



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

Honorable Cecil J. Picard
State Superintendent
Louisiana Department of Education
626 North 4th Street, 12th Floor
Baton Rouge, Louisiana 70804-9064

DEC 10 2003

Dear Superintendent Picard:

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 Louisiana. As I explained 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 performance under, Parts B and C of the Individuals with Disabilities Education Act (IDEA). We conducted our visit to Louisiana during the week of September 22, 2003.

The purpose of our verification reviews of States is to determine how they use their general supervision, State-reported data collection, and statewide 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 Louisiana Department of Education (LDE), OSEP staff met with Ms. Virginia Beridon (the State's Director of Special Education), and members of LDE's staff who are 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 the reporting of student performance on, State-wide assessments. Prior to and during the visit, OSEP staff reviewed a number of documents¹, including the following: (1) Louisiana's Part B State Improvement Plan; (2) the State's Biennial Performance Report for grant years 1999-2000 and 2000-2001; (3) Louisiana's State Improvement Grant (SIG) application; (4) LDE's 2003 LANSER (Louisiana Network of Special Education Records) Users' Guide; (5) a draft of LDE's 2003-2004 Focused Monitoring Manual; (6) the State Assessment Manual for Special Populations; (7) selected LDE monitoring files for school districts, including monitoring reports and corrective action documents; (8) LDE's written response to the overarching questions around which OSEP is focusing its verification reviews; and (9) LDE tracking logs for complaints and due process hearings.

¹ 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.

OSEP also conducted a conference call on September 2, 2003 with a number of stakeholders to hear their perspectives on the strengths and weaknesses of the State's systems for general supervision, data collection, and, for Part B, State-wide Assessment. Ms. Beridon participated in the call and assisted us by inviting the participants.

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

General Supervision

In looking at 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.

LDE's Division of Special Populations (DSP) reports current staffing at 35 positions, including several staff whose job responsibilities include activities related to monitoring. In addition, LDE contracts independently with six State monitors that serve as team leaders for onsite monitoring visits. The monitoring teams also include local administrators (peers) from other school districts and parents.

OSEP conducted a targeted monitoring visit to Louisiana in 2000. As set forth in OSEP's 2001 Louisiana Monitoring Report, OSEP found that LDE was not effectively ensuring that all of the noncompliance that it identified was fully corrected. LDE is in the process of implementing the Improvement Plan that OSEP approved in February 2003, and it must provide documentation to OSEP by March 15 that it has corrected all of the noncompliance identified in OSEP's 2001 report, including the above-described general supervision finding regarding the correction of noncompliance. OSEP believes that the improvements LDE has made to its monitoring system are reasonably calculated to enable LDE to ensure the correction of all of the noncompliance that OSEP identified in its 2001 report, and that the system is a reasonable approach to the identification and correction of noncompliance. However, before reviewing the documentation that LDE will submit regarding the impact of the improvement strategies that it is implementing, OSEP cannot determine whether the State has corrected the above-described deficiency and is fully effective in correcting noncompliance.

LDE staff explained to OSEP that the State uses a non-cyclical, data-driven process to monitor the State's 68 local educational agencies (LEAs), State-operated programs, and two charter schools (chartered by the State Board of Education). As they further informed OSEP (and

demonstrated with their monitoring manuals), LDE has classified LEAs into four cohorts based on total student population. Each year, LDE works with a group of stakeholders to select three indicators that it will use to rank LEAs. Then, for each of the three indicators, LDE ranks LEAs within each of the four population cohorts, using performance data from the previous year. LDE identifies the lowest ranked LEA in each of the four cohorts for each indicator as a “Focus” LEA, and conducts a focused data collection visit to the LEA. LDE identifies the highest ranked LEA in each of the four cohorts for each indicator as an exemplary LEA; LDE conducts an on-site data collection visit to the single highest ranked LEA for each indicator. LDE also conducts an on-site data collection visit to an additional eight LEAs that it selects randomly each year. In addition, LDE conducts a follow-up data collection visit to all LEAs with identified noncompliance to ensure completion of corrective actions within one year.

LDE staff explained that each LEA must submit a self-review with its local application for Part B funds that addresses all compliance areas in Part B. If the LEA identifies noncompliance, it must also include with its application for funds a corrective action plan, with timelines and evidence of change, to address the noncompliance. OSEP reviewed a number of LDE monitoring files and found that, while there is a significant range in the depth and candor of self-reviews, some LEAs have self-identified a number of areas of noncompliance. An LEA may apply for a State grant to help support implementation of its corrective action plan and systemic change. In order to receive such funds, an LEA must show that it is expending all of its Part B funds and needs the additional funds in order to implement the plan. Although LDE staff reported that there is follow up with LEAs that identify noncompliance through the self-review process, they further indicated to OSEP staff that unless those LEAs are selected for a focused or random visit, there is limited follow up to ensure correction.

