



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Suellen K. Reed
Superintendent of Public Instruction
Indiana Department of Education
State House, Room 229
200 West Washington Street
Indianapolis, Indiana 46204-2798

JUN 6 2008

Dear Superintendent Reed:

Thank you for the timely submission of Indiana's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also acknowledge the revisions to Indiana's SPP and APR received on April 14, 2008. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA section 616(d), Indiana needs intervention in meeting the requirements of Part B of the IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2006 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2008" for further details.

The State's determination for the FFY 2005 APR was also needs intervention. The State should review IDEA section 616(e) regarding the potential impact of the Department's determination if the State is determined to need intervention for three consecutive years.

Although Indiana reported full compliance for Indicators 9, 16 and 17, the specific factors affecting OSEP's determination for Indiana were that the State: 1) did not provide valid and reliable data for compliance Indicators 12 and 15; and 2) reported very low compliance data for Indicator 13 (17.9%).

With respect to Indicator 15 (the State's exercise of general supervision), the State was required to report the percent of noncompliance corrected within one year of identification, broken down by the number of findings of noncompliance and the number of corrections completed as soon as possible but in no case later than one year from identification. For noncompliance identified through dispute resolution (due process hearings, complaints, and mediations), and verifications of corrective action, the State provided, as required by the measurement for this indicator, the number (14) and percentage of findings corrected within one year from identification (100%). For noncompliance identified through monitoring for priority and other topical areas, however, the State did not report the number or percentage of FFY 2005 findings of noncompliance that were corrected within one year from identification. The State reported that it made no monitoring findings for either FFY 2005 or FFY 2006, because, although it collected data on noncompliance in FFY 2005, it failed to issue any letters of noncompliance to LEAs in either FFY 2005 or FFY 2006. Accordingly, OSEP and the public cannot determine whether the State is exercising one of its critical functions under

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IDEA- monitoring the implementation and enforcement of Part B. The failure of the State's general supervision system to effectively identify and correct noncompliance was first addressed in OSEP's November 22, 2006 verification visit letter and again in OSEP's June 15, 2007 FFY 2005 SPP/APR response table. OSEP's FFY 2005 SPP/APR response table required the State to include in the FFY 2006 APR, data on the correction of outstanding noncompliance identified in FFY 2004. The State failed to submit any information or data on this longstanding noncompliance.

We hope that the State will be able to demonstrate that it meets requirements in its next APR.

The enclosed table provides OSEP's analysis of the State's FFY 2006 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. It also identifies, by indicator, the State's status in meeting its targets, whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data.

Your State may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rrfcnetwork.org/>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator.

As you know, your State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the SPP under IDEA section 616(b)(2)(C)(ii)(I). In addition, your State must review LEA performance against targets in the State's SPP, determine if each LEA meets the requirements of the IDEA and inform each LEA of its determination. For further information regarding these requirements, see the SPP/APR Calendar at <http://spp-apr-calendar.rrfcnetwork.org/>. Finally, if you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.

Pursuant to section 616(d)(2)(B) of the IDEA and 34 CFR §300.603(b)(2), a State that is determined to need intervention or need substantial intervention, and does not agree with this determination, may request an opportunity to meet with the Assistant Secretary for Special Education and Rehabilitative Services to demonstrate why the Department should change its determination. To request a hearing, submit a letter to Tracy R. Justesen, Assistant Secretary, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW, Room 5107, Potomac Center Plaza, Washington, DC 20202-2600 within 30 days of the date of this letter and provide in the letter the basis for your request.

OSEP is committed to supporting [State's] efforts to improve results for children with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call Lynne Fairfax, your OSEP State Contact, at 202-245-7337.

Sincerely,



William W. Knudsen
Acting Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education