



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

MARCH 3, 1995

Honorable Theodore S. Sergi
Acting Commissioner of Education
State Department of Education
165 Capitol Avenue
Room 305, State Office Building
Hartford, Connecticut 06106-1630

Dear Dr. Sergi:

During the week of December 13, 1993, the Office of Special Education Programs (OSEP), United States Department of Education, conducted an on-site review of the Connecticut State Department of Education's (CSDE) implementation of Part B of the Individuals with Disabilities Education Act (Part B). The purpose of the review was to determine whether CSDE was meeting its responsibility to ensure that the State's public educational agency programs for children with disabilities are being administered in a manner consistent with the requirements of (1) Part B and its implementing regulations, and (2) the Education Department General Administrative Regulations (EDGAR). We are sending you and your special education staff this final report, entitled "Office of Special Education Programs Monitoring Report: 1993 Review of the Connecticut Department of Education" (Report).

I want to thank you for the assistance and cooperation offered by your staff during our review. Throughout the course of the monitoring process, Dr. Tom Gillung, Director and the staff of the Bureau of Special Education and Pupil Services (Bureau) were responsive to OSEP's requests for information, and provided access to necessary documentation that enabled OSEP staff to acquire an understanding of your various State systems to implement Part B and the EDGAR requirements.

It is important to recognize that, for the most part, the Report addresses only those aspects of Connecticut's special education system that OSEP reviewed and found to be inconsistent with Federal requirements. Although the Report does not discuss the numerous aspects of the State's special education system which

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were consistent with Federal requirements, several commendations are set forth in the introduction which focus on CSDE's complaint management system, surrogate parent system and training efforts.

The body of the Report also recognizes the positive direction that CSDE has taken relative to the closing of separate facilities that served students with mental retardation.

The Report describes OSEP's findings with respect to the policies and procedures that CSDE has implemented in fulfilling its general supervisory responsibilities, in accordance with the legal requirements established by Part B and EDGAR. The findings are organized into nine areas of responsibility, as shown in the Table of Contents. Appendix C contains a description of revisions included in the final Report and clarifications based on CSDE's response to the draft Report. The appendix also identifies the areas in which OSEP will provide or facilitate the provision of technical assistance as requested by CSDE. Appendix D delineates the actions that CSDE must take to address OSEP's findings and to ensure compliance with the requirements of Part B and EDGAR through the exercise of its system of general supervision. OSEP will be in contact with CSDE staff to schedule a follow-up visit to complete on-site verification of the implementation of the required corrective actions for specific deficiencies.

OSEP noted in its development of this report that some of the deficiencies identified during OSEP's previous monitoring in February of 1989 continue to exist. Specifically, OSEP found deficiencies in requirements related to ensuring compliance through monitoring and implementation of placement in the Least Restrictive Environment. OSEP is concerned about these continuing deficiencies and notes that CSDE had previously provided documentation and assurances to OSEP to verify that the deficiencies had been corrected and recurrence had been prevented. In this regard, CSDE must take immediate and forceful steps to correct deficiencies throughout the State or risk the imposition of sanctions, including the withholding of Federal funds.

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Members of OSEP's staff are available to provide technical assistance during any phase of the development and implementation of your corrective actions. Please let me know if we can be of any assistance. Thank you for your continued efforts toward the goal of improving education programs for children with disabilities in Connecticut.

Sincerely,

Thomas Hehir
Director
Office of Special Education
Programs

cc: Dr. Tom Gillung

OFFICE OF SPECIAL EDUCATION PROGRAMS
FINAL MONITORING REPORT:

1993 REVIEW OF THE CONNECTICUT STATE DEPARTMENT OF EDUCATION'S
IMPLEMENTATION OF PART B OF
THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

March 1995

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PREFACE

This Report presents the results of the on-site review of the Connecticut State Department of Education's (CSDE) implementation of Part B of the Individuals with Disabilities Education Act (Part B), and Education Department General Administrative Regulations (EDGAR), conducted by the Office of Special Education Programs (OSEP), United States Department of Education, during the week of December 13 through December 17, 1993. The purpose of this review was to determine whether CSDE met its responsibility to ensure that the State's educational programs for children with disabilities are administered in a manner consistent with the requirements of Part B, its implementing regulations, and EDGAR. All regulatory citations in this Report refer to sections of Title 34 of the Code of Federal Regulations. The Report contains an introduction, commendations, nine sections, and four appendices. The introduction briefly describes OSEP's review process and includes a table that summarizes Connecticut's structure for providing special education programs. Each of the nine sections of the Report sets forth: (1) a statement of the legal responsibilities which CSDE is required to fulfill in order to ensure that public agencies meet the requirements of Part B and EDGAR; and (2) OSEP's findings of fact concerning CSDE's implementation of its responsibilities. Appendix D contains a chart of each finding and the required corrective action with appropriate timelines.

With respect to the findings addressed by the Report, CSDE must take steps to come into immediate compliance with the applicable requirements under Part B and EDGAR, including (1) discontinuing the deficient practice, and (2) informing all agencies of the procedures required to comply with Part B and EDGAR. In addition, if State regulations, statutes, or administrative policies are inconsistent with the Part B and EDGAR requirements, CSDE also must take steps to ensure that the affected documents are appropriately revised within the specified timelines.

INTRODUCTION

In order to be eligible to receive Part B funds, CSDE is required to meet the eligibility requirements of Section 612 of Part B (20 U.S.C. §1412(6)), which provides:

The State educational agency shall be responsible for assuring that the requirements of this part are carried out and that all educational programs for children with disabilities within the State, including all such programs administered by any other state or local agency, will be under the general supervision of the persons responsible for educational programs for children with disabilities in the State educational agency and shall meet the educational standards of the State educational agency. [See also §300.600(a)]

In addition to CSDE's general supervision responsibility, CSDE is required to carry out certain activities in order to ensure that public agencies carry out their specific responsibilities related to the Part B requirements and relevant EDGAR requirements, including those at §§300.340-300.350 (individualized education program (IEP)), §§300.550-300.556 (least restrictive environment (LRE)), §§300.530-300.534 (protection in evaluation procedures), §300.121 (free appropriate public education), §300.128 (child find), and §§300.560-300.575 (confidentiality of information). These activities are to:

- (1) include in its annual program plan, a copy of each State statute, policy, and standard that ensures the specified requirements are met (see §§300.121-300.154);
- (2) require public agencies to establish and implement procedures that meet specific requirements, including those identified above (see §§300.220, 300.341, 300.501, 300.530, and 300.550);
- (3) monitor to ensure that public agencies implement all appropriate requirements, including those identified above (see §§80.40, 300.402, 300.556 and 20 U.S.C. §1232d(b)(3)); and

(4) require that applications for Part B funds include procedures to ensure that the public agency's actions are consistent with the requirements of §§300.340-300.350 (IEP), §§300.550-300.553 (LRE), §300.128 (child find), §§300.560-300.574 (confidentiality of information), and §300.226 (parent involvement) (see §§76.770, 76.400, and 300.220-300.240).

Information gathered by OSEP as part of its monitoring review demonstrates that CSDE did not, in all instances, establish and exercise its general supervisory authority in a manner that ensures that all public agencies within the State comply with the requirements of Part B and EDGAR. Where findings are based, in part, on data collected from student records and local staff interviews, OSEP does not conclude that the identified findings establish that all public agencies in Connecticut had also acted in a manner inconsistent with Part B and EDGAR. However, because CSDE's systems for ensuring compliance have not been fully effective for the reasons cited in this Report, OSEP requires CSDE to undertake certain corrective actions to improve its systems for ensuring Statewide compliance with Part B and EDGAR.

OSEP REVIEW PROCESS: Beginning in October 1993, the OSEP team of Carolyn Smith, Delores Barber, Helen Eano and Lawrence Wexler reviewed the Connecticut State Plan and public agencies' policies, procedures, plans, standards, and other relevant documents, including the Fifteenth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, relating to Part B and EDGAR. From October 12 through 14, 1993, OSEP conducted public meetings in order to solicit comments from parents, teachers, administrators and other concerned citizens regarding their perceptions of CSDE's compliance with Part B and EDGAR. In addition, the Team conducted telephone interviews with parents of students enrolled in programs within the school districts visited. The parents of students whose records were reviewed by the OSEP team were sent a letter informing them that the student's record had been reviewed and that they might expect a telephone call regarding its content. The Team conducted 15 parent phone interviews.

During the week of December 13 through 17, 1993, Delores Barber, Helen Eano, Sheila Friedman and Lawrence Wexler reviewed student records and interviewed agency personnel in five public agencies to ensure that these agencies were acting in compliance with the requirements of Part B and EDGAR. At the same time, Carolyn Smith reviewed CSDE's documentation regarding its systems for general supervision and interviewed State agency staff who were involved in the administration and supervision of educational programs for children with disabilities. Carolyn Smith also reviewed records from two additional public agencies. Upon returning to Washington, DC, OSEP completed its analysis of the information collected and prepared the draft Report. The Draft Report was issued on October 25, 1994. CSDE responded to the Draft Report in a letter dated November 29, 1994 that included suggested technical corrections to the draft Report and some additional documentation. The Draft Report has been revised, as appropriate, in response to this additional documentation submitted by CSDE. OSEP's response to CSDE's November 29, 1994 letter, including a description of revisions to the draft Report, is summarized in Appendix C.

A DESCRIPTION OF CONNECTICUT'S SPECIAL EDUCATION SYSTEM:

Connecticut's special education system is comprised of 169 autonomous townships with Boards of Education serving approximately 65,400 children with disabilities. There are 19 regional districts formed when multiple districts join to serve either all children within those districts, or a designated population (e.g., the joint district serves all secondary level students while each constituent district continues to serve its own elementary students); three unified districts representing the Department of Corrections, the Department of Children and Families, and the Department of Mental Retardation (which does not provide educational services to school-age children); and five Regional Education Service Centers (RESCs) which provide services through contractual arrangements for disabled and nondisabled children, youth and adults. There are 53 approved private schools and 21 residential facilities serving children for non-educational reasons.

Within CSDE's Division of Educational Programs and Services, is the Bureau of Special Education and Pupil Services (Bureau). The Bureau is staffed by 31.2 professional and support personnel with responsibilities for federal and special programs, due process and student support services, and staff development, technical assistance and monitoring.

The State of Connecticut administers a cost reimbursement formula where school districts are reimbursed for between 2 percent and 70 percent of their net cost of special education for the preceding year. The percentage reimbursement received by each school district is based on a general education equalization aid formula which ranks school districts on their ability to pay for education based on their assessed property values. Thus, the wealthiest school districts receive 2 percent of their net cost from State aid, while the least wealthy districts can receive as much as 70 percent of their costs. In addition, provisions for "catastrophic costs" for individual students and for costs associated with placements for "other than educational reasons" are partially embedded in the funding formula.

COMMENDATIONS

The focus of OSEP's compliance monitoring is the determination of the extent to which a State is providing programs to children with disabilities in compliance with the requirements of Part B and EDGAR, and the focus of this Report is the specification of the areas in which CSDE's systems have not been fully effective in ensuring compliance with those requirements. OSEP would, however, like to commend CSDE for the following initiatives that demonstrate CSDE's efforts to ensure quality programs and successful outcomes for students with disabilities:

- 1. Complaint Management System:** CSDE's complaint management system is implemented in an efficient and responsive manner. OSEP notes that there was a high level of consumer satisfaction throughout the State relative to the complaint management system. The high level of satisfaction was verified through public testimony presented during OSEP sponsored public meetings, and by parents, advocacy organizations and local educational agency officials. The testimony indicated that statewide, complaints are addressed thoroughly and expeditiously.
- 2. Surrogate Parent Program:** CSDE has developed and implemented an exemplary statewide surrogate parent program. The State has recruited and trained a cadre of surrogates, many of whom are former special education administrators who are experts in the field of special education. The State has an ongoing financial and administrative commitment to this program which has resulted in the provision of high quality surrogate parent services to children with disabilities.
- 3. Statewide Training:** CSDE has provided extensive statewide training through the use of CSDE Bureau Consultants (fulltime employees of CSDE) and the State funded Special Education Resource Center (SERC). The training has focused on school-based programming for special education students as well as providing information to self-selected LEA instructional and support staff relative to State and Federal requirements.

I. GENERAL SUPERVISION

CSDE is responsible for ensuring that: (1) the requirements of Part B are carried out and that each educational program for children with disabilities administered within the State, including each program administered by any other public agency, meets the requirements of Part B and education standards of the SEA; and (2) only children with disabilities consistent with §300.7 are included in its annual report of children served. §§300-750-300.754 and §§300.600(a)(1) and (a)(2)(ii). See also §300.2(b)(4).

FINDING:

A. CSDE has not ensured that children who are included in its annual count of children under the category of "Severely Emotionally Disturbed (SED)" meet the Federal definition of "Severely Emotionally Disturbed." Rather than using the term "Severely Emotionally Disturbed" CSDE uses the term "Socially and Emotionally Maladjusted (SEM)." CSDE has established, through State Regulation and State guidance, that children who are identified as SEM must meet the criteria established by the Federal definition for Seriously Emotionally Disturbed (§300.7(b)(9) and 300.750 - 300.754)). However, OSEP finds that CSDE has not fully ensured that children identified as SEM meet eligibility criteria specified under Federal and State Regulations and therefore has included children in its annual report who were erroneously classified as eligible under Part B.

As a result of OSEP's review of the draft 1990-92 Connecticut State Plan the State of Connecticut was directed to amend its "Regulations Concerning Children Requiring Special Education" in order that the State definition of SEM be consistent with the Federal definition of SED." The amended regulations became effective on April 24, 1991 and, in a memorandum dated May 13, 1991, all Superintendents were advised by the State Director of Special Education of the revised SEM definition.

As noted in Section III beginning on page 8 of this Report, OSEP found that CSDE only reviews and approves the policies and procedures of its public agencies every five years, commensurate with its monitoring cycle. Although, as indicated above, public agencies were informed that Connecticut's regulation which defines SEM had been revised to be consistent with Federal requirements, and that public agencies were directed to revise their policies and procedures, neither CSDE's LEA policy and procedure review and approval procedures, its child count

verification procedure, or its monitoring process have effectively ensured that children within the SEM disability classification meet the Federal definition for SED.

OSEP reviewed the monitoring procedures used by CSDE to ensure that all public agencies in the State operate their special education programs consistent with Federal and State regulations. These procedures made no provision for monitoring to ensure that the amended Connecticut State Regulatory definition was being used as the criteria for identifying students as SEM.

Data contained in the Fifteenth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act indicate that, among the 50 states, the State of Connecticut has the highest percentage of children identified as SED. This high percentage of children identified as SED was addressed in interviews of staff in the following local agencies visited by OSEP.

OSEP visited a separate school for SEM students (all of whom are counted for Part B funding purposes) in Agency A. Interviews of the administrator responsible for supervising the provision of special education in Agency A and the administrator of the separate SEM school indicated that students could be labeled SEM and placed at the separate school solely for SEM students as a result of truancy or poor social behavior and without determining that these students meet the SEM eligibility requirements. Truancy and poor social behavior are not sufficient characteristics to meet the Federal definition of SED and the amended Connecticut regulatory definition of SEM and are therefore an insufficient basis upon which to determine eligibility under Part B. OSEP also visited a separate school for SEM students (all of whom are counted for Part B funding purposes) in Agency C. The administrator of the separate school provided OSEP staff with a "Statement of Philosophy of Behavioral Disorder Resource Room for Socially and Emotionally Maladjusted Students." This philosophy statement defined SEM utilizing the definition that the State had directed LEAs to cease using in 1991.

The administrator responsible for supervising the provision of special education in Agency E (the largest LEA in Connecticut) asserted that Agency E's labeling of children as SEM (all of whom are counted for Part B funding purposes) was not consistent with the Federal or State definitions of SED/SEM. He stated that the Agency E administration has shared the appropriate criteria for determining that a student is SEM/SED with agency staff but that it was difficult to change staff behavior when they were accustomed to a different set of criteria. The administrator responsible for supervising the provision of special education in Agency E also stated that the decline in regular education resources has resulted in some students being labeled as SEM in order to ensure that they receive some support services. A psychologist with 20 years of experience in evaluating students in Agency E stated that students labeled as SEM can be "conduct disordered" and that when shown the Federal definition of SED the psychologist asserted that based on the Federal definition, SED means something different than SEM.