Bulletin 1922, §107 of LDE’s regulations, includes specific language regarding monitoring requirements and sanctions. The Bulletin requires LDE to monitor all public agencies within the State and to take actions necessary to ensure compliance. The Bulletin further requires each LEA with non-compliance findings to write a corrective action plan in collaboration with LDE. As set forth in §107, the LEA must address the activities the LEA will implement to correct, within one year, the areas of non-compliance identified in the on-site visit. LDE further informed OSEP that DSP tracks an LEA’s progress toward completing the activities in its corrective action plan, with follow-up visits and written reports as necessary. OSEP learned from its review of the monitoring file for one LEA, that LDE had required that LEA to provide DSP with a status report on correction of noncompliance every 90 days. According to documentation reviewed in other LDE monitoring files, LDE provided LEAs with intensive follow-up and required them to submit specific documentation showing that correction had been achieved.

LDE informed OSEP that it implements sanctions and interventions on a continuum, from collaborative meetings to redesigning the corrective action plan, to partial release or withholding of Part B funds. LDE staff reported to OSEP that the State is currently using graduated sanctions in four LEAs, with one additional LEA likely to be added this year.

On March 10, 2003, LDE transferred responsibility for the management of complaints, mediation, and due process hearings from the Division of Special Populations (DSP) to the Legal

Division. LDE explained that this shift in responsibility was part of a move to centralize, in one LDE office, responsibility for all dispute resolution systems.

OSEP reviewed the special education complaint log that DSP maintained for the period of July 2, 2002 to March 10, 2003, as well as the log that the Legal Division maintained for the period beginning March 10, 2003. Based on its review of these complaint logs and its interview with the DSP and Legal Division staff responsible for resolving complaints, OSEP determined that LDE issues written decisions on Part B complaints within 60 calendar days from 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). LDE staff informed OSEP that, as part of each on-site monitoring visit, staff follow-up to ensure that the LEA has effectively implemented any complaint decisions.

On July 1, 2003, Louisiana moved from a two-tiered to a one-tiered system for due process hearings. OSEP reviewed the special education hearing log that DSP maintained for the period of July 2, 2002 to March 10, 2003, as well as the log that the Legal Division maintained for the period beginning March 10, 2003. OSEP learned, through its review of LDE's due process hearing log and its interview with the staff that are responsible for tracking hearing timelines, that hearing officers issue decisions on due process hearings within 45 calendar days from LDE's receipt of the hearing request, unless the hearing officer grants a specific extension of the timeline at the request of a party, consistent with 34 CFR §300.511(a) and (c). LDE staff informed OSEP that, as part of each on-site monitoring visit, staff follow-up to ensure that the LEA has effectively implemented any hearing decisions.

As described above, LDE uses data from several different sources to help focus its general supervision efforts State-wide. In addition, OSEP learned from its review of LDE's improvement planning documents and its interview with LDE staff, that LDE uses data from its monitoring findings, its 618 data, its assessment data, and other similar data to inform their improvement planning process and to refine their monitoring procedures. Now that LDE's legal office is responsible for oversight of special education hearings and complaints, it will be very important that LDE develop and implement a process for ensuring that the State Director of Special Education is fully informed regarding the issues raised in complaints and hearings and the decisions that hearing officers and LDE, respectively, issue.

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; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has identified any barriers, (e.g., limitations on authority, sufficient staff or

other resources, etc.) that impede the state's ability to accurately, reliably and validly collect and report data under section 618.²

In a presentation to OSEP staff, LDE reported that a full time data manager, a full time assistant, and a technical team that includes additional programmers and analysts, provide support and oversight for the 618 data collection system. These individuals are housed within LDE's office of Planning, Analysis, and Information Resources. LANSER, the State's database for students with disabilities, has been in use since 1984. LDE has built into the LANSER software numerous data error checks to ensure validity and reliability of the data. LDE performs monthly compliance checks and generates system error reports to identify anomalies in all student data fields. LDE staff reported to OSEP that future plans include changing the software platform to make LANSER compatible with SIS (the student information system used for all students). During the 2002-2003 school year, there were no data issues reported by WESTAT regarding Louisiana's Part B 618 data.

LDE reported that, through LANSER, it collects all student data electronically. In addition to the data that Section 618 requires LDE to report, LDE also collects data regarding timelines and other State-required data. LDE further reported that, in order to track compliance on two long-standing consent decrees, it generates monthly reports on extended school year program services and timelines for initial evaluations and reevaluations. LDE provides these reports to all LEAs, and initiates monitoring activities for those LEAs that are experiencing noncompliance in either area.

