



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

Honorable Kathy Cox  
Superintendent of Education  
Georgia Department of Education  
2066 Twin Towers East  
Jesse Hill Jr. Drive, SE  
Atlanta, Georgia 30334

OCT 20 2003

Dear Superintendent Cox:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) recent verification visit to Georgia. As indicated in my letter to you of June 18, 2003, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving program performance under, Parts B and C of the Individuals with Disabilities Education Act (IDEA). We conducted our visit to Georgia during the week of July 21, 2003.

The purpose of our verification reviews of States is to determine how they use their general supervision, State-reported data collection, and State-wide assessment systems to assess and improve State performance and to protect child and family rights. The purposes of the verification visits are to: (1) understand how the systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to the Georgia Department of Education (GDOE), the OSEP staff met with Mr. Phil Pickens, State Director of Special Education, and other GDOE staff who are involved in, and responsible for: (1) the oversight of general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings); (2) the collection and analysis of State-reported data; and (3) ensuring participation in, and reporting of student performance on, State-wide assessments. Prior to and during the visit, OSEP staff reviewed a number of documents<sup>1</sup>, including the following: (1) Georgia's 2002-2003 Part B Continuous Improvement Plan; (2) the State's Biennial Performance Report for 2002; (3) Georgia's Continuous Improvement Monitoring Report, 2001; (4) the State's procedures for data collection; (5) documents filed by Georgia's Advocacy Office; (6) information from the State's website; (7) the Fiscal Year 2003 procedures for State Compliance Reviews; (8) the State Assessment Manual for Students with Disabilities; (9) monitoring reports issued by the State; (10) complaint and due process hearing logs; and (11) preliminary information on, and the plan for roll-out and implementation of, the new Continuous Improvement Monitoring Process.

OSEP also conducted a conference call on July 15, 2003, with a number of the members of Georgia's State Advisory Panel on Special Education, to hear their perspectives on the strengths

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<sup>1</sup> 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.

and weaknesses of the State's systems for general supervision, data collection, and, for Part B, State-wide assessment. Mr. Pickens and Ms. Marlene Bryar also participated in the call and were instrumental in inviting the participants.

The information that Mr. Pickens and his staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for and during the visit, greatly enhanced our understanding of GDOE's systems for general supervision, collection and reporting of data, and State-wide assessment.

### ***General Supervision***

In reviewing the State's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (2) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (3) utilizes guidance, technical assistance, follow-up, and—if necessary—sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

GDOE is in the process of revising its general supervision system with the stated purpose of achieving a balance between the need for continuous procedural compliance and a focus on improving student results and outcomes. While GDOE's proposed monitoring system, as described by GDOE, appears to be designed in a way that will enable GDOE to identify and correct noncompliance, OSEP cannot determine whether the system is fully effective without reviewing GDOE's actual implementation of the system and collecting data at the local level once the new procedures are in place. OSEP requests that GDOE keep us informed regarding the design and implementation of its monitoring system, including providing data regarding the findings it makes and its effectiveness in ensuring correction of noncompliance.

### ***Monitoring system prior to the 2003-2004 school year***

According to the most recent Improvement Plan submitted to OSEP, through the 2002-2003 school year, GDOE monitored the 180 public agencies (local school systems and State-operated programs) on a five-year monitoring cycle, utilizing the Compliance Review (CR) process. GDOE informed OSEP that prior to GDOE's visit, public agencies would submit a folder of information addressing discipline, timelines, due process hearings and complaints, parent attendance at IEP meetings, extended school year services, ensuring that children receive services by their third birthday, teacher certifications, and facilities. GDOE would also require the agency to send out parent and staff questionnaires addressing issues such as facilities, transportation, textbooks, and general satisfaction with services. GDOE staff explained that they would use all of this information to target their on-site review.

