



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

FEB - 9 2009

Honorable Tony Bennett
Superintendent of Public Instruction
Indiana Department of Education
State House, Room 229
200 West Washington Street
Indianapolis, Indiana 46204-2798

Dear Dr. Bennett:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Indiana Department of Education (IDOE) during the week of October 27, 2008. As indicated in my letter to you in August 2008, 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, Part B and Part C of the Individuals with Disabilities Education Act (IDEA). CIFMS is designed to ensure compliance and improve performance with Parts B and C¹ of the IDEA. Sections 616 and 642 of the IDEA require the Department to monitor States with a focus on: (1) improving early intervention and educational results and functional outcomes for infants, toddlers, children, and youth with disabilities; and (2) ensuring that States meet the program requirements, particularly those most closely related to improving results for infants, toddlers, and children with disabilities.

The purpose of the verification visit is to verify the effectiveness of the State's systems for general supervision, collection of State-reported data, and fiscal management, as well as the State's systems for improving child and family outcomes and protecting child and family rights. During the verification visit, OSEP: (1) analyzed the components of the State's general supervision, data and fiscal systems to determine whether they are reasonably designed to ensure compliance and improve performance; and (2) reviewed the accuracy of the data the State submitted for selected indicators in the State's Federal Fiscal Year (FFY) 2006 Annual Performance Report (APR)/State Performance Plan (SPP).

¹ OSEP also conducted its Part C verification visit to the Indiana Family and Social Services Administration (the State's Lead Agency for Part C) during the week of October 27, 2008, and will be issuing a letter describing the results of that visit under separate cover.

As part of the verification visit to Indiana, OSEP staff met with Dr. Robert Marra, Assistant Superintendent of Special Education, State personnel responsible for implementing the general supervision, data or fiscal systems, and three local school corporation special education directors. Prior to and during the visit, OSEP staff reviewed a number of documents, including the following: (1) Indiana's FFY 2006 APR submitted to OSEP in February 2008; (2) Indiana's SPP submitted to OSEP in December 2005 and updated in 2007 and 2008; (3) Indiana's eligibility document submissions under Part B of the IDEA for FFY 2008; (4) OSEP's Verification Visit letter to Indiana dated November 22, 2006; (5) IDOE's website; and (6) other pertinent information.²

OSEP developed critical elements that were used to guide its evaluation of Indiana's general supervision, data, and fiscal systems. OSEP's analysis of each critical element is set out in the Enclosure to this letter. If OSEP identified noncompliance during the verification visit, the Enclosure includes an explanation of the noncompliance with applicable Part B requirements and the required actions that OSEP has determined the State must take to address the noncompliance. As further detailed in the Enclosure to this letter, OSEP found noncompliance with the requirements for timely identification and correction of noncompliance in 34 CFR §§300.149 and 300.600. OSEP has not required corrective action regarding timely correction of noncompliance beyond the requirements in the Special Conditions Enclosure to the State's FFY 2008 Part B grant award letter. The State is required, however, to provide OSEP with updated information regarding its general supervision system for identifying noncompliance as detailed in the Enclosure to this letter.

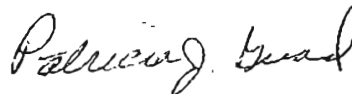
OSEP also found noncompliance with the requirements for transmission of hearing and appeal findings and decisions to the State Advisory Council (SAC) (34 CFR §§300.513(d)(1) and 300.514(c)(1)). With the FFY 2008 APR, due February 1, 2010, the State must confirm that, after deleting any personally identifiable information, the State transmits hearing and appeal findings and decisions to the SAC. In addition, OSEP identified noncompliance with the following requirements, but because the State corrected the noncompliance between the time of OSEP's October 2008 visit and the date of this letter, no corrective action is required: (1) 34 CFR §76.708, which requires that subgrantees receive Part B funds effective the date of receipt of a substantially approvable grant application; and (2) local maintenance of effort provisions in 34 CFR §300.203(b). Further, OSEP found that, when making local determinations, the State did not comply with: (1) the requirement for annual determinations under section 616 of the IDEA, or (2) OSEP's requirement to consider, when making local determinations, whether data submitted by LEAs are valid, reliable, and timely, among other factors. The State is required to provide documentation within 60 days of the date of this letter, that it has corrected these problems. Finally, OSEP acknowledged the State's data system change, effective with the 2008-2009 school year, to track the date on which services begin for children with disabilities transitioning from Part C to Part B in order to comply with the requirement in 34 CFR §300.124(b) and to report valid and reliable data for Indicator 12

² 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.

in the APR. The State is required to provide valid and reliable data for Indicator 12 in the FFY 2008 APR, due February 1, 2010.

We appreciate the cooperation and assistance provided by IDOE personnel during our visit. We look forward to collaborating with your State as you continue to work to improve results for infants, toddlers, and children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Lynne Fairfax, at 202-245-7337.

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosure

cc: Dr. Robert Marra
Assistant Superintendent of Special Education

Sharon K. Knoth
Acting Director, Special Education for Student Learning