

Connecticut Part B Continuous Improvement Visit

Enclosure – Verification Component

Scope of Review

During the verification component of the Continuous Improvement Visit (CIV), OSEP reviewed critical elements of the State's general supervision and fiscal systems.¹ We also reviewed the State's policies and procedures for ensuring the appropriate tracking, reporting and use of IDEA Part B funds made available under the American Recovery and Reinvestment Act of 2009 (ARRA).

Methods

In reviewing the State's systems for general supervision, including the collection of State-reported data,² and fiscal management, and the State's systems for improving child and family outcomes and protecting child and family rights, OSEP:

- Analyzed the components of the State's general supervision and fiscal systems to ensure that the systems are reasonably calculated to demonstrate compliance and improved performance.
- Reviewed the State's systems for collecting and reporting data the State submitted for selected indicators in the State's Federal fiscal year (FFY) 2009 State Performance Plan (SPP)/Annual Performance Report (APR).
- Reviewed the following–
 - Previous APRs
 - The State's application for funds under Part B of the IDEA
 - Previous OSEP monitoring reports
 - The State's Web site
 - Other pertinent information related to the State's systems³
- Gathered additional information through surveys, focus groups or interviews with–
 - The State Director of Special Education
 - State personnel responsible for implementing the general supervision, data and fiscal systems
 - State Advisory Panel
 - Parents and Advocates
 - The State's Protection and Advocacy Center

¹ As explained in the cover letter, OSEP will respond to the fiscal component of the review under separate cover.

² For a description of the State's general supervision system, including the collection of State reported data, see the State Performance Plan (SPP) on the State's Web site.

³ Documents reviewed as part of the verification process were not reviewed for legal sufficiency, but rather to inform OSEP's understanding of your State's systems.

I. General Supervision Systems

Critical Element 1: Identification of Noncompliance

Does the State have a general supervision system that is reasonably designed to identify noncompliance in a timely manner using its different components?

To effectively monitor the implementation of Part B of the IDEA by local educational agencies (LEAs), as required by IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600, and 20 U.S.C. 1232d(b)(3)(E), the State must have a general supervision system that identifies noncompliance in a timely manner.

OSEP Conclusion

Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP concludes that the State's systems for general supervision are reasonably designed to identify noncompliance in a timely manner. However, without also collecting data at the local level, OSEP cannot determine whether the State's systems are fully effective in identifying noncompliance in a timely manner.

Required Actions/Next Steps

No action is required.

Critical Element 2: Correction of Noncompliance

Does the State have a general supervision system that is reasonably designed to ensure correction of identified noncompliance in a timely manner?

To effectively monitor the implementation of Part B of the IDEA by LEAs, as required by IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600, and 20 U.S.C. 1232d(b)(3)(E), the State must have general supervision systems that correct noncompliance in a timely manner. In addition, as noted in OSEP Memorandum 09-02, Reporting on Correction of Noncompliance in the Annual Performance Report Required under Sections 616 and 642 of the Individuals with Disabilities Education Act, dated October 17, 2008 (OSEP Memo 09-02), in order to verify that previously-identified noncompliance has been corrected, the State must verify that the LEA: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected noncompliance for each child, unless the child is no longer within the jurisdiction of the LEA.

During the verification visit, the State informed OSEP that it generally applies both prongs of OSEP Memo 09-02 to verify timely correction of noncompliance. The State identified noncompliance in nine LEAs monitored on-site in 2010-2011. However, the State reported that in two of those LEAs that were identified with child-specific noncompliance, it did not verify timely correction by reviewing updated data, such as data subsequently collected through on-site monitoring or a State data system, to ensure that the LEA is correctly implementing the specific regulatory requirement (i.e., has achieved 100% compliance). For example, the State reported that when it found noncompliance for an individual child with the individualized education program (IEP) annual review requirement in 34 CFR §300.324(b)(1)(i), it verified only that the noncompliance had been corrected for the individual child, but did not verify, through the review of updated data, that the LEA was correctly implementing this regulatory requirement.

The State reported the measures it has taken to address this noncompliance subsequent to the verification visit. In a December 6, 2011 electronic mail message, the State provided OSEP revised policies and procedures in its draft revised General Supervision System Manual, pages 9-11, “Section D: Timely Correction of Noncompliance.” This revised section requires a review of updated data of a reasonable sample of files to verify that the LEA is properly implementing the specific regulatory requirement. The State also provided OSEP with a letter it wrote to both LEAs with previously-identified child-specific noncompliance, requiring those LEAs to submit to the State by March 1, 2012: (a) evidence of revision of procedures and/or practices to ensure correction of the noncompliance; and (b) five files to verify that the LEA is correctly implementing the specific regulatory requirements.

OSEP Conclusion

To ensure the timely correction of noncompliance by LEAs, as required by IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600, 20 U.S.C. 1232d(b)(3)(E) and OSEP Memo 09-02, States must verify that noncompliance has been corrected, by ensuring that the LEA: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected noncompliance for each child, unless the child is no longer within the jurisdiction of the LEA.

Based on the review of documents, analysis of data, and interviews with State personnel, as described above, OSEP concludes that the State does not have a general supervision system that is reasonably designed to correct noncompliance in a timely manner, using its different components, because, as described above, the State did not meet the requirements of OSEP Memo 09-02 for two LEAs with previously-identified noncompliance. Specifically, OSEP found that the State did not verify correction for two LEAs with previously-identified child-specific noncompliance by ensuring that each LEA was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance), based on the review of updated data, such as data subsequently collected through on-site monitoring or a State data system. However, as described above, the State has outlined the measures it is taking to correct this noncompliance.

