



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

MAR - 5 2010

Honorable Paul G. Pastorek
State Superintendent of Education
Louisiana State Department of Education
P.O. Box 94064
Baton Rouge, Louisiana 70804

Dear Superintendent Pastorek:

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 Louisiana Department of Education during the week of October 26, 2009. As indicated in our letter to you dated July 2, 2009, OSEP conducted 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 Federal Fiscal Year (FFY) 2007 Annual Performance Report (APR)/State Performance Plan (SPP).

As part of the verification visit to Louisiana, OSEP staff met with Susan Wagley-Batson, Acting State Director of Special Education, and State personnel responsible for implementing the general supervision, data or fiscal systems, and local agency staff. Prior to and during the visit, OSEP staff reviewed a number of documents, including the following: (1) Louisiana's FFY 2007 APR submitted to OSEP in February 2009; (2) Louisiana's SPP submitted to OSEP in December 2005 and updated in 2007, 2008 and 2009; (3) Louisiana's eligibility document submissions under Part B of the IDEA for FFY 2009; (4) OSEP's Verification Visit letter to Louisiana dated December 10, 2003; (5) the Louisiana Department of Education's website; and

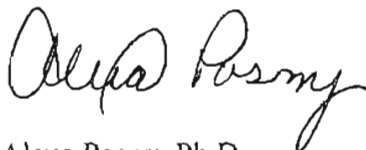
¹ During the week of October 26, 2009, OSEP also conducted its Part C verification visit to the Louisiana Department of Health and Hospitals (DHH). OSEP is sending the Part C verification letter and enclosure to DHH under separate cover.

(6) 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 Louisiana'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) the State's practice of not issuing findings of noncompliance identified through the self-review process or requiring the correction of those findings; (2) the State's use of a standard less than 100% for correction of noncompliance; (3) the State's practice of not making a finding of noncompliance in cases where districts have exceeded the 15-day resolution meeting timeline; (4) the State's reconsideration process for State complaint decisions delaying implementation of decisions beyond the 60-day time period provided in 34 CFR §300.152; (5) the State's failure to require all districts with significant disproportionality to meet the requirements of 34 CFR §300.646(b); (6) the State's failure to comply with the requirements of 34 CFR §300.646, as they relate to significant disproportionality in placement and discipline; (7) the State's requirement that local educational agencies (LEAs) meet eligibility requirements for both Part B and for Title I of the Elementary and Secondary Education Act in order to receive a subgrant under Part B; (8) the State's policy of determining whether LEAs have met their maintenance of effort (MOE) obligation based only on a comparison of State and local funds on either a per capita basis or total basis; and (9) the State's failure to implement a systematic process to determine whether there are State sources of fiscal support for Part B services beyond special education funds allocated directly to LDE that the State must consider in calculating State level MOE. In addition, OSEP found that the State had been collecting data for SPP/APR Indicator 12 in a manner that was not consistent with the required measurement for that indicator. In its FY 2008 APR, submitted on February 1, 2010, the State described steps that it has taken to address this issue, and OSEP will inform the State of any additional required actions in its response to the State's FFY 2008 APR.

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, children and youth 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, Jennifer Finch, at (202) 245-6610.

Sincerely,



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

cc: Susan Wagley-Batson

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.