According to Georgia's 2002-2003 Continuous Improvement Plan, GDOE randomly selected student files and conducted a review prior to the on-site visit. GDOE staff also informed OSEP

that beginning with the 2001-2002 school year, monitors reviewed the selected files for several agencies together at a central location to help ensure inter-rater reliability. As explained by GDOE staff and confirmed by OSEP's review of GDOE's monitoring files, during the 2002-2003 school year, GDOE began to use "case studies" as part of each monitoring review. Each case study included an in-depth review of the student's records across school years, and interviews with an administrator, regular and special education teachers, the parent, and—the student, if of transition age.

As explained by GDOE staff and confirmed by OSEP's review of monitoring files, GDOE conducted on-site exit summaries, and then provided a written report within six weeks. GDOE further informed OSEP that it strongly encouraged agencies to correct any individual student noncompliance before the report came out. Once an agency received its monitoring report, it was required to submit an assurance that it would correct the noncompliance, but GDOE did not require that agencies submit specific strategies and timelines. They further informed OSEP that GDOE did not collect any data regarding correction until a follow-up visit was conducted approximately one year later. However, GDOE's district liaison would communicate informally with the agency on an ongoing basis regarding the status of correction. They explained that during the follow-up visit, GDOE would review selected files and, when appropriate, conduct interviews to determine whether the agency had corrected the noncompliance.

GDOE staff informed OSEP that if an agency had not corrected noncompliance within one year, GDOE would delay the flow of Part B funds until the noncompliance had been corrected. GDOE is concerned about what it perceives as two drawbacks to this sanction. First, they are concerned that an agency may use a "short-term fix" to get its funds, but not take actions that ensure that the noncompliance does not recur. Second, GDOE is concerned that delayed funding for systems with scarce resources negatively impacts children. With approval of the State Board of Education, GDOE may also withhold State funds. To date, GDOE reported making one such withholding. GDOE staff also reported that they are considering the use of other incentives and sanctions that they believe would be more effective in ensuring effective and long-term correction of noncompliance.

Prior to the verification visit, GDOE provided OSEP with a draft of a memorandum regarding proposed changes to its monitoring procedures. That memorandum states that GDOE has been working on revising its current monitoring system since March 2002, with input from all districts through stakeholder meetings. GDOE believes that the current process has relied too heavily on file reviews and has had little impact on actual outcomes for students with disabilities. GDOE was concerned that it had not been using its on-site time as effectively as needed. In addition, GDOE staff reported that the same findings were made in the same agencies every five years; although there was initial correction, there was little or no sustainable correction or systemic change. GDOE informed OSEP that, in an effort to balance compliance and improved results for students with disabilities, GDOE would phase in a revised Continuous Improvement Monitoring Process over the next few years.

#### ***Proposed Continuous Improvement Monitoring System***

GDOE informed OSEP that during the 2003-2004 school year, it will conduct on-site follow up reviews for all systems monitored during the 2002-2003 school year. Other than these follow-up

reviews, GDOE will not conduct on-site monitoring during the 2003-2004 school year. Through further discussion, OSEP learned that they would require districts to submit data regarding timelines for initial evaluation, reevaluations and Part C transition. During July 2004, GDOE's district liaison for each agency will develop a summary report that documents the results of past student record and facility reviews, technical assistance provided to the agency, verification that a corrective action plan has been implemented, and any progress or activities outlined by the district. The district liaison gathers this information by conducting at least two reviews and develops the summary report. The district liaison collaborates with agency personnel in using report information to help strengthen improvement plans. Additionally, each agency will report on its progress and activities at a district meeting twice per year.

GDOE reported that beginning in school year 2003-2004, it would require all 180 agencies to submit an Improvement Plan to GDOE by September 30, 2003. In developing Improvement Plans, each agency is required to review the current and past data profiles for the agency, and, using a stakeholder group, selects at least three of Georgia's ten Performance Goals, one of which must be the Least Restrictive Environment (LRE). GDOE staff explained that once plans are submitted, the State would develop a database that documents areas of need, corrective action/improvement strategies, and results of those activities that will be available to agencies across the State.

