



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

Honorable John M. Selig  
Director  
Arkansas Department of Human Services  
P.O. Box 1437  
Slot 201  
Little Rock, AR 72203-1437

FEB 23 2009

Dear Director Selig:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Arkansas Department of Human Services (DHS), Division of Developmental Disabilities Services (DDS) during the week of October 27, 2008. As indicated in my letter to you dated August 7, 2008, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS). CIFMS is designed to ensure compliance and improve performance with 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 results for infants, toddlers, and children 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 for protecting child and family rights. During the verification visit, OSEP: (1) analyzed the components of the State's general supervision, data and fiscal systems to determine whether they are reasonably designed to ensure compliance and improve performance; and (2) reviewed the data DDS submitted for selected indicators as part of the State's Federal Fiscal Year (FFY) 2006 Annual Performance Report (APR)/State Performance Plan (SPP).

As part of the verification visit to Arkansas, OSEP staff met with Tracy Turner, Coordinator for First Connection Program, the State's early intervention program, and other State personnel responsible for implementing the general supervision, data or fiscal systems, and local staff. Prior to and during the visit, OSEP staff reviewed a number of documents, including the following: (1) Arkansas' FFY 2006 APR submitted to OSEP in February 2008; (2) Arkansas' SPP submitted to OSEP in December 2005 and updated in 2007; (3) Arkansas' eligibility document submissions under Part C of the IDEA for FFY 2008; (4) OSEP's Verification Visit letter to Arkansas dated February 24, 2004; (5) First

Connections website; and (6) other pertinent information.<sup>1</sup>

OSEP applied the Part C critical elements to evaluate Arkansas' general supervision, data, and fiscal systems. OSEP's analysis of each critical element is provided in the enclosure to this letter. If OSEP identified noncompliance during the verification visit, the enclosure also includes an explanation of the noncompliance with applicable Part C requirements and the required actions that OSEP has determined the State must take to address the noncompliance.

As further detailed in the Enclosure to this letter,

- (1) With its FFY 2009 Part C grant application, DHS must:
  - a. Provide an assurance that: (1) it is revising its procedural safeguards documents to include all of the Part C requirements regarding complaints, under 34 CFR §§303.510-303.512, and either the Part C or Part B requirements under 34 CFR §303.420 for mediations and due process hearings; (2) it will ensure that, throughout the period that the State uses its FFY 2008 grant funds under Part C of IDEA, all early intervention service programs and providers in the State will comply with all requirements of Part C of IDEA, including 34 CFR §§303.420 and 303.510-303.512; and (3) that the State will submit the revised documents to OSEP as soon as they are finalized but no later than September 30, 2009;
  - b. Submit its interagency agreement with the Arkansas Department of Education that meets the requirements under 34 CFR §303.148(c);
  - c. Submit a specific written assurance that DHS has informed its State audit office of the need to review under the State's Single Audit, conducted under the Single Audit Act, DHS's procedures to comply with the tracking of State and local expenditures to meet the requirements of Part C's nonsupplanting/MOE requirements in IDEA section 637(b)(5)(B) and 34 CFR §303.124(b). DHS must also continue to keep OSEP apprised in writing of any further efforts it or its State audit office makes to ensure compliance with Part C's MOE requirements; and
  - d. Submit its written policies and procedures that identify its system of payments under IDEA section 632 and 34 CFR §§303.520 and 303.521. Such policies must meet the public participation requirements in 34 CFR §§303.110 through 303.113.
  
- (2) With its FFY 2008 APR, due February 1, 2010, DHS must:
  - a. Provide an assurance that it has changed its practice to ensure the identification of all noncompliance, notwithstanding the extent of the noncompliance;
  - b. Review its improvement activities in the SPP and revise them, if appropriate, to ensure they will enable the State to provide, under

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<sup>1</sup> Documents reviewed as part of the verification process were not reviewed for legal sufficiency, but rather to inform OSEP's understanding of your State's systems.



Indicator 9, data demonstrating that the State timely corrected noncompliance identified in FFY 2007 in accordance with IDEA section 635(a)(10)(A) and 34 CFR §303.501(b);

- c. Report on the correction of findings made not only under the Quality Assurance Team (QAT), but also through: (1) the SEAS; and (2) complaint and other dispute resolution processes; and
- d. Provide an assurance that, its procedures for making annual determinations on the performance of its EIS programs includes consideration of an EIS program's performance on all SPP/APR compliance indicators and any uncorrected noncompliance from any source (including noncompliance identified through the QAT).

We appreciate the cooperation and assistance provided by DHS personnel during our visit. We look forward to collaborating with the State as you continue to work to improve results for infants, toddlers, and children 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, Jill Harris, at 202-245-7372.

Sincerely,



Patricia J. Guard  
Acting Director  
Office of Special Education Programs

Enclosure

cc: Tracy Turner  
Part C Coordinator