CSDE has a responsibility to report to the Secretary of Education no later than February 1 of each year an accurate count of the number of children with disabilities aged 3 through 21 residing in the State who are receiving special education and related services (§§300.750 and 300.752)). To be counted, a child must fall within the definition of "children with disabilities" established under §300.7. CSDE has a responsibility to ensure that the child count is accurate (§300.752). As part of its child count procedures, CSDE verifies the number of students counted by each public agency in the SEM/SED disability classification. However, OSEP finds that CSDE is not ensuring that the count submitted to the Secretary of Education includes only those children with disabilities who meet the Connecticut State regulatory criteria (Federally approved as part of Connecticut's State Plan) for the SEM category. OSEP finds that students who do not meet the Federal definition for a disability are being included in the State's child count.

II. STATE EDUCATION AGENCY MONITORING RESPONSIBILITIES

- A. CSDE is responsible for the adoption and use of proper methods to identify deficiencies in public agencies responsible for carrying out special education programs. 20 U.S.C. §1232d(b)(3)(A). See also §80.40.**

Description of the State's Monitoring System

The State Department of Education has established a five year compliance review cycle for all educational programs within the State's public school system. CSDE's compliance review includes: (1) the completion of a self-study by public agencies (self-review of student IEPs and completion of a service verification form); (2) on-site verification by CSDE Bureau consultants (full-time CSDE employees); (3) the issuance of a preliminary report (Working Notes); and (4) the issuance of a final report containing findings and required corrective actions to be undertaken by the public agency. CSDE has the option of conducting a follow-up on-site review. Districts to be monitored select a sample of five special education student folders representing different disabilities, from each of their constituent schools, complete a student folder checklist, and make a copy of each IEP reviewed. This documentation, along with each school's "Service Verification Forms," are submitted to the Bureau for review.

The Bureau's program compliance consultants review information for their designated districts, including public agency policy and procedures, any complaints filed since the last compliance review, special education prevalence rates, rate of exclusion from the Connecticut Mastery Tests and district placement practices for students with disabilities relative to least restrictive environment requirements. The Bureau consultant reviews the district's self-study of schools' IEPs and Service Verification Form to ensure completeness and to assess program quality. As part of the review, notations are made of any systemic problems which exist relative to IEP development and additional data are collected that would facilitate correction.

On-site visits are conducted to verify the information contained in the district's self-study and to verify the provision of services specified on the IEP. Using the Integrated Special Student Information System (child count data), 10 to 40 student files are randomly selected to verify that the student was enrolled in the district as of the previous December 1 child count and to determine whether there was an IEP on file and in effect on that date. Half of those student records are reviewed

and classroom observations conducted to determine whether services are being provided in accordance with an IEP.

Compliance issues identified as a result of the review of the district's policies and procedures, the district's self-study, and the on-site visit are developed by the Bureau consultant and issued to the District in a document entitled Working Notes. Working Notes describe whether: (1) the district is in full compliance; (2) the findings require corrective action; or (3) the district has already taken necessary corrective action prior to the issuance of the Working Notes.

The Working Notes, including corrective actions and "recommendations" for alternatives to be taken by the public agency regarding compliance issues identified by CSDE's consultant, are sent to the school district or agency. The school district or agency has 60 working days to respond to or implement corrective actions for the cited areas of non-compliance. If the district or agency responds within 60 days, a final report is issued and sent to the Special Education Director. If the district does not respond or is not making reasonable progress toward correcting non-compliance issues, the Bureau consultant notifies the appropriate authority (e.g., agency director, special education director, superintendent) for action to ensure prompt compliance. A consultant from the State Department of Education is assigned the responsibility of developing and implementing a compliance plan. This State consultant remains in contact with the school district until full compliance is achieved.

FINDINGS:

1. OSEP finds that CSDE did not always have a method to determine whether public agencies providing services to children with disabilities have complied with the following Part B requirements as noted in Table II-A below which specifies areas not addressed in CSDE's monitoring forms.

TABLE II-A

Federal Requirements for which CSDE has No Method to Determine Compliance Regarding Implementation of Federal Requirements

| Federal Requirement | Description |
|---------------------|-------------------------------------------------------|
| §300.347 | Agency responsibility/transition |
| §300.505(a)(2) | Notice of action refused |
| §300.505(c) | Notice in native language/other mode of communication |
| §300.533 | Placement procedures |
| §300.570 | Hearing procedures held under §300.568 |

2. OSEP reviewed CSDE's monitoring materials and procedures and has determined that CSDE's monitoring system does not collect sufficient information to determine whether public agencies are meeting the following Federal requirements:

§300.300 - Extended School Year (ESY) Services

CSDE's monitoring procedures have not effectively identified deficiencies regarding the need for ESY services. As indicated earlier, CSDE's monitoring methods include the review of the school district's policies and procedures for consistency with State regulations, including ESY requirements. CSDE staff reported that public agencies were informed by a CSDE memorandum of the criteria and procedures under which consideration is to be given to a student's need for ESY services. The self-study verifies that the student is receiving the required length of school year. However, CSDE monitoring methods do not include a process to confirm that district ESY policies and procedures are being implemented. As noted in Section V beginning on page 15 of this Report, OSEP found that public agencies were not consistently considering, on an individual basis as required to provide FAPE, the need for ESY services for students with disabilities.

§300.344(c) - Appropriate Participants at IEP Meetings on Needed Transition Services

CSDE's monitoring methods include the review of the school district's policies and procedures in order to confirm their consistency with State regulations. The public agency's self-study of IEPs only requires (at question 22 on the Self Review Folder Checklist) a determination of the presence or absence of a transition plan but does not include a method for determining that the required participants attended the meeting. As indicated in Section IX, beginning on page 38, of this Report, CSDE has not effectively ensured appropriate participation at IEP meetings to discuss needed transition services.

§ 300.534 - Reevaluation

CSDE's monitoring procedures have not effectively identified deficiencies regarding three year reevaluations. CSDE does not verify that the content (e.g., which tests or other evaluation procedures, if any to employ) of the evaluation is consistent with Part B requirements. The Self Review Folder Checklist is completed for each IEP and only indicates whether the triennial was present or missing and the dates of last triennial evaluation. The monitoring methods do not include a determination that the reevaluation meets the requirements of §300.532 as required by §300.534, including the requirement that the child be assessed in all areas related to the suspected disability.

§§300.305 and 300.306 - Program Options and Nonacademic Services

CSDE's compliance review involves the review of school district policy and procedures, and requires that the CSDE monitoring consultant indicate a "yes" or "no" regarding the inclusion of policies and procedures as they pertain to this requirement. As part of CSDE's compliance review, a self-study of IEPs is conducted by school districts which requires them to note whether each IEP includes the extent to which the child is able to participate in regular educational programs ("regular education services"). The monitoring procedure only addresses whether this requirement is addressed on the IEP but, as noted in Section VII beginning on page 26 of the Report and in Section V beginning on page 15 of this Report, this monitoring procedure has not effectively ensured that students with disabilities have available to them the variety of educational programs and services available to non-disabled students served by the public agency.

B. CSDE is responsible for adoption and use of effective methods for the correction of deficiencies identified through monitoring. 20 U.S.C. §1232d(b)(3)(E)]. See also §80.40

FINDING:

CSDE's monitoring procedures are not sufficient to ensure that all deficiencies identified through its monitoring system are corrected. OSEP interviewed CSDE officials responsible for monitoring, and reviewed CSDE's monitoring reports and the corrective actions of the agencies visited by OSEP to determine what factors had contributed to the continuance of deficiencies.

Based on information shared by CSDE's monitoring staff and from information included in the monitoring documents available to OSEP while on-site, OSEP determined the following.

CSDE's monitoring procedures do not include a method to ensure that the amended policies, procedures or documents, and documentation of the technical assistance efforts of public agencies, submitted in response to CSDE monitoring findings, have resulted in corrected practices. Corrective actions are developed jointly by the CSDE Consultant and district staff and are limited to a change in a policy or a procedure. The revised policy or procedure is submitted to CSDE as an insert amending an existing policy or procedure, a copy of a revised format, or submission of a plan to send documentation that a non-compliant practice has been corrected, e.g., "provide a plan whereby all staff responsible for the development of the IEP will respond to all components on the IEP." CSDE has not consistently conducted verification activities such as follow-up visits to verify corrective actions, and when follow-up visits are conducted, CSDE's documentation indicated that follow-up was too limited to assure compliance in actual implementation (e.g., may determine whether related services are now specified in the IEP but not if they are being provided). As noted in Sections III-IX of this Report, this corrective action procedure has not resulted in the correction of identified deficiencies.

Table III indicates those deficiencies identified by CSDE in Agencies A, C and E that were, according to documentation supplied by CSDE, corrected prior to OSEP's on-site review but were found out of compliance when those agencies were visited by OSEP. Therefore, OSEP determined that CSDE approved corrective actions that were not effective in ensuring correction of identified deficiencies in Agencies A, C and E.

Table III

Deficiencies Identified by CSDE and Subsequently by OSEP

| SECTION | CONTENT | AGENCIES | | |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---|---|
| | | A | C | E |
| §§300.300; 300.8 | Special education and related services provided as required by the IEP | | | X |
| §§300.300; 300.532 | Pre-placement evaluations conducted in accordance with timelines established by State standard so that FAPE is not either delayed or denied | X | | X |
| §300.345(d) | Documented attempts to arrange mutually agreeable time and place | | | X |
| §300.346(a)(5) | IEPs include appropriate content | X | | X |
| §300.505(a)(1) | Prior written notice provided to parents under §300.504 includes a full explanation of procedural safeguards per §300.505(a)(1) | X | | X |
| §300.534(b) | Three-year reevaluations conducted every three years of the anniversary date of the students last PPT meeting | | | X |
| §300.543(a) and (c) | Written report of results of evaluation and of the conclusions of each member of the team | X | | X |
| §§300.551, 300.552(a)(2) 300.552(b) | Placement of student with disability is based upon the his or her IEP and that various alternative placements are available to the extent necessary to implement the student's IEP | | X | |

III. SEA REVIEW AND APPROVAL
OF LOCAL EDUCATIONAL AGENCY APPLICATIONS

Federal regulations establish the requirements that must be satisfied as a condition for distributing Part B funds to LEAs. §§300.180-300.240. CSDE is responsible for developing procedures that applicants must follow when submitting applications for Part B funds and for providing assistance in applying for funds. §76.770. CSDE is responsible for approving applications for Part B funds that satisfy applicable Federal statutes and regulations and disapproving applications that do not meet Federal requirements, including the approval and disapproval of significant amendments. §76.400(b) and (d), and 20 U.S.C. §1232e(b).

Description of CSDE's process for the submission of Local Educational Agency (LEA) applications: An Application to the Connecticut State Department of Education for Fiscal Years 1993-95 Under Part B of the Individuals with Disabilities Act is submitted annually by school districts and other eligible public agencies to CSDE as required in the CSDE Instructions for Submitting an Application for Flow-Through Grant. Public agencies are instructed to submit an LEA application that includes assurance statements, documentation of maintenance of fiscal effort, a description of the services the agency will provide with Part B funds, and a description of services provided for children in public and private placements. Public agencies are also required to include assurance statements to address the following requirements: §§300.220 (Child identification, location, and evaluation); 300.221 (Confidentiality of personally identifiable information); 300.224 (Personnel development); 300.227 (Participation in regular education programs); and 300.235 (Individualized education program implementation).

Policies and procedures for the implementation of Part B are not a required part of this LEA application, but instead are submitted and reviewed as a part of the CSDE five-year monitoring cycle. Public agencies are only required to submit an assurance that their existing written policies and procedures, approved and on file with CSDE, continue to be in effect and have not been revised. If public agencies have initiated revisions in the policies and procedures on file at CSDE, the agencies are instructed to submit these revisions to CSDE with the annual submission of this application.

FINDING 1 : CSDE did not obtain sufficient information on an annual basis to determine that applicants for subgrants fully met Part B requirements.

OSEP determined that CSDE has not ensured that its review and approval procedures have been fully implemented and that Part B funds are distributed only to public agencies with compliant policies and procedures. CSDE must determine that the applicant for a subgrant meets the requirements of the Federal statutes and regulations that apply to the program as required at §76.400(b)(2). Although CSDE requires annual submissions of budgetary information and signed assurances, OSEP determined that CSDE's instructions regarding the submission of assurances and written policies and procedures did not ensure that only those applications with compliant written policies and procedures receive Part B funding.

CSDE policy, as described above, requires the annual submission of any revisions the public agency has made to its policies and procedures that are not on file at CSDE. However, interviews with CSDE staff responsible for the review and approval of LEA applications, and administrators in the public agencies visited by OSEP demonstrated that, in actual practice, public agencies typically submit amended policies and procedures only at the time of the five-year compliance review or, when the changes are made in response to SEA corrective action requirements subsequent to a CSDE five-year compliance review. OSEP further determined that although CSDE staff inform administrators of amendments to Connecticut regulations, public agencies are not required to revise their existing policies or procedures to be consistent with those amendments to Connecticut regulations prior to the approval of the next LEA application. OSEP also found that amendments initiated by the public agencies have been implemented by the public agencies without the required prior review or approval by CSDE and have not been submitted to the CSDE until the next compliance review.

FINDING 2 : CSDE approved public agency applications that did not meet all Part B or EDGAR LEA application requirements.

CSDE's compliance procedures have not effectively ensured the correction of identified deficiencies in public agencies' policies and procedures, as noted in Section II beginning on page 3 of this Report, and in this section of the Report, prior to the approval of their application for Part B funds.

OSEP analyzed LEA applications submitted by CSDE from the largest and the smallest agencies visited by OSEP to determine whether CSDE's review and approval procedures have been effective in ensuring that all applications are consistent with Federal LEA application requirements. As indicated below, OSEP determined that CSDE approved LEA applications that did not fully include all of the Federal requirements. Table IV provides an overview of the Federal requirements that were either not addressed or were inaccurately addressed in the LEA applications submitted by Agencies B and E and subsequently approved by CSDE.

TABLE IV
Requirements Not Included or Found
Inconsistent With Part B

| Key: X = ABSENT I = INCONSISTENT WITH FEDERAL REQUIREMENTS | | |
|---------------------------------------------------------------------------------------------------------------------|---|---|
| FEDERAL LEA APPLICATION REQUIREMENTS | | |
| Agency | B | E |
| §300.221 Confidentiality of Personally Identifiable Information | | |
| §300.561(a)(1) Notice in native languages | X | X |
| §300.561(a)(2) Notice of children on whom personally identifiable information maintained | | X |
| §300.561(a)(3) Notice includes policies and procedures | | X |
| §300.561(a)(4) Notice of parent and child rights under Part 99 | | X |
| §300.561(b) Publish notice before any major activity | | X |
| §300.562(a) Inspect and review records | | I |
| §300.564 If more than one child's name included, parents may access only the information pertaining to their child. | | X |
| §300.567(a) Request to amend records | I | X |
| §300.571(c) Procedures when no consent | X | X |
| §300.222 Full Educational Opportunity Goal (FEOG): Information | | |
| §300.222(a) Goal of full education | X | X |
| §300.222(b) Timetable for goal | X | X |
| §300.223 FEOG: Kind and Number: Information | | |
| Facilities, services, and personnel for goal | X | X |
| §300.225 Priorities | | |
| of Include priorities that meet the requirements §300.320-322 | X | X |
| §300.226 Parent Involvement in FEOG: Information | | |
| Participation and consultation | X | |
| §300.227 LRE Procedures | | |
| §300.550(b)(2) Supplementary aides and services | | X |
| §300.552(a)(1) Placements determined annually | | X |
| §300.552(a)(3) Placement close to home | | X |
| §300.552(b) Placements available for IEP | | X |

| | | | |
|--------------------------------|---------------------------------------------------------------------------------------------|---|---|
| §300.552(a) | Placement in school student would normally attend | | X |
| §300.552(d) | Consider harmful effects on the child | X | X |
| §300.227(b)(2) | Describe number of children in each disability category served in each placement | X | X |
| §300.235 IEP Procedures | | | |
| §300.341(b)(1) | IEP for child placed in private school by public agency | | X |
| §300.342(b)(1) | IEP in effect before services provided | | X |
| §300.344(a)(4) | Child at meeting | | X |
| §300.344(b)(1) | Member of the evaluation team present at IEP for child being evaluated for first time | X | X |
| §300.344(b)(2) | Person knowledgeable about evaluation procedures used | X | X |
| §300.344(c)(1)(ii) | Transition services participants: representative of any other agency providing services | X | X |
| §300.345(c) | Other methods/insure participation | | X |
| §300.345(d)(1) | Records of attempts to insure participation are maintained | | X |
| §300.345(d)(3) | Records of visits to obtain participation are maintained | | X |
| §300.346(b)(1) | Transition services on IEP, including linkages with other agencies | X | X |
| §300.346(b)(2) | IEP must include statement of services not needed in §300.18, with basis for determination | X | X |
| §300.347(a) | Initiate IEP meeting if participating agency fails to provide services | X | X |
| §300.347(b) | Participating agency not relieved of responsibility | X | X |
| §300.348(a)(1) | IEP before private placement | | X |
| §300.348(a)(1) | Ensure representative of private school attends IEP meeting | | X |
| §300.348(b)(1) | Meetings to review and revise IEP conducted by private school | X | X |
| §300.348(b)(1) | Parents and public agency representative are involved in IEP revisions and agree to changes | X | X |
| §300.348(c) | Public agency responsible for compliance in private school IEP | X | X |
| §300.350 | IEP accountability | X | X |
| §300.237 | Procedural Safeguards: Assurance | I | I |
| §76.656 | Private Schools:Information | I | I |

Description of "I"s in Table

§300.562(a) - Inspect and review records

Public agencies must permit parents to inspect and review any educational records relating to their children. Agency E's procedures permit school personnel to request parents to waive those rights.

