



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

January 18, 2018

Honorable Howard Zucker, M.D., J.D.  
Commissioner  
New York State Department of Health  
Corning Tower, Empire State Plaza, 14th Floor  
Albany, New York 12237

Dear Commissioner Zucker:

The purpose of this letter is to provide you a summary of the results of the monitoring and support activities conducted by the Office of Special Education Programs (OSEP) during a virtual monitoring activity the week of June 19, 2017. Participants from the New York Department of Health (NYDOH) included:

- Donna Noyes: Bureau Co-Director, Part Co-Coordinator (Former)
- Brenda Knudson Chouffi: Bureau Co-Director, Part Co-Coordinator (Former)
- Kirsten Siegenthaler: Section Director for Policy and Finance, Part C Data Manager
- Mary Lou Clifford: Section Director for Information Systems and Quality Improvement
- Margaret Adeigbo: Provider Approval and Due Process Unit Manager
- Yan Wu: Program Evaluation and Evidence-based Practice Unit Manager
- Kenneth Moehringer: Fiscal Policy and Planning Unit Manager

In 2016, OSEP began providing differentiated monitoring and support (DMS) to States as part of its Results Driven Accountability (RDA) framework. Under RDA, OSEP made a shift from monitoring based solely on compliance to monitoring and support focused on both compliance and improving results for infants and toddlers with disabilities. OSEP differentiates its approach for each State based on the State's unique strengths, progress, challenges, and needs.

As part of the DMS process, OSEP conducts an organizational assessment (OA) of risk factors to identify States' progress in meeting performance standards and complying with the requirements of the Part C of the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, the Education Department General Administrative Regulations, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. OSEP uses the information from the OA and an Engagement Decision Tree to make decisions about a State's level of engagement for monitoring and support. For 2016-2017, OSEP identified five areas for DMS: 1) results; 2) compliance; 3) State Systemic Improvement Plan (SSIP); 4) child find; and 5) fiscal.

On October 19, 2016, OSEP sent NYDOH's DMS notice to former Part C Co-Directors, Donna Noyes and Brenda Knudson-Chouffi. That notice provided a designation of universal, targeted, or intensive engagement for each of five areas DMS areas. The information in the notice was

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based on FFY 2014 data in the corresponding five areas, along with information about the factors contributing to elevated need for monitoring and support, the support the State has accessed, the State's capacity to improve results and compliance, and additional contextual information.

The notice also identified the monitoring and support activities that would be carried out to address the factors contributing to the elevated need for monitoring and support in each of the areas that were designated for intensive engagement. We have attached a copy of the DMS notice for your convenience. As part of its DMS engagement with NYDOH, OSEP conducted fiscal monitoring and examined the State's implementation of its system of payment policies and procedures. Attached is a summary of the results of the specific areas that were the subject of OSEP's monitoring and support activities. If OSEP identified findings of noncompliance with IDEA requirements, you will find specific information, within the attachments for the specific DMS area, regarding the corrective actions NYDOH must take to address the noncompliance.

We appreciate your efforts to improve results for infants and toddlers with disabilities. If you have any questions, please contact Jennifer Miley, your OSEP State Lead, at 202-245-6049.

Sincerely,

/s/

Ruth E. Ryder  
Acting Director  
Office of Special Education Programs

cc: Constance Donahue, Part C Coordinator

Enclosures