



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

MAR - 1 2012

Honorable Mary Currier, M.D., M.P.H.
State Health Officer
Mississippi State Department of Health
P.O. Box 1700
570 East Woodrow Wilson Drive
Jackson, Mississippi 39215-1700

Dear Dr. Currier:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) Continuous Improvement Visit (CIV) to the Mississippi State Department of Health (MSDH) during the week of September 12, 2011. As indicated in our letter to you dated March 29, 2011, the visit consisted of two components: (1) the verification of State systems for implementing key requirements of Part C of the Individuals with Disabilities Education Act (IDEA); and (2) a collaborative focus on improving results.¹ The CIV is designed to ensure compliance and improve performance with Part C of the IDEA, consistent with Sections 616 and 642 of the IDEA.

The purpose of the verification component of the visit is to review the State's systems for general supervision and fiscal management. OSEP developed critical elements that were used to guide its evaluation of Mississippi's general supervision (including 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.

OSEP is currently in the process of conducting a comprehensive review of States' systems for implementing the fiscal requirements of the IDEA and related statutes and regulations, through the CIVs and other mechanisms, including the desk audits that OSEP's Recovery Act Facilitators are conducting with all States. In order to provide each State with a comprehensive, integrated response based on its review of States' fiscal systems, OSEP will be sending the State a separate letter addressing any fiscal issues, and has not included a fiscal section in the Enclosure.

During the verification component of the visit, OSEP found noncompliance, and has required corrective action, in the following areas: (1) the State Complaint procedures in 34 CFR §§303.510 through 303.512²; and (2) the mediation requirements in 34 CFR §303.419 (as modified by IDEA sections 615(e) and 639(a)(8)). In addition, OSEP has required the State to take action to ensure the availability of hearing officers that meet the requirements of 34 CFR §303.421.

¹ During the week of September 12, 2011, OSEP also conducted its Part B CIV to the Mississippi Department of Education.

² The IDEA Part C regulations cited in this letter are to the regulations with which States must comply during FFY 2011 and which were in effect prior to the publication of the new IDEA Part C regulations published in 76 Federal Register 60140 on September 28, 2011, unless otherwise noted.

As stated in the Enclosure to this letter, Mississippi must also review and revise its interagency agreement, or other written method, to ensure financial responsibility for IDEA Part C services provided, or paid for, by other State-level agencies. That method must be consistent with the requirements under subpart F of the new IDEA Part C regulations and must be current as of the time the State submits its fiscal certification with its FFY 2012 IDEA Part C grant application.

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 Mississippi'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.

During the continuous improvement visit, Mississippi also focused on improving early intervention results and functional outcomes for infants and toddlers with disabilities. Prior to the visit, Mississippi participated in a process with OSEP to focus its efforts on Indicator 3, Outcome C, the percent of infants and toddlers with individualized family service plans (IFSPs) who demonstrate improved use of appropriate behaviors to meet their needs. With OSEP's participation, MSDH and stakeholders, which included participants from the Governor's Office, local Early Intervention Providers (Therapy Zone, LLC and Ability, LLC), District Administrators, District Coordinators, the Department of Mental Health, Mississippi Institutes of Higher Learning, the State's Interagency Coordinating Council (SICC), the Southeast Regional Resource Center, and the Data Accountability Center, engaged in a facilitated process to examine the data, as well as current and past efforts to improve results in the Child Outcomes area, and formulate strategies that Mississippi will employ to improve results for children with disabilities in its selected area. Mississippi is developing a plan that includes specific benchmarks for improvement, as well as, timelines, resources, and measurements for MSDH to improve results. MSDH will publish this plan with updates on the State lead agency's Web site at http://msdh.ms.gov/msdhsite/_static/41,0,74.html.

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the Mississippi Parent Training and Information Center, the SICC, and parents of infants and toddlers with disabilities 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, Kate Moran, at 202-245-7315.

Sincerely,



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

Enclosure

cc: Susan Boone
Part C Coordinator