

# NASDSE CONFERENCE OSEP UPDATES AND PRIORITIES

OCTOBER 2021

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# Agenda

- ▶ Appreciation
- ▶ Where We've Been
- ▶ Where We Are Now
- ▶ Where We're Going: Plans for FY22

# Thank You!!



- Stakeholder meetings
- State review of DMS2.0 process
- Collaboration with NASDSE
- National Center on System Improvement (NCSI) and the Early Childhood Technical Assistance Center (ECTA) are HUBS for Covid-19 and Return to School
- TA Center Support of OSEP Video Series
- TA Center Collaboration across Department
- Highlights from the Field

# Where We've Been



# Two Critical Reminders

- ▶ IDEA does not provide a general waiver authority of IDEA requirements. The Department did not ask Congress for broad waiver authority during the height of the pandemic, and the Secretary does not intend to seek such authority now.
  - It's vital that we keep our promise to provide the services to students with disabilities and their families that they need and deserve.
- ▶ Under IDEA, children with disabilities retained their rights to a free appropriate public education during the pandemic and may be entitled to additional instruction and services.

# Administration Focus on Education

- Released \$3 billion in IDEA funds within the American Rescue Plan to support children with disabilities and their families
- Build Back Better funding help stabilize the special educator workforce and the pipeline into the profession;
- Boost support for children and students with disabilities, including an over \$3 billion increase for IDEA.
- American Families Plan...Encourage and expand the authentic engagement of families, because we know this is essential to the success of all infants, toddlers, children, and youth.

# Collaboration

Secretary's  
Office

Office of  
Elementary  
and Secondary  
Education

Department of  
Health and  
Human  
Services

# Successes and Silver Linings

New Opportunities for Collaboration

Parent Participation

Technology Supports



# OSEP Policy Updates

- ▶ Locating OSEP policy letters and policy support documents on the IDEA web site: <https://sites.ed.gov/idea/policy-letters-policy-support-documents/>
- ▶ Recently released guidance:
  - Dear Colleague Letter
  - IDEA Part B: Child Find Q&A
  - Q&A on NIMAS
  - Resource on Long COVID
  - Fact Sheet on American Rescue Plan (ARP) and IDEA Funds

# Current: SY2021/2022 Return to School Roadmap

▶ Released August 24, 2021:

- [Press Release](#)
- [Letter to OSERS State and Local Partners](#)
- [Q&A on Child Find Under Part B of IDEA](#)

▶ Released September 30, 2021

- [Return to School Roadmap: Development and Implementation of Individualized Education Programs in the Least Restrictive Environment under the Individuals with Disabilities Education Act](#)



# Part B: IEP Q&A

- ▶ Ensuring IEPs are in effect at the beginning of the school year
- ▶ Convening the IEP Team, including IDEA's excusal and amendment procedures
- ▶ Consideration of special factors, including each child's need for assistive technology devices and services and addressing the social, behavioral, emotional, and mental health needs of children with disabilities
- ▶ Addressing a child with a disability's school-related health needs
- ▶ Determining appropriate measurable annual goals, especially in light of service disruptions and considering the child's need for compensatory services
- ▶ Making Extended School Year Services determinations
- ▶ Addressing a child's secondary transition services needs
- ▶ Making educational placement decisions, including overview of the LRE requirements, how the Department views virtual instruction
- ▶ Resolving disagreements regarding the child's educational program

## Part B: IEP Q&A, Key Takeaways: Compensatory Services

- ▶ Draws from many OSEP resources, court decisions and peer reviewed journal articles
- ▶ Greatly expands our interpretation of compensatory services including:
  - Definition of compensatory services
  - Who should make determinations about compensatory services
  - Use of data in making compensatory services
  - Examples of situations when compensatory services should be provided

# Where We're Going...



# Looking Ahead (Plans for FY22)

## ▶ OSEP Priorities for FY2022

- DMS 2.0
- SPP-APR Determinations
- Continuing with the provision of technical assistance
- Support for IDEA Uses of Funds
- Working collaboratively with the Secretary's office to increase IDEA funding to improved services and outcomes

## ▶ Guidance Under Consideration

- General Supervision
- Social/Emotional and Behavioral Supports and Resources

# FY21 IDEA Part D Discretionary Grant Priorities

- ▶ State Personnel Development Grants (SPDGs) (84.323A)
- ▶ Preparation of Special Education, Early Intervention, and Related Services Leadership Personnel (84.325D)
- ▶ Interdisciplinary Preparation in Special Education, Early Intervention, and Related Services for Personnel Serving Children with Disabilities who have High-Intensity Needs (84.325K)
- ▶ Improving Retention of Special Education Teachers and Early Intervention Personnel (84.325P)
- ▶ Postsecondary Education Center for Individuals Who are Deaf or Hard of Hearing (84.326D)
- ▶ National Assessment Center (84.326G)
- ▶ National Center for Students With Disabilities Who Require Intensive Intervention (84.326Q)