Required Actions/Next Steps

Within 60 days from the date of this letter, the State must provide OSEP: (1) its final, revised General Supervision System Manual, that includes procedures for reviewing updated data, such as data subsequently collected through on-site monitoring or a State data system, to ensure that the LEA is correctly implementing the specific regulatory requirement(s) (i.e., has achieved 100% compliance); and (2) evidence based on updated data subsequently collected through on-site monitoring or a State data system demonstrating that both LEAs with child-specific noncompliance identified through focused monitoring conducted in 2010-2011 are: (i) correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance); and (ii) has corrected the noncompliance for each child, unless the child is no longer within the jurisdiction of the LEA.

Critical Element 3: Dispute Resolution

Does the State have procedures and practices that are reasonably designed to implement the dispute resolution requirements of IDEA?

The State must have reasonably designed dispute resolution procedures and practices if it is to effectively implement: (1) the State Complaint procedure requirements in 34 CFR §§300.151 through 300.153, and 20 U.S.C. 1221e-3; (2) the mediation requirements in IDEA section 615(e) and 34 CFR §300.506; and (3) the due process complaint requirements in IDEA sections 615(b)(6) – (8), 615(c)(2), 615(f) – (i), (k)(3) and (4), and (o) and 34 CFR §§300.507, 300.508, 300.509 through 300.517, and 300.532.

During the verification visit, OSEP reviewed the State’s due process complaint model form and the State complaint model form to determine whether those forms were consistent with the requirements in 34 CFR §300.509. OSEP found that the State’s due process complaint model form required information that is not specified in 34 CFR §300.508(c), which governs the content of due process complaints. OSEP also found that the State’s model form for State complaints required information that is not specified in 34 CFR §300.153(b), which governs the content of State complaints. Specifically, the State’s due process complaint model form included: the date, child’s date of birth, name of the school district that the child is “currently within the jurisdiction of,” signature, telephone number and/or fax, email address, disability category, and date of the individualized education program (IEP) meeting at which the parties failed to reach agreement. Connecticut’s State complaint model form included: the date, parent’s name (if different), child’s date of birth, education agency (school district), and child’s disability category. The State indicated that it does not delay processing a due process complaint or a State complaint because it requests additional information not required under IDEA, and if needed, the State calls complainants to help them complete the complaint forms.

Following the verification visit, the State revised these model forms to designate as optional the information not specifically required in 34 CFR §300.508(c) for due process complaints and 34 CFR §300.153(b) for State complaints. The State’s December 6, 2011 electronic mail message provided evidence to OSEP including: (1) revised State complaint and due process complaint model forms indicating optional information; and (2) an action plan that includes: (a) providing notice to the public and LEAs about the revised model forms; (b) posting the revised model forms on the State’s Web site in December, 2011; and (c) publishing an article about the revised model forms in the next Connecticut State Department of Education Special Education Bureau Bulletin. The State also provided evidence in an email dated February 8, 2012, that it further revised its due process complaint form to delete the statement, “currently within the jurisdiction of” the child’s school district.

OSEP Conclusion

Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP concludes that, prior to the verification visit, the State did not have procedures and practices that were reasonably designed to implement all of the dispute resolution requirements of IDEA. Specifically, as described above, the State’s model forms for due process complaints and State complaints did not meet all of the requirements in 34 CFR §300.509 governing the content of due process complaints and State complaints. However, as described above, the State has provided documentation to OSEP demonstrating that subsequent to the verification visit, it modified these forms and took other actions to address this noncompliance.

Therefore, OSEP concludes that the State has procedures and practices that are reasonably designed to implement the dispute resolution requirements of IDEA.

Required Actions

No further action is required.

Critical Element 4: Data System

Does the State have a data system that is reasonably designed to timely collect and report data that are valid and reliable and reflect actual practice and performance?

To meet the requirements of IDEA sections 616 and 618, and 34 CFR §§300.601(b) and 300.640 through 300.646, the State must have a data system that is reasonably designed to timely collect and report data that are valid and reliable and reflect actual practice and performance.

OSEP Conclusion

Based on the review of documents and interviews with State personnel, OSEP concludes that the State has a data system that is reasonably designed to timely collect and report data that are valid and reliable and reflect actual practice and performance.

Required Actions/Next Steps

No action is required.

Critical Element 5: Implementation of Grant Assurances

Does the State have procedures and practices that are reasonably designed to implement selected grant application assurances, i.e., monitoring and enforcement related to LEA determinations and significant disproportionality and coordinated early intervening services (CEIS)?

The State must have reasonably designed procedures and practices that address grant assurances/requirements if it is to implement the following selected grant assurances: (1) monitoring and enforcement related to LEA determinations pursuant to IDEA section 616 and 34 CFR §§300.600-300.604 and 300.608; (2) significant disproportionality requirements pursuant to IDEA section 618(d) and 34 CFR §300.646; (3) CEIS requirements pursuant to IDEA sections 613(a)(2)(C) and (f) and 34 CFR §§300.205 and 300.226.

OSEP Conclusion

Based on the review of documents and interviews with State personnel, OSEP concludes that the State has procedures and practices that are reasonably designed to implement selected grant application assurances, i.e., monitoring and enforcement related to LEA determinations and significant disproportionality and CEIS. However, OSEP currently is reviewing the State’s submission of the Part B Report on Maintenance of Effort Reduction and Coordinated Early Intervening Services (Table 8) data relating to LEA maintenance of effort (MOE), LEA determinations, significant disproportionality and CEIS and may have further communication with the State about that information. OSEP makes no conclusions in this enclosure about any issues that may be raised by the Table 8 data.

Required Actions/Next Steps

No action is required.