



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

Honorable Alice Seagren
Commissioner of Education
Minnesota Department of Education
1500 Highway 36 West
Roseville, MN 55113

JAN 27 2010

Dear Commissioner Seagren:

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 Minnesota Department of Education (MDE) during the week of September 14, 2009. OSEP's verification visit included a focused monitoring component in the following area: the 45-day timeline from referral to convening the initial individualized family services plan (IFSP) meeting under Part C of the Individuals with Disabilities Education Act (IDEA).

As indicated in OSEP's 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 Parts B and C of the IDEA. CIFMS is designed to ensure compliance and improve performance with Parts B and C of the IDEA in accordance with 20 U.S.C. 1416 and 1442. Those sections of the IDEA require the United States Department of Education 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 Part B and Part C Annual Performance Reports (APRs)/State Performance Plans (SPPs).

The primary purpose of the focused monitoring component of the verification visit was to identify what factors are contributing to, and how the State can address, the State's relatively low level of compliance in a specific focused monitoring area (Part C's 45-day timeline), as reflected in the State's APR data for FFYs 2005, 2006, and 2007. During the focused monitoring component of the verification visit, OSEP: (1) collaborated with the State in collecting data at the State and local levels to determine what factors are contributing to the State's relatively low level of compliance related to that specific focused monitoring area; (2) identified what barriers (including resource issues, system structures, and current policies, procedures and practices) may be impeding the State's progress in improving compliance; and (3) engaged in problem-solving with the State and other stakeholders to help the State ensure compliance with Part C's 45-day timeline requirements. In addition to the required actions set forth in OSEP's June 1, 2009 FFY

2007 APR response table, OSEP has set forth, in the Focused Monitoring section of the Enclosure to this letter, additional actions the State must take to address the noncompliance with Part C's 45-day timeline requirement.

As part of the verification visit to Minnesota, OSEP staff met with Dr. Barbara Troolin, State Director of Special Education, Ms. Marty Smith, the Part C Coordinator at the time of OSEP's visit, 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) Minnesota's Federal Fiscal Year (FFY) 2007 Part B and Part C APRs submitted to OSEP in February 2008; (2) Minnesota's Part B and Part C SPPs submitted to OSEP in December 2005 and updated in 2007, 2008 and 2009; (3) Minnesota's eligibility document submissions under Parts B and C of the IDEA for FFY 2009; (4) OSEP's verification visit letter to Minnesota dated March 9, 2005; (5) MDE's website; and (6) other pertinent information.¹ OSEP also collected and reviewed stakeholder input from the State's Parent Training and Information Center (PTI), the State's Special Education Advisory Panel (SEAP) and the State Interagency Coordinating Council (SICC).

OSEP developed critical elements that it used to guide its evaluation of Minnesota'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 the Enclosure, OSEP found noncompliance, and has required corrective action in the following areas: (1) the State has not issued, under Part C, findings of noncompliance when Part C compliance data, which the State collected through its database and used to report on Part C compliance indicators in its past APRs, have shown that districts are not in compliance with Part C requirements; (2) the State has not issued findings of noncompliance under Parts B and C when noncompliance with Part B and/or Part C requirements was identified through the State's fiscal monitoring; (3) the State must verify correction by obtaining updated representative compliance data from districts and it is unclear whether the State's verification method using a single self-selected record from a case manager in a district is representative updated compliance data under Parts B and C; (4) the State has incorrectly calculated the proportionate share of Part B funds that districts must expend on special education and related services for children with disabilities placed by their parents in private schools; (5) the State's public reporting on Indicator B-4A was incomplete because the State did not provide the State target (percent of districts with significant discrepancy) or whether the district had a significant discrepancy; (6) the State has not reported to the public under Part B on the number of the children with disabilities who were provided accommodations in order to participate in regular assessments; and (7) the State has not ensured compliance with Part C's nonsupplanting/maintenance of effort requirements.

OSEP appreciates the cooperation and assistance provided by PTI staff, SEAP members, and SICC 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

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 Part C State Contact Rhonda Spence, at (202) 245-7382 and your OSEP Part B State Contact Dr. Perry Williams, at (202) 245-7575.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexa Posny". The signature is written in a cursive style with a large initial "A".

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

Enclosure

cc: Dr. Barbara Troolin, State Director of Special Education
Loraine Jensen, Part C Coordinator