



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

Honorable Joseph B. Morton  
Superintendent of Education  
Alabama Department of Education  
Gordon Persons Building  
P.O. Box 302101  
Montgomery, Alabama 36130-2101

JAN 24 2011

Dear Dr. Morton:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Alabama Department of Education during the week of September 20, 2010. As indicated in our letter to you dated July 22, 2010, 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).<sup>1</sup> Section 616 of the IDEA requires 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 and youth 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. OSEP developed critical elements that were used to guide its evaluation of Alabama's general supervision, data, and fiscal systems. The Enclosure to this letter describes the scope of OSEP's review of the State's systems and briefly outlines relevant statutory and regulatory requirements for each critical element. Generally, the Enclosure to this letter does not include descriptions of the State's systems because this information is available on the State's Web site in the State's State Performance Plan. 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 found noncompliance, and has required corrective action in the following area: the State had not been verifying correction of noncompliance identified through the State's Focused Monitoring process in a manner that was fully consistent with the guidance provided in OSEP Memorandum 09-02 (Dated October 17, 2008) and as required by IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600, and 20 U.S.C. 1232d(b)(3)(E).

OSEP would like to recognize several improvement initiatives being implemented in the State that are designed to improve results for children and youth with disabilities. The State has implemented the FIRST CHOICE Initiative for all students entering high school beginning with the ninth grade class in the 2009-2010 school year. The State reported that this initiative enables every student to have the opportunity to participate in advanced curriculum in pursuit of an

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<sup>1</sup> During the week of September 20, 2010, OSEP also conducted its Part C verification visit to the Alabama Department of Rehabilitation Services (ADRS). OSEP is sending the Part C verification letter and enclosure to ADRS under separate cover.

advanced high school diploma. The expanded pathway to a regular high school diploma offers flexibility for students with disabilities while maintaining high expectations and high standards for all students.

The State conducts a Student Service Review (SSR) as part of its on-site monitoring activities which consists of interviews with all personnel in the school who work with the child and the parents/guardian. The SSR is a qualitative appraisal of how well schools are performing to improve outcomes and results for children with disabilities. Some of the student status reviews consists of: parent participation in educational decisions, student progress toward IEP goals supported by related services, student progress toward transition, and school and class participation. The SSR protocol has several questions that address least restrictive environment.

Alabama offers the following strategies to support teacher instruction and inclusive practices: the Models of Collaboration DVD Series, Make Sense Strategies, Curriculum Guides, Positive Behavioral Support (PBS), and Prevention and Support in General Education. The State has also conducted statewide training to foster inclusive preschool programs that contain at least 50% nondisabled peers. A competitive grant was offered to ten local educational agencies (LEAs) to afford those that reported the lowest percentages for placement in less restrictive environments an opportunity to begin inclusive preschool programs, and all ten LEAs chose to participate. The grant was divided over a three-year period and each LEA was required to use the funds for specific purposes such as teacher or paraprofessional salaries, materials, or training. One of the requirements for participating in the grant program was for the LEAs to agree to maintain the preschool programs after the grant cycle ended in order to provide opportunities for typical peer interaction.

Additionally, OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the Parent Resource Network and parents of children and youth with disabilities 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 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, Dr. Perry Williams, at (202) 245-7575.

Sincerely,



Melody Musgrove, Ed.D.

Director

Office of Special Education Programs

Enclosure

cc: Dr. Mabrey Whetstone

State Director of Special Education