



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

Honorable Betty J. Sternberg
Commissioner of Education
Connecticut Department of Education
165 Capital Avenue
Room 305, State Office Building
Hartford, Connecticut 06106-1630

DEC 13 2004

Dear Commissioner Sternberg:

The purpose of this letter is to respond to Connecticut's April 2, 2004 submission of its Federal Fiscal Year (FFY) 2002 Annual Performance Report (APR) for the Individuals with Disabilities Education Act (IDEA) Part B funds used during the grant period July 1, 2002 through June 30, 2003. The APR reflects actual accomplishments made by the State during the reporting period, compared to established objectives. The APR for IDEA is designed to provide uniform reporting from States and result in high-quality information across States.

The APR is a significant data source utilized in the Continuous Improvement and Focused Monitoring System (CIFMS) implemented by the Office of Special Education Programs (OSEP), within the U.S. Department of Education. The APR falls within the third component of OSEP's four-part accountability strategy (i.e., supporting States in assessing their performance and compliance, and in planning, implementing, and evaluating improvement strategies) and consolidates the self-assessing and improvement planning functions of the CIFMS into one document. OSEP's Memorandum regarding the submission of Part B APRs directed States to address five cluster areas: General Supervision; Early Childhood Transition; Parent Involvement; Free Appropriate Public Education in the Least Restrictive Environment; and Secondary Transition.

Background

Connecticut's Self-Assessment and February 15, 2002 and July 10, 2002 Improvement Plans identified no areas of noncompliance. On December 24, 2002, OSEP responded to Connecticut's Improvement Plan and the Connecticut State Department of Education (CSDE) submitted Progress Reports on April 1, 2003, July 1, 2003 and November 1, 2003.

The State's APR should reflect the collection, analysis, and reporting of relevant data, and document data-based determinations regarding performance and compliance in each of the cluster areas. OSEP's comments on Connecticut's FFY 2002 APR are listed by cluster area.

General Supervision

Monitoring: Identification and Correction of Noncompliance. On pages 1.2 through 1.23 of the APR, CSDE included data and analysis and provided information on the monitoring system that described a continued focus on procedural issues with an emphasis on student outcomes and demonstrated its ability to identify noncompliance. For example, on pages 1.7 through 1.10 of the APR, CSDE reported monitoring data and analysis from 1997 through 2002 including monitoring findings and the percent of districts identified for required corrective actions. On pages 1.9 and 1.10 of the APR, CSDE included data and analysis from 2002-2003 that indicated five general areas of noncompliance for which districts were cited. The two most frequently identified areas of noncompliance related to least restrictive environment (LRE) and placement (35%) and identification practices (26%). Other areas cited were notice and consent (20.40%), IEP team (12.40%), and personnel (6.60%).

On pages 1.5 through 1.11 of the APR, CSDE reported on the 4 components of the procedures utilized to ensure effective general supervision. CSDE also included baseline data, targets, explanation of progress or slippage, activities, timelines and resources to ensure that systemic issues were identified through data and analysis from available sources, including monitoring, complaint investigations and hearing resolutions.

To address identified noncompliance, CSDE included targets, activities and timelines including State-wide focused monitoring and technical assistance. However, CSDE did not include data and analysis to demonstrate that its monitoring system effectively corrected all identified noncompliance in a timely manner (i.e., within one year of identification). As a result, the APR indicates potential noncompliance not previously identified by OSEP. Under 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §300.600, States must ensure the timely correction of deficiencies identified through monitoring (within one year of identification). Within 60 days from the date of this letter, the State must submit to OSEP: (1) documentation that the State has ensured the correction of noncompliance that it identified through monitoring, within a year of identification; or (2) a plan that includes strategies, proposed evidence of change, targets and timelines that will ensure correction of identified noncompliance within a reasonable period of time, not to exceed one year from when OSEP accepts the plan. In the next APR, due March 31, 2005, Connecticut must include data and analysis demonstrating progress toward compliance, and provide to OSEP a report with data and analysis demonstrating compliance as soon as possible, but no later than 30 days following the end of the one year timeline.

