and 2025)	Yes	0
Size of Award (24-25 Allocation)	$100K to $500K	1
Change in SPED Director (2024-25)	Second Year	1
Current Excess Cost Result (2025)	Met	0
Special Education Identification Rate (2052)	11.97%	0
Recent Audit Findings (2023-2024)	No Findings	0
Special District Design (2025)	Charter	2
Late Claim Submitted (2025)	None	0
Complaint Count (2024-25)	None	0
Years Since Prior On-site Monitoring	More than Ten	5
Significantly Disproportionate	No	0
BONUS: Budget Training	No	0
BONUS: Timely IDEA Budget Application & timely. Maximum 1 point	Late	0
BONUS: 1st Year Director Participation Certificate	N/A	0
TOTAL RISK SCORE*	**11**	

Risk Category	**Risk Score**
Category 1: Very Low Risk	0 – 9 points
Category 2: Low Risk	10 – 18 points
Category 3: Moderate Risk	19 – 32 points
Category 4: High Risk	33– 50 points

Appendix B: FY 2025 District Determination *Example* (November 2025 Data Packet)

IDEA Part B Compliance Matrix			
Compliance Elements	**District**	**Target Met**	**Score**
Indicator 4B: Significant discrepancy, by race or ethnicity, in the rate of long-term suspensions/ expulsions for children with IEPs	**NC**	**NC**	**2**
Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification	**1.16**	**Yes**	**2**
Indicator 10: Disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification (Area of concern: Identification/White)	**2.75**	***	**1**
Indicator 11: Child Find; timely initial evaluation	**100.00%**	**Yes**	**2**
Indicator 12: Early Childhood Transition; IEP developed/implemented by third birthday	**100.00%**	**Yes**	**2**
Indicator 13 A: % of youth ages 15+ with annually updated IEP goals and transition assessments, services, and courses.	**100.00%**	**Yes**	**1**
Indicator 13 B: % of youth ages 15+ with measurable, annually updated IEP goals and appropriate transition assessments, services, and courses.	**NC**	**NC**	**NC**
Timely Completion of Monitoring Requirements	**Timely**		**1**
Longstanding Noncompliance*	**Compliant**		**2**
Bonus: Timely on both Child Count **&** End of Year Data Submissions & Certification**.** Maximum 1 point possible.	**Yes**		**1**
Bonus: Attendance at both Child Count **&** End of Year Training**.** Maximum 1 point possible.	**Yes**		**1**

Compliance Points Earned	Total Points Possible	Rating
16	**16**	**100.00%**

*Measured by two or more consecutive years of noncompliance in any indicator listed here.

*** Indicates that a significant discrepancy was found, and OSDE-SE will review policy, procedures, and practices before the final "meets target" can be determined.

IDEA Part B Results Driven Accountability Matrix			
Results Elements	**District**	**State Target Met**	**Score***
Indicator 1: Percent of all youth with IEPs who exited in 24-25 including regular diploma ages 14-21).	**82.27%**	**Approaching**	**1.5**
Indicator 2: Percent of youth with IEPs dropping out (ages 14-21).	**12.9%**	**Yes**	**2**
Indicator 3A: Percent of all students with IEPs participating in a state assessment, for grades 4, 8, 11			
Reading Assessment Participation Rate	**91.30%**	**Yes**	**1**
Math Assessment Participation Rate	**91.30%**	**Yes**	**1**
Indicator 3B: Percent of students with IEPs who achieve Proficient+ in a state assessment.			
4th General Assessment Reading Proficiency Rate	**10.00%**	**Yes**	**1**
8th General Assessment Reading Proficiency Rate	**0.00%**	**No**	**0**
11th General Assessment Reading Proficiency Rate	**0.00%**	**No**	**0**
4th General Assessment Math Proficiency Rate	**0.00%**	**No**	**0**
8th General Assessment Math Proficiency Rate	**0.00%**	**No**	**0**
11th General Assessment Math Proficiency Rate	**0.00%**	**No**	**0**
Year to Year Proficiency Growth Bonus (+1 Possible)			**1**
Indicator 7: For each Outcome, the percentage of children who improved functioning to a level nearer to or comparable to same-aged peers when exiting the preschool special education program.			
Outcome A1: Positive social-emotional skills	**96.00%**	**Yes**	**1**
Outcome B1: Acquisition and use of knowledge and skills	**90.00%**	**Approaching**	**1**
Outcome C1: Use of appropriate behaviors to meet their needs	**92.00%**	**Approaching**	**1**
Bonus Parent Survey Response: 50% or greater response rate on or annual response increase of 5%. Maximum 1 point possible.	Response Rate: **0.31%**	**No**	**0**
Bonus: Professional development options: provided to all staff to support students with disabilities and Improvement activities for secondary transition program, attendance at OTI, or parent advisory board. Maximum 2 points possible.	**One**	**Yes**	**1**
Results Points Earned	**Points Possible**	**Rating**	
10.5	**16**	**65.63%**	

