



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

Honorable Susan Castillo  
Superintendent of Public Instruction  
Oregon Department of Education  
225 Capital Street NE  
Salem, Oregon 97310-0203

JAN 14 2005

Dear Superintendent Castillo:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) recent verification visit to Oregon. As indicated in my letter to you of February 5, 2004, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under, Parts B and C of the Individuals with Disabilities Education Act (IDEA). We conducted our visit to Oregon during the week of July 12, 2004.

The purpose of our verification reviews of States is to determine how they use their general supervision, State-reported data collection, and State-wide assessment systems to assess and improve State performance, and to protect child and family rights. The data collected through verification visits will help OSEP: (1) understand how the systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to the Oregon Department of Education (ODE), OSEP staff met with Dr. Nancy Latini (the State's Director of Special Education), and members of ODE's staff involved with both the Part C and Part B systems and who are responsible for: (1) the oversight of general supervision activities (including monitoring, mediation, complaint resolution, impartial due process hearings, and State-wide assessment); (2) the collection and analysis of State-reported data; and (3) ensuring participation in, and the reporting of student performance on, State-wide assessments. Prior to and during the visit, OSEP staff reviewed a number of documents<sup>1</sup>, including the following: (1) Oregon's Part B and Part C State Improvement Plans; (2) the State's Federal Fiscal Year (FFY) 2001 and FFY 2002 Part C Annual Performance Reports (APR); (3) the State's FFY 2002 Part B APR; (4) Overview of ODE's Monitoring Process; (5) the 1998 OSEP Monitoring Report; (6) the 2002-2003 Oregon Report Card (an annual report to the legislature on Oregon Public Schools); and (7) information from the State's website.

OSEP also conducted a conference call on March 30, 2004 with a number of members of the Oregon State Advisory Council on Special Education and its State Interagency

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<sup>1</sup> Documents reviewed as part of the verification process were not reviewed for legal sufficiency but rather to inform OSEP's understanding of your State's systems.

Coordinating Council, to hear their perspectives on the strengths and weaknesses of the State's systems for general supervision, data collection, and State-wide assessment. Dr. Latini assisted us by recommending and inviting the participants. OSEP also conducted two public input conference calls on June 8, 2004 with Part B and Part C participants during which parents and other interested parties could share their views on special education and early intervention services in Oregon. The Oregon Parent Training Information Center and the Oregon Advocacy Center assisted us in notifying parents and other interested parties about those calls.

The information that Dr. Latini and her staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of ODE's systems for general supervision, data collection and reporting, and State-wide assessment.

### *General Supervision*

In reviewing the State's general supervision system for Part B and Part C, OSEP collected information regarding a number of elements, including whether the State: (1) has identified any barriers, (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede its ability to identify and correct noncompliance; (2) has systemic, data-based, and reasonable approaches to the identification and correction of noncompliance; (3) utilizes guidance, technical assistance, follow-up, and -- if necessary -- sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

The State's General Supervision system incorporates dispute resolution including mediation, complaint, and due process for Part C and Part B; a monitoring system that reviews all Part C agencies and Part B programs; and a data collection system that gathers information for both Part C and Part B from the dispute resolution, monitoring, State-wide assessments, and 618 data to help evaluate the State's effectiveness in complying with State regulations and Federal IDEA requirements.

*Monitoring:* In 1999, ODE implemented a revised monitoring system called Systems Performance Review and Improvement (SPR & I). Presently SPR & I is a three-phase system; Phase 1 involves self-assessment, data collection and data interpretation; Phase 2 involves improvement plan development; and Phase 3 involves implementation and evaluation. The processes in the revised monitoring and improvement system have been conducted collaboratively by a core team of stakeholders with facilitation provided by ODE staff. The State reported that in Phase 1 for Part B, the stakeholders included administrators in special and regular education and administrators from both school and district administrative levels and special education and regular education teachers as well as other professionals who provided services to children in special education. For Part C, the stakeholders included administrators and early intervention service providers at the

contractor and subcontractor level. For Phases 2 and 3, parents were added to the stakeholder groups in both Part B and Part C.