Timely Completion of Complaints. On pages 1.12 through 1.15 of the APR, CSDE included data and analysis that indicated noncompliance not previously identified by OSEP: failure to ensure all complaints were resolved within 60 calendar days unless the timeline was extended because exceptional circumstances exist with respect to a particular complaint (34 CFR §300.661(a) and (b)(1)). On page 1.14 of the APR, CSDE reported 87.9% of complaints are completed within the required timelines. CSDE included activities, targets, timelines and resources designed to ensure compliance within a reasonable period of time so that all Part B complaints can be resolved within the time period required by 34 CFR §300.661. OSEP accepts these strategies. In the next APR, due March 31, 2005, the State must include data and analysis

demonstrating progress toward compliance and provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but no later than 30 days following one year from the date of this letter.

Timely Due Process Decisions. On pages 1.12 through 1.15 of the APR, CSDE included data and analysis that indicated noncompliance not previously identified by OSEP: failure to complete due process hearings within the forty-five day timeline (34 CFR §300.511(a)). On pages 1.13 through 1.15 of the APR, CSDE reported data and analysis that indicated 85.7% of due process decisions were issued within the forty-five day timeline. On pages 1.12 through 1.14 of the APR, CSDE included strategies, proposed evidence of change, targets and timelines designed to ensure compliance within a reasonable period of time so that all due process hearing decisions are issued within the time period required by 34 CFR §300.511. OSEP accepts these strategies. In the next APR, due March 31, 2005, the State must include data and analysis demonstrating progress toward compliance and provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but no later than 30 days following one year from the date of this letter.

Sufficient Supply of Personnel. On pages 1.16 through 1.20 of the APR, CSDE provided data and analysis that indicated a decline of vacant special education positions from 11.9% (2001-2002) to 10.5% (2002-2003). CSDE included activities such as the Special Education Incentive Grant Program, designed to provide a financial incentive for eligible individuals to complete special education teacher preparation programs, and collaborative efforts with colleges and universities. OSEP looks forward to reviewing the impact of CSDE's strategies in the next APR, due March 31, 2005.

On page 1.18 of the APR, CSDE included data and analysis that indicated that the percentage of vacant speech/language pathologist (SLP) positions increased from 26.6% (2001-2002) to 33.8% (2002-2003). On page 1.18 through 1.20 of the APR, CSDE included strategies, targets, activities and timelines to address the shortage of qualified SLPs. These include: (1) working with the Manchester Community College, to develop a new training program to prepare SLP Assistants; (2) State Improvement Grant (SIG) funds grant to Southern Connecticut State University to provide scholarship assistance to bilingual students in the SLP program; and (3) collaboration with the Connecticut Speech-Language-Hearing Association. CSDE stated on page 1.18 of the APR, that in most cases, local education agencies (LEAs) contract with SLPs when there are personnel shortages, but short-term strategies for parents to obtain services from an SLP were also identified.

CSDE reported on page 1.18 of the APR, that in those rare instances where LEAs cannot provide SLP services from any source, "parents are advised that they may obtain SLP services privately and that they will be reimbursed by the LEA." In addition, LEAs are required to provide compensatory services if parents cannot find private services. A policy or practice of advising parents to obtain required speech-language pathology services at their own expense, subject to future reimbursement for out-of-pocket expenditures, is inconsistent with IDEA's Free Appropriate Public Education (FAPE) mandate. Under 34 CFR §300.300(a)(3)(I), States and public agencies must ensure that the services provided to an eligible child address all of the child's identified special education and related services needs. From data and information

provided by the State on page 1.18 of the APR, Connecticut may not be in compliance with this requirement. OSEP has not previously identified noncompliance in the provision of related services, specifically, speech-language pathology services. Within 60 days of the date of this letter, the State must provide OSEP with its specific policy or practices regarding the provision of required related services that are followed in the event of personnel shortages, along with any guidance or technical assistance provided to LEAs regarding the provision of related services, specifically regarding what LEAs need to do to ensure the provision of required speech-language pathology services when there are personnel shortages. In the next APR, due March 31, 2005, CSDE should include data and its analysis, along with a determination of compliance or noncompliance in this area. If the data demonstrate noncompliance, the State must include a plan with strategies, proposed evidence of change, targets and timelines designed to ensure correction of the noncompliance within a reasonable period of time, not to exceed one year from the date when OSEP accepts the plan. If data are not available, the State should include a plan in the next APR, due March 31, 2005, that describes how the State will collect data to enable it to determine compliance or noncompliance.

