



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

Honorable Lillian Lowery
Secretary of Education
Delaware Department of Education
401 Federal Street, Suite 2
Dover, DE 19901-3639

MAR 25 2010

Dear Dr. Lowery:

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 Delaware Department of Education during the week of November 2, 2009. As indicated in our letter to you dated July 2, 2009, 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 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 in accordance with 20 U.S.C. 1416 and 1442. 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 early intervention and educational results for children with disabilities.

The purpose of the verification visit is to review 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 the extent to which they are effective in ensuring compliance and improving performance; and (2) reviewed the accuracy of the data the State submitted for selected indicators in the State's FFY 2007 Annual Performance Report (APR)/State Performance Plan (SPP).

As part of the verification visit to Delaware, OSEP staff met with Martha Toomey, State Director of Special Education and State personnel responsible for implementing the general supervision, data or fiscal systems, and local agency staff. OSEP also conducted focused monitoring activities at both the State and local levels to examine Delaware's implementation of the Least Restrictive Environment requirements set forth in IDEA. Prior to and during the visit, OSEP staff reviewed a number of documents, including the following: (1) Delaware's Federal Fiscal Year (FFY) 2007 APR submitted to OSEP in February 2009; (2) Delaware's SPP submitted to OSEP in December 2005 and updated in 2007, 2008 and 2009; (3) Delaware's eligibility document submissions under Part B of the IDEA for FFY 2009; (4) OSEP's Verification Visit letter to Delaware dated December 15, 2003; (5) Delaware's Department of Education's website; and (6)

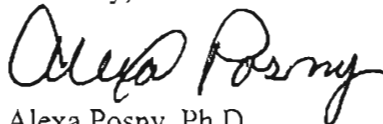
¹ During the week of November 2, 2009, OSEP also conducted its Part C verification visit to the Delaware Department of Health and Social Services.

other pertinent information². OSEP also collected and reviewed stakeholder input from the State's Parent Training and Information Center (PTI) and the State Advisory Panel (SAP).

OSEP developed critical elements that were used to guide its evaluation of Delaware's general supervision, data, and fiscal systems. OSEP's analysis of each critical element and any required actions, if noncompliance was identified during the verification visit, are provided in the Enclosure to this letter. As further detailed in that Enclosure, OSEP found noncompliance, and has required corrective action, in the following areas: (1) general supervision responsibilities; and (2) timely resolution of complaints, and timeline extensions for due process hearings.

OSEP appreciates the cooperation and assistance provided by PTI staff, SAP members and parents in providing feedback and input on the State's systems for special education. We look forward to collaborating with all stakeholders and actively working with the State 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 Christine Pilgrim, at 202-245-7351.

Sincerely,



Alexa Posny, Ph.D
Acting Director
Office of Special Education Programs

Enclosure

cc: Martha Toomey, State Director of Special Education

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.