§300.567(a) - Request to amend records

Public agencies must permit parents who believe that information in the education records is inaccurate or misleading or violates the privacy or other rights of the child to request an amendment. Agency B omits the provision that parents may request an amendment if they believe education records violate rights of the child, other than privacy rights.

§300.237 - Procedural safeguards: assurance

CSDE requires the assurance that procedural safeguards, which comply with §§300.500-300.514, have been established and continue to be implemented. Section 300.515, which requires that parents be informed that courts may award reasonable attorney's fees, is omitted.

§76.656 - Private schools: information

Agencies B and E did not describe the basis used to select students enrolled in private schools who would participate in Part B services, nor the manner and extent of consultation with representatives of private schools.

IV. PROCEDURAL SAFEGUARDS

CSDE is responsible for ensuring that public agencies provide written notice to parents that includes a full explanation of all of the procedural safeguards available to parents under §§300.500-300.515. See §300.505(a)(1).

FINDING:

Based on the facts set forth in Appendix B (Analysis of Parent Rights Notices in Local Agencies Visited by OSEP), OSEP finds that CSDE did not fully meet its responsibility under §300.501 to ensure that public agencies provided written notice to parents that included a full explanation of all of the procedural safeguards as required by §§300.501 and 300.505(a)(1).

OSEP's analysis of parent rights notices used by the public agencies visited by OSEP to inform parents of their procedural safeguards is incorporated in a table as Appendix B. The procedural safeguards that OSEP determined had not been addressed are indicated in the table as "absent." Procedural safeguards that OSEP determined to be incompletely or incorrectly addressed by public agencies visited, are indicated in the table as "Incomplete" or "Incorrect." An explanation is provided for each of the areas designated as "Incomplete" or "Incorrect." The name of the document used by each agency to inform parents of their rights is at the top of each chart column.

V. FREE APPROPRIATE PUBLIC EDUCATION

Each public agency is responsible for ensuring that a free appropriate public education (FAPE) is available to all children with disabilities within the jurisdiction of the public agency. FAPE means special education and related services that-- (a) are provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the SEA, including the requirements of this part; (c) include preschool, elementary or secondary school education; and (d) are provided in conformity with an IEP that meets the requirements of §§300.340-300.350. §§300.300, 300.8 and 300.17(a)(3). Each public agency is also responsible for taking steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children, including vocational education. See §300.305 and §300.17(b)(3).

FINDING 1: Available Program Options

OSEP determined that public agencies have not taken steps to ensure that children with disabilities have available to them the variety of educational programs and services available to nondisabled children, including vocational education (See §300.305).

Technical vocational education in Connecticut is generally provided through State-operated regional vocational high schools, although comprehensive high schools offer some vocational and/or career training. OSEP found that the technical vocational education such as that provided through the State-operated regional schools was not an available program option for students with moderate or significant disabilities. OSEP confirmed through interviews that although some high school students could benefit from technical vocational education available only at the regional programs, this option was not available to certain students with disabilities. The Agency D administrator responsible for supervising the provision of special education services and a school level administrator both told OSEP interviewers that some students with disabilities, based upon their individual needs, would benefit from the vocational instruction and human and material resources available only at the regional vocational technical high school. However, because of the entrance requirements, students with moderate and significant disabilities were effectively denied access to the vocational program and services. The special education administrator further stated that **placement at the vocational technical high school was not considered as a placement option** because it was assumed that students with moderate or significant disabilities would not qualify, thus significantly limiting the options for vocational education available to disabled students. In addition, OSEP was told by a State vocational official that programs at the regional vocational technical high schools were not currently available to most disabled students and that it would be a good program option for those students. He further stated that some students with moderate and significant disabilities who currently do not qualify based upon entrance requirements could be accommodated in the regional vocational high schools if additional fiscal resources were expended to generate supplementary material and staff support. Therefore, OSEP concludes that some students with disabilities do not have access to the type of vocational services available **only** at the regional vocational high schools.

FINDING 2: Extended school year (ESY) services

CSDE issued guidance regarding the provision of ESY services in May 1979 and in January 1992. This guidance however, was not implemented by four of the five public agencies visited by OSEP, in a manner that resulted in an individualized determination of a child's need for ESY, regardless of category of disability.

A May 11, 1979 policy memorandum from the State special education director to local directors of special education requires State approval in each case where a public agency recommends the provision of programming which extends beyond the usual school year. State approval is based upon a determination by the PPT that the student's progress would be irreparably diminished and/or that serious regression and educational harm would result if a summer program were not provided. On January 13, 1992, a letter was issued from the Connecticut Office of Legal and Governmental Affairs (OLGA) to the special education director of Agency C, with copies to all State level consultants. In the letter, the criteria established in Armstrong v. Kline, a 1979 decision of the United States Third Circuit Court of Appeals regarding ESY, were discussed. In addition, the OLGA letter provided information from other cases in which ESY was discussed, and specified that, while the Armstrong v. Kline criteria may be used, an LEA may not restrict its offering of ESY services to students with particular types of disabilities (emphasis added), and that the need for services must be an individualized determination. Despite this guidance, in four of the five agencies visited by OSEP, including Agency C, children with particular types of disabilities were categorically excluded from consideration for ESY services.

AGENCY A

In an interview with the administrator responsible for supervising the provision of special education programs in Agency A and the compliance coordinator, OSEP was told that ESY services could be determined by the PPT. The agency officials stated that: (1) Agency A used the standard contained in CSDE's 1979 policy memorandum; (2) only children with significant disabilities qualified for ESY services; and (3) 60 students in the system had received ESY services during the previous summer.

However, interviews conducted by OSEP monitors with school-level staff members in Agency A revealed a lack of awareness of any State or district policy regarding eligibility for ESY services.

The administrator of a separate facility for students classified as seriously emotionally disturbed (SED) who was a regular member of the school's PPT, and the administrator of an integrated school for children in pre-kindergarten through the eighth grade, both stated that they were not aware of any school system policy regarding ESY. Two special education teachers at the separate facility and two special education teachers at the integrated school confirmed that they had never been involved in the writing of an IEP that included ESY services, and were not aware that these services could be considered as a part of IEP development if the student required these services in order to receive FAPE.

AGENCY C

OSEP visited a separate facility for SED middle and high school students, and an integrated elementary school for students in pre-kindergarten through the fifth grade, which included children with physical disabilities, SED, specific learning disabilities (LD) and speech impairments. Although there was an awareness on the part of school administrators that ESY programs were to be offered to children with certain categories of disability, these administrators told OSEP interviewers that these services were not considered as a part of the IEP development process for students with the disability categories served in their respective schools.

The administrator responsible for supervising the provision of special education programs in Agency C reported that the determination of the need for ESY services was made by the PPT, using local criteria based upon the standards of Armstrong v. Kline. The administrator stated that 60 students in the categories of mental retardation, autism, and physical or multiple disabilities had received ESY in the district the

previous summer. He stated that ESY programs in the district were evolving, beginning with programs for students with disabilities such as mental retardation. He acknowledged that ESY services were currently not available for SED students and that these services were being developed and would be available in the future.

The administrator of the separate facility and the district's special education supervisor for programs for SED students, and one of the special education teachers, all of whom were participants in the facility's PPT meetings, confirmed that the determination of needed ESY services was made by the PPT, and that the criteria were included in the local policies and procedures. These individuals further stated that it was their understanding that ESY services were to be considered for students with significant disabilities such as moderate mental retardation and autism, and that these services were not available for consideration for the SED students served at that facility. A second special education teacher was unaware of the concept that students' goals and objectives could be extended through the summer if needed to provide the student with FAPE.

The administrator of the integrated elementary school stated that only one student at his school had ever received ESY, and that was as a result of a parental request. The administrator further reported that he was unaware of district criteria for provision of ESY services. Two special education teachers at the integrated facility, one who taught a self-contained LD class and the other a self-contained SED class, indicated that they were not familiar with the concept of ESY and had never participated in a PPT meeting where ESY services were discussed or considered for any student, regardless of need.

AGENCY D

OSEP visited a middle school for seventh and eighth grade students which included special education students in the categories of learning disabled (LD), trainable mentally retarded (TMR), and seriously emotionally disturbed (SED), as well as a separate program (housed in an elementary school) that served students with multiple disabilities. ESY was considered for all of the students in the separate program for significantly disabled students, as confirmed by OSEP interviews and record reviews. However, OSEP interviews with school staff and reviews of records confirmed that ESY was not considered in PPT meetings for students with disabilities in the integrated middle school.

The special education administrator for Agency D told OSEP interviewers that the district policy provided that ESY services be considered for students in all disability areas. She stated that a number of ESY services, including related services, tutoring, speech services, and services to the hearing impaired had been provided during the previous summer. However, an administrator and two special education teachers of SED and TMR students at the middle school indicated that ESY had never been discussed at PPT meetings for their SED students. The special education teacher of TMR students stated that while summer camp and a Saturday Academy were available to all TMR students, neither of these services were discussed at the PPT meeting, nor were individualized goals and objectives to meet the specific needs of students, who were to participate in the summer program, incorporated into IEPs. Therefore, OSEP finds that the district policy was inconsistently implemented among the schools in Agency D.

AGENCY E

OSEP monitors visited a senior high school and a middle school in Agency E. Interviews with administrators and teachers indicated that ESY was not considered for or provided to children with mild or moderate disabilities.

OSEP monitors determined through student record review and confirmed in a teacher interview that ESY services were provided to TMR students in a separate program located in the middle school through a summer work program. However, a review of student records for students categorized as LD, EMR, and SED in that same middle school, and an interview with the teacher of these students, confirmed that ESY services were never considered at her students' PPT meetings. The administrators of the middle school indicated that, while summer services were available for children with multiple disabilities and through summer work programs, the individual need for these services was not considered as part of the PPT process.

Two special education resource teachers were interviewed by OSEP at the senior high school. These teachers taught students determined to have LD, SED, TMR, and physical disabilities, and reported that ESY services had not been considered as part of the PPT process. The building administrator told OSEP interviewers that summer services were only considered if an individual teacher had referred a student to a community agency for a specific summer program.

The administrator responsible for supervising the provision of special education in Agency E confirmed to OSEP interviewers that ESY services discussed at the PPT were only available for consideration for students with more pervasive disabilities. The administrator stated that there was no written district policy governing the provision of ESY services.

FINDING 3: Initiation of provision of services

CSDE did not fully meet its responsibility under §300.300 to ensure that public agencies did not deny or delay a child's right to FAPE by failing to provide initial evaluation and placement within a time frame established through State standard. Although Part B does not set forth a specific standard for conducting the initial evaluation, each State must establish and implement standards to ensure that the rights of each child with a disability are neither denied nor delayed because the responsible agency does not conduct an initial evaluation and provide initial placement within a reasonable period of time.

In Section 10-76d-13 of the CSDE Regulations Concerning Children Requiring Special Education, public agencies are required to implement the major components of the IEP, inclusive of evaluation, as follows: (1) for in-district placements, within 45 school days of the date a student is referred; and (2) for out-of-district or private placements, within 60 school days from the date of referral. Timelines in both cases are exclusive of the time required to obtain parental consent. In the case of referrals made between school years, the effective date of the referral is the first school day of the next school year.

LEA administrators in agencies A, B, and E provided documents to OSEP monitors that demonstrated delays beyond the State mandated timelines for initial evaluations and implementation of the major components of the initial IEP. Agencies A and B submitted student data for their respective agencies indicating the dates of referral and initial placement from the beginning of the 1992 school year to December of 1993. Agency E provided a letter of information.

In Agency A, 469 children were referred for initial evaluation during the period. The initial placements of 78 of those children (17 percent of those referred) exceeded State timelines for a range of 30 to 250 school days. In agency B, 77 children were referred for initial evaluation during the period. For 13 of those children (17 percent of those referred) the initial placement exceeded State timelines for a range of 15 to 330 school days. OSEP monitors were notified in a letter from the administrator responsible for supervising the provision of special education in agency E that he was unable to provide OSEP

with the requested information because his system did not have the information available in a data base. He did state that since September 1992 there had been 964 new referrals for psychological testing, and added the following statement:

When I review the limited data I do have, it is obvious that [Agency E] is not meeting the forty-five day timeline.

FINDING 4: Special education and related services provided as required for FAPE.

CSDE did not meet its responsibility under §§300.300 and 300.8 to ensure that public agencies provide all of the special education and related services to meet the needs of students with disabilities, as specified by their IEPs. OSEP interviewed administrators, teachers, and related services providers, and reviewed students' records and CSDE's regulations and found that some special education and/or related services were not provided because of administrative structures, inconsistently implemented policies and procedures, and/or reported staff shortages.

AGENCY A

OSEP reviewed IEPs, PPT minutes, and interviewed staff in a separate facility for students identified as SED. OSEP determined from this review that no individualized counseling services were considered at PPT meetings, included on the IEP, or provided to the students. The administrator of the facility and the social worker stated that, although the facility employed a full-time social worker, the social worker's time was taken up with crisis intervention, group counseling in the classroom, and duties with respect to PPT meetings. The students at the facility were described by all of the school staff members interviewed by OSEP as having problems with attitude, adjustment, and appropriate school behavior. School staff further stated that many needed individual counseling services. However, the administrator and social worker indicated that an individualized determination of the need for counseling services for the SED students was not considered by the PPT because the school lacked sufficient personnel to provide these services. Instead, IEPs were written based on availability of services. The special education administrator for agency A and the compliance coordinator, interviewed together, explained that social work services were not provided based on individual needs as developed by the PPT, but rather, were provided only in the form of group counseling by classrooms, with a focus on district initiatives such as conflict resolution, as well as on crisis intervention.

AGENCY E

The administrator responsible for supervising the provision of special education and related services in Agency E and the staff at the high school and middle school visited by OSEP reported that the provision of special education services was affected by shortages of social workers, psychologists, occupational therapists, bilingual speech/language pathologists and bilingual special education teachers.

The administrator responsible for supervising the provision of special education and related services in Agency E told OSEP interviewers that positions for school psychologists in the system had been reduced over the past few years, which added to the problem of providing students with needed related services. This administrator also stated that shortages of occupational therapists had become more acute since the last State monitoring and that CSDE was unaware of the extent of the current shortages. He stated that he was currently developing a request to CSDE for assistance in obtaining qualified personnel.

The social worker at the high school reported that the amount of social work services specified on the IEP could be changed or discontinued by the social worker, based on her judgement, without reconvening the PPT. She stated that availability of her services was one basis for determining whether a student would receive direct or consultative services, and for determining the amount and frequency of service provided. She also stated that if there was a crisis that required her intervention, then a student's scheduled counseling session, as specified in the student's IEP, would not be provided. The principal confirmed that much of the social worker's time was crisis driven, and that limited social work staff had to prioritize the provision of services, given the nature of the frequent crises. As an example of the kinds of crises that arise, the principal stated that three students from the school had been shot since the beginning of the school year.

