



Department
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2024 OSEP DMS REPORT AND RESPONSE

Kelli Lyndaker, Jessica Simmons, Shu-Kuang Tai, and Ken Moehringer

EARLY INTERVENTION COORDINATING COUNSEL MEETING, MARCH 13, 2025

DIFFERENTIATED MONITORING & SUPPORT (DMS 2.0)

The **Differentiated Monitoring & Support (DMS 2.0)** is the name of the Office of Special Education Program's review of each State's implementation of Part C of the Individual's with Disability Education Act (IDEA).

DIFFERENTIATED MONITORING & SUPPORT (DMS 2.0)

The **DMS 2.0** process includes:

- Review of internal documentation (policies, procedures, etc.)
- Review of public information (information included on DOH website and other external sources)
- Interviews with Bureau of Early Intervention staff
- Interviews and/or surveys with stakeholders (parent groups, counties, the Early Intervention Coordinating Council members)
- 3-day onsite visit

DMS 2.0 TIMELINES

November 1, 2021: NYS DMS 2.0 began

July 2022: OSEP started review of documents requested

August-October 2022: virtual interviews with Bureau

November 2022: 3-day onsite visit

February 29, 2024: DMS Report received by NYS

June 27, 2024: NYS submitted a response to required actions

September 24, 2024: NYS received OSEP's response to the June submission

February 25, 2025: NYS submitted evidence of implementation

NYS REQUIRED RESPONSE

NYS must respond to required actions included in the DMS Report:

- Within 90 days of the written report – most of the required actions are completed by submitting updated policy documents or descriptions of actions to be taken.
- Within 1 year of the written report – evidence of implementation of the required actions.

NYS DMS 2.0 Report and Responses



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1. SERVICE PROVISION



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1. SERVICE PROVISION FINDINGS

Findings:

NYS is unable to ensure that:

1.1- Early Intervention (EI) services are provided to all eligible infants and toddlers and their families within a timely manner,

1.2 - EI services that are needed by the child are identified on the IFSP based on the unique needs of the child, and

1.3 EI services are available in all geographic areas of NYS.

RESPONSE AND IMPLEMENTATION

NYS submitted a Policy of Service Provision which included:

- A written description of how the state will make resources available in all geographic areas within the state, including efforts that NYS has taken evaluate Statewide needs, increase providers in the EIP, and improve service availability for all children across the state.
- We also included a written description of how NYS will address situations when EI service providers are not available or there has been a delay or disruption of service provision.

In 2023, the Bureau has made great efforts to increase providers statewide and looking at opportunities for program improvements but some of these efforts will take time to see if they have resulted in increases in providers.

Implementation:

OSEP is still in the process of reviewing our submissions. We did submit an updated summary of actions taken since initial submission.

2. MONITORING & IMPROVEMENT

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2.1 - NYS does not identify non-compliance in a timely manner using its' data system.

Response: Our response clarified that the initial notice to counties in March each year and evidence of the March notices were sent to OSEP. OSEP is currently in the process of reviewing the State's submission.

Evidence of Implementation: Evidence of the March notice was sent to OSEP.

2. MONITORING AND IMPROVEMENT

2.2 NYS does not verify correction of all findings of non-compliance related to IDEA Part C (beyond State Performance Plans/Annual Performance Report indicators)

Response: Verification of Correction for monitoring findings was expanded and Verification of Correction for system (state) complaints implemented.

OSEP is currently in the process of reviewing the State's submission.

Evidence of Implementation:

NYS sent to OSEP evidence of verification of correction of additional findings that occurred during both monitoring as well as state complaints during the past year.

3. FISCAL MANAGEMENT



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3. FISCAL MANAGEMENT

3.1- NYS does not have a methodology, including policies and procedures to track all State and local public funding sources budgeted and expended in a fiscal year for IDEA.

Response: NYS submitted a Part C Maintenance of Effort Tracking Tool and summary of how NYC oversees each county's escrow along with other funding sources.

Evidence of Implementation: OSEP approved the submitted documentation, and no additional information was needed.

3. FISCAL MANAGEMENT CONTINUED

3.2 - NYS has not consistently ensure that it coordinates all available resources.

Response: Written description of NYS budget process as provided.