Data Collection and Reporting. On pages 1.21 through 1.23 of the APR, CSDE addressed its efforts to ensure the collection and reporting of accurate and timely data. For example, CSDE will add a new step to data collection procedures to ensure the collection of accurate and timely data and add an additional data analyst to assist in the collection, interpretation and reporting of data. CSDE included baseline data, activities, timelines and resources designed to maintain compliance. OSEP looks forward to reviewing information in the next APR, due March 31, 2005, resulting from the implementation of these strategies.

Early Childhood Transition

On pages 2.2 through 2.7 of the APR, CSDE included data and analysis that identified barriers to accurate collection and sharing of data between Part C and Part B for children exiting Part C who may be eligible for Part B services. CSDE reported that Connecticut's Continuous Partnership Team (CIPT) developed the early childhood transition goal and that this goal was a shared effort with Part C. OSEP assumes that any Part C to Part B tracking system that Connecticut develops will not involve the disclosure of personally identifiable information from students' education records, or if it will, that it is consistent with the IDEA and the Family Educational Rights and Privacy Act (FERPA). OSEP has enclosed for your information a copy of its February 11, 2004, letter to Mary Elder, Executive Director, Texas Interagency Council on Early Childhood Intervention, which discusses the limited disclosure of personally identifiable information for purposes of meeting IDEA's child find mandate.

The instructions to this cluster ask States to determine whether children found eligible for Part B services have an individualized education program (IEP) or individualized family services plan (IFSP) in effect by their third birthday, as required by 34 CFR §300.132(b). On page 2.3 of the APR, CSDE reported 2002-2003 baseline data that indicated that 76% (1,591) of eligible three year olds who exited Birth-to-Three (Part C) received FAPE by age three. Of the 1,591 children, 40.6% had a 90-day transition meeting prior to their third birthday. The State reported that the CSDE preschool program followed up with each of the 66 of 159 school districts where

noncompliance was identified. CSDE reported targets, activities, timelines and resources for the reporting period July 1, 2003 through June 30, 2004 designed to ensure that all eligible students with disabilities who exited the State Part C program receive FAPE by their third birthday. Within 60 days from the date of this letter, the State must submit to OSEP: (1) documentation that the State has ensured the correction of noncompliance that it identified within a year of identification; or (2) a plan that includes strategies, proposed evidence of change, targets and timelines that will ensure correction of identified noncompliance within a reasonable period of time, not to exceed one year from when OSEP accepts the plan. In the next APR, due March 31, 2005, the State must include data and analysis demonstrating progress toward compliance, and provide to OSEP a report with data and analysis demonstrating compliance as soon as possible but no later than 30 days following the end of the one year timeline.

Parent Involvement

On pages 3.2 through 3.11 of the APR, CSDE included parent survey data and analysis, targets, explanation of progress or slippage, activities, timelines and resources designed to increase participation of parents of children with disabilities, as full partners in the planning and implementation of their child's educational program. On page 3.2 of the APR, CSDE included four performance indicators: (1) the number of parents who reported satisfaction with the IEP that was designed for their child; (2) the total number of parents who reported that they had an opportunity to share vision and priorities for their child when the IEP was being designed; (3) the total number of parents, including parents from racially diverse backgrounds, who reported involvement or an opportunity to become involved in their child's educational planning; and (4) the total number of parents, including parents from racially diverse backgrounds, who participated in, or had an opportunity to participate in, training activities related to special education issues. CSDE will use a revised parent survey to survey a representative sample of all parents during the 2004-2005 school year. OSEP looks forward to reviewing information in the next APR resulting from the implementation of CSDE's strategies.

