



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

Honorable Gary Alexander
Acting Secretary of Public Welfare
Pennsylvania Department of Public Welfare
625 Forster Street
Harrisburg, Pennsylvania 17105-2675

MAR 29 2011

Dear Acting Secretary Alexander:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Pennsylvania Office of Child Development and Early Learning (OCDEL) during the week of November 29, 2010. As indicated in our letter to you dated July 22, 2010, OSEP conducted 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).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 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 Pennsylvania'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. 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.

Pennsylvania has a unique structure for administering its early intervention program for children birth through five in the State. In January 2007, Pennsylvania created a new unified office for the Departments of Education and Public Welfare. The new office, the Office of Child Development and Early Learning (OCDEL), coordinates all Pennsylvania early childhood programs, including the Part C early intervention program and Part B preschool special education program. In the attached Enclosure, we have included OSEP's conclusions regarding the State's Part C early intervention program. OSEP provided the Pennsylvania Department of Education a separate verification visit letter and enclosure that focuses on our review of the IDEA Part B program, including the preschool special education program, over which it has

¹ During the week of November 29, 2010, OSEP also conducted its Part B verification visit to the Pennsylvania Department of Education.

general supervisory responsibility.

With regard to the State's Part C program, OSEP found noncompliance with, and has required corrective action, in the following areas:

- (1) the State does not ensure that, in monitoring infant and toddler early intervention programs, it identifies and requires correction of all noncompliance in information available to it, regardless of the extent of noncompliance with IDEA Part C as required by IDEA sections 616, 635(a)(10)(A), and 642 and 34 CFR §§303.500 and 303.501;
- (2) the State's dispute resolution procedures and practices are not consistent with IDEA requirements, specifically:
 - a. The State complaint form requires the complainant to provide information when filing a State complaint that is in excess of the requirements at 34 CFR §303.511(a),
 - b. The State does not carry out investigations and issue written decisions that address each alleged violation of IDEA in State complaints filed with the Bureau of Early Intervention Services (BEIS) consistent with the requirements at 34 CFR §303.512(a),
 - c. The State does not consistently document the date the complaint is received in order to show that the decisions are issued within 60 days of the date the complaint is received (unless an extension of time is determined appropriate, consistent with the requirements at 34 CFR §303.512(a)), and
 - d. The State does not require that the implementation of any corrective actions required in BEIS's final decision is not delayed pending the reconsideration process, if the reconsideration process is completed later than 60 days after the original filing of the complaint.

OSEP would like to recognize Pennsylvania for its initiatives and commitment of resources to improve outcomes for children with disabilities and developmental delays, birth through age five. Through the establishment of OCDEL, the State has created a seamless system of service delivery through which IDEA Part C and Part B preschool programs function in a coordinated manner to meet the needs of infants, toddlers, and children with disabilities in Pennsylvania. BEIS is engaged in a number of activities to promote the integration of early intervention (EI) and preschool special education services, including monthly meetings of Infant/Toddler and Preschool EI leadership, use of similar eligibility tools, sharing of successful strategies, and the development of joint policies and training plans.

OSEP would like to recognize several additional initiatives being implemented in the State that are designed to improve results for infants and toddlers with disabilities including: (1) Early intervention advisors having frequent contact and collaboration with programs to create a strong local presence and a focus on technical assistance and program improvement; (2) OCDEL promotes the use of inclusive practices; (3) Public awareness and child find is a great strength in Pennsylvania at both the State and local levels, encompassing the whole early childhood community; and (3) The State has made a significant investment in personnel development for this system, including face-to-face training and training those that have been included in the Learning Management System.

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the Northeast Regional Resource Center 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, Josiah Willey, at 202-245-7350.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove", with a long horizontal flourish extending to the right.

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

Enclosure

cc: Maureen Cronin
Part C Coordinator