ODE requires two days of training sessions for the district/agency local core teams of stakeholders. The training sessions consist of: (1) an overview of the SPR & I system; (2) procedural compliance file review training to a "standard" file with a second day of training focused on the application of the process to actual child files; (3) training on data analysis and interpretation strategies; and (4) training on a template designed for improvement planning. When districts/programs are notified that they have been selected for an SPR & I review, ODE provides a timeline with dates for training, district/agency document submission, the site review, completion of the ODE summary, and submission of the improvement plan. Each phase of the SPR & I system includes a technical assistance request component. ODE reports that it provides the needed training directly or by brokering information and resources. Requests from districts are summarized and reviewed at the time of receipt, and annually, to assist in identifying State and regional training priorities. ODE provides grants to districts/agencies to assist in accomplishing the activities in the SPR & I system. ODE requires that the funds only be used for activities relating to the specific phase of the system in which the districts/agencies are participating. ODE staff are assigned to the districts/agencies as they enter into the SPR & I system and staff work collaboratively with these districts/agencies as trainers, facilitators and verifiers during the movement through the three phases of the system.

The processes consist of: (1) file reviews, conducted by the core team and verified by ODE staff; (2) a review of findings from the previous monitoring and a check of files for sustainability of corrections, conducted by the core team and verified by ODE staff; (3) focused data reviews and analysis if required, conducted by the core team and facilitated by ODE staff; (4) case studies with service provision teams and general interviews, conducted by ODE staff; (5) parent surveys; (6) summary reports, written by ODE staff; (7) improvement plan development, conducted by an expanded core team with facilitation provided by ODE staff; (8) review and approval of improvement plans, by ODE staff; and (9) required annual progress on improvement plans, completed by the expanded core team. ODE indicated that the system was built on procedural compliance with federal and State regulations but focuses on improvement. It is designed to build local team capacity in self-assessment, data interpretation and improvement plan development. ODE staff reported that the system has evolved over time. In 2004-2005, ODE will complete a six-year implementation cycle of its SPR & I system. By the end of 2005, all Part B programs and Part C agencies are scheduled to complete the self-assessment phase of the system.

ODE has determined through its SPR & I system and through its dispute resolution mechanisms that some districts/agencies had not always followed their approved policies and procedures. Data indicated that in some cases there was a lack of understanding of policies or procedures specific to the district/agency. ODE's SPR & I team is currently completing enhancements to the general interview process to verify both the awareness and appropriate implementation of policy and procedures. ODE made the following changes to its SPR & I system: (1) the parent survey is available on-line, so that all

parents with a child with a disability in a district/agency have the opportunity to provide additional information to ODE; (2) the special education (SPED) SPR & I database was placed online and can be accessed and used by all districts/agencies, so that they may better analyze data, and submit data reports to the State; and (3) ODE provided to districts/agencies an overlay of data reports which contained procedural compliance findings (from current monitoring), identified noncompliance from previous monitoring and substantiated dispute resolution findings.

ODE reported that this is the first year that districts/agencies in Phase 1 of the SPR & I system were required to review and be accountable for their data. In 2005, all districts/agencies will be required to annually review/analyze database reports and to report to ODE (all districts/agencies will also be required to annually collect and submit data from file reviews to ODE). In a couple years, ODE reported that it will have more representative data with which it can evaluate the effectiveness of its system.

ODE's Office of Special Education Programs is currently in the process of consolidating all district improvement plan requirements into one department-wide planning and reporting document. This effort involves staff from each unit in ODE. The first phase of the process was accomplished in May 2004, when all federal education fund applications were combined into one application. For special education, this application contained assurances, consortium information, Comprehensive System of Personnel Development surveys, annual improvement plan progress reports, and identification and deadline information for two web-based data collections: personnel and discipline data. Beginning in May 2005, districts will be required to address improvement planning for all students in the Comprehensive Improvement Plan. Early Intervention/Early Childhood Special Education (EI/ECSE) programs will be considered once the school age plan is in place.

OSEP cannot, without also collecting additional data at the local level, determine whether ODE's monitoring system is fully effective at identifying and correcting noncompliance in districts/agencies that have been selected for review. Although OSEP believes that ODE's monitoring system has positive components with the potential to improve performance and compliance in districts and agencies, it is concerned that ODE has not implemented the system so as to ensure that all findings of noncompliance are corrected within a reasonable period of time not to exceed one year. See 20 USC §§1412(a)(11) and 1232d (b), and 34 CFR §§300.600 and 303.501. Despite a general statement on page 2 of the State's March 26, 2004 Part B Annual Performance Report (APR) submission that the State was ensuring timely correction, there was no data in the State's FFY 2002 APR submission that indicated timely correction of all identified noncompliance. Based upon OSEP's verification visit, ODE's monitoring system appears reasonably designed to identify noncompliance in districts/agencies, but does not ensure that those findings are corrected within a reasonable period of time not to exceed one year. For example, although districts/agencies have been submitting progress reports, ODE has not been verifying that the noncompliance has been corrected and has not closed out any of the district/agency improvement plans. In addition, the Part B APR submission suggested that ODE was only requiring correction of identified noncompliance in instances where the compliance is below an eighty percent (80%) threshold. This was confirmed during

the verification visit. However, States must ensure that all program deficiencies are corrected.