GDOE staff informed OSEP through discussion and a written outline of the proposed monitoring procedures, that as part of its Compliance Review monitoring for the 2004-2005 school year, Improvement Plans will be due in June and reviewed by GDOE in July. OSEP further learned that GDOE plans to select approximately 40-45 systems for a compliance review utilizing the following criteria: 1) consideration of all the school year 2003-2004 factors mentioned above; 2) systems ranking in the bottom third of the performance data profile; 3) results of parent satisfaction surveys; and 4) randomly selected systems. Any corrective actions that are developed around any of the performance goals will be addressed in the Improvement Plan. According to the proposed outline mentioned above, GDOE plans to monitor its agencies in school year 2005-2006 using the same criteria used in the 2004-2005 school year, with the addition of following up on corrections of the 40-45 systems reviewed in school year 2003-2004.

### *Technical assistance*

GDOE informed OSEP that it provides ongoing technical assistance to public agencies related to both compliance and improving performance through two primary vehicles. GDOE has designated a district liaison for each local school system, who takes the lead for GDOE in providing training and guidance, as well as in monitoring activities. In addition, GDOE funds the Georgia Learning Resource System (GLRS) to provide professional development, technical assistance and training to the parents of children with disabilities and regular and special education teachers. There are 17 GLRS centers across the State, each assigned to one of the State's eighteen geographical districts (one of the centers works with two districts). GDOE explained that one strength of the GLRS is that each center facilitates the sharing of best practices across the public agencies that comprise the geographical district.

### ***Complaint management***

OSEP learned, through its review of GDOE's complaint log and interviews with staff responsible for resolving complaints, that GDOE issues written decisions on Part B complaints within 60 calendar days of its receipt of the complaint, unless the timeline is extended due to exceptional circumstances that exist with regard to a particular complaint, consistent with 34 CFR §300.661(a) and (b)(1). To date, GDOE reports that there have been no systemic complaints. However, there has been a steady increase in the number of individual complaints over the past couple of years. The State Director views this as a positive aspect of the system and attributes this to increased customer service and parents being better informed of the process.

### ***Due process hearings***

OSEP learned, through its review of GDOE's due process hearing log and interviews with the staff responsible for tracking hearing timelines, that decisions on due process hearings are issued within 45 calendar days of GDOE's receipt of a hearing request, unless the hearing officer grants a specific extension of time at the request of a party, consistent with 34 CFR §300.511(a) and (c). OSEP commends GDOE for continuously providing for training opportunities through workshops and conferences for its assigned Administrative Law Judges with special education expertise.

### ***Collection of data under section 618 of the IDEA***

In looking at the State's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; and (3) implements procedures for identifying anomalies in data that are reported, and for correcting any inaccuracies.

OSEP believes that, as described, the system for collecting and reporting data is a reasonable approach to ensuring the accuracy of the data that GDOE reports to OSEP under section 618.

OSEP confirmed with State staff that Georgia has an electronic web-enabled data collection system that has been in operation since 1998. GDOE informed OSEP that a new proposed student information system is scheduled for implementation during the 2005-2006 school years. OSEP learned that the special education data manager works closely with the Information Technology department and is responsible for requesting the necessary 618 data and other pieces of information from the Information Technology department to report to OSEP. GDOE explained that all 618 data (except two pieces of discipline data) are entered via the web at the local level. Each agency's special education director submits two sources of discipline data via paper: (1) students with disabilities suspended for more than 10 days; and (2) students with disabilities that have multiple suspensions beyond 10 days. The data manager informed OSEP that there are plans in place to gather all discipline data electronically, but this addition to the system will not be operable until the start of the 2005-2006 school year.

GDOE staff confirmed that the State uses the same disability and race/ethnicity categories and definitions as those in OSEP's data collection memorandum to States in collecting and reporting its 618 data. GDOE described a system of extensive edits that it uses to detect, investigate, and resolve data anomalies. GDOE informed OSEP that the department provides extensive training opportunities on data collection to agencies every year. Some of the upcoming trainings will be tailored to agencies in an effort to work with local level staff regarding edit checks. GDOE reported that they have provided technical assistance to nearly 90% of the agencies on data collection related concerns. GDOE expressed a high level of confidence in the accuracy of its data.