Evidence of Implementation: OSEP approved the submitted documentation, and no additional information was needed.

3. FISCAL MANAGEMENT CONTINUED

3.3 – NYS’s System of Payments (SOP) policy does not reflect the State’s Practice.

Response: Updated SOP including Covered Lives Assessment information was submitted.

Evidence of Implementation: OSEP approved the submitted documentation, and no additional information was needed.

4. DISPUTE RESOLUTION

4. DISPUTE RESOLUTION: SYSTEM COMPLAINTS

4.1 –NYS does not have written State complaint procedures that are reasonable designed to implement the dispute resolution requirements specific to:

- a. Allowing complaints from individual or organizations from other another State.
- b. When a complaint identifies failure to deliver EI Program services, the decision must include both corrective actions to address needs of the individual child and appropriate future provision of services for all infants and toddlers (systematic).
- c. Verification of implementation of the complaint decisions.
- d. 60-day extensions are only allowed for the 2 circumstances identified in Part C.
- e. When a complaint is also subject of an impartial hearing that the part of the complaint is set aside until conclusion of the hearing.

4.1 SYSTEM COMPLAINT RESPONSE INCLUDED:

Response:

Updates to internal policy and procedures to ensure that all identified deficiencies are met.

OSEP determined that our updated policies and procedures were acceptable.

Evidence of Implementation:

Redacted State Complaint was sent which included proof of implementation of updated procedures.

DISPUTE RESOLUTION: MEDIATION

4.2 – OSEP finds that the State has a form that does not allow parties to pursue mediation involving any matter under the Part C IDEA regulations as required under 34 C.F.R. § 303.431(a).

OSEP required that the mediation request template include an option for mediation to be available for “any matter” under the Part C IDEA regulations, including matters arising prior to the filing of a due process complaint

4.2 MEDIATION RESPONSE INCLUDED:

Response –Updates were made to the *How to Request Mediation* template. Template was sent to OSEP.

OSEP reviewed and approved the template updates.

Evidence of Implementation: No additional actions were required by OSEP but The Parent’s Guide to the Early Intervention Program includes this document and will be updated accordingly.

DISPUTE RESOLUTION: DUE PROCESS

4.3 – OSEP finds that the State does not ensure hearing officers possess knowledge of IDEA Part C requirements.

Response: Revised due process policies and procedures to reflect how due process hearing officers will receive training on IDEA Part C requirements.

OSEP reviewed and approved submitted policies and procedures.

Evidence of Implementation: Information was sent reflecting the training that was developed and hearing officers' participation in this training.

DISPUTE RESOLUTION: DUE PROCESS

4.4 – OSEP finds that the State does not have a mechanism in place for tracking the implementation of due process hearing decisions by municipalities, contracting agencies, or providers consistent with 34 C.F.R. §§ 303.120 and 303.700.

Response: Internal policies were updated to reflect our tracking of the implementation of impartial hearing decisions.

OSEP reviewed and approved submitted policies.

Evidence of Implementation: No additional submissions are required by OSEP but tracking has been implemented.

DISPUTE RESOLUTION: PROCEDURAL SAFEGUARDS

4.5 - NYS has not ensured that EI Service providers have written policies for notifying parents of all IDEA dispute resolution options.

4.5 PROCEDURAL SAFEGUARDS RESPONSE

Response: A memo was developed for counties and providers to request that they review and revise, if needed, any of your policies and written documents to ensure that families are always informed of all 3 dispute resolutions options. It is important to note that parents do not need to pursue informal due process options before they access formal options. Also, that there is not a progression that families are required to pursue (mediation, then impartial hearing, then filing a formal complaint to State). OSEP approved the memo.

Implementation: Memo was issued via listserv on February 24, 2025

NEXT STEPS

OSEP is still reviewing submissions for 5 of the findings. Additional changes may be needed based on their feedback.

NYS Bureau of EI will continue to work with OSEP to close out any open findings.

NYS will continue to implement any identified action plans and evaluate the effectiveness of implemented changes.

RESOURCES

NYS' DMS Report is located on OSEP's website:
[Differentiated Monitoring and Support \(DMS\) Reports](#)
[| U.S. Department of Education](#)

Report: [DMS Report - IDEA Part C - New York - February 29, 2024 \(PDF\)](#)

Questions?



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