



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

Honorable B. J. Walker
Commissioner
Georgia Department of Human Resources
2 Peachtree Street, NW
Suite 29-250
Atlanta, Georgia 30303-3186

FEB 23 2009

Dear Commissioner Walker:

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 Georgia Department of Human Resources (DHR) during the week of September 22, 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) for ensuring compliance with, and improving performance under, Part B and Part C of the Individuals with Disabilities Education Act (IDEA). CIFMS is designed to ensure compliance and improve performance with Parts B¹ and C of the 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 verify the effectiveness of 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. 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 accuracy of the data the State submitted for selected indicators in the State's Federal Fiscal Year (FFY) 2006 Annual Performance Report (APR)/State Performance Plan (SPP).

As part of the verification visit to Georgia, OSEP staff met with Wendy Miller, then-Acting Director of Babies Can't Wait (BCW), the State's early intervention program, and other State personnel responsible for implementing the general supervision, data or fiscal systems of BCW. Prior to and during the visit, OSEP staff reviewed a number of documents, including the following: (1) Georgia's FFY 2006 APR submitted to OSEP in February 2008; (2) Georgia's SPP submitted to OSEP in December 2005 and updated in

¹ OSEP conducted its Part B verification visit to the Georgia Department of Education during the week of August 18, 2008, and has issued a letter describing the results of that visit under separate cover.

2007; (3) Georgia's eligibility document submissions under Part C of the IDEA for FFY 2008; (4) OSEP's Verification Visit letter to Georgia dated October 28, 2003; (5) BCW's website; and (6) other pertinent information.²

OSEP developed critical elements that were used to guide its evaluation of Georgia's 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, OSEP found noncompliance with some of the Part C requirements for: identification of noncompliance; correction of noncompliance; annual determinations; child find; collecting and reporting data; and fiscal monitoring. OSEP is requiring the State to take corrective action in the following areas: (1) requirements regarding the supervision and monitoring of programs (34 CFR §303.501(a)) and using proper methods to monitor programs (34 CFR §303.501 (b)(1)); (2) requirements for the 45-day timeline for referrals under section 635(a)(5) of the IDEA and 34 CFR §303.321(e)(2)(i)(ii); (3) requirements regarding making annual determinations for each early intervention service (EIS) program (IDEA section 616(d)); (4) requirements regarding data collection from various agencies and service providers in the State (34 CFR §303.540(a)(1)(i)); and (5) requirements regarding nonsupplanting/maintenance of effort (MOE) provisions in IDEA section 637(b)(5)(B) and 34 CFR §303.124(b).

We appreciate the cooperation and assistance provided by DHR 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, Jennifer Simpson, at 202-245-6042.

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosure

cc: Rosalyn Bacon
Director, Office of Birth Outcomes

² 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.