### *State-wide Assessment*

In looking at the State's system for State-wide assessment, OSEP collected information regarding a number of elements, including whether the State: (1) establishes procedures for State-wide assessment that meet the participation, alternate assessment, and reporting requirements of Part B, including ensuring the participation of all students, including students with disabilities, and the provision of appropriate accommodations; (2) provides clear guidance and training to public agencies regarding those procedures and requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with those requirements. In order to better understand Georgia's system for State-wide assessment, OSEP also discussed with your staff how the alternate assessment is aligned with grade-appropriate content standards.

OSEP interviewed staff from DES, GDOE's Testing Division, and the Office of Educational Accountability in order to gain a better understanding of Georgia's State-wide Assessment system. GDOE informed OSEP that since the new State Superintendent assumed her position in January 2003, she has convened three testing summits to identify and help resolve any problems related to testing administration, vendors, and overall issues in assessment. Discussions with State-wide assessment staff revealed that GDOE has provided extensive training and guidance regarding the inclusion of students with disabilities in State-wide assessments. The special education and testing staff work together to provide technical assistance to public agencies. It was evident from GDOE's monitoring document that it reviews agencies for compliance with requirements regarding State-wide assessment using the Compliance Review Document.

The Georgia Alternate Assessment (GAA) was developed as an assessment for students with disabilities who cannot participate in the regular assessment, even with accommodations. GDOE informed OSEP that beginning in early 1998, an advisory group convened to help determine appropriate accommodations for each assessment and to develop the alternate assessment. The group included special education teachers, test coordinators from local systems, special education administrators, higher education officials, and regular education teachers. Through further discussion, OSEP learned that GDOE determined that there was no way to align the alternate assessment with the Quality Core Curriculum (QCC), because the QCC includes no alternate standards for students with significant disabilities. Therefore, the current GAA<sup>2</sup> is not

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<sup>2</sup> Title I of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, also includes a number of requirements related to including children with disabilities in State assessment programs and

aligned with the QCC. To address this, the State informed OSEP that it is working to revise the QCC. In addition, OSEP learned that the revised QCC, with alternate standards, is scheduled for implementation during the fall 2004, and the GAA will be aligned with the QCC by spring 2005.

GDOE informed OSEP that the State uses the GAA as the alternate assessment for all State-wide assessments. In addition, the Georgia High School Graduation Test (GHS GT) is used for systems accountability as well, and will be used as the high school examination to address the accountability requirements of the No Child Left Behind (NCLB) Act. OSEP further learned that for the past school year 2002-2003, there was no alternate assessment administered for the GHS GT. This appears to be inconsistent with the Part B requirement at 34 CFR §300.138. GDOE stated that beginning with the 2003-2004 school year, the GAA will be used as the alternate assessment for the GHS GT. OSEP could not determine the extent to which the IEP-based GAA provides objective, valid measurement of student performance, and is concerned about the lack of alignment with the QCC.

OSEP has determined, through its review of the State's written procedures for State-wide assessments and the State's reports to the public and the Secretary on the participation and performance of children with disabilities on such assessments, that those procedures, as written, and those reports are consistent with Part B requirements. OSEP cannot, however, without also collecting data at the local level, determine whether all public agencies in the State implement the State's procedures in a manner that is consistent with Part B.

We appreciate the cooperation and assistance provided by your staff during our visit. We look forward to our continued collaboration with Georgia to support your work to improve results for children with disabilities and their families.

Sincerely,



Stephanie Smith Lee  
Director  
Office of Special Education Programs

cc: Mr. Phillip H. Pickens

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reporting on their participation and performance on regular and alternate assessments that in many instances are more specific than requirements in the IDEA. For example, the Title I regulations require, at 34 CFR §200.2(b)(3) and (4), that all State assessments must, "(3)(i) Be aligned with the State's challenging academic content and student academic achievement standards; and (ii) Provide coherent information about student attainment of those standards. (4)(i) Be valid and reliable for the purposes for which the assessment system is used; and (ii) Be consistent with relevant, nationally recognized professional and technical standards." This letter does not, and should not be interpreted to, address Georgia's compliance with requirements of Title I.