The social worker at the middle school stated that the amount and kind of social work service determined at the PPT was based on the numbers of students requiring service and the availability of services rather than on individual student needs. She further stated that the amount of service that was determined by the PPT and specified on the IEP was often not provided because of crisis situations. She stated that the majority of students whose IEPs require weekly service are actually seen every two to three weeks. She further stated that 15 to 20 students were still waiting for the initiation of services (the interview took place

in mid December). She summarized the situation as follows: "The amount of workers and the student need don't add up."

The principal confirmed that there was a waiting list for social work services because of an insufficient number of staff members.

The principal stated that services were easy to assign, but difficult to obtain, and that the district had been notified of the problem.

VI. PROTECTION IN EVALUATION PROCEDURES

A. CSDE is required to ensure that each public agency establishes and implements evaluation procedures that meet the requirements of §§300.530-300.534. §300.530(a). Section 300.500(b) defines "evaluation" as procedures used in accordance with §§300.530-300.534 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. CSDE and local public agencies are responsible for ensuring that each child with a disability is assessed in all areas related to the suspected disability. §300.532(f). CSDE and local public agencies are responsible for ensuring that a reevaluation of the child, based on procedures which meet the requirements under §300.532, is conducted every three years, or more frequently if conditions warrant, or if the child's parent or teacher requests an evaluation. §300.534(b).

BACKGROUND

OSEP interprets §300.534(b) (reevaluation) to require that the State and its respective public agencies must ensure that each student is evaluated in a manner that is consistent with §300.532 and that the evaluation produces accurate information sufficient to determine whether the student continues to have a disability and if so, the nature and extent of special education and related services the student requires. Evaluation procedures must be selectively used with individual children, and do not include basic tests administered to or procedures used with all children in a school, grade or class (§300.500(b)).

FINDING 1: Content of Evaluation

OSEP finds that CSDE did not fully meet its responsibility under §300.534(b) to ensure that an evaluation of the child, based on procedures that meet the requirements of §300.532, is conducted every three years, or more frequently if conditions warrant, or if the child's parent or teacher requests an evaluation.

OSEP found CSDE's monitoring procedure ineffective in the identification of deficiencies regarding this requirement. As noted in Section II beginning on page 3 of this Report, CSDE monitors only to ensure the timeliness of the three-year reevaluations. CSDE does not verify that content (e.g., which tests or other evaluation procedures, if any to employ) of the evaluation is consistent with Part B requirements, including the

requirement of §300.532(f) that the child be assessed in all areas related to the suspected disability. The Self Review Folder Checklist is completed for each IEP and indicates whether the triennial was present or missing and, at item #18, the dates of last triennial evaluation. As noted in this section of the report and in Section II beginning on page 3 of this Report, CSDE has not effectively ensured that deficiencies are identified when public agencies have not met the triennial evaluation content requirements.

Agency D

Agency D's practice is to complete a form titled "Triennial Reevaluation Review Form" to document the decision by the PPT made relative to the content of the reevaluation. Three of four "Triennial Reevaluation Review Forms" reviewed by OSEP (four of the twelve records reviewed in Agency D were of students who had been in special education more than three years and therefore at some point required reevaluations) indicated that at the time of the reevaluation no assessment or evaluation procedures, beyond those previously administered to the student at the last evaluation (at least three years earlier) and already on file, were performed and that the students' programs continued to be appropriate.

The administrator responsible for supervising the provision of special education in Agency D stated that it was considered adequate procedure to respond "no" to the question regarding the need for a more thorough assessment (i.e., additional testing) on the "Triennial Reevaluation Review Forms." The teacher who participated in the PPT of the students whose records were reviewed by OSEP, a social worker who participated in the PPTs and the administrator responsible for supervising the provision of special education in Agency D stated that unless there is a change in the student's behavior the triennial reevaluation would not require that any assessment or evaluation procedures, beyond those previously administered to the student at the last evaluation (at least three years earlier), be performed and the student's program would remain appropriate. This is inconsistent with the requirement (§300.534(b)) that the triennial reevaluation is based on procedures that meet the content requirements contained in §300.532, including §300.532(f) which specifies that the child is assessed in all areas related to the suspected disability.

FINDING 2: Reevaluations conducted every three years

OSEP finds that CSDE did not fully meet its responsibility under §300.534 to ensure that an evaluation of the child, based on the procedures that meet the requirements of §300.532, **is conducted every three years**, or more frequently if conditions warrant, or if the child's parent or teacher requests an evaluation.

AGENCIES A,C,D and E:

OSEP reviewed documentation submitted by local directors in the public agencies visited by OSEP to determine whether triennial evaluations were being conducted in a timely manner. These data included dates of the most current and previous triennial evaluations for students in grades 9-12. OSEP's findings and analysis are provided below and illustrate that Agencies A, C, D and E did not meet the triennial reevaluation timeline requirement.

OVERDUE TRIENNIAL EVALUATIONS FOR STUDENTS IN GRADES 9-12

| AGENCY | # of Students needing reevals | 1-6 Months Over-due | 7-12 Months Over-due | 1-2 Years Over-due | 2-3 Years Over-due | 3-4 Years Over-due | Total Over-due |
|--------|-------------------------------|---------------------|----------------------|--------------------|--------------------|--------------------|----------------|
| A | 295 | 5 | 1 | 1 | 0 | 0 | 7 |
| C | 49 | 1 | 1 | 1 | 0 | 0 | 3 |
| D | 23 | 2 | 4 | 0 | 0 | 0 | 6 |
| E | 694 | 59 | 77 | 49 | 15 | 12 | 212 |

- B. CSDE and local public agencies are responsible for ensuring the implementation of additional procedures for evaluating children with specific learning disabilities under §§300.540-300.543. Section 300.543(a) and (c) requires a written report of the results of the evaluation, including a certification in writing that the report reflects the conclusions of each team member.

FINDING: 1

OSEP finds that CSDE did not, consistently meet its responsibility under §300.543(a) and (c) to ensure that a written report of the results of the evaluation, including a certification in writing that the report reflects the conclusions of each team member, was developed for each child suspected of having a learning disability as demonstrated by the following.

a. As noted in Section II beginning on page 3 of this Report, CSDE's monitoring procedures have not effectively identified deficiencies regarding this requirement. CSDE's compliance monitoring document limits its compliance verification to a review of its public agencies' policy and procedures ensuring the requirements of §300.543. CSDE monitoring staff informed OSEP that although a compliance standard is not available, public agencies are required to submit a copy of the format used to document the results of the LD evaluation. However, no on-site verification by CSDE occurred to confirm that public agencies were appropriately implementing the Federal requirements.

b. In 12 of 21 cases in public agencies A, B, C, and E, either there was no written report or the written report did not contain all of the components specified at §300.543(c).

1) In eight cases there were no written reports (2 in Agency A; 2 in Agency B; and 4 in Agency C).

2) In three cases in Agency E the written report did not include proper certification by each team member as required by §300.543(c) which states that "if it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions." Each report contained a statement with the box checked indicating that:

"This is to certify that the school PPT met on the above date and determined that student has a specific learning disability identified as..." The use of one checkoff box for all team members does not meet the requirement that each team member shall certify in writing whether the report reflects his or her conclusion.

3) In one case in Agency A the student observations were conducted by the child's teacher as confirmed by teacher interview. The regulation at §300.542(a) requires that an observation be conducted by a team member "other than the child's teacher."

Interviews with the Agency B special education coordinator for secondary schools and with the teacher whose students' records were reviewed by OSEP confirmed that observations and written reports had not been included in PPT minutes or student records when LD eligibility was determined. The special education coordinator indicated that administrators only became aware during this school year of the necessity for additional LD evaluation procedures, including observations and written reports.

VII. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

Each public agency is responsible for ensuring that a free appropriate public education (FAPE) is available to all children with disabilities within the jurisdiction of the public agency and, based upon students' IEPs that meet the requirements of §§300.340-300.350, the students are placed in the least restrictive environment to meet their individual needs. CSDE is required to ensure that public agencies establish and implement procedures that meet the requirements of §§300.550-300.553 and §§300.305-300.306. Sections 300.554, 300.555 and 300.556 set forth requirements that CSDE must meet. In addition, CSDE is required to ensure that each time a public agency proposes or refuses to initiate or change the educational placement of a child with a disability, the agency provides the parents with written notice that informs them of the proposed placement action, and includes an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected. §300.505(a)(2).

Under Part B, public agencies must ensure that a free appropriate public education (FAPE) is made available to children with disabilities in mandated age ranges, and that the rights and protections guaranteed by Part B are extended to eligible children and their parents. Consistent with the FAPE requirement, the Individuals with Disabilities Education Act provides that States receiving funding under Part B must ensure that children with disabilities are educated in regular classrooms with nondisabled children "to the maximum extent appropriate." OSEP interprets Part B's Least Restrictive Environment (LRE) requirement to prohibit a school from placing a child with disabilities outside of a regular classroom if educating the child in the regular classroom, with supplementary aids and support services, can be achieved satisfactorily.

In determining whether a child with disabilities can be educated satisfactorily in a regular class with supplementary aids and services several factors must be considered, including: (1) whether reasonable efforts have been made to accommodate the child in the regular classroom; (2) the educational benefits available to the child in a regular class, with appropriate supplementary aids and services, as compared to the benefits provided in a special education class; and (3) the possible negative effects of the inclusion of a child with a disability on

the education of that child and the other students in the class. If, after considering these factors it is determined that the child should be removed from the regular classroom and provided education in another setting, the agency still remains responsible to include the child in school programs with nondisabled children to the maximum extent appropriate. This includes taking intermediate steps wherever appropriate, such as placing the child in regular education for some academic classes and in special education for others, mainstreaming the child for nonacademic classes only, or providing interaction with nondisabled children during lunch and recess. OSEP recognizes that the appropriate mix will vary from child to child, and it may be hoped from year to year as the child develops.

OSEP conducted on-site visits in seven public agencies. These visits included: (1) the review of student records; (2) interviews with administrators and teachers with knowledge of the public agencies' educational programs and placement policies and procedures; and (3) interviews with administrators and teachers whose responsibility included ensuring that students with disabilities have available and are provided the program options and services necessary to implement their IEPs. In addition, OSEP reviewed State policies and procedures and interviewed various State officials to determine guidance provided by CSDE to its public agencies regarding the LRE provisions. Public agencies are required, as part of the PPT process, to provide a written justification for each child's recommended educational placement (the format for the justification varies in each district). The prototype "Annual Justification for Placement" form provided to LEAs by CSDE includes a place to record the justification for placement. State and local officials informed OSEP that this form serves as the formal notice to parents of the educational placement for their child. It is through this notice that a justification for removal from the regular education classroom and/or environment is provided.

As indicated in Section II beginning on page 3 of this Report, CSDE's monitoring procedures are sufficient to ensure the identification of deficiencies regarding the LRE requirements. However, also, as indicated in Section II, CSDE's procedures have not ensured that deficiencies identified in public agencies are corrected.

Following are the specific findings of deficiency relative to CSDE's implementation of the LRE requirements. OSEP wants to stress that through the LRE provisions IDEA expresses a clear preference for educating children with disabilities with children who are nondisabled. Although CSDE has closed numerous separate

facilities that exclusively served students with mental retardation, the findings of deficiency listed below relative to CSDE's implementation of the LRE requirements demonstrate that many deficiencies found during OSEP's last monitoring of CSDE still exist¹, in spite of the fact that CSDE provided documentation and assurances that the deficiencies had been corrected.

FINDINGS:

1. OSEP finds that CSDE did not fully meet its responsibility under §300.550(a) to ensure that public agencies establish and implement procedures that meet all of the requirements of §§300.550-300.553 and the placement-related notice requirements of §300.505(a)(2). Specifically, CSDE did not fully ensure that public agencies met the following requirements:

(1) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have disabilities, and special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (§300.550(b)).

(2) A continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services, and the various alternative placements included at §300.551 are available to the extent necessary to implement the IEP for each child with a disability (§§300.551(a) and 300.552(b));

(3) The educational placement for each child with a disability is based on his or her IEP (§300.552(a)(2));

¹ The monitoring report issued to CSDE by OSEP in 1990 contained the following deficiencies:

| | |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Agency C: | Continuum of alternative placements (§§300.551(a), 300.551(b), 300.552(b)), Participation in nonacademic and extracurricular services (§300.306) |
| Agency D: | Continuum of alternative placements (§§300.551(a), 300.551(b), 300.552(b)), Participation in Nonacademic and extracurricular services (§300.306) |
| Agency E: | Participation in nonacademic and extracurricular services (§300.306) |

(4) The notice under §300.504 must include a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take an action, and a description of any options the agency considered and the reasons why those options were rejected (§300.505(a)(2));

(5) Children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the agency, including art, music, industrial arts, consumer and homemaking education, and vocational instruction (§300.305) and that each child with a disability participates with children who do not have disabilities in nonacademic and extracurricular services and activities in such manner as is necessary to afford the children with disabilities an equal opportunity for participation in those services and activities (§300.306(a)).

Additionally, as described in Section II beginning on page 3 of this Report, OSEP finds that CSDE's monitoring procedures for identifying deficiencies regarding the requirements of §300.305 and §300.306 and correcting deficiencies regarding §300.505(a)(1), §300.551, §300.552(a)(2), and §300.552(b) were not effective.

Agency A, Agency B, Agency C, Agency D and Agency E
[§300.505(a)(2)]

CSDE requires that its public agencies document all discussions of the PPT regarding placement options proposed or refused. The documentation of this discussion serves as the formal notice to parents of the educational placement for their child when placement in special education occurs for the first time and when the placement is being reviewed. OSEP found in the student records reviewed in Agencies A, B, C, D and E that the written documentation maintained by these public agencies did not meet Part B's notice requirements to ensure that parents were informed of the action proposed or refused by the agency as it pertains to the students' initial placement or change in placement; nor was there an explanation of why the agency proposes or refuses to take an action; or a description of any options the agency considered and the reasons why those options were rejected. The administrators responsible for supervising the provision of special education in Agency A, Agency B, Agency C, Agency D and Agency E confirmed that it is established policy to discuss placement options at the PPT meeting and document the discussion as part of the PPT minutes, and indicated that the PPT minutes and IEP serve as the notice to the parents for any placement decision, including initial placements and subsequent reviews to

determine whether a change in placement is required. However, in practice, OSEP verified that PPT minutes and IEPs do not include a description of any options the agency considered and the reasons why those options were rejected and infrequently include an explanation of why the agency proposed or refused to take an action.

Agency A

[§§300.552(a)(2), 300.552(b), 300.551(a), 300.306]

OSEP conducted site visits at two schools in Agency A. The first was a separate facility serving 109 students, aged 12-20, identified as Socially and Emotionally Maladjusted (SEM), Learning Disabled (LD) and Mentally Retarded (MR). The second school was a regular education elementary school, grades K-8, that served 134 students with various disabilities. OSEP reviewed six student files in the separate facility and five student files in the elementary school. At both schools interviews were conducted with teachers, school administrators and related service providers. One interview was conducted with the administrator responsible for supervising the provision of special education in Agency A.

a. Lack of a continuum of alternative placements. In Agency A there are currently no self-contained classrooms in the secondary level schools to serve SEM secondary aged students. All Agency A SEM students, aged 12-20, who require a self contained classroom placement are placed at the separate facility which is the only placement option for these students. This was confirmed by the administrator responsible for the provision of special education in Agency A and the administrator of the separate facility. The administrators and teachers of students whose files were reviewed informed OSEP that the option to place a student in a regular high school setting was not available to the PPT. As stated above, Agency A does not have a self-contained SEM program in a high school. Therefore, high school aged students who require this type of service (self-contained) must be placed in the separate school which is not the school that they would attend if they did not have a disability. A review of the "special education and related services required" notation in the six files of high school aged students that OSEP reviewed at the separate facility indicated that three students needed a self-contained SEM placement, one needed an SEM placement, and two needed a noncategorical program at the high school level. Since none of the IEPs specified the need for services in a separate school, OSEP finds that the placement is not based on the students' IEPs.

b. Lack of equal opportunity for participation of SEM students in nonacademic and extracurricular services.

