



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

JAN 24 2012

Honorable Robert Moser  
Secretary  
Kansas Department of Health and Environment  
Charles Curtis State Office Building  
1000 SW Jackson Street, Suite 540  
Topeka, Kansas 66612-1367

Dear Secretary Moser:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Kansas Department of Health and Environment (KDHE) during the week of August 21, 2011 under Part C of the Individuals with Disabilities Education Act (IDEA).<sup>1</sup> As indicated in our letter to you dated March 29, 2011, 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). 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 Kansas's general supervision, data, and fiscal systems.

OSEP identified findings of noncompliance, and has specified in the Enclosure the required corrective action for each of the following findings: (1) the State is not issuing findings of noncompliance with Part C requirements in a timely manner; (2) the State lacks a comprehensive system to identify noncompliance for Part C requirements; (3) the State does not review updated data or a sample of records to ensure that the early intervention services (EIS) programs are correctly implementing the specific Part C regulatory requirements prior to determining that the noncompliance is corrected; (4) the State is unable to provide documentation that a written decision was issued for a written complaint; (5) the State has not finalized a memorandum of agreement (MOA) with the Kansas Office of Administrative Hearings so that it has hearing officers available to conduct due process hearings should the need arise; (6) the State appears to have policies and procedures for requesting mediation that are inconsistent with State regulations; (7) the State did not consider outstanding audit findings, data that were not valid or reliable, or uncorrected noncompliance in the determinations for its EIS programs; (8) the State

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<sup>1</sup> During the week of November 15, 2010, OSEP conducted its Part B verification visit to the Kansas Department of Education.

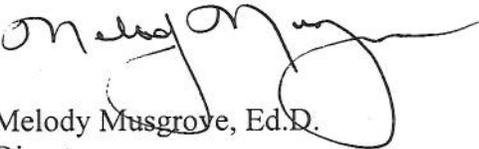
did not report valid and reliable data in its FFY 2009 APR for Indicators 8b or 8c; (9) the State does not implement corrective actions when informed of outstanding audit findings when such findings require correction; and (10) the State does not have procedures to document time-and-effort to be able to accurately allocate salaries to the Part C grant. Finally, OSEP will contact the State separately to request additional information regarding the IDEA Part C nonsupplanting and maintenance-of-effort requirements.

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 visit, are provided in the Enclosure to this letter.

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the Families Together, Inc., parents of infants and toddlers with disabilities in Kansas, the Disability Rights Center, and the Kansas State Interagency Coordinating Council in providing feedback and input on the State's systems for providing early intervention services to infants and toddlers with disabilities.

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, Hillary Tabor, at (202) 245-7813.

Sincerely,

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

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

Enclosure

cc: Sarah Walters  
Part C Coordinator