



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

JAN 25 2011

Honorable Diane M. DeBacker
Commissioner of Education
Kansas State Department of Education
120 S.E. 10th Avenue
Topeka, Kansas 66612-1182

Dear Commissioner DeBacker:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Kansas Department of Education during the week of November 15, 2010. As indicated in our letter to you dated July 26, 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). 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 Kansas' 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 (SPP). 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 area of general supervision responsibilities, specifically having a system in place to ensure the correction of all identified noncompliance in a timely manner, as required in OSEP Memorandum 09-02 (Dated October 17, 2008) and as required in IDEA sections 612(a)(11) and 612(a)(11) and 616, 34 CFR §§300.149 and 300.600 and 20 U.S.C. 1232d(b)(3)(E).

In its letter dated October 25, 2010, the Department granted Kansas' June 30, 2010 amended request for a waiver of its responsibility to maintain the level of State financial support for special education and related services, pursuant to 20 U.S.C. 1412(a)(18)(B) and 34 CFR §300.63(c) in the amount of \$53,306,253. Although the State received a waiver, the State has a continuing obligation to ensure that a free appropriate public education (FAPE) is made available to all children with disabilities as required in 20 U.S.C. 1412(a)(1) and 34 CFR §300.101. In order to determine whether the State was, in fact, continuing to make FAPE available to children with disabilities OSEP also conducted, in conjunction with the verification visit, a focused monitoring review related to the provision of FAPE.

OSEP would like to recognize Kansas' success in achieving and maintaining a high level of compliance with the State Performance Plan/Annual Performance Report (APR) compliance indicators, as well as Kansas' efforts to improve performance for children with disabilities. The State reported to OSEP that Kansas' Technical Assistance Systems Network (TASN), a resource that provides an organizing structure for all of the technical assistance projects available throughout Kansas, has been successful in assisting the State in providing local educational agencies (LEAs) with more targeted support, tracking LEA needs and trends, and evaluating short- and long-term effectiveness of the technical assistance that is being accessed. The State also told OSEP that Kansas' process for using data to evaluate its improvement activities and turning promising practices into standard operating procedures is designed to replicate strategies statewide that have been shown to have the most impact in improving results and outcomes for students.

Additionally, OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the Kansas Special Education Advisory Council and the Kansas Parent Center (Families Together) 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, Angela Tanner-Dean, at 202-245-6320.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove". The signature is fluid and cursive, with a large loop at the end.

Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosure

cc: Ms. Colleen Riley
State Director of Special Education