1) An administrator and two teachers confirmed in an interview that high school students in the Agency A separate facility that serves children labelled as SEM are permitted to participate in nonacademic and extracurricular services at the school they would normally attend if not disabled. However, Agency A had not taken steps to provide nonacademic and extracurricular activities in a manner which would allow equal opportunity for SEM students in the separate facility to participate in these activities in the regular high school. The failure to take steps to provide an equal opportunity for student participation was confirmed by the administrator responsible for the provision of special education in Agency A, the administrator of the separate facility and two special education teachers who participated in the students' IEP meetings. The separate school administrator further noted that any participation that actually occurred only took place if initiated by the student or his/her family.

Agency C

[§§300.550(b), 300.552(a)(2)), 300.552(b), 300.551(a), and 300.306]

OSEP conducted site visits at two schools in Agency C. The first was an elementary school, grades K-6, serving 110 students with varying disabilities. The second school was a separate facility serving 70 students, aged 12-20, primarily identified as Socially and Emotionally Maladjusted (SEM). OSEP reviewed four student files in the separate facility and five student files in the elementary school. At both schools interviews were conducted with teachers, school administrators and related service providers. A single interview was conducted with the administrator responsible for supervising the provision of special education in Agency C.

a. Lack of a continuum of alternative placements.

1) In Agency C **all** SEM high school aged students who require a self-contained placement are placed at the separate facility. There is no option to place these students in a self-contained classroom housed at a regular education high school. This practice was confirmed by the administrator responsible for supervising the provision of special education in Agency C, the separate school administrator and two teachers who participated in students' IEP meetings and with placement information provided by Agency C. A review of four files of students who were placed

at the separate facility indicated that the recommended educational setting for all four students was a "self-contained" setting. None of the IEPs specified the need for services in a separate school.

2) It was reported by the administrator responsible for supervising the provision of special education in Agency C and the administrators and teachers of students whose files were reviewed that the option to place certain middle school and all high school aged SEM students into a regular education building was not available to the PPT. One of three middle schools in Agency C has a program to accommodate SEM students who require a self-contained placement. SEM middle school aged students who require a self-contained placement, but do not reside in the attendance zone of the middle school with the self-contained program are placed in the Agency C separate facility. There is no option to place these students, who live in the attendance zones of the middle schools without the SEM self-contained programs, in an SEM program in their home middle school or in the one middle school self-contained SEM program. In addition, the administrators and teachers of students whose files were reviewed informed OSEP that the PPT did not have available the option to place certain middle school and all high school aged SEM students into a regular education building.

3. A special education teacher of SEM elementary school students asserted that three of her students were prevented from moving to an intermediate program in a regular school setting because of the lack of availability of space in the intermediate school program. A review of four student files of students who were placed at the separate facility indicated that the recommended educational setting for all four students was a "self-contained" setting. There was no indication of the need for services to be provided in a separate facility. Therefore, OSEP finds that the placement was not based on students' IEPs.

4) The administrator of the elementary school visited by OSEP reported that regular education for the full school day (i.e., special education instruction pursuant to an IEP without removal to a special education setting) is not an available placement option for a student with a disability. The school administrator and the administrator responsible for supervising the provision of special education in Agency C reported that the reason for discontinuing full-time placement in the regular education classroom as an option was that both regular and special education teachers were dissatisfied with the practice and had made such placements, which they refer to as "inclusive education," a union issue.

b. Lack of equal opportunity for participation of SEM students in nonacademic and extracurricular services.

In the separate facility visited by OSEP, no students were participating in district regular education high school or middle school nonacademic or extracurricular activities. The separate facility administrator confirmed that steps had not been taken to provide these services in such a manner as is necessary to afford children with disabilities equal opportunity for participation in nonacademic and extracurricular services and activities (athletics, special interest groups or clubs, etc.) in a district regular education high school or middle school.

Agency D

[§§300.552(a)(2), 300.305, 300.306]

OSEP conducted site visits at two schools in Agency D. The first was a regular education middle school that served 34 students with disabilities, grades 7-8, primarily identified as SEM, LD, and Trainable Mentally Handicapped (TMH). The second school was a regular education elementary school that served 32 students with disabilities, grades K-6, primarily identified as Physically Impaired, LD and Profoundly Mentally Handicapped (PMH). OSEP reviewed six student files in each facility. Interviews at both schools were conducted with teachers, school administrators and related service providers. A single interview was conducted with the administrator responsible for supervising the provision of special education in Agency D.

a. Lack of variety of educational programs and services available to nondisabled students, and participation with children who do not have disabilities in nonacademic and extracurricular services and activities.

The Agency D Board of Education has contracted with the Norwich Free Academy (NFA), a privately operated high school, to serve as the school district's public high school. As such, all Agency D students should leave the Agency D Public Schools at the conclusion of eighth grade and attend NFA at public expense². It was reported to OSEP by the administrator responsible for supervising the provision of special education services in Agency D, the school administrators of the elementary and middle school that OSEP visited and two special education teachers who participated in the development of students' IEPs, that NFA is a placement option only for those students with disabilities who are labelled mildly retarded, socially and emotionally maladjusted, learning disabled and physically challenged. According to the administrator responsible for supervising the provision of special education services in Agency D, NFA will not accept or accommodate students with moderate, significant or profound disabilities and NFA's explanation for this practice is a "lack of space." When asked whether there was ever a lack of space for nondisabled students, the administrator responsible for the provision of special education services in Agency D replied "no." This administrator also stated that the students with significant disabilities: (1) feel better at the school that serves younger students (elementary or middle school, depending on disability); (2) will be treated better by the younger regular education students; and (3) would not be happy at the high school (NFA). In addition, she stated that no attempt to place a TMH student at NFA had been made for a number of years because the children are happy where they are.

The administrator responsible for supervising the provision of special education services in Agency D further stated that Agency D did not make any arrangements to afford the disabled students, who were excluded from NFA, access to the variety of educational programs or the opportunity to participate in the nonacademics and extracurricular services and activities available to students at NFA that were not available at the middle or elementary schools that housed the secondary programs for students with significant disabilities. OSEP has determined that because students with more significant disabilities are precluded from

² State Board of Education Regulation 10-76o states that a private school, operating in this capacity, "...shall provide for its students **special education programs** (emphasis added) required to be provided by local and regional school districts in accordance with sections 10-76d to 10-76k..."

attending the designated high school and no other steps are taken to provide access to programs and services, these students do not have an equal opportunity for participation in nonacademic and extracurricular services (e.g., athletics, special interest groups or clubs, etc.) nor do they have available to them the variety of educational programs and services (e.g., auto mechanics) that the nondisabled children in Agency D can access through attending the high school.

b. Educational placement not based on the student's IEP.

OSEP found that students with a moderate, significant, or profound disabilities are not permitted to attend the high school that Agency D nondisabled students attend. Special education teachers, the administrator of the middle school, the administrator responsible for supervising the provision of special education services in Agency D and a school nurse, and the PPT minutes in student records confirmed that placement practices for these students were not based on the student's IEP, but rather on the student's IQ, program location and availability of related services (e.g., medical services).

A special education teacher who participated in the students' IEP conferences indicated that if some accommodations were undertaken her TMH students could be served at NFA. Regarding the placement for older students with severe disabilities at the elementary school, another special education teacher who participated in the students' IEP conferences asserted that the placement of her students at the elementary school was based on program location rather than individual needs. In addition, an elementary school special education teacher stated that placement location was based on the student's IQ, rather than his or her IEP, and that if students were more significantly disabled they would routinely remain at the elementary school until they were 21, rather than attending NFA. A middle school special education teacher of students labelled as SEM noted that placement was based on program location rather than individual needs.

Agency E

[§§300.305, 300.306]

OSEP conducted site visits at two schools in Agency E. The first was a middle school serving 170 students with disabilities, grades 7-8, primarily identified as SEM, LD, and TMH. The TMH students were aged 16-21. The second school was a high school, grades 9-12, serving 170 students with disabilities primarily identified as SEM, LD, EMH and PMH. OSEP reviewed six student files in each facility. At both schools interviews were conducted with teachers, school administrators and related service providers. A single interview was conducted with the administrator responsible for the provision of special education in Agency E.

a. Lack of variety of educational programs and services available to nondisabled students.

OSEP has determined that because certain high school aged students with significant disabilities are precluded from attending their neighborhood or any other designated regular education high school, these students do not have an **equal** opportunity for participation in high school nonacademic and extracurricular services in the same manner as their nondisabled peers nor do they have available to them the variety of educational programs and services (e.g., vocational shops) that the nondisabled children in Agency E can access through attending the high school. Because of space constraints at the high school, five classes of students with mental retardation, aged 16-21, were placed at a middle school. This location was the only placement option available for students of this age with moderate mental retardation. This was confirmed by the administrator responsible for supervising the provision of special education services in Agency E, the administrator of the middle school, the related services providers and the special education teacher who participated in the students' IEP meetings. The administrator of the middle school and the administrator responsible for supervising the provision of special education services in Agency E also confirmed that there were more educational programs and services available at the high schools than at the middle school and that the students with moderate mental retardation could benefit from those services at the high school but did not have access to the services because of their placement at the middle school. The special education teacher also noted that no special arrangements were undertaken by the district to facilitate participation of her older disabled students in activities only available at the high school such as clubs, sports or dances, although these students were not

specifically forbidden from transporting themselves to the high school to participate in these activities.

The administrator of the middle school and the administrator responsible for supervising the provision of special education services in Agency E also indicated that the high school aged students with disabilities had problems at the middle school in getting access to "specials" (art, music, etc.) and the middle school administrator further indicated that industrial arts vocational education activities (e.g. metal shop) available at the high school were not available at the middle school, and therefore not considered for incorporation into students' IEPs.

VIII. INDIVIDUALIZED EDUCATION PROGRAM

CSDE is responsible for ensuring that each public agency takes steps to ensure that one or both of the parents of the child with a disability are present at each meeting or are afforded the opportunity to participate. If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place such as: (a) Detailed records of telephone calls made or attempted and the results of those calls, (b) copies of correspondence sent to the parents and any responses received, and (c) detailed records of visits made to the parent's home or place of employment and the results of those visits (§300.345(c) and (d)). CSDE is responsible for ensuring that each public agency develops IEPs that include all the components specified under §300.346(a).

FINDING:

1. OSEP finds that CSDE did not always meet its responsibility under §300.345, to ensure that public agencies conducted IEP meetings in accordance with the parent participation requirements of §300.345(c) and (d) as demonstrated by the following:

a. Agency E's local application submitted to CSDE for review and approval as part of CSDE's monitoring process does not include policies and procedures to ensure that records of attempts to arrange a mutually agreed on time and place are maintained when the public agency is unable to convince the parents to attend meetings to develop the child's IEP (See Section II beginning on page 3 of this report).

b. As noted in Section II, beginning on page 3 of this report, CSDE's monitoring procedures were not sufficient to ensure that deficiencies identified under §300.345(d) were corrected.

c. In 23 of 57 student records reviewed by OSEP in public agencies A, C, D, and E, IEP meetings were conducted without the child's parent in attendance and the public agency documented only one attempt to arrange for parents to attend. In each case, the records of those students did not contain documentation of additional attempts to schedule the meeting.

d. In 23 of 57 student records reviewed by OSEP in public agencies A, C, D, and E, IEP meetings were conducted without the child's parent in attendance and the public agency did not use other methods to ensure parent participation, including individual or conference telephone calls.

2. OSEP finds that CSDE did not fully meet its responsibility under §300.341 as noted in Section II, beginning on page 3 of this report, to ensure that public agencies developed IEPs in accordance with the content requirements of §300.346(a)(5). OSEP found that in 16 of 57 student records reviewed by OSEP in public agencies B, C, D, and E, IEPs did not include schedules for determining, on at least an annual basis, whether short term educational objectives are being achieved.

IX. TRANSITION SERVICES

The public agency must ensure that when the purpose of an IEP meeting is consideration of transition services, the public agency shall invite the student and the representative of any other agency that is likely to be responsible for providing or paying for transition services (§300.344(c)(1)). If either the student or the agency representative cannot attend, the public agency must take steps to ensure that the student's preferences and interests are considered, and to obtain participation of the other agency in planning transition services (§300.344(c)(2) and (3)). The notice to parents under §300.345(a)(1) must indicate that: (a) the purpose of the meeting includes consideration of transition services to the student, (b) the agency will invite the student; and (c) the agency will identify any other agency that will be invited to send a representative. (§300.345(b)(2)).

FINDINGS:

1. OSEP finds that when the purpose of IEP meetings included consideration of transition services for the student, CSDE did not always meet its responsibility under §300.344(c) to: (1) ensure that the student's preferences and interests are considered if the student does not attend; and (2) take other steps to obtain the participation of the other agency in the planning of any transition services when the agency invited to send a representative to a meeting does not do so, as demonstrated by the following.

a. As noted in Section II beginning on page 3 of the Report, CSDE has not effectively ensured the identification of deficiencies found in public agencies it monitored.

b. Comprehensive Plans which CSDE requires of public agencies as part of the local application process, do not contain complete policies and procedures to ensure that the requirements of §300.344(c) are implemented for students who are 16 years old and older, and at a younger age if appropriate. OSEP reviewed local applications which were approved by CSDE and found that in each local district visited by OSEP the policies and procedures state that the IEP must contain a transition plan without delineating how that plan is to be developed or by whom.

c. In twelve of 29 student files reviewed by OSEP in Agencies A, B, C, D and E the student was invited but did not attend the meeting to consider transition services. Based on student file reviews and interviews of teachers, OSEP concludes that the public agency did not take steps to consider the student's preferences and interests in developing the statement of needed transition services per §300.344(c)(2) when the student did not attend the IEP meeting where transition services were being discussed.

Eleven of 26 files did not contain any indication of steps taken to obtain the participation in planning transition services of an outside agency that is likely to be responsible for providing or paying for transition services when the representative of the agency, subsequent to being invited, did not attend the PPT meeting, as required by §300.344(c)(3). This was confirmed for Agencies B and E through teacher interview.

2. OSEP finds that CSDE did not always meet its responsibility under §300.345(b)(2) to ensure that the notice to parents regarding meetings to develop IEPs: (1) stated that the purpose of the meeting included consideration of transition services; (2) indicated that the public agency would invite the student; and (3) identified any other agency that would be invited to send a representative to attend the meeting.

a. As noted in Section II beginning on page 3 of this Report, CSDE has not effectively corrected the deficiencies found regarding IEP content when it last monitored public agencies visited by OSEP.

b. Comprehensive Plans which CSDE requires of public agencies as part of the local application process, do not contain complete policies and procedures to ensure that the requirements of §300.345(b) are implemented for students who are 16 years old and older and at a younger age if appropriate. OSEP reviewed local applications which were approved by CSDE and found that in each local district visited by OSEP the policies and procedures state that the IEP must contain a transition plan without delineating how that plan is to be developed or by whom.

c. OSEP examined notices inviting parents to meetings to develop the IEP where statements of needed transition services for the student had been developed. The notices did not inform the parents that: (1) the purpose of the meeting would include consideration of transition services for the student; (2) the student would be invited to attend; and (3) a representative of

an outside agency that is likely to be responsible for providing or paying for transition services would be invited to attend.

During interviews with OSEP monitors, four teachers confirmed cases in public agencies A, D and E where students were not invited to attend.

In 16 of 29 cases in agencies A, C, D and E the notice to parents regarding meetings to develop the IEP did not state that the purpose of the meeting included consideration of needed transition services to the student. In 14 of 29 cases in these same agencies OSEP found that the notice did not invite or state that the student would be invited to attend.

In 20 of 29 cases in agencies A, B, C, D and E the notice did not inform the parent that an outside agency would be invited to send a representative to attend the meeting. See Table IX of this Report for the number of cases found in each agency.