# Priorities, continued

- ▶ Model Demonstration Projects (84.326M)
- ▶ Television Access Projects (84.327C)
- ▶ Captioned and Described Educational Media Centers (84.327N)
- ▶ Stepping-up Technology Implementation (84.327S)
- ▶ Community Parent Resource Centers (CPRCs) (84.328C)
- ▶ National Comprehensive Center on Improving Literacy for Students with Disabilities (84.283D)
- ▶ Directed Appropriation: National Instructional Materials Access Center (NIMAC) (84.327E)
- ▶ Directed Appropriation: Special Olympics (84.380W)



# Additional Forthcoming Guidance

## ▶ Next up:

- Part C- Child Find
- Part C- IFSP



# General Supervision Expectations

- ▶ State educational agencies (SEAs) are not relieved of their responsibility to ensure the requirements of IDEA Part B are carried out under 34 C.F.R. § 300.149 (SEA Responsibility for General Supervision) and § 300.600(a)(1) (State Monitoring and Enforcement) to “monitor the implementation of this part” [Part B of the IDEA].
- ▶ Likewise, State lead agencies (SLAs) are not relieved of their responsibility to monitor the implementation of Part C of IDEA 34 C.F.R. § 300.700(a)(1)
- ▶ Although traditional on-site monitoring activities may not be possible during the pandemic, SEAs and SLAs have the flexibility to collect information needed to monitor LEAs and EIS programs through other means and by using multiple components of the State’s general supervision system.
- ▶ Additionally, SEAs and SLAs have an ongoing responsibility to issue findings of noncompliance and require corrective action when the State finds noncompliance in an LEA or EIS program.

- ▶ OSEP Current Policy on Social-Emotional and Mental Health
- ▶ OSEP Guidance Issued related to social-emotional, behavioral and mental health
- ▶ Additional Guidance

# Technical Assistance Center Supports

- ▶ Integrating social-emotional and mental health supports within an MTSS framework (i.e., interconnected systems framework)
- ▶ Teaching and supporting social-emotional competencies and overall wellness in programs, schools, and natural learning environments for children and students
- ▶ Trauma-informed practice
- ▶ Ensuring equity in social-emotional, behavioral, and mental health supports
- ▶ Fostering predictable, safe, and positive learning environments
- ▶ Supporting student mental health and building resilience

# Department of Education Technical Assistance Centers with SE/B/MH Resources

- ▶ National Technical Assistance Center on Positive Behavioral Interventions and Supports (PBIS), Website: [www.pbis.org](http://www.pbis.org)



- ▶ National Center for Pyramid Model Innovations (NCPMI), Website: <https://challengingbehavior.cbcs.usf.edu/>



- ▶ Center to Improve Social and Emotional Learning and School Safety (CISELSS): Website: <https://selcenter.wested.org/>



- ▶ National Center on Safe Supportive Learning Environments (NCSSLE), Website: <https://safesupportivelearning.ed.gov/>



- ▶ Comprehensive Center Network (CCNetwork), Website: <https://compcenternetwork.org/>



# DMS 2.0 RoadMap 2021-2022 Example

## ► October 2021

- Establish on-site visit schedule for Cohort 1 States to be held in during 2021-2023.

## ► Timeline Example

- **October 2021-January 2022:** Gather evidence and prepare documents for submission to OSEP in January.

Phase 1

- **January 2022:** OSEP Document Request (5 months before visit)
- **February 2022-May 2022:** Engage in interviews and calls with OSEP monitoring team (4 Months before visit)

Phase 2

- **June 2022:** On-site/virtual visit
- **June 2022-October 2022:** Creation and Issuance of Monitoring Report (120 Days after on-site/virtual visit)

Phase 3

- **November 2022-closeout:** Response to OSEP findings and closeout activities

# SPP-APR

- ▶ Due February 1, 2022 (Including Indicator B17)
- ▶ Package release
  - National TA call
  - Impact of COVID-19 on Data
  - State assessment flexibilities
- ▶ 2021 Determinations
- ▶ SPP/APR Reporting Tool Opening Date
  - PSC support



# Questions?





# Join Us this Afternoon!

- ▶ OSEP is hosting an additional session at 2:00pm today where we will share more updates and respond to additional questions from stakeholders. We hope you can join us!!



# Thank You!!

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