Free Appropriate Public Education in the Least Restrictive Environment

Disproportionality. On pages 4.2 through 4.28 of the APR, CSDE provided data and information to appropriately identify and serve all children eligible for Part B services. Data and analysis indicated an overrepresentation of Black and Hispanic children placed outside the regular classroom more than 60% of the time; black and Hispanic students were disproportionately identified with Intellectual Disabilities (ID - Mental Retardation), Emotional Disturbance, Specific Learning Disabilities, Visually Impaired, Deaf/Blind, Multiple Disabilities, Traumatic Brain Injured and Developmentally Delayed (ages 3-5 only within this category). American Indian children were overidentified in disability categories and educational environments. The State reported efforts to monitor the identification and placement of children with disabilities by race/ethnicity with a focus on Black, Hispanic and American Indian populations. On pages 4.4 and 4.5 of the APR, CSDE included activities to support the State's goal to appropriately identify and place children with disabilities including conducting a follow-up review to all LEAs reporting disproportionate data and technical assistance and professional development opportunities for LEAs. OSEP looks forward to reviewing the impact of CSDE's strategies in the next APR, due March 31, 2000.

34 CFR §300.755 requires that States that identify significant disproportionality on the basis of race in the identification of children with disabilities (including identification within particular categories of disability) or in placements into particular settings must provide for the review and, if appropriate, revision of the policies, procedures and practices used in identification or placement to ensure that they comply with Part B. The instructions to the 2002 APR required States that identify significant disproportionality to report on the results of that review of policies, procedures and practices. In the next APR, CSDE must report not just on its procedures for review of LEAs with significant disproportionality, but on the results of the review, and if appropriate, revision of policies, procedures and practices that occurred during the reporting period.

Graduation and Dropout. On pages 4.29 through 4.39 of the APR, CSDE included data and analysis, targets and timelines to address graduation and drop-out rates. CSDE reported that, due to changes in methodology for the collection of graduation and drop-out data, 2002-2003 data and analysis were not available for inclusion in this report. Connecticut collects graduation and drop-out data on December 1st for the previous December 2nd to the current November 30th cycle. Exit data for the 2002-2003 school year will be available for reporting in the FFY 2003 APR. On pages 4.33 and 4.34 of the APR, CSDE reported activities designed to support progress toward increasing graduation rates and decreasing drop-out rates for students with disabilities. These include: (1) the revision (2001) of Connecticut General State Statutes requiring each LEA to specify basic skill levels necessary for graduation beginning 2006 and specify a process for assessing competency and requiring that students remain in school until age 18 unless they have parental consent to leave earlier; (2) Positive Behavioral Support training state-wide and targeted district training; and (3) collaboration with the State Special Education Resource Center (SERC) and stakeholder groups to identify promising practices and consider graduation and drop-out as areas for focused monitoring activities. On pages 4.32 through 4.34 of the APR, CSDE reported drop-out data and analysis for a five-year period from 1997-1998 through 2001-2002. Analysis of the data indicated that the drop-out rate for children with disabilities declined from 7.6% to 4.2%. Pages 4.33 and 4.34 of the APR contained numerical goals for increasing the percentage of children with disabilities who graduate with a regular diploma and decreasing the percentage of children who drop out. OSEP looks forward to reviewing information in the next APR, due March 31, 2005, that includes both implementation of strategies and the resulting data demonstrating improvement.

Suspension and Expulsion. On pages 4.35 through 4.39 of the APR, CSDE reported that, due to methods used by the CSDE to collect suspension and expulsion data, 2002-2003 suspension and expulsion data were not available for inclusion in this report. CSDE included data and analysis from 2000-2001 and 2001-2002 and preliminary data from 2002-2003. CSDE included an explanation of progress or slippage, targets, activities and timelines to address its efforts to decrease the disproportionate suspension and expulsion of children with disabilities compared to their nondisabled peers. In addition to monitoring district-wide suspension rates, CSDE monitored the suspension and expulsion of preschool and kindergarten students. Data for 2001-2002 indicated that 280 preschool and kindergarten students were suspended. Thirty-seven were children with disabilities. CSDE reported that it monitored individual districts for the

implementation of IEPs and behavior plans, and corrective actions were required. CSDE reported activities, training and initiatives focused on positive behavior supports and programs to reduce the frequency of out-of school suspensions and expulsions for children with disabilities.

