



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

FEB 15 2011

Honorable Terri Delgadillo  
Director  
Department of Developmental Services  
California Health and Human Services Agency  
1600 9<sup>th</sup> Street, Room 240, MS 2-13  
Sacramento, California 95814

Dear Director Delgadillo:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Department of Developmental Services during the week of November 15, 2010. As indicated in our letter to you dated August 2, 2010, 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).<sup>1</sup> 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 infants, toddlers, children, and youth 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. OSEP developed critical elements that were used to guide its evaluation of California's general supervision, data, and fiscal systems. The Enclosure to this letter describes the scope of OSEP's review of the State's systems and briefly outlines relevant statutory and regulatory requirements for each critical element. Generally, the Enclosure to this letter does not include descriptions of the State's systems because this information is available on the State's Web site in the State's State Performance Plan (SPP).

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. OSEP found noncompliance and has required corrective action in the following areas: (1) the State has established an impermissible threshold for making findings of noncompliance through its file review as part of its on-site monitoring visits; (2) the State has not made findings of noncompliance when data in its database for SPP/Annual Performance Report (APR) Indicator 1 clearly reflect noncompliance; (3) a State regulation (Title 17 of the California Code of Regulations, section 52086(d)) and form inappropriately permit "extensions" of IDEA Part C's

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<sup>1</sup> During the week of September 27, 2010, OSEP conducted its Part B verification visit to the California Department of Education (CDE). OSEP has sent the Part B verification letter and enclosure to CDE under separate cover.

45-day timeline for initial evaluations, assessments and IFSP meetings; (4) the State has established an impermissible threshold for verifying the correction of findings of noncompliance; (5) the State is not ensuring that due process hearing decisions are issued within the IDEA Part C 30-day timeline; (6) the State is not ensuring that the State resolves, through the State complaint procedures, any issues in a State complaint that the State had held in abeyance because they were also raised in a due process hearing request but were not ultimately addressed in the due process hearing decision; (7) the State's Federal fiscal year (FFY) 2008 public reporting on the performance of the State's early intervention programs (Regional Centers) did not include data for SPP/APR Indicator 4; (8) the State did not take any of the applicable enforcement actions required by IDEA sections 616(e)(3) and 642 for the Regional Center that received an FFY 2008 determination of needs substantial intervention; and (9) the State has failed to include "low incidence disability" children receiving Part C services through CDE in its data for SPP/APR Indicators 1, 7, and 8.

OSEP would like to recognize several effective practices being implemented in the State that are designed to improve results for infants and toddlers with disabilities and their families. The Lead Agency has utilized the State Interagency Coordinating Council and the Community Representatives to prioritize improvement activities, strengthen interagency partnerships, and assist with public awareness efforts. The Lead Agency has also established the Early Start Quality Assurance Advisory Committee in order to work collaboratively with leaders of local programs to review, design and implement a new system for general supervision, oversight, and monitoring. With the support of this group, the Lead Agency is better equipped to meet the challenges related to State budget reductions while striving to implement the Federal IDEA Part C requirements.

The State has an effective Comprehensive System of Personnel Development (CSPD) that provides the framework for coordinating the delivery of technical assistance activities throughout the State. Most recently, the State developed a five-year plan for CSPD with annual activities and outcomes in order to support a learning community for providers, administrators, and parents. This innovative plan includes local training, on-line courses, webinars, mentoring, coaching, and supervision.

Finally, the Lead Agency funds and supports Family Resource Centers that provide parent-to-parent family support. The Family Resource Centers actively work in partnership with the local regional centers and education agencies to help parents, families and children get information about early intervention services. Each Family Resource Center uniquely reflects the needs of its community and is culturally responsive to the needs of individual families.

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the California Parent Training and Information Centers and parents of infants and toddlers with disabilities 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 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, Rhonda Spence, at 202-245-7382.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove". The signature is fluid and cursive, with the first name "Melody" and last name "Musgrove" clearly distinguishable.

Melody Musgrove, Ed.D.  
Director  
Office of Special Education Programs

Enclosure

cc: Rick Ingraham  
Part C Coordinator