LDE staff explained that it does not collect 618 data relating to personnel through the LANSER electronic platform; rather LEAs submit these data by paper. LDE intends to automate the process of submitting personnel information in the future, with a spreadsheet or within the LANSER system. LEAs began to submit discipline data electronically as of the 2002-2003 school year. LDE reported that it provides training and ongoing support to LEA personnel responsible for 618 data through workshops, yearly spring conferences, telephone and e-mail support, and scheduled site visits for direct training and assistance. In addition, LDE provides e-mail updates to LEA system users and supervisors, including lists of timelines and "dates to remember."

LDE staff reported to OSEP that in general they have a high level of confidence in the accuracy of the data reported by the State's student data system, but that they are less confident in the accuracy of the data regarding discipline and personnel. Through discussions with OSEP staff regarding this concern, however, LDE staff did not identify any barriers that would impede the State's ability to collect this data accurately. In order to ensure that the State can meet its responsibility to submit accurate data under section 618 of IDEA, within 60 days from the date of this letter, LDE must submit to OSEP its plan for ensuring that the discipline and personnel data provided as part of the next required submission of section 618 data are accurate.

²Prior to July 2003, LDE was the Lead Agency for Part C early intervention programs for infants and toddlers with disabilities. During the verification visit, OSEP staff interviewed LDE regarding collection and reporting of Part C data on settings, services, and exiting. (OSEP's findings on the State's reporting of Part C data are addressed in OSEP's letter to the new Lead Agency regarding the verification visit.)

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 assessments 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 your system for State-wide assessment, OSEP also discussed with your staff how the alternate assessment is aligned with grade-appropriate content standards.

OSEP has determined, through its review of the State's written procedures for State-wide assessments and the States' 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.

As explained by LDE staff and confirmed by written materials posted on LDE's website, Louisiana requires all students in grades 3 through 11 to participate in the Louisiana Educational Assessment Program (LEAP). If the child's Individualized Education Program (IEP) team determines that a child will not participate in the general State-wide assessment, then the child participates in the Louisiana Alternate Assessment (LAA). One of the three Priority Goals on the State's Improvement Plan is to improve participation and performance in the assessment system for students with disabilities. LDE reported to OSEP that, during the 2002 – 2003 school year, approximately 80% of the State's students with disabilities in grades 3 through 11 took the general assessment and the remaining 20% participated in the LAA or the LAA-B.³

LDE staff reported that students cannot be exempted from the assessment system in Louisiana, and that all students, including those in State-operated schools and juvenile correctional facilities, participate in the system and LDE reports their scores. At this time, there are no students with disabilities in Louisiana that are publicly placed in private or residential placements.

The State has developed guidelines for LEAs to use in selecting test accommodations for students with disabilities, as well as criteria for IEP teams to use in determining which students should take the alternate assessment. LDE has posted this information on its website, and also addresses these guidelines in training activities around the State. LDE reported that it has provided significant training over the last two years regarding access to the general curriculum and participation in the State's general assessments, and on the LEAP Alternate Assessment.

³ Prior to the 2003-2004 school year, some students with disabilities participated in the "LAA-B," which was an out-of-level assessment administration of one of the general assessments. The State eliminated the use of all out-level testing, effective with the 2003-2004 school year.

LDE reported close coordination between DSP and LDE's Accountability Office in these training efforts, resulting in improved school performance for students with disabilities.

Louisiana has high stakes testing policies for students in grades four and eight, and for exiting high school. Promotion to the fifth and ninth grades is contingent upon LEAP performance, and students must demonstrate competency on the GEE 21 in order to receive a high school diploma.

LDE reports on the assessment performance of all children, including children with disabilities who participate in the general or alternate assessment, through a variety of local, district, and State level reports. Most of the reported data are available on the LDE website through accountability report cards. LDE also includes participation and performance on State-wide assessments in the district profiles, which it posts each year on the LDE website. All parents receive a copy of their child's Individual Student Report showing performance in the assessment system. In addition, parent brochures and information on the LDE website are available for parents.

LDE staff reported to OSEP that DSP's focused monitoring procedures include specific activities to ensure compliance with Part B assessment requirements. LDE requires a corrective action plan from an LEA if LDE identifies noncompliance through a data review or an onsite visit.

Conclusion

As noted above, the State must submit to OSEP, no later than 60 days from the date of this letter, its plan for ensuring that district level personnel and placement data provided as part of the next required submission of section 618 data are accurate. We also request that you include information in the next submission to OSEP on the Louisiana State Improvement Plan, further detail regarding how LDE will revise its process for ensuring correction in those districts with noncompliance identified through the self-review process.

We appreciate the cooperation and assistance provided by your staff during our visit. We look forward to our continued collaboration with Louisiana 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: Ms. Virginia Beridon