



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

MAR 25 2010

Honorable Deborah Delisle
Superintendent of Public Instruction
Ohio Department of Education
25 South Front St., 7th Floor
Columbus, OH 43215-4183

Dear Ms. Delisle:

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 Ohio Department of Education (ODE) during the week of October 26, 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 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 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 Ohio, OSEP staff met with Kathe Shelby, Director of the Office for Exceptional Children and State personnel responsible for implementing the general supervision, data and fiscal systems, and local agency staff. OSEP also conducted focused monitoring activities at both the State and local levels to examine Ohio'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) Ohio's Federal Fiscal Year (FFY) 2007 APR submitted to OSEP in February 2009; (2) Ohio's SPP submitted to OSEP in December 2005 and updated in 2007, 2008 and 2009; (3) Ohio's eligibility document submissions under Part B of the IDEA for FFY 2009; (4) OSEP's Verification Visit letters to Ohio dated March 30, 2001 and June 22, 2005; (5) Ohio Department of Education's websites;

¹ During the week of October 26, 2009, OSEP also conducted its Part C verification visit to the Ohio Department of Health.

and (6) other pertinent information.² 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 Ohio'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. OSEP also conducted focused monitoring activities in seven LEAs in northeast Ohio, and, interviewed four additional LEA special education directors and the leadership staff of five county developmental disability centers that serve children with disabilities to address issues related to policies, procedures and practices relating to the least restrictive environment provisions as required in 34 CFR §§300.114-300.120.

As further detailed in the Enclosure to this letter, OSEP found noncompliance, and has required corrective action in the following areas: (1) Proper identification and timely correction of noncompliance in accordance with IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600, and 20 U.S.C. 1232d(b)(3)(E); (2) Granting specific extensions of the 45-day timeline for issuing final decisions in due process hearings at the request of a party that specify either the length of the extension or the new date by which the decision must be reached and mailed to the parties as required by 34 CFR §300.515(a) and (c); (3) Issuing State complaint decisions within 60 days from the filing date of the complaint unless there are exceptional circumstances with respect to the particular complaint or the parties agree to mediation, as required by 34 CFR §300.152(a) and (b); (4) Assuring that Ohio State law that is inconsistent with IDEA when implemented does not limit the provision of a free and appropriate public education, (see IDEA section 612(a)(1)(a) and 34 CFR §300.101); (5) Utilizing the appropriate standard for making annual LEA determinations under IDEA section 616(f) and 34 CFR §300.600(a)(2); (6) Reporting accurate data to OSEP under IDEA section 616(b) and 34 CFR §300.601(b); (7) Developing a system to conduct fiscal monitoring of subrecipients as required by 34 CFR §80.40; (8) Calculating State financial support as required under 34 CFR §300.163; and (9) Ensuring that LEAs use IDEA funds only for the excess cost of educating children with disabilities calculated separately at the elementary and secondary level, as required by 34 CFR §§300.16 and 300.202.

As part of the focused monitoring activities, OSEP also found noncompliance and has required corrective action in the following areas: (1) Ensuring that LEAs are meeting the least restrictive environment requirements in 34 CFR §§300.114-300.117, and the individualized education program content requirements of 34 CFR §300.320(a)(4) and (5); and (2) Monitoring LEAs as required under 34 CFR §300.120.

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.

² Except as otherwise noted in the Enclosure, 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.

If you have any questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Daniel Schreier, at 202-245-6552.

Sincerely,

A handwritten signature in black ink that reads "Alexa Posny". The signature is written in a cursive style with a large, looped initial "A".

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

Enclosure

cc: Dr. Kathe Shelby
State Director of Special Education