Note: Total points possible for Compliance and Results vary by district depending on whether an indicator is relevant to a district. A district will not be judged on indicators that do not apply to it (such as grade 11 assessment results to a dependent district). "NA" in the Score column indicates it does not apply.

DETERMINATION SUMMARY for Example District		
Compliance Points Available	Compliance Points Earned	Compliance Performance
16	16	**100.00%**
Results Points Available	Results Points Earned	Results Performance
16	11.5	**65.63%**
TOTAL POINTS AVAILABLE	**TOTAL POINTS EARNED**	**PERCENT TARGETS MET**
32	**27.5**	**82.81%**
1: Meets Requirements		

Percentage of Points Earned	Level of Determination
85% to 100%	Meets Requirements
70% to 84.9%	Needs Assistance
55% to 69.9%	Needs Intervention
less than 55%	Needs Substantial Intervention

NA: Indicates that the indicator does not apply for the district.
NR: Indicates that the district did not submit data to calculate compliance or performance.

For more information, the FFY 2024 Oklahoma Annual Performance Report (APR) can be located on the OSEP website.

Appendix C: FY 2026 District Risk Score *Example*

(November 2026 Data Packet)

FACTOR (FY)	District Result	District Score
Current MOE Result (2024)	Met	0
Timely & Finalized Assurances and LEA Agreement (2024 and 2025)	Yes	0
Size of Award (25-26 Allocation)	<$100K	0
Change in SPED Director (2025-26)	No Change	0
Current Excess Cost Result (2024)	Met	0
Special Education Identification Rate (2025)	29.28%	0
Recent Audit Findings (2024-2025)	No Findings	0
Special District Design (2025)	Charter	2
Late Claim Submitted (2025)	None	0
Complaint Count (2024-25)	None	0
Years Since Student File Monitoring	More than Six	5
TOTAL RISK SCORE*		**7**

Risk Category	Risk Score
Category 1: Very Low Risk	0 – 9 points
Category 2: Low Risk	10 – 18 points
Category 3: Moderate Risk	19 – 27 points
Category 4: High Risk	28 – 50 points

NOTE: Please refer to the Differentiated Monitoring Result letter for the district's assigned Level of Support and required activities associated with the current Risk Score and Determination.

Appendix D: FY 2026 District Determination *Example* (November 2026 Data Packet)

IDEA Part B Compliance Matrix			
Compliance Elements	**District**	**Target Met**	**Score**
Indicator 4B: Significant discrepancy, by race or ethnicity, in the rate of long-term suspensions/ expulsions for children with IEPs	1.00	Yes	2
Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification	1.48	Yes	2
Indicator 10: Disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification **(Area of concern: AUT - White)**	1.91	Yes	2
Indicator 11: Child Find; timely initial evaluation	100%	Yes	2
Indicator 12: Early Childhood Transition; IEP developed/implemented by third birthday	100%	Yes	2
Indicator 13A: For students of secondary transition age (ages 15 – 21), an IEP, including all required transition components, has been completed annually on or before the anniversary date.	100%	Yes	1
Indicator 13B: Secondary transition plans, for students of secondary transition ages (ages 15 – 21), whose IEPs demonstrate measurable post-secondary goals, annual IEP goals, services, and course of study aligned with current transition assessments that will enable the student to meet the post-secondary goals. There must be evidence of student invitation and participating agency, if appropriate.	100%	Yes	2
Timely Completion of Monitoring Requirements	Timely		1
Longstanding Noncompliance*	Compliant		2