TABLE IX

Number of Students' Records with Deficiencies Regarding Transition Services Compared to the Number of Student Records Reviewed

| Transition Requirement | Public Agencies | | | | | | G | Total |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|---------------|---------------|----------------|---------------|-----------------|-------|
| | | | | | | | | |
| 300.344(c)(1) If a purpose of the meeting is the consideration of transition services for a student the public agency must invite: (i) the student; and | $\frac{3}{3}$ | $\frac{0}{5}$ | $\frac{0}{2}$ | $\frac{4}{4}$ | $\frac{3}{12}$ | $\frac{0}{3}$ | $\frac{10}{29}$ | |
| (ii) A representation of any other agency that is likely to be responsible for providing or paying for transition services. | $\frac{2}{3}$ | $\frac{1}{5}$ | $\frac{0}{2}$ | $\frac{0}{4}$ | $\frac{8}{12}$ | $\frac{0}{3}$ | $\frac{11}{29}$ | |
| 300.344(c)(2) If student does not attend the public agency takes steps to ensure the student's preferences and interests are considered; and | $\frac{3}{3}$ | $\frac{0}{5}$ | $\frac{0}{2}$ | $\frac{4}{4}$ | $\frac{5}{12}$ | $\frac{0}{3}$ | $\frac{12}{29}$ | |
| 300.344(c)(3) If an agency invited to send a representative to a meeting does not do so, the public agency shall take steps to obtain participation of the other agency in planning for any transition services. | $\frac{2}{3}$ | $\frac{1}{5}$ | $\frac{0}{2}$ | $\frac{0}{4}$ | $\frac{8}{12}$ | $\frac{0}{3}$ | $\frac{11}{29}$ | |
| §300.345(a)(2) If a purpose of the meeting is the consideration of transition services for a student, the notice (under §300.345(a)(1)) must also-- (i) Indicate this purpose; | $\frac{3}{3}$ | $\frac{0}{5}$ | $\frac{2}{2}$ | $\frac{4}{4}$ | $\frac{7}{12}$ | $\frac{0}{3}$ | $\frac{16}{29}$ | |
| (ii) Indicate that the agency will invite the student; and | $\frac{3}{3}$ | $\frac{0}{5}$ | $\frac{2}{2}$ | $\frac{4}{4}$ | $\frac{5}{12}$ | $\frac{0}{3}$ | $\frac{14}{29}$ | |
| (iii) identify any other agency that will be invited to send a representative. | $\frac{3}{3}$ | $\frac{5}{5}$ | $\frac{2}{2}$ | $\frac{2}{4}$ | $\frac{8}{12}$ | $\frac{0}{3}$ | $\frac{20}{29}$ | |
| <p>KEY: # = # IEP WITH DEFICIENCIES # = # OF IEPS REVIEWED FOR STUDENTS AGE 16 YEARS AND OLDER</p> | | | | | | | | |

- END OF TEXT OF REPORT -

APPENDICES A, B, C AND D (THE CORRECTIVE ACTION TABLE) THAT
FOLLOW ARE INCLUDED BY REFERENCE IN THIS REPORT

APPENDIX A

OSEP visited seven local educational agencies as part of its compliance review of CSDE. Where appropriate, OSEP has included in this Report data collected from those seven agencies to support or clarify the OSEP findings regarding the sufficiency and effectiveness of CSDE's systems for ensuring compliance with the requirements of Part B. The agency in which the supporting or clarifying data were collected is indicated by a designation such as "Agency A." The agencies that OSEP visited and the designation used to identify those agencies in this Report are set forth below.

| DESIGNATION IN OSEP REPORT | NAME OF PUBLIC AGENCY |
|----------------------------|----------------------------------|
| Agency A | Bridgeport Public Schools |
| Agency B | New Milford Public Schools |
| Agency C | Waterbury Public Schools |
| Agency D | Norwich Public Schools |
| Agency E | Hartford Public Schools |
| Agency F | Department of Corrections |
| Agency G | Department of Youth and Families |

APPENDIX B

ANALYSIS OF PARENT RIGHTS NOTICES IN LOCAL AGENCIES VISITED BY OSEP

| <u>PROCEDURAL SAFEGUARDS REQUIRED BY PART B</u> | <u>PROCEDURAL SAFEGUARDS FOR PARENTS OF CHILDREN IN SPECIAL EDUCATION (PUBLIC AGENCIES A AND D)</u> | <u>PROCEDURAL SAFEGUARDS IN SPECIAL EDUCATION (PUBLIC AGENCIES B AND C)</u> | <u>DUE PROCESS (PUBLIC AGENCY E)</u> | <u>PARENTS RIGHTS DUE PROCESS (PUBLIC AGENCY F)</u> | <u>PRIVACY RIGHTS OF PARENTS AND STUDENTS (PUBLIC AGENCY G)</u> |
|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 300.502: Opportunity to examine records | Present | Present | Present | Incomplete - Page 1, item #1. The language, with respect to the provision of FAPE, is omitted. | Present |
| 300.503(a)(1) - Independent educational evaluation (IEE) at public expense | Present | Present | Incomplete - Page 1, #2 of notice states "you have the right to ask for an outside evaluation at no cost to you. The school system may, however, request a due process hearing to substantiate their evaluation. Parents also have the right to request a due process hearing if there is disagreement regarding the independent evaluation." The language does not ensure that the parent will be granted his or her right to obtain the evaluation. | | |

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| 300.503(a)(2): Information to parent regarding where IEE available | Present | Present | Absent | Absent | Absent |
| 300.503(b): Right to IEE at public expense subject to agency right to initiate hearing | Present | Present | Present | Absent | Absent |
| 300.503(c)(1) and (2): IEE at private expense must be considered in any decision regarding provision of FAPE and may be presented as evidence at hearing | Present | Present | Absent | Absent | Absent |
| 300.503(d): IEE must be at public expense if requested by the hearing officer | Present | Present | Absent | Absent | Absent |
| 300.503(e): IEE at public expense under same criteria as those used by public agency | Absent | Present | Absent | Absent | Absent |

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| <p>300.504(a): Notice when agency proposes or refuses to initiate or change identification, evaluation, placement, provision of free appropriate public education (FAPE)</p> | <p>Incomplete Agency A: page 2 and 3, item C Agency D: page 3, item C: Does not address refusal</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |
| <p>300.504(b)(1): Consent required for preplacement evaluation and initial placement</p> | <p>Present</p> | <p>Present</p> | <p>Present</p> | <p>Incomplete: page 1, item #4 states "You may refuse consent for special education placement and, if given, it may be revoked at any time." Does not address <u>before preplacement evaluation</u>.</p> | <p>Absent</p> |
| <p>300.504(b)(2) <u>or</u> 300.504(b)(3): Procedures where parent refuses consent to preplacement evaluation or initial placement</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> |

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| <p>300.504(c): In addition to the parental consent requirements described in paragraph (b) of this section, a State may require parental consent for other services and activities under this part if it ensures that each public agency in the State establishes and implements effective procedures to ensure that a parent's refusal to consent does not result in a failure to provide the child with FAPE</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |
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| <p>300.504(d): A public agency may not require parental consent as a condition of any benefit to the parent or the child except for the service or activity for which consent is required under paragraphs (b) or (c) of this section</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |
| <p>300.505(a)(1): Notice includes full explanation of procedural safeguards</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |
| <p>300.505(a)(2): Notice includes description of action proposed or refused, explanation of why proposed or refused, options considered and why rejected</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |
| <p>300.505(a)(3): Notice describes each evaluation, test, record, report used as basis for agency proposal or refusal</p> | <p>Present</p> | <p>Present</p> | <p>Incomplete: Page 1, item #2 states "You have the right to be fully informed of all test results..." A description of the <u>record</u> or</p> | <p>Absent</p> | <p>Absent</p> |

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| | | | report the agency uses as a basis for the proposal or refusal is omitted. | | |
| 300.505(a)(4): Notice includes description of any other factors relevant to agency proposal or refusal | Absent | Present | Absent | Absent | Absent |
| 300.505(b)(1): Notice written in language understandable to general public | Present | Present | Absent | Absent | Absent |
| 300.505(b)(2): Notice in parent's native language or other mode of communication | Present | Present | Absent | Absent | Absent |

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| <p>300.505(c): If parent's native language or communication mode not written language, agency takes steps to ensure that notice is translated orally or by other means to parent in his/her native language or other mode of communication, that parent understands notice content, and that there is written evidence that those requirements have been met</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |
| <p>300.506(a): Parent or agency may initiate hearing on any of matters described in §300.504(a)</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Incomplete: page 1, item #7, and page 29, item #3. Does not address <u>identification, and the provision of FAPE.</u></p> | <p>Absent</p> |
| <p>300.506(b): Hearing conducted by SEA or agency directly responsible for education of child</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> |

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| <p>300.506(c): Agency informs parent regarding free/low cost legal and other relevant services if parent requests information or hearing initiated</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> |
| <p>300.507(a): Hearing not conducted by employee of public agency involved in education or care of child or person with conflicting interest</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |
| <p>300.507(c): Public agency shall keep list, including qualifications, of persons who serve as hearing officers</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |
| <p>300.508(a)(1): Parties have right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> |

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| <p>300.508(a)(2): Parties have right to present evidence, cross-examine, and compel attendance of witnesses</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> |
| <p>300.508(a)(3): Parties have right to prohibit evidence not disclosed at least 5 days before hearing</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |
| <p>300.508(a)(4): Parties have right to obtain written or electronic verbatim record of hearing [Note: must be provided to parents free of charge.]</p> | <p>Incomplete Agency A, page 5, item F-10; Agency D, page 4, item F-10 states "have a written or electronic record of the hearing." The language "verbatim" is omitted.</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |
| <p>300.508(a)(5): Parties have right to written findings and decision (after deleting personally identifiable information, copies provided to State advisory panel and made available to public)</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |

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| 300.508(b): Parents have option to have child present at hearing and to open hearing to the public | Present | Present | Absent | Absent | Absent |
| 300.509: Hearing decision final unless a party appeals | Absent | Present | Absent | Absent | Absent |
| 300.511: Aggrieved party may bring civil action in State or Federal court | Present | Present | Absent | Present | Absent |
| 300.515 - Court may award reasonable attorneys' fees to parent who is prevailing party | Incorrect: Agency A, pg 4, item 15; Agency D, pg 5, item 15 states: "recover reasonable attorney's fees if parents prevail at the hearing or at subsequent appeals." The language is misleading in that it doesn't specify that a court determines the awarding of fees. | Present | Incorrect: See page 2, item #9 "parents may recover all or part of their attorney's fees if they prevail in a due process proceeding." The language is misleading in that it doesn't specify that a court determines the awarding of fees. | Absent | Absent |

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| <p>300.512(a): Hearing decision reached and mailed to parties w/in 45 days of receipt of request for hearing</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> |
| <p>300.512(c): Hearing officer may grant specific extensions of time at request of either party</p> | <p>Incomplete Agency A, pg 4 item #14; Agency D pg 4, item F-14 states "be granted specific extensions of time at the discretion of the hearing officer" Does not say that the hearing officer acts on the request of either party when the timeline is extended.</p> | <p>Present</p> | <p>Absent</p> | <p>Incorrect: page 30, item #9 and #10 states "If the scheduled date for the hearing is not convenient, a written request for another date and/or a fifteen day extension may be addressed to the hearing [officer], after requesting one, they may request that no hearing be scheduled...If the parties to a hearing agree, the hearing officer may grant a short delay in scheduling the hearing." The language is not clear that specific extensions may be granted by the hearing officer at the request of either party.</p> | <p>Absent</p> |
| <p>300.512(d): Hearing conducted at time and place reasonably convenient to parents and child involved</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> |

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| <p>300.513(a): Child remains in present educational placement during pendency of any administrative or judicial proceeding unless agency and parents agree otherwise</p> | <p>Present</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> |
| <p>300.513(b): If proceedings involve application for initial admission to public school, child must (with parent consent) be placed in public school program until completion of all proceedings</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |
| <p>300.514(a) and (b): Public agency must ensure that surrogate parent is appointed when no parent can be identified, public agency cannot, after reasonable efforts, discover parent's whereabouts, or child is ward of the State. Agency</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> | <p>Incomplete Page 30, item #4 states "When a student's parent is unknown or unavailable or the student is a ward of the state, the State Department of Education may appoint a surrogate parent to represent the student's educational interests." The word "may" infers an option. The regulations require that the agency</p> | <p>Absent</p> |

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| <p>must have method for determining whether child needs surrogate parent, and for assigning surrogate parent to child.</p> | | | | <p>"shall." The term <u>unavailable</u> needs to be clarified to specify that the <u>public agency cannot, after reasonable efforts, discover the whereabouts of the parent.</u></p> | |
| <p>300.514(c): Agency may select surrogate parent in any way permitted under State law, but must ensure that person selected as surrogate has no interest that conflicts with interest of child, and has knowledge and skills that ensure adequate representation .</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |

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| <p>300.514(d): Person assigned as surrogate may not be employee of public agency involved in education or care of child person who otherwise qualifies to be surrogate parent not employee of agency solely because paid by agency to serve as surrogate parent.</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Absent</p> |
| <p>300.514(e): Surrogate parent may represent child in all matters relating to identification, evaluation, and educational placement, and provision of FAPE.</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> | <p>Present</p> | <p>Absent</p> |
| <p>300.562(a): Parents may inspect and review any education records relating to their child; agency must comply with parent request without unnecessary delay and</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Present</p> |

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| before any meeting regarding an IEP or hearing, and in no case more than 45 days after request | | | | | |
| 300.562(b)(1): Right to response to reasonable requests for explanations and interpretations of records | Present | Present | Absent | Absent | Present |
| 300.562(b)(2): Right to copies if failure would prevent parent from inspecting and reviewing | Present | Present | Present | Absent | Present |
| 300.562(b)(3): Parent right to have representative inspect and review records | Present | Present | Absent | Absent | Present |
| 300.562(c): Agency may presume parent has authority to inspect/review unless advised parent does not have that authority under applicable State law | Absent | Present | Absent | Absent | Present |

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| 300.563: Agency must keep record of parties obtaining access to records, including name, access date, purpose for access | Absent | Present | Absent | Absent | Present |
| 300.564: If record has information regarding more than one child, parent may only review information regarding his/her own child | Present | Present | Absent | Absent | Absent |
| 300.565: Agency must provide parent list of types and locations of agency's records | Present | Present | Absent | Absent | Present |
| 300.566(a): Agency may charge for copies if fee doesn't prevent parents from inspection/review | Present | Present | Absent | Absent | Present |
| 300.566(b): Agency may not charge fee to search for/retrieve information | Present | Present | Absent | Absent | Absent |

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| <p>300.567(a): Parent may request amendment if he/she believes information in record is inaccurate, misleading or violates the privacy or other rights of the child</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Present</p> | <p>Present</p> |
| <p>300.567(b): Agency to decide whether to amend information within reasonable time</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Present</p> |
| <p>300.567(c): If agency refuses to amend, inform parents of refusal and of right to hearing</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Present</p> |
| <p>300.568: If parents request, agency must provide hearing to challenge information in record</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Present</p> |

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| <p>300.569(a): If decided in hearing information inaccurate, misleading, or violates rights, agency must so inform parent and amend the record</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Present</p> |
| <p>300.569(b): If agency decide in hearing that information need not be amended, inform parent of right to place statement in the record commenting on information or setting forth reasons for disagreeing with agency decision</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Present</p> |

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| <p>300.569(c)(1): Parent explanation maintained in record as long as record or contested portion maintained</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Present</p> |
| <p>300.569(c)(2): If record or contested portion disclosed, parent explanation also disclosed</p> | <p>Present</p> | <p>Present</p> | <p>Absent</p> | <p>Absent</p> | <p>Present</p> |

APPENDIX C

This section of the Report contains a description of revisions included in the final Report and clarifications based on CSDE's response to the draft Report. The appendix also identifies the areas in which OSEP will provide or facilitate the provision of technical assistance as requested by CSDE. Where CSDE's response resulted in a change to the Report, the reason is noted and the concomitant change made in the body of the Report. Please note that in instances where technical changes were made to the Report to correct inaccuracies in number or descriptions of programs or clarification of a procedure, those changes are not included in this Appendix (e.g., the number of CSDE staff).

COMMENDATIONS

CSDE's Response: CSDE stated that OSEP omitted the verbal commendation provided by the Team Leader at the exit conference regarding the extensive training provided by Bureau Consultants and the Special Education Resource Center (SERC).

OSEP Analysis: The Report reflects the addition of a commendation regarding the extensive training provided by Bureau Consultants and the Special Education Resource Center (SERC).

