



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

FEB -6 2012

Honorable Tom Burnham
State Superintendent of Education
Mississippi State Department of Education
P.O. Box 771
Jackson, Mississippi 39205-0771

Dear Superintendent Burnham:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) Continuous Improvement Visit (CIV) to the Mississippi Department of Education (MDE) during the week of September 12, 2011. As indicated in our letter to you dated March 29, 2011, the visit consisted of two components: (1) the verification of State systems for implementing key requirements of the Individuals with Disabilities Education Act (IDEA); and (2) a collaborative focus on improving results.¹ The CIV is designed to ensure compliance and improve performance with Part B of the IDEA in accordance with 20 U.S.C. 1416.

The purpose of the verification component of the visit is to review the State's systems for general supervision and fiscal management. OSEP developed critical elements that were used to guide its evaluation of Mississippi's general supervision (including data) and fiscal systems. The Enclosure to this letter describes the scope of OSEP's review of the State's systems for general supervision and briefly outlines relevant statutory and regulatory requirements for each critical element.

OSEP is currently in the process of conducting a comprehensive review of States' systems for implementing the fiscal requirements of the IDEA and related statutes and regulations, through the CIVs and other mechanisms, including the desk audits that OSEP's Recovery Act Facilitators are conducting with all States. In order to provide each State with an integrated response based on its review of States' fiscal systems, OSEP will respond to the State separately to address fiscal issues and has not included a fiscal section in the Enclosure. The fiscal information gathered during the verification component of the CIV will also be addressed in that separate letter.

OSEP found noncompliance, and has required corrective action, in the following areas: (1) the timely identification of noncompliance based on data in the State's database, as required by 34 CFR §§300.149 and 300.600, and 20 U.S.C. 1232d(b)(3)(E); (2) ensuring that local educational agencies (LEAs) comply with the requirements in 34 CFR §§300.160 and 300.320(a)(6) as they apply to district-wide assessments; (3) ensuring that LEAs comply with the resolution period requirements in 34 CFR §300.510; and (4) the State's guidance regarding the calculation of the end of the resolution period and the beginning of the 45-day timeline for due process hearing decisions, as required in 34 CFR §§300.515(a) and 300.510(c). Generally, the Enclosure to this letter does not include descriptions of the State's systems because this information is available on

¹ During the week of September 12, 2011, OSEP also conducted its Part C CIV to the Mississippi Department of Health.

the State's Web site in Mississippi's State Performance Plan. OSEP's analysis of each critical element and any required actions, if noncompliance was identified during the visit, are provided in the Enclosure to this letter.²

During the CIV, Mississippi also focused on improving educational results and functional outcomes for children and youth with disabilities. Prior to the visit, MDE participated in a process with OSEP to concentrate its efforts on improving performance rates for students with disabilities in third grade reading. With OSEP's participation, MDE and stakeholders, which included participants from the State Advisory Panel including parent representatives, the Governor's Early Childhood Office, and the State Board of Education, engaged in a facilitated process to examine the data, as well as current and past efforts to improve results in the performance rates for students with disabilities on statewide assessments in third grade reading, and formulate strategies that Mississippi will employ to improve results for children with disabilities in its selected area. MDE is developing a plan that includes specific benchmarks for improvement, as well as timelines, resources, and measurements for MDE to improve results. MDE will publish this plan with updates on the State's Web site at <http://www.mde.k12.ms.us/>.

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the Mississippi Parent Training and Information Center (MSPTI) and parents of children and youth with disabilities in providing feedback and input on the State's systems for providing educational services to children and youth with disabilities. We look forward to collaborating with all stakeholders and actively working with the State to improve results and compliance 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, Jennifer Finch, at (202) 245-6610.

Sincerely,



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

Enclosure

cc: Anne Moore
State Director of Special Education

² OSEP currently is reviewing all States' submissions of data on the Part B Report on Maintenance of Effort Reduction and Coordinated Early Intervening Services (Table 8) related to local educational agency (LEA) maintenance of effort, significant disproportionality, LEA determinations, and comprehensive early intervention services, and all States' compliance with the maintenance of State financial support requirement, and may have further communications with the State about those issues.