



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

JUN -8 2004

Ms. Linda McCulloch
Superintendent of Public Instruction
Montana Office of Public Instruction
1227 11th Avenue
Helena, Montana 59620-2501

Dear Superintendent McCulloch:

The purpose of this letter is to respond to Montana's March 31, 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

OSEP issued a Monitoring Report to the Office of Public Instruction (OPI) on April 7, 2000. OPI submitted an Improvement Plan on June 2, 2000 and provided subsequent updates to OSEP on the progress of its improvement strategies. On December 19, 2003, OSEP closed OPI's Improvement Plan (IP) and since that time, has not identified any areas of noncompliance.

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 (as well as any other areas identified by the State to ensure improvement). OSEP's comments regarding each cluster area within the APR are set forth below.

General Supervision

The State provided data and information in the 21 pages of the General Supervision section of the APR that indicated many areas of effective performance with OPI's general supervision system.

Timely Identification and Correction of Noncompliance. On pages five through ten of the APR, the State provided data and analysis demonstrating that its monitoring system for local education agencies (LEAs) was effective in identifying and correcting noncompliance in a timely manner. In addition, OPI included evidence to demonstrate that it was able to track due process hearings, complaint investigations, and mediations in a manner consistent with Part B regulations. OPI also included strategies designed to maintain performance in this area.

Identification and Remediation of Systemic Issues through the Analysis of Data for all Available Sources, including Monitoring. On page 11 of the APR, OPI identified systemic issues and remediation of those issues through analysis of its monitoring data, due process hearings, and complaints. The State has included strategies and benchmarks designed to ensure compliance and performance.

Dispute Resolution System Ensures that Complaint Investigations, Mediations, and Due Process Hearings and Reviews are completed in a Timely Manner. On pages 12 through 14 of the APR, OPI provided data indicating that complaint investigations, mediations, and due process hearings were completed in a timely manner. The State has included strategies designed to maintain compliance in this area.

A Sufficient Supply of Personnel Available to Meet the Needs of All Children with Disabilities. On page 15 of the APR, OPI reported that "the baseline data shows that Montana continues to experience a large turnover in special education teachers and special education paraprofessionals . . . In spite of the difficulty in recruiting and retaining qualified personnel, Montana has continued to provide special education and related services to students with disabilities using qualified personnel and a variety of teaching strategies." The State has included strategies to address personnel needs, especially in high-shortage areas such as speech pathologists, school psychologists, and special education teachers.

Collection and Reporting of Accurate and Timely Data. On page 20 of the APR, Montana reported that it has consistently met timelines in reporting its Section 618 data to OSEP. In addition, OPI reported that it has utilized the funding it received through its General Supervision Enhancement Grant (GSEG) to improve its data collection system.

OSEP accepts the strategies included in the above-referenced sections of the APR and will review resulting data and its analysis in the next APR.

Early Childhood Transition

On pages 22 through 24 of the APR, OPI provided data and information collected through its Child Find system. The State included analysis of data from the monitoring of its local education agencies (LEAs) that demonstrated compliance in this area. OPI also included a State goal to obtain better data by sharing child count data between Part C and Part B. OSEP will review Montana's data and analysis in achieving this goal in the next APR.

Parent Involvement

On pages 25 through 27 of the APR, the State provided data and information indicating that parents of children with disabilities are effectively involved in special education programs for their children. The State has included strategies and benchmarks designed to maintain compliance in this area. OSEP accepts these strategies and will review the resulting data and its analysis in the next APR.

Free Appropriate Public Education in the Least Restrictive Environment

Disproportionality. On pages 28 through 41 of the APR, Montana reported and analyzed the data regarding the race/ethnicity of children with disabilities in various educational environments and disability categories relative to the State's general school enrollment. Through the analysis of its data, OPI concluded that American Indian students are disproportionately identified for special education but that there has been a consistent decrease in the percent of American Indian students served over the past three years.

Part B requires, at 34 CFR §300.755(b), that "In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational setting of these children, in accordance with [§300.755(a)], the State ... shall provide for review and, if appropriate revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with Part B of the act." OPI provided five strategies that include a review of policies, procedures and practices that it will implement over the next year to ensure that placement decisions are race/ethnic neutral.

Montana's FFY 2003 APR must include the results of the State's review of the policies, procedures, and practices used in the identification and placement of students with disabilities to ensure that they are consistent with the requirements of Part B.

Graduation and Dropout. On pages 42 through 55 of the APR, Montana reported data and an analysis of the graduation and dropout data for children with disabilities relative to the State's general school population. OPI concluded on page 54 that "students with disabilities drop out and graduation rates continue to be a source of great concern." The graduation rate for students with disabilities was lower than the graduation rate for the general school population; and the dropout rate for students with disabilities was significantly higher than the dropout rate of the general school population. OPI included strategies in its APR to improve these results. OSEP

accepts these strategies and expects that, in its FFY 2003 APR, Montana will submit information that includes both implementation of the strategies and the resulting data demonstrating improvement.

Suspension and Expulsion. On pages 55 through 59 of the APR, OPI reported its data on suspensions and expulsions of students with disabilities. The State's target was to revise its data collection process. Because of the revision, OPI indicated that the data collected for this APR will become the baseline data for future comparisons. OSEP will review Montana's resulting data and analysis in the FFY 2003 APR.

Performance of Children with Disabilities on Large-Scale Assessments. On pages 60 through 65 of the APR, OPI reported on the performance of children with disabilities on Montana's large-scale assessment system. OPI concluded that there continued to be a large gap between the academic performance of students with disabilities and students without disabilities. OPI provided strategies for improving the performance of students with disabilities and targeted procedures that the State will implement to collect data with better validity. OSEP accepts these strategies and expects that, in the FFY 2003 APR, Montana continue to include strategies and data to ensure compliance and performance in this area.

Children with Disabilities Educated with Nondisabled Peers to the Maximum Extent Appropriate. On pages 66 through 67 of the APR, Montana reported on its progress on educating students with disabilities in the least restrictive environment. OPI reported on page 67 that nearly 88 percent of all students with disabilities are educated with nondisabled peers for 40 percent or more of their school day. OPI provided strategies to maintain its performance in this area. OSEP accepts these strategies and will review the resulting data and its analysis in the FFY 2003 APR.

Early Language/Communication, Pre-Reading, and Social-Emotional Skills of Preschool Children with Disabilities. On page 68 of the APR, OPI reported that it was not able to provide data in this area since it is a new data collection requirement. OPI included strategies to develop a system to collect this data. OSEP accepts these strategies and in the FFY 2003 APR, Montana must submit documentation of data and analysis, along with the implementation of strategies and the resulting data for this area.

Secondary Transition

On pages 69 through 73 of the APR, Montana reported on the progress of its goal for students with disabilities to make successful school to adult transitions. OPI reported on the activities that have been initiated around secondary transition and reported monitoring data from LEAs. OPI's analysis of that data demonstrated that LEAs are "substantially in compliance" with Part B transition requirements and the State has made significant progress in its preparation of students with disabilities for secondary transition. The State included strategies and benchmarks designed to maintain compliance and progress in this area. OSEP accepts these strategies and will review the resulting data and its analysis in the FFY 2003 APR.

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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 Dr. Ken Kienas at (202) 205-9057.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephanie Smith Lee".

Stephanie Smith Lee
Director
Office of Special Education Programs

cc: Mr. Robert Runkel