



Additional Co-Lead information regarding OSEP State General Supervision Responsibilities under Parts B and C of the IDEA (OSEP QA 23-01)

The Early Development Network Co-Leads are providing additional clarification regarding the **July 24, 2023, Office of Special Education Programs (OSEP) QA 23-01, Question B-1**, regarding state definition and procedures related to “area of concern.” Please contact the Co-leads with additional questions as they arise.

To align with OSEP’s response and definition, the Co-Leads are defining an “area of concern” as a credible allegation regarding an IDEA policy, procedure, practice, or other requirement that raises one or more potential implementation or compliance issues, if confirmed true. The allegation is credible when the source, nature, and information provided suggest that the allegation is plausible and warrants further investigation. Credibility does not mean that there must be proof before an investigation has begun. 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.

The Co-leads will implement the following procedures when receiving an “area of concern”:

1. Determine if the allegation/area of concern meets the definition of credible allegation as defined above.
2. If so, then the Co-Leads will conduct a review of internally available data, information, and records.
3. If necessary, the Co-Leads will gather additional documentation/records/data from the local EIS program/provider(s).
4. If necessary, the Co-Leads will interview/gather information from family members/caregivers.
5. The Co-Leads will exercise proper due diligence activities which may include but are not limited to: conducting clarifying legal research, interviewing staff, parents of children with disabilities, and groups that represent the families and communities served by the LEAs, EIS programs, or providers, and reviewing and analyzing data or information. Examples of data or information the Co-Leads may analyze could include fiscal contracts or other relevant financial information, State complaints or due process, CONNECT and PRT data, media reports, PRT TIP reports, and any other relevant PRT monitoring information.
6. To confirm compliance with IDEA requirements the Co-leads will review varied information depending on the specific requirement, but could include data from CONNECT, ADVISER, TS Gold, and any data collected as part of the state’s data system; information contained in the early intervention record of an infant/toddler; review of local level written policies, procedures, and practices. The Co-Leads will ensure the information reviewed is representative of the population served within the PRT to ensure validity and reliability of the data used.

7. After review of all information, the Co-Leads will determine whether to issue Finding(s) of noncompliance. The Co-Leads will issue written notification of noncompliance within three months of exercising due diligence.
8. If Finding(s) of noncompliance are issued, the finding will include:
 - A description of the identified noncompliance,
 - The statutory or regulatory IDEA requirement(s) with which the LEA or EIS program or provider is in noncompliance,
 - A description of the quantitative and/or qualitative data (i.e., information supporting the State's conclusion that there is noncompliance),
 - A statement that the noncompliance must be corrected as soon as possible, and in no case later than one year from the date of the State's written notification of noncompliance,
 - Any required corrective action(s), and
 - A timeline for submission of a corrective action plan or evidence of correction.
9. The PRT/District/Services Coordination agency will follow all established Corrective Action Procedures (CAP) as outlined in the State Part C Monitoring Procedures found at: https://edn.ne.gov/cms/sites/default/files/EDN_Monitoring_Process.pdf
10. The EDN Co-Leads will track related data and information and report as required in the SPP/APR.