**II. STATE EDUCATION AGENCY MONITORING
RESPONSIBILITIES**

CSDE's Response: CSDE requested clarification regarding the corrective action that required that CSDE correct all deficiencies identified in the Department of Youth and Families (DYF) as noted in Sections I and II. CSDE asserted that they were unable to find any direct reference to DYF in Sections I and II.

OSEP Analysis: The reference to the Department of Youth and Families was inadvertently included in the corrective action. The reference to DYF has been deleted from the Report.

CSDE's Response: CSDE requested a modification in the timeframe for submitting three monitoring reports that reflect the use of revised procedures.

OSEP Analysis: OSEP has revised the timeframe from "90 days from receipt of OSEP approval of training materials" to "submit monitoring reports from the first 3 monitoring reviews conducted subsequent to OSEP approval of revised monitoring procedures and training."

**III. SEA REVIEW AND APPROVAL OF
LOCAL EDUCATIONAL AGENCY APPLICATIONS**

Finding: CSDE did not obtain sufficient information on an annual basis to determine that applicants for subgrants fully met Part B requirements.

CSDE's Response: CSDE asserted that the language in this section indicates that the PCR document fails to monitor for the components necessary to produce a complete LEA application. CSDE further asserted that there is an inconsistency between Table IV, which lists 26 missing Federal LEA Application Requirements, and Table II-A, which lists only 5 missing areas for which CSDE has no method for determining compliance.

CSDE also asserted that Agency F does not receive Part B funds.

OSEP Analysis: OSEP reviewed Tables II-A and IV as well as reanalyzing the data that was collected on site. A review of the data indicated that CSDE's LEA Application (as delineated in the CSDE Instructions for Submitting an Application for Flow-Through Grant and Application to the Connecticut State Department of Education for Fiscal Years 1993-95 Under Part B of the Individuals with Disabilities Act) addressed all of the Federal requirements. OSEP has deleted the CSDE column in Table IV and has revised the finding to only reflect that CSDE approved LEA applications that failed to satisfy all applicable Federal statutes and regulations.

OSEP reviewed the data related to Agency F and confirmed that Agency F does not receive Part B funds. OSEP has deleted the Agency F finding from the Report.

Finding: CSDE approved public agency applications that did not meet all Part B or EDGAR LEA application requirements.

CSDE's Response: CSDE asserted that the draft Report suggests the requirement (§300.561) that the SEA shall give notice that is adequate to fully inform parents about the requirements of §300.128 (as contained in Table IV) was exclusively an SEA responsibility and therefore should not have been indicated as "absent" in the analysis of the LEA applications.

OSEP Analysis: OSEP notes that §300.221, which defines confidentiality requirements for LEA applications, incorporates by reference the §300.561 notice requirements ("Each application must include policies and procedures that ensure that the criteria in §§300.560-300.574 are met."). The notice required under §300.561 references the §300.128 identification, location,

and evaluation of children with disabilities (Child Find) LEA application requirements. Since CSDE has delegated Child Find responsibilities to the LEAs, OSEP has determined that the LEA applications must incorporate the notice under §300.561. No change was made in the Report.

VII. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

CSDE's Response: CSDE has requested clarification of whether OSEP is requiring a complete off-cycle review of each of the five districts visited by OSEP regarding the implementation of corrective actions relative to the LRE requirements.

OSEP Analysis: OSEP is not requiring a complete off-cycle review of each of the five districts visited by OSEP regarding the implementation of corrective actions relative to the LRE requirements. OSEP is requesting that the deficiencies in the public agencies be corrected, and that CSDE provide verification that the corrections occurred. Whatever method is selected to ensure correction of deficiencies, correction and verification must be completed within the timelines established by the Corrective Action.

IX. TRANSITION SERVICES

CSDE's Response: CSDE has requested clarification regarding "OSEP's interpretation that outside agencies must be invited to all PPTs at which transition is discussed."

OSEP Analysis: A representative of any other agency that is likely to be responsible for providing or paying for transition services must be invited when the purpose of the meeting is consideration of transition services. Factors such as those identified by CSDE, including the expectation that services from another agency would be an appropriate transition service for a particular student, are among those that would influence the determination that an outside agency is likely to be providing or paying for a transition service.

TECHNICAL ASSISTANCE

In response to CSDE's requests for technical assistance, OSEP, as part of the corrective action process, will provide or facilitate the provision of technical assistance in the following areas: procedures to conduct a statewide audit of Annual Reports of Children Served to determine if children were incorrectly counted as SEM; procedures for review of amendments to LEA policies and procedures related to Federal LEA application requirements; design of corrective action to address the availability of vocational education; evaluation requirements; general supervisory responsibility for assuring that the LRE requirements are met; and determinations about agencies to invite to meetings to discuss transition services.

APPENDIX D

CORRECTIVE ACTIONS

A. PROCEDURES THAT CSDE MUST IMPLEMENT TO NOTIFY PUBLIC AGENCIES OF THEIR RESPONSIBILITIES AND ENSURE IMMEDIATE CORRECTION OF DEFICIENT PRACTICES

CSDE must issue a memorandum to all public agencies advising them of OSEP's findings of deficiency. The memorandum must advise public agencies of their responsibility to review their respective policies and procedures in regard to each of the deficiencies identified by OSEP regarding content of LEA applications, procedural safeguards, FAPE, protection in evaluation procedures, placement in the least restrictive environment and IEP. Should the agencies determine that their practice is inconsistent with the requirements in CSDE's memorandum, they must discontinue the current practice and implement the correct procedure. This memorandum must be submitted to OSEP within thirty days following CSDE's receipt of the final Report. Within 15 days of OSEP's approval of the memorandum, CSDE must disseminate the memorandum to all public agencies throughout the State.

B. ADDITIONAL PROCEDURES THAT CSDE MUST IMPLEMENT TO REVISE ITS SYSTEMS FOR GENERAL SUPERVISION

In addition to the procedures outlined above in Section A of this appendix, CSDE must take the following actions to revise its systems for general supervision:

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| FINDING/FEDERAL REQUIREMENT | ACTION REQUIRED | TIMELINE FOR SUBMISSION |
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| <p>I. General Supervision</p> <p>A. §300.7 and 300.7(b)(9) Children with disabilities means those children evaluated in accordance with §§300.530-300.534 as having... serious emotional disturbance</p> <p>§300.750 The SEA shall report to the Secretary no later than February 1 of each year the number of children with disabilities aged 3 through 21 residing in the State who are receiving special education and related services.</p> <p>§300.752 The information provided is an accurate count of children with disabilities receiving special education and related services.</p> | <p>1. CSDE must revise its monitoring procedures to ensure that only children who meet the Federal definition are counted as disabled for the purposes of Part B.</p> <p>2. CSDE must revise its child count procedures to ensure that only those children who meet Federal criteria are counted as disabled for the purposes of Part B.</p> <p>CSDE must provide a plan for ensuring that its child count only includes those children who meet Federal criteria as disabled for the purposes of Part B. The plan must include:</p> <p>(a) A procedure that ensures that all public agencies in the State immediately review documentation identifying students as SEM and, where they do not meet Federal criteria for being disabled, inform CSDE.</p> <p>(b) A procedure to conduct a statewide audit of its current and previous Annual Report of Children Served to determine if any children were inaccurately counted as SEM.</p> <p>(c) A procedure to restore funds to the Department of Education if a downward revision, based on the inclusion in the count of ineligible children counted as SEM, results from the audit.</p> <p>(d) Detailed timelines for conducting the audit utilizing OSEP approved procedures.</p> <p>3. CSDE must issue a memorandum to those agencies in which OSEP found deficient practices, informing them that they must immediately discontinue the current practice and implement the correct procedures.</p> <p>4. The public agencies must submit documentation to CSDE that changes necessary to comply with Part B requirements §§300.750-300.754 have been completed.</p> | <p>Submit procedures by: <u>90 days from receipt of final Report.</u></p> <p>Submit procedures by: <u>90 days from receipt of final Report.</u></p> <p>Submit plan by: <u>60 days from receipt of final Report.</u></p> <p>Submit memorandum to OSEP by: <u>30 days from receipt of final Report.</u></p> <p>Submit documentation to OSEP by: <u>60 days from the date the memorandum is issued.</u></p> |

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| <p>II. SEA Monitoring</p> <p>A. 20 U.S.C. §1232d(b)(3)(A) (Methods for identifying deficiencies)</p> <p>B. 20 U.S.C §1232d(b)(3)(E) (Methods for ensuring that public agencies correct identified deficiencies)</p> | <p>1. CSDE must revise its monitoring procedures to effectively identify and systematically correct all deficiencies regarding requirements cited in this Section and Section I regarding the correction of identified deficiencies; in Section V regarding the availability and consideration of ESY services to all students with disabilities, timely pre-placement evaluations, the delay in the provision of special education and related services, according to IEP; in Section VI to ensure appropriate content and timely conduct of three year re-evaluations; in Section VII on least restrictive environment, removal and available continuum options for special education and related services with non-disabled peers, opportunity for participation of students in nonacademic and extracurricular services; Section VIII regarding the content of IEPs; and Section IX regarding the planning and provision of transition services in all public agencies.</p> <p>2. CSDE must provide documentation that illustrates the steps undertaken to ensure that the revised procedures have been implemented and that training has occurred and submit verification of these activities to OSEP. The documentation must include at least three monitoring reports with supporting documentation that reflects the use of the revised monitoring procedures.</p> | <p>Submit revised procedures by: <u>60 days from receipt of draft Report.</u></p> <p>Submit verification and documentation that the revised procedures have been implemented and that training has occurred by: <u>90 days from receipt of OSEP approval of training materials.</u></p> <p>Submit the first three monitoring reports with supporting documentation that reflects the use of the revised monitoring procedures: <u>Subsequent to OSEP approval of revised procedures and implementation of training.</u></p> |
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| <p>III. Review and Approval of LEA Applications</p> <p>§76.400 (Responsibility for approving only applications that meet Federal requirements)</p> <p>§76.770 (Procedures for reviewing and approving LEA applications)</p> | <p>1. CSDE must establish a procedure to ensure that public agencies make revisions to policies and procedures that are required as a result of the LEA application review and approval procedures or as a corrective action under CSDE's monitoring procedure. CSDE's procedures must revise the <u>PCR</u> and monitoring procedures to ensure that all policies and procedures that relate to Federal LEA application requirements are submitted for CSDE review and approval and are implemented.</p> <p>2. CSDE must develop and implement procedures to review and approve all amendments to public agencies' policies and procedures that relate to the Federal LEA application requirements prior to the implementation by the public agencies of the amended policies and procedures. In addition, when Connecticut regulations are revised or amended, and CSDE requires public agencies to amend their policies and procedures commensurate with the new regulations, CSDE must have established procedures to ensure that public agencies have implemented revised or amended procedures.</p> <p>3. CSDE must submit LEA applications from two agencies selected at random by OSEP. Submitted documentation must include copies of CSDE's written analysis of those applications and CSDE's letters to those agencies advising them of CSDE's approval or disapproval of their applications.</p> | <p>Submit revised procedures by: <u>60 days of receipt of final Report.</u></p> <p>Submit procedures by: <u>60 days of receipt of final Report.</u></p> <p>Submit LEA applications by: <u>60 days of CSDE approval of revised LEA applications.</u></p> |
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| <p>IV. Procedural Safeguards</p> <p>§300.505(a)(1) (Public agencies must provide written notice to parents as required by §300.504(a), that includes a full explanation of procedural safeguards)</p> | <p>1. CSDE must ensure that all public agencies provide a notice to parents that includes a full explanation of the procedural safeguards which meets the requirements of §300.505(a)(1). CSDE can do this by establishing a model rights statement for adoption by public agencies, or by developing procedures to ensure that LEAs revise their own notices. If CSDE chooses to establish its own model rights statement for adoption by public agencies, CSDE must submit the State's model rights statement to OSEP for review and approval.</p> <p>2. CSDE must issue a memorandum to public agencies visited by OSEP informing them of the deficiencies found and the corrections required. The public agencies must submit documentation to CSDE that changes necessary to comply with Part B requirements §300.505(a)(1) have been incorporated in the notices provided to parents. CSDE must submit to OSEP its plan to verify that each public agency has corrected its parents' rights notices and any non-compliant practices.</p> <p>OSEP will select, at its discretion, public agencies for which the use of approved parents' rights notices must be verified by CSDE.</p> <p>3. CSDE must develop materials to inform administrators and teachers regarding the requirements of content of written notice.</p> <p>4. CSDE must disseminate materials on content of notice.</p> | <p>If establishment of a model notice, submit document to OSEP by: <u>60 days of receipt of final Report.</u></p> <p>If development of procedures to ensure LEAs revise their notices; submit procedures to OSEP by: <u>60 days of receipt of the final Report.</u></p> <p>Submit memorandum and plan to OSEP by: <u>30 days from receipt of OSEP approval.</u></p> <p>Submit verification by: <u>60 days from the date the memo is issued.</u></p> <p>Submit materials by: <u>90 days of receipt of final Report.</u></p> <p>Submit verification of dissemination of materials by: <u>60 days from receipt of OSEP approval of training materials.</u></p> |
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| <p>V. Free Appropriate Public Education</p> <p>1. §300.305 (Available Program Options)</p> | <p>1. CSDE must ensure that all program options available to nondisabled students, including technical vocational education, are available to students with disabilities. CSDE must develop procedures to ensure that disabled students are provided the opportunity for appropriate vocational education program options, based on individual determinations.</p> <p>2. CSDE must issue a memorandum to all public agencies informing them that appropriate vocational program options, based on individual determinations, must be made available to all students with disabilities including, where appropriate, options available through the State operated technical vocational schools. A copy of this memorandum must be submitted to OSEP for approval prior to dissemination.</p> | <p>Submit revised procedures by: <u>90 days from receipt of final report.</u></p> <p>Implement revised procedures by: <u>30 days of OSEP approval.</u></p> <p>Send memorandum by: <u>15 days of OSEP approval of new procedures.</u></p> |
| <p>2. §300.300 (Extended School Year Services)</p> | <p>1. CSDE must issue a memorandum to those public agencies in which OSEP identified deficient practices, requiring those agencies to discontinue the deficient practices. CSDE must establish and implement procedures that ensure that extended school year services are available for consideration for all students with disabilities, regardless of the category of the disability, and must immediately inform all public agencies of revised procedures.</p> | <p>Submit memorandum to OSEP by: <u>30 days from receipt of final Report.</u></p> <p>Submit revised ESY procedures by: <u>60 days from receipt of this Report.</u></p> <p>Implementation of procedures and notification of districts by: <u>60 days from the receipt of final report.</u></p> <p>Submit documentation to OSEP by: <u>60 days from the date the memorandum is issued.</u></p> |
| <p>3. §300.300 (Initiation of Provision of services)</p> | <p>1. CSDE must issue a memorandum to those public agencies in which OSEP identified deficient practices, requiring those agencies to discontinue the deficient practices. Public agencies must submit documentation to CSDE to verify that appropriate administrators and other agency personnel have been instructed to implement the State's standard which requires that within 45 school days for in-district placements, and 60 school days for out-of-district placements, from receipt of a referral for special education services, exclusive of time to obtain parental consent, an initial evaluation must be completed and an IEP developed and implemented for eligible students. Each public agency monitored by OSEP must also submit to CSDE the steps it will take to insure that State timelines will be met.</p> | <p>Submit memorandum to OSEP by: <u>30 days from receipt of final Report.</u></p> <p>Issue memorandum to public agencies by: <u>15 days from receipt of OSEP approval of memorandum.</u></p> |
| <p>4. §§300.300, 300.8, (Special Education and Related Services Needed to Provide FAPE)</p> | <p>1. Issue a memorandum to those public agencies in which OSEP identified deficient practices requiring those agencies to discontinue the deficient practices. The public agencies must submit documentation that related services are provided based on individual need, not on availability of qualified personnel.</p> <p>2. CSDE must utilize its monitoring system to identify staff shortages and develop a plan, in conjunction with its CSPD system, to obtain necessary staff.</p> | <p>Submit memorandum to OSEP by: <u>30 days from receipt of final Report.</u></p> <p>Issue memorandum to public agencies by: <u>15 days from receipt of OSEP approval of memorandum.</u></p> <p>Submit plan to OSEP by: <u>60 days from the date the memorandum is issued.</u></p> |

