



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

Honorable Susan Castillo
Superintendent of Public Instruction
Oregon Department of Education
255 Capitol Street NE c/o Public Services Building
Salem, Oregon 97310-0203

FEB 1 - 2011

Dear Superintendent Castillo:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Oregon Department of Education (ODE) conducted during the week of September 13, 2010. As indicated in OSEP's 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 Parts B and C of the Individuals with Disabilities Education Act (IDEA). Sections 616 and 642 of the IDEA require 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 infants, toddlers, children, and youth with disabilities.

The purpose of OSEP's visit was 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 it used to guide its evaluation of ODE'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 does not effectively monitor the implementation of Part B of the IDEA by local education agencies (LEAs), 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), because the State did not issue written findings within three months of identification when data in databases or other monitoring data clearly reflect noncompliance; (2) the State does not have procedures and practices that are reasonably designed to implement the dispute resolution requirements of IDEA, as required by IDEA section 34 CFR §300.152(a), including that the State have a procedure in place to ensure that a written decision to include the reasons for the SEA's final decision occur within the 60-day timeline, and that any procedures for appeal of a written decision are consistent with OSEP Memorandum 00-20, Complaint Resolution Procedures Under Part B of the Individuals with Disabilities Education Act; (3) the State's procedures or practices for timely obligation of Part B funds are inconsistent with 34 CFR §76.709(a), because they do not permit subgrant funds at the LEA level to remain available for LEAs to obligate for the remainder of the year following the fiscal year in which Congress appropriates those funds; (4) the State does not have procedures and practices that are reasonably designed to ensure appropriate distribution of IDEA section 619 funds within the State and does not distribute section 619 funds to

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

LEAs that provide special education and related services to eligible five-year-old children with disabilities who are enrolled in kindergarten in accordance with the three-part formula (base, population and poverty payments) described in 34 CFR §300.816.

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 including: (1) ODE's Early Intervention/Early Childhood Special Education(EI/ECSE) program which is a single system of services for children birth to kindergarten intended to provide a seamless delivery of services to children age 0-5 with special needs; (2) ODE's Systems Performance Review & Improvement (SPR&I) system of accountability which requires each EI/ECSE program and LEA to engage in self-assessment through data collection, review, and analysis to inform meaningful improvement activities; (3) ODE's assignment of department personnel (county contacts) to programs to support compliance, corrective action and improvement activities on an ongoing basis; and (4) ODE support of the implementation of positive behavioral interventions and supports (PBIS) and the Center on the Social and Emotional Foundations for Early Learning (CSEFEL) model for promoting social emotional competence in young children in ECSE and Head Start programs throughout the State.

Additionally, OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the Oregon Parent Technical Assistance Center 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 Contacts, Marion Crayton, OSEP's Part B State Contact, at (202) 245-6474 or Josiah Willey, OSEP's Part C State Contact, at (202) 245-7350.

Sincerely,



Melody Musgrove, Ed.D.

Director

Office of Special Education Programs

Enclosures

cc: Nancy Latini
State Director of Special Education