



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

JAN 25 2010

Honorable Anna Whiting Sorrell
Director of Department of Public Health and Human Services
111 N. Sander St.
P.O. Box 4210
Helena, Montana 59604-4210

Dear Director Whiting Sorrell:

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 Montana Department of Public Health and Human Services (DPHHS), Developmental Disabilities Program (DDP) during the week of August 31, 2009. As indicated in our letter to you dated July 1, 2009, 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 C of the Individuals with Disabilities Education Act (IDEA). CIFMS is designed to ensure compliance and improve performance with Parts B and C of the IDEA.¹ 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 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 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 accuracy of the data the State submitted for selected indicators in the State's Federal Fiscal Year (FFY) 2007 Annual Performance Report (APR) and State Performance Plan (SPP).

As part of the verification visit to Montana, OSEP staff met with Erica Peterson, the Montana Part C Coordinator and State personnel responsible for implementing the general supervision and fiscal systems, local early intervention services (EIS) agency staff, and members of the State's Family Support Services Advisory Council. Prior to and during the visit, OSEP staff reviewed a number of documents, including the

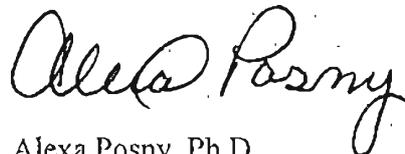
¹ During the week of August 31, 2009, OSEP also conducted its Part B verification visit to the Montana Office of Public Instruction, and OSEP will be issuing a letter describing the results of that visit under separate cover.

following: (1) Montana's FFY 2007 APR submitted to OSEP in February, 2009; (2) Montana's SPP submitted to OSEP in December 2005 and updated in 2007, 2008 and 2009; (3) Montana's eligibility document submissions under Part C of the IDEA for FFY 2009; (4) OSEP's Verification Visit letter to Montana dated January 24, 2007; (5) Montana Department of Public Health and Human Services' website; and (6) other pertinent information². OSEP also collected and reviewed stakeholder input from the State's Parent Training and Information Center (PTI) and the State Interagency Coordinating Council (SICC).

OSEP applied the critical elements to evaluate Montana'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 Enclosure to this letter. As further detailed in that Enclosure, OSEP found noncompliance, and has required corrective action in the following areas: (1) IFSPs reviewed prior to the visit and while on site did not consistently include all the required content, as required by 34 CFR §§303.344 (d)(1)(i) and (ii); and (2) the State's Dispute Resolution Handbook allows a procedure to be used by EIS providers that is inconsistent with 34 CFR §303.405.

OSEP appreciates the cooperation and assistance provided by PTI staff, SICC members, and parents 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 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, Robert MacGillivray at (202) 245-7433.

Sincerely,



Alexa Posny, Ph.D.
Acting Director
Office of Special Education Programs

Enclosure

cc: Part C Coordinator

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.