34 CFR §300.146 requires that States examine data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities either among LEAs in the State or compared to the rates for nondisabled children within the agencies. Where the State determines that significant discrepancies are occurring, it must review and, if appropriate, revise (or require the affected State agency or LEA to revise) its policies, procedures and practices relating to the development and implementation of individualized education programs (IEPs), the use of behavioral interventions, and procedural safeguards to ensure that the policies procedures and practices comply with Part B. The instructions to the 2002 APR direct States to describe which of these comparisons it did, as well as the method the State used to determine possible discrepancies, what constitutes a discrepancy, the number of agencies with significant discrepancies, and, if significant discrepancies are occurring, a description of those discrepancies and how the State plans to address them. The State's 2002 APR, however, did not include specific information indicating that the State had examined data from the LEAs that it used in assembling the State level data to determine whether significant discrepancies were occurring in the LEAs based on either one of the comparisons described above. In the next APR, the State must include the information required by the instructions. If the 2003 APR does not include information indicating that the State has examined all data for all LEAs to determine whether significant discrepancies are occurring in the LEAs based on one of the comparisons described above, and that when it identifies significant discrepancies, it reviews, and if appropriate, revises (or requires the affected LEAs to revise) policies, procedures, and practices consistent with 34 CFR §300.146, then OSEP will conclude that the State is not complying with the regulation, due March 31, 2005. OSEP looks forward to reviewing information in the next APR that includes both implementation of strategies and the resulting data demonstrating improvement.

Participation of Children with Disabilities on State-wide Assessments. On pages 4.40 through 4.53 of the APR, CSDE reported on the participation of children with disabilities in Connecticut's State-wide assessments. Data from 2002-2003 indicated improvement across all subjects and grades in the percentage of students with disabilities participating in the regular assessments. On page 4.42 of the APR, the State included 2002 data indicating that the participation rate for children with disabilities on State-wide assessments was 90% and higher for grades 4, 6 and 8, and the participation rates for children with disabilities on State-wide assessments in grade 10 were 81.1% in science and below 80% for math, reading and writing. On pages 4.42 through 4.46 of the APR, the State reported trend data that indicated increased participation rates for children with disabilities that ranged from 0.3% in grade 6 math to 12% in grade 6 writing, from 2000-2002 for grades 4, 6 and 8. The trend data for 2001-2002 indicated the participation rate for children with disabilities ranged from a 0.7% decrease in grade 10 math to a 1.7 percent increase in grade 10 science. CSDE included targets, activities, timelines and resources for increasing participation for the next reporting period. OSEP looks forward to reviewing information in the next APR, due March 31, 2005, that includes both implementation of strategies and the resulting data demonstrating improvement in this area.

The instructions to Attachment 3 of the APR state: “Include students who took out-of-level tests and students whose changes to the assessment invalidated their score. These students are to be counted in the lowest achievement column. States that can provide documentation of the linking or equating evidence for the levels of their tests may report out-of-level tests on all achievement levels. This linking or equating evidence must be provided.” Connecticut did not report scores from out-of-level testing in the lowest achievement category and did not provide linking or equating evidence. In the next APR, Connecticut must ensure that students who take out-of-level tests are reported according to the directions for Attachment 3 of the APR.

