



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

Honorable Janie Miller  
Cabinet for Health and Family Services  
Office of the Secretary  
275 East Main Street, 5W-A  
Frankfort, KY 40621-0001

APR 10 2009

Dear Secretary Miller:

The purpose of this letter is to inform you of the results of the Part C verification visit by the Office of Special Education Programs (OSEP) to the Kentucky Department for Public Health (DPH) during the week of December 1, 2008. As indicated in my letter to you of 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 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 data the State submitted for selected indicators as part of the State's Part C Federal Fiscal Year (FFY) 2006 Annual Performance Report (APR)/State Performance Plan (SPP).

As part of the verification visit to Kentucky, OSEP staff met with Kirsten Hammock, Part C Coordinator, and State personnel responsible for implementing the general supervision, data or fiscal systems. Prior to and during the visit, OSEP staff reviewed a number of documents, including the following: (1) Kentucky's FFY 2006 APR submitted to OSEP in February 2008; (2) Kentucky's SPP submitted to OSEP in December 2005 and updated in 2007 and 2008; (3) Kentucky's eligibility document submissions under Part C of the IDEA for FFY 2008; (4) OSEP's Verification Visit letter to Kentucky dated April 15, 2004; (5) the DPH website; and (6) other pertinent information.<sup>1</sup>

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<sup>1</sup> This information was reviewed not for legal sufficiency but to provide background information for the verification visit.

OSEP applied the Part C critical elements to evaluate Kentucky's general supervision, data, and fiscal systems. OSEP's analysis of each critical element is set out 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 actions the State must take to address the noncompliance.

Within 60 days of receipt of this letter, Kentucky must submit to OSEP for review its revised monitoring policies and procedures to include: (1) a standard that ensures consistent identification of all noncompliance with a regulation or requirement; (2) a requirement that any monitoring reports will: (a) require that any noncompliance will be corrected; (b) require that any noncompliance will be corrected as soon as possible but not later than within one year of the identification (i.e. Kentucky early intervention services program (KEIS));(c) the requirements of an approvable corrective action plan; and (d) identify the actions the Points of Entry (POE) or early intervention services (EIS) providers must take to demonstrate correction (e.g., the data or information it must provide to KEIS). Furthermore, KEIS must provide with its FFY 2009 Part C Application an assurance that it will revise its monitoring policies and procedures as specified above and will inform TATs, POEs, and EIS providers of these revised policies and procedures.

We appreciate the cooperation and assistance provided by your staff 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, Kimberly Mitchell at 202-245-7453.

Sincerely,



Patricia J. Guard  
Acting Director  
Office of Special Education Programs

Enclosure

cc: Kirsten Hammock, Part C Coordinator