Compliance Points Earned	Total Points Possible	Rating
16	16	100%

IDEA Part B Results Driven Accountability Matrix			
Results Elements	**District**	**State Target Met**	**Score***
Indicator 1: Percent of **all** youth with IEPs who exited in 23-24 including regular and alternate diplomas (ages 14-21). *	**100.00%**	**Yes**	**3**
Indicator 2: Percent of youth with IEPs dropping out (ages 14-21).	**0.00%**	**Yes**	**2**
Indicator 3A: Percent of all students with IEPs participating in a state assessment, for grades 4, 8, 11			
Reading Assessment Participation Rate	**100.00%**	**Yes**	**1**
Math Assessment Participation Rate	**85.00%**	**No**	**0**
Indicator 3B: Percent of students with IEPs who achieve Proficient+ in a state assessment.			
4th General Assessment Reading Proficiency Rate	**50.00%**	**Yes**	**1**
8th General Assessment Reading Proficiency Rate	**0.00%**	**No**	**0**
11th General Assessment Reading Proficiency Rate	**0.00%**	**No**	**0**
Year-to-Year Proficiency Growth Bonus for Reading (.50 point for any growth in grade 4th, .50 point for any growth in grade 8th, and .50 point for any growth in grade 11th)			**.50**
4th General Assessment Math Proficiency Rate	**14.29%**	**Yes**	**1**
8th General Assessment Math Proficiency Rate	**0.00%**	**No**	**0**
11th General Assessment Math Proficiency Rate	**0.00%**	**No**	**0**
Year-to-Year Proficiency Growth Bonus for Math (.50 point for any growth in grade 4th, .50 point for any growth in grade 8th, and .50 point for any growth in grade 11th)			**.50**
Indicator 7: For each Outcome, the percentage of children who improved functioning to a level nearer to or comparable to same-aged peers when exiting the preschool special education program.			
Outcome A1: Positive social-emotional skills	**100.00%**	**Yes**	**1**
Outcome B1: Acquisition and use of knowledge and skills	**100.00%**	**Yes**	**1**
Outcome C1: Use of appropriate behaviors to meet their needs	**100.00%**	**Yes**	**1**

Results Points Earned	Total Points Possible	Rating
12	**16**	**75%**

Note: Total points possible for Compliance and Results vary by district depending on whether an indicator is relevant to a district. A district will not be judged on indicators that do not apply to it (such as grade 11 assessment results to a dependent district). "NA" in the Score column indicates it does not apply.

DETERMINATION SUMMARY for Example District		
Compliance Points Earned	Compliance Points Available	Compliance Performance
15	16	93.75%
Results Points Earned	Results Points Available	Results Performance
12	16	75%
TOTAL POINTS AVAILABLE	**TOTAL POINTS EARNED**	**PERCENT TARGETS MET**
27	**32**	**84.37%**
1: Meets Requirements		

Percentage of Points Earned	Level of Determination
80% to 100%	Meets Requirements
65% to 79.9%	Needs Assistance
50% to 64.9%	Needs Intervention
less than 50%	Needs Substantial Intervention

NA: Indicates that the indicator does not apply for the district.

NR: Indicates that the district did not submit data to calculate compliance or performance.

District does not meet target.

For more information, the FFY 2020 *Oklahoma Annual Performance Report* (APR) can be located on the OSEP website: https://sites.ed.gov/idea/spp-apr-letters?selected-category=&selected-year=&state=Oklahoma.