Performance of Children with Disabilities on State-wide Assessments. On pages 4.40 through 4.53 of the APR, CSDE reported on the performance of children with disabilities on Connecticut’s State-wide assessments. On page 4.41 of the APR, CSDE included data and analysis from 2002-2003 that indicated that the percentage of children with disabilities achieving at “proficient” or above declined in most subject areas and grade levels with the exception of 6th grade writing and 10th grade science. The State addressed these data on pages 4.42 and 4.43, citing the increase in the number of students with disabilities participating in on-grade level assessments and the State’s continued work to improve access to the general curriculum as possible explanations for this slippage. Page 4.43 of the APR contained a numerical goal for increasing the number of children with disabilities who achieve “proficiency” in all subject areas on the standard administration of the Connecticut Master Test (CMT) and the Connecticut Academic Performance Test (CAPT). In addition, CSDE included targets, activities, timelines and resources for improving the performance of children with disabilities in State-wide assessments. OSEP looks forward to reviewing information in the next APR, due March 31, 2005, that includes both implementation of strategies and the resulting data demonstrating improved performance in this area.

Least Restrictive Environment. On pages 4.54 through 4.57 of the APR, CSDE included baseline data and analysis to ensure the provision of FAPE in the Least Restrictive Environment (LRE). On pages 4.54 and 4.55 of the APR, CSDE reported monitoring data that indicated that 82.6% of Connecticut children with disabilities are educated in their home school, and 55.4% of children are educated with their nondisabled peers more than 79% of the time. In 2002-2003, CSDE targeted eight LEAs for on-site focused monitoring of placements for children with intellectual disability (mental retardation). CSDE included targets, activities, timelines and resources designed to improve performance. On pages 4.58 through 4.64 of the APR, CSDE included baseline data and analysis, targets, explanation of progress or slippage, activities, timelines and resources to increase the number of preschool children with disabilities, three and four years of age, who receive special education and related services in the LRE. On page 4.56 under projected targets, CSDE set a numerical goal for increasing the percentage of children with disabilities who are educated in their home school and who are educated in the regular classroom setting more than 79% of the school day. While it is not inconsistent with Part B of the IDEA to include numerical goals to increase the number of students with disabilities who spend more than 79% of their day in a regular classroom, CSDE must continue to monitor to ensure that placement determinations for children with disabilities are made on an individual basis in conformity with the requirements of 34 CFR §§300.550-300.556 and are not made based upon a numerical goal. In the next APR, due March 31, 2005, the State must provide the specific methods it will use to monitor to ensure that decisions are made on an individualized basis, in

accordance with applicable regulations. OSEP looks forward to reviewing information in the next APR, due March 31, 2005, that includes both implementation of strategies and the resulting data demonstrating improvement in this area.

Early Language Communication, Pre-Reading, and Social-Emotional Skills of Preschool Children with Disabilities. On pages 4.63 and 4.64 of the APR, CSDE reported that it was not able to provide data and information regarding this probe since it is a new data collection requirement. Under 20 U.S.C. §1418(a)(2) States are required to provide information that the Secretary requires. Moreover, under 20 U.S.C. §1232d(b)(4), States are required to cooperate in carrying out any evaluation conducted by the Secretary. Under the Government Performance and Results Act of 1993, 31 U.S.C. §1116, the effectiveness of the IDEA §619 program is being measured based on the extent to which early language communication, pre-reading, and social-emotional skills of preschool children with disabilities receiving special education and related services are improving. In the FFY 2003 APR, due March 31, 2005, Connecticut must either submit documentation of data (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan.

Secondary Transition

The instructions to this cluster ask States to address whether the percentage of youth with disabilities participating in post-school activities, such as employment and education, is comparable to that of nondisabled youth. On pages 5.2 through 5.9 of the APR, CSDE included data and analysis, including student survey data along with four performance indicators, targets, activities, timelines and resources to address this cluster. CSDE established projected targets that contained numerical goals for increasing the number of students with disabilities reporting: (1) participation in post-secondary education; (2) gainful employment; (3) satisfaction with their current job; and (4) support from an adult agency or community agency. While it is not inconsistent with Part B of the IDEA to include numerical goals to increase or decrease targets for children with disabilities, CSDE must continue to monitor to ensure that IEP teams for students with disabilities identify transition services needs beginning by age 14 or younger, if determined appropriate by the IEP team (34 CFR §300.347(b)(1), and needed transition services beginning by age 16 or younger if determined appropriate by the IEP team (34 CFR §300.347(b)(2), and that identification or provision of services is not based upon a numerical goal. CSDE included activities to revise the Special Education Follow-up survey and to continue the State-wide Interagency Transition Task Force. In the next APR, due March 31, 2005, CSDE should include revised targets and projected targets along with data and analysis resulting from the implementation of its strategies. OSEP looks forward to reviewing the results of Connecticut's strategies in the next APR.

