



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

Honorable Richard F. Daines, M.D.
Commissioner of Health
New York State Department of Health
Corning Tower, Empire State Plaza
Albany, New York 12237

FEB - 5 2009

Dear Commissioner Daines:

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 New York State Department of Health (NYDOH) during the week of October 6, 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 early intervention and educational results for children with disabilities.

The purpose of OSEP's 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 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 the extent to which they are effective in ensuring compliance and improving performance; and (2) reviewed the data NYDOH submitted for selected indicators in the State's Part C FFY 2006 Annual Performance Report (APR)/State Performance Plan (SPP).

As part of the verification visit to New York, OSEP staff met with Bradley Hutton, Director of the Bureau of Early Intervention 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) NYDOH's SPP submitted to OSEP on December 2, 2005; (2) NYDOH's FFY 2006 APR submitted to OSEP on February 1, 2008; (3) NYDOH's Application for Part C of the IDEA FFY 2008 funds; (4) OSEP's Verification Visit letter to New York dated April 15, 2004; (5) NYDOH's website; and (6) other pertinent information.¹

OSEP developed critical elements that were applied during the visit to evaluate NYDOH's general supervision, data, and fiscal systems. OSEP's analysis of each critical element and any required actions, if noncompliance was identified during the verification visit, are provided in the

¹ 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 system.

Enclosure to this letter. The Enclosure includes an explanation of the noncompliance with the applicable IDEA Part C requirements and the required actions NYDOH must take to address the noncompliance.

As further detailed in the Enclosure to this letter, OSEP found that NYDOH did not report valid and reliable data in its APR as required by IDEA sections 616(b) and 642. Specifically, NYDOH did not: (1) correctly calculate the measurement under Indicator C-1, for the timely provision of services; and (2) report under Indicator C-9, timely correction of all findings of noncompliance.

We appreciate the cooperation and assistance provided by NYDOH personnel during our visit. We look forward to collaborating with NYDOH as you continue to work to improve results for infants and toddlers 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, Hillary Tabor, at 202-245-7813.

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosure

cc: Bradley Hutton
Director for the Bureau of Early Intervention