



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

Honorable Tom Torlakson  
Superintendent of Public Instruction  
California Department of Education  
1430 N Street, Suite 5602  
Sacramento, California 95814-5901

FEB - 7 2011

Dear Superintendent Torlakson:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the California Department of Education (CDE) during the week of September 27, 2010. As indicated in our letter to the State, dated August 2, 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 California'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 areas: (1) the State has not, in verifying correction of findings of noncompliance for State Performance Plan (SPP)/Annual Performance Report (APR) Indicators 11 and 12, verified, based on updated data, that the local educational agency (LEA) is correctly implementing the specific regulatory requirements; (2) the State has not ensured that, within 15 days of receiving notice of a parent's due process complaint, the LEA convenes a resolution meeting; (3) the State has not ensured that LEAs implement corrective actions that a due process hearing officer includes in a due process hearing decision; (4) the State has not implemented procedures and practices that are consistent with Part B requirements regarding the identification of LEAs with significant disproportionality; (5) LEAs that submit timely, substantially approvable applications are not notified that they have a

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<sup>1</sup> During the week of November 15, 2010, OSEP also conducted a Part C verification visit to the California Department of Developmental Services (DDS). OSEP is sending the Part C verification letter and enclosure to DDS under separate cover.

27-month period in which they may obligate Part B funds; and (6) the State is not including all sources of State financial support in calculating State-level funds made available for special education and related services for children with disabilities.

OSEP would like to recognize several effective practices being implemented in the State that are designed to improve results for children and youth with disabilities. CDE's Special Education Division (SED) partners with other divisions within CDE to improve the performance of students with disabilities on statewide assessments, including a partnership with the Assessment, Accountability and Awards Division to coordinate improvements on assessment development and accessibility for students with disabilities. SED also works in partnership with the CDE District and School Improvement Division in joint efforts in program improvement under the Elementary and Secondary Education Act, focusing on improved integration of improvement activities for students with disabilities in the areas of facilitated district reviews, with a focus on improving the performance of children with disabilities on statewide assessments of reading and math (SPP/APR Indicator 3) and placement in the least restrictive environment (SPP/APR Indicator 5). For preschool children with disabilities, the State focuses on the improvement of social-emotional skills, acquisition and use of knowledge and skills, and use of appropriate behavior. CDE has an early childhood assessment system, the Desired Results Developmental Profile, which supports improvement in these three outcomes. Through its contractors and its Web site, CDE disseminates promising and evidence-based practices to improve performance in these areas.

Additionally, OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the California Parent Training and Information Centers 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, Cynthia Bryant, at 202-245-7284.

Sincerely,



Melody Musgrove, Ed.D.  
Director

Office of Special Education Programs

Enclosure

cc: Dr. Fred Balcom  
State Director of Special Education