Conclusion

The State must submit a plan to OSEP within 60 days from the date of this letter, including: (1) documentation that the State has ensured the correction of noncompliance that it identified, within a year of identification; or (2) a plan that includes strategies, proposed evidence of

change, targets and timelines that will ensure correction of identified noncompliance within a reasonable period of time, not to exceed one year from when OSEP accepts the plan. In the next APR, due March 31, 2005, Connecticut must include data and analysis demonstrating progress toward compliance, and provide to OSEP a report with data and analysis demonstrating compliance as soon as possible, but no later than 30 days following the end of the one year timeline.

Within 60 days of the date of this letter, the State must provide OSEP with its specific policy and practices regarding the provision of required related services that are followed in the event of personnel shortages, along with any guidance or technical assistance provided to LEAs regarding the provision of related services, specifically regarding what LEAs need to do to ensure the provision of required speech-language pathology services. Also, in the next APR, due March 31, 2005, the State must include data and its analysis, along with a determination of compliance or noncompliance to address the shortage of SLPs. If the data demonstrate noncompliance, the State must include a plan with strategies, proposed evidence of change, targets and timelines designed to ensure correction of the noncompliance within a reasonable period of time, not to exceed one year from the date when OSEP accepts the plan. If data are not available, the State should include a plan in the next APR, due March 31, 2005, that describes how the State will collect data to enable it to determine compliance or noncompliance.

As noted above, to address early childhood transition, within 60 days from the date of this letter, the State must submit to OSEP: (1) documentation that the State has ensured the correction of noncompliance that it identified within a year of identification; or (2) a plan that includes strategies, proposed evidence of change, targets and timelines that will ensure correction of identified noncompliance within a reasonable period of time, not to exceed one year from the date that OSEP accepts the plan. In the next APR, due March 31, 2005, the State must include data and analysis demonstrating progress toward compliance, and provide to OSEP a report with data and analysis demonstrating compliance as soon as possible but no later than 30 days following the end of the one year timeline. In addition, CSDE must include, in the next APR, due March 31, 2005, a description of activities and timelines to ensure that all children transitioning from Part C to Part B who are eligible for Part B services receive those services by their third birthdays as required by 34 CFR §300.132(b)).

In the next APR, due March 31, 2005, the State must report on its progress with the following requirements: (1) resolution of complaints within required timelines (34 CFR §300.661); and (2) conducting due process hearings within required timelines (34 CFR §300.511). This noncompliance must be corrected within one year of the date of this letter. The State must include data and analysis demonstrating progress toward compliance and provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but no later than 30 days following one year from the date of this letter.

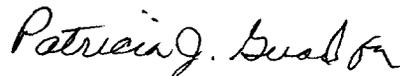
In the next APR, due March 31, 2005, the State must include a report based on a review of the policies, procedures, and practices used in the State in the identification and placement of children with disabilities to ensure that they are consistent with the Part B requirements of 34 CFR §300.755; has examined all data to determine if significant discrepancies are occurring in the rate of long-term suspension and expulsions of children with disabilities based on one of the

comparisons described in 34 CFR §300.146 and, that when it identifies significant discrepancies, it reviews, and if appropriate, revises (or requires the affected LEAs to revise) policies, procedures, and practices consistent with 34 CFR §300.146.

In the next APR, due March 31, 2005, Connecticut must either submit documentation of data regarding preschool skills (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan.

OSEP recognizes that the APR and its related activities represent only a portion of the work in your State and we look forward to collaborating with you as you continue to improve results for children and youth with disabilities and their families. If you have questions, please contact Margaret Romer at (202) 245-7501.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Smith Lee".

Stephanie Smith Lee
Director
Office of Special Education Programs

cc: George Dowaliby