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| <p>VI. Protection in Evaluation Procedures</p> <p>§300.534(b) (Evaluation of the child conducted every three years that meets the requirement of §300.532)</p> | <p>1. CSDE must issue a memo to public agencies in which OSEP found deficient practices, requiring public agencies to correct their deficient practices and procedures. CSDE must inform public agencies that they must conduct a reevaluation of a child with a disability every three years, or more frequently if conditions warrant. The public agencies must submit documentation to CSDE that the changes necessary to comply with the requirements of §300.534(b) have been implemented and that all children with disabilities within the State have a current evaluation. CSDE must submit to OSEP verification that all corrective actions have been completed by these public agencies.</p> <p>2. CSDE must revise its monitoring procedures to ensure that requirements of §300.534 are being implemented. CSDE must submit evidence of revisions to the public agencies' self-study and CSDE's on-site verification procedures, and submit to OSEP documentation that public agencies visited by OSEP have implemented revised procedures. OSEP will randomly select public agencies to confirm CSDE's use of revised procedures.</p> <p>3. CSDE must monitor and ensure that appropriate corrective actions are completed in at least five public agencies, including Agency E, to verify that all children with disabilities within the State have a current evaluation.</p> | <p>Submit revised procedures to OSEP by: <u>60 days from receipt of the final Report.</u></p> <p>Submit documentation to OSEP by: <u>60 days from approval of revised procedures.</u></p> <p>Conduct monitoring by: <u>60 days from approval of revised procedures.</u></p> <p>Submit revised procedures to OSEP by: <u>60 days from receipt of the final Report.</u></p> <p>Submit documentation to OSEP by: <u>60 days from approval of revised procedures.</u></p> <p>Conduct monitoring by: <u>60 days from approval of revised procedures.</u></p> |
| <p>Procedures for Evaluating Children with Learning Disabilities §300.543(a) and (c) (Written report)</p> | <p>1. CSDE must issue a memo to those public agencies in which OSEP found deficient practices, requiring those public agencies to correct their deficient practices and procedures. The public agencies must submit documentation to CSDE that the changes necessary to comply with the requirements of §300.543(a) and (c) have been implemented. CSDE must submit to OSEP verification that all corrective actions have been completed by these public agencies. Specifically, this memo must inform public agencies that for each child suspected of having a learning disability, a written report must be prepared of the results of the evaluation, including a certification in writing that the report reflects the conclusions of each team member. The agencies must submit documentation to CSDE that the changes necessary to comply with Part B requirements have been implemented. CSDE must send to OSEP verification that all corrective actions have been completed by the agencies.</p> | <p>Submit memo to OSEP by: <u>30 days from receipt of the final Report;</u></p> <p>Issue memo by: <u>15 days from receipt of OSEP approval of memo;</u></p> <p>Submit verification by: <u>90 days from the date the memo is issued.</u></p> |

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| <p>VII.</p> <p>FAPE In The Least Restrictive Environment §§300.550(b), 300.551(a), 300.552(a)(2), 300.552(b), 300.305 and 300.306 (A continuum of alternative placements available so that children with disabilities are not removed from regular education environment unless education cannot be satisfactorily achieved without removal, and to ensure opportunities for integration with nondisabled peers to the maximum extent appropriate to the needs of the student)</p> <p>§§300.505(a)(2) (Notice describes and documents options considered and rejected and reasons why those options were rejected)</p> | <p>1. CSDE must revise its monitoring procedures to ensure that public agencies are implementing the requirements of §§300.550(b), 300.551(a), 300.552(b) 300.552(a)(2), 300.305 and 300.306. CSDE must ensure that a full continuum of alternative placements for all students with a disabilities is available to implement the students' IEPs, including special education instruction in regular classes and opportunities for integration with nondisabled peers to the maximum extent appropriate to the student's needs and abilities. To the extent that PPT minutes serve as the initial or change in placement notice, the minutes must fully document the placement decision as it pertains to the content requirements of §300.505(a)(2), which specify that the notice describes the options considered and the reasons why those options were rejected.</p> <p>2. CSDE must issue a memorandum to those agencies in which OSEP found deficient practices, informing them that they must immediately discontinue the current practice and implement the correct procedures as indicated in #1 above. The public agencies must submit documentation to CSDE that changes necessary to comply with Part B requirements §§300.550(b), 300.551(a), 300.552(a) and (b), 300.305 and 300.306 have been implemented. CSDE must submit to OSEP verification that it has determined that each of these public agencies has corrected its practices and procedures.</p> <p>3. CSDE must monitor each LEA in which a special school is located to determine if students have been placed in the least restrictive environment based on their individual needs and submit copies of the monitoring reports, including supporting documentation, to OSEP.</p> <p>4. CSDE must develop and submit to OSEP specific procedures necessary to ensure that students placed in separate facilities have the opportunity to participate in nonacademic and extra-curricular activities in regular education environments and that Agencies responsible for students placed in separate programs provide opportunities, where appropriate, for these students to be integrated in the regular education environment.</p> <p>5. CSDE must submit documentation that CSDE has ensured compliance by those agencies in which OSEP made findings regarding these requirements (e.g., a copy of CSDE's monitoring report regarding each Agency and, where appropriate, related corrective action documents).</p> | <p>Submit revised procedures by: <u>60 days from receipt of final Report.</u></p> <p>Submit memorandum by: <u>30 days of receipt of final Report.</u></p> <p>Submit verification by: <u>90 days from the date the memo is issued.</u></p> <p>Submit monitoring reports and raw data by: <u>90 days from the date revised monitoring procedures (see section III) are approved by OSEP.</u></p> <p>Submit revised procedures by: <u>60 days from receipt of final Report.</u></p> <p>Submit documentation by: <u>90 days from completion of training</u></p> |
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| <p>VII. FAPE In The Least Restrictive Environment</p> <p>§§300.550(b), 300.551(a), 300.552(a)(2), 300.553, 300.305 and 300.506 §§300.505(a)(2) (Continued)</p> | <p>6. Develop and submit to OSEP specific procedures necessary to ensure that students are not placed in separate facilities because: (1) space is unavailable in regular education buildings and (2) less restrictive placement options are unavailable for students with certain disabilities (e.g., SEM).</p> <p>7. Develop and submit to OSEP specific procedures necessary to ensure that unless the IEP requires some other arrangement, children are educated in the school they would attend if not disabled.</p> | <p>Submit revised procedures by: <u>60 days from receipt of final Report.</u></p> <p>Submit revised procedures by: <u>60 days from receipt of final Report.</u></p> |
| <p>VIII. Individualized Education Programs</p> <p>§300.345(c) and (d) (Use of other methods to ensure parent participation and the public agency must have a record of attempts to arrange mutually agreed upon time and place)</p> <p>§300.346(a)(5)) (IEPs include evaluation schedules)</p> | <p>1. CSDE must issue a memorandum to those public agencies in which OSEP identified deficiencies regarding parent participation in IEP meetings requiring those agencies to ensure parent participation in IEP meeting and to maintain a record of attempts to arrange a mutually agreed upon time and place. The public agencies must submit documentation to CSDE that changes necessary to comply with §300.345(c) and (d) have been implemented and CSDE must issue a memorandum to those public agencies in which OSEP identified deficiencies regarding evaluation schedules requiring those agencies to include the required IEP content. The public agencies must submit documentation to CSDE that changes necessary to comply with 300.346(a)(5) have been implemented.</p> | <p>Submit memorandum by: <u>30 days from receipt of final Report.</u></p> <p>Submit documentation by: <u>90 days from the date the memorandum is issued.</u></p> |
| <p>IX. Transition Services (§300.344(c)((1)(2) and (3) and 300.345(b)(2))</p> <p>(Transition services meeting participants and IEP notice)</p> | <p>1. Issue memorandum to those public agencies in which OSEP identified deficient practices, requiring that public agencies must submit documentation to CSDE to verify that administrators and other agency personnel have been instructed to discontinue their existing practices, and to implement the Federal requirements specifying that when a purpose of an IEP meeting is consideration of transition services, public agencies must (1) invite the student and an outside agency that is likely to be responsible for providing or paying for transition services; (2) take steps to ensure that when the student or an outside agency does not attend, the student's preferences and interests are considered and the participation of the other agency is obtained in planning transition services. The public agency must also ensure that the IEP notice indicates: (1) that the purpose of the meeting is the discussion of transition services; (2) that the Agency will invite the student; and (3) the identification of any other agency that will be invited to send a representative. The public agency must submit documentation to CSDE that procedures necessary to comply with §§300.344(c) and 300.345(b) have been revised and implemented.</p> | <p>Submit memorandum to OSEP by: <u>30 days from receipt of final Report.</u></p> <p>Issue memorandum to public agencies by: <u>15 days from receipt of OSEP approval of memorandum.</u></p> <p>Submit documentation to OSEP by: <u>60 days from the date the memorandum is issued.</u></p> |

CORRECTIVE ACTION TRAINING PLAN

| FINDING/FEDERAL REQUIREMENT | ACTION REQUIRED | TIMELINE FOR SUBMISSION |
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| <p>I. General Supervision</p> <p>B. §300.7 and 300.7(b)(9)</p> <p>Children with disabilities means those children evaluated in accordance with §§300.530-300.534 as having... serious emotional disturbance</p> <p>§300.750</p> <p>The SEA shall report to the Secretary no later than February 1 of each year the number of children with disabilities aged 3 through 21 residing in the State who are receiving special education and related services.</p> <p>§300.752</p> <p>The information provided is an accurate count of children with disabilities receiving special education and related services.</p> | <p>CSDE must develop training materials and provide training, regarding the SED/SEM definition, in order to inform CSDE monitoring staff, administrators, and others with responsibility for verification of Connecticut's child count of their responsibilities in the areas cited in this Section.</p> | <p>Submit training materials by: <u>60 days from receipt of final Report.</u></p> <p>Submit verification and documentation by: <u>90 days from receipt of OSEP approval of training materials.</u></p> |
| <p>II. SEA Monitoring</p> <p>A. 20 U.S.C. §1232d(b)(3)(A)</p> <p>Methods for identifying deficiencies</p> | <p>CSDE must provide training to monitoring personnel in the use of revised monitoring procedures for identifying deficiencies</p> <p>CSDE must provide documentation that illustrates the steps undertaken to ensure that the revised procedures have been implemented and that training has occurred and submit verification of these activities to OSEP. The documentation must include at least three monitoring reports with supporting documentation that reflects the use of the revised monitoring procedures.</p> | <p>Submit training materials by: <u>60 days from receipt of final Report.</u></p> <p>Submit verification and documentation that illustrates the steps undertaken to ensure that the revised procedures have been implemented and that training has occurred by: <u>90 days from receipt of OSEP approval of training materials.</u></p> <p>Submit monitoring reports from first 3 monitoring reviews conducted subsequent to OSEP approval of revised monitoring procedures and training.</p> |

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| <p>III. Review and Approval of LEA Applications</p> <p>§76.400</p> <p>Responsibility for approving only applications that meet Federal requirements</p> <p>§76.770</p> <p>Procedures for reviewing and approving LEA applications</p> | <p>CSDE must provide training to staff who will be reviewing and approving LEA applications in the use of the new approval materials and provide verification that training has occurred.</p> | <p>Submit verification by: <u>90 days from receipt of OSEP approval of procedures.</u></p> |
| <p>IV. Procedural Safeguards</p> <p>§300.505(a)(1)</p> <p>Public agencies must provide written notice to parents as required by §300.504(a), that includes a full explanation of procedural safeguards</p> | <p>CSDE must provide training on content of notice to administrators and teachers.</p> | <p>Submit verification of training by: <u>60 days from approval by OSEP of training materials.</u></p> |
| <p>V. Free Appropriate Public Education</p> <p>1. §300.305</p> <p>Available Program Options</p> | <p>CSDE must develop training materials and provide training regarding the enrollment in vocational technical programs as a placement option for all students with disabilities. CSDE must target groups for training that have administrative, supervisory, and staff development responsibilities, as well as others who are in a position to share the training they receive with parents, teachers, and other appropriate parties.</p> <p>CSDE must develop training materials and provide training to all individuals who participate in monitoring visits to ensure that the State's standard is consistently implemented by public agencies and that agencies are in compliance with §300.305 and 300.17(a)(3). CSDE must provided OSEP verification that training occurred.</p> | <p>Submit training materials by: <u>90 days of receipt of final report.</u></p> <p>Send verification to OSEP that training has been completed by: <u>90 days after OSEP approval of training materials.</u></p> <p>Send training materials to OSEP by: <u>60 days from receipt of final report.</u></p> <p>Submit verification of training by: <u>90 days from OSEP approval of training materials.</u></p> |
| <p>2. §300.300</p> <p>Extended School Year Services</p> | <p>Develop training materials and provide training to all individuals who participate in monitoring visits to ensure that the State's standard is consistently implemented by public agencies and that agencies are in compliance with §300.300.</p> <p>Provide training to teachers and administrators in their responsibilities to provide FAPE.</p> | <p>Submit training materials to OSEP by: <u>60 days from receipt of the final Report.</u></p> <p>Submit verification of training by: <u>90 days from receipt of OSEP approval of training materials.</u></p> |
| <p>3. §§300.300 and 300.8</p> <p>Special Education and Related Services Needed to Provide FAPE</p> | <p>Develop training materials and provide training to all individuals who participate in monitoring visits to ensure that the State's standard is consistently implemented by public agencies and that agencies are in compliance with §§300.300 and 300.8(b).</p> <p>Provide training to teachers and administrators in their responsibilities to provide FAPE.</p> | <p>Submit training materials to OSEP by: <u>60 days from receipt of the final Report.</u></p> <p>Submit verification of training by: <u>90 days from receipt of OSEP approval of training materials.</u></p> |

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| <p>VI. Protection in Evaluation Procedures</p> <p>§300.543(a) and (c)</p> <p>Procedures for Evaluating Children with Learning Disabilities (Written report)</p> | <p>Develop materials to inform and train teachers and administrators in their responsibilities in the areas cited in this Section.</p> <p>Provide training as outlined above.</p> | <p>Submit training materials by: <u>60 days from receipt of this final Report.</u></p> <p>Submit verification of training by: <u>60 days from receipt of OSEP's approval of training materials.</u></p> |
| <p>VII. FAPE In The Least Restrictive Environment §§300.550(b), 300.551(a), 300.552(a)(2) and (3) 300.553, 300.305 and 300.506</p> <p>A continuum of alternative placements available so that children with disabilities are not removed from regular education environment unless education cannot be satisfactorily achieved without removal, and to ensure opportunities for integration with nondisabled peers to the maximum extent appropriate to the needs of the student</p> <p>§§300.505(a)(2)</p> <p>Notice describes and documents options considered/rejected and reasons why those options were rejected</p> | <p>CSDE must develop training materials to inform and train teachers and administrators in their responsibilities in the areas cited in this Section.</p> <p>CSDE must provide training as outlined above, and submit to OSEP verification that training occurred.</p> | <p>Submit materials by: <u>60 days from receipt of final Report.</u></p> <p>Submit verification of training by: <u>60 days of receipt of OSEP approval of materials.</u></p> |
| <p>VIII. Individualized Education Programs</p> <p>§300.345(c) and (d)</p> <p>Ensure parent participation at IEP meetings; and Public agency must have a record of attempts to arrange mutually agreed upon time and place</p> <p>§300.346(a)(5) (IEPs include evaluation schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved)</p> | <p>CSDE must develop training materials to inform and train teachers and administrators in their responsibilities in the areas cited in this Section.</p> <p>CSDE must provide training as outlined above, and submit verification that training occurred.</p> | <p>Submit training materials by: <u>60 days from receipt of final Report.</u></p> <p>Submit verification of training by: <u>60 days from receipt of OSEP approval of materials.</u></p> |
| <p>IX. Transition Services (§300.344(c)(1)(2) and (3) and 300.345(b)(2))</p> <p>Transition services meeting participants and IEP notice</p> | <p>CSDE must develop training materials to inform and train teachers and administrators in their responsibilities in the areas cited in this Section.</p> <p>Provide training to teachers and administrators in their responsibilities to provide transition services.</p> | <p>Submit training materials to OSEP by: <u>60 days from receipt of the final Report.</u></p> <p>Submit verification of training by: <u>30 days from receipt of OSEP approval of training materials.</u></p> |