In response to OSEP's verification visit, ODE reported that, this year, it will respond to all progress reports and verify that all findings of noncompliance have been corrected in a timely manner. This newly identified area of noncompliance will be addressed in greater detail, including requirements for corrective action, in OSEP's response to the State's FFY 2002 APR submission.

*Dispute Resolution:* Oregon's due process hearing system serves both Part C and Part B eligible individuals with disabilities and their parents. The unit is headed by a legal specialist and two staff, each assigned half time to dispute resolution duties. In addition, the State contracts with 13 mediators and five complaint investigators. Oregon's Office of Administrative Hearings conducts due process hearings. ODE utilizes five Administrative Law Judges (ALJs) who serve as impartial due process hearing officers. ODE reports that through its mediation system, it has been effective at resolving disputes without utilizing the due process hearing system. Oregon offers dispute resolution options that include mediation, ALJ settlement conferences, and advisory opinions. Oregon reports that 80% of its mediations result in resolutions. In the FFY 2002 APR for Part B, ODE reported that, of 35 due process hearing requests, only one hearing was actually held and the decision was issued within federal timelines.

With regard to the timely resolution of State complaints, ODE reported that it automatically "amends" the timeline if a party files a new complaint related to one that is presently being investigated. ODE combines the new related complaint with the original complaint and restarts the 60-day timeline. This is inconsistent with the requirements at 34 CFR §§300.660-300.662 and 303.512, which require that each complaint be resolved within the specified timelines unless exceptional circumstances exist with regard to a particular complaint. While a State may make an individualized determination that a subsequent complaint raises issues that represent exceptional circumstances with regard to a particular complaint, a blanket policy that automatically delays resolution of an existing State complaint, when a subsequent complaint for the same child is filed, is inconsistent with federal requirements.

For calendar year 2003, ODE received 43 complaints under Part B. Of those 43, 19 were either withdrawn or did not raise issues within the jurisdiction of ODE's special education office. Of the 24 complaints investigated, ODE reported that in 13 cases, the written decisions were issued in a timely manner (within the 60-day time line, or within the extended or "amended" timeline). Of these 13 cases, ODE extended the 60-day timeline in nine cases. The extensions ranged from 14 days to 117 days. Complaints were not resolved in a timely manner in 11 cases; in nine of these 11 cases, extensions had been granted, but ODE failed to resolve those cases within the extended timelines. The length of the extensions ranged from seven to 116 days.

Thirty-three complaints were filed between January 1, 2004 and July 1, 2004. One of the complaints was resolved through a due process hearing, seven were informally resolved

at the local level or through mediation, and three were withdrawn. Of the 22 remaining complaints, 11 were investigated and 11 were pending at the time of OSEP’s visit. Of the 11 cases investigated, nine of the written decisions were issued in a timely manner. Two of these were issued within the 60-day timeline and nine were written within the extended or “amended”<sup>2</sup> timelines. The extensions ranged from seven to 61 days. Two written decisions were untimely (neither one involved an extension).

Oregon has a multi-step process for investigating and resolving complaints as outlined below:

By Day	Activity
1	Receive complaint
2	Send acknowledgement letter to parent
10	Assign contract investigator
12	Send request for response to District
22	District response due to Investigator/ parent
27	Additional information from parent due
29-40	Investigator reviews District and parent responses
	Conduct interview w/ parent and District
	Decide whether on-site investigation is necessary
	Draft Order
45	Submit order to ODE legal specialist
55	ODE specialist edits draft seeks internal input
58-60	Order signed by Associate Superintendent & mailed to respective parties

ODE’s complaint process is complex and multi-layered. When asked about the factors contributing to complaints not being investigated and resolved within 60 days, ODE staff attributed this to: (1) the volume of material that must be reviewed; (2) the number of issues and the complexity of the issues; and (3) the fact that parents and LEAs ask for additional time to submit data or to respond to data submitted by the other party. ODE reported that extensions were frequently given in those cases.

The State does not always ensure that the reasons for granting extensions constitute exceptional circumstances with respect to a particular complaint. For example, the State grants extensions to enable the parties to pursue mediation. Mediation cannot be used to deny any of the rights afforded under Part B of the Act, including the right to timely complaint resolution. See 34 CFR §300.506(b)(1)(ii). Therefore, while mediation is generally encouraged, a State may not, as general policy, determine that mediation constitutes an exceptional circumstance that justifies a delay in the State complaint timelines for all instances where mediation is utilized.

<sup>2</sup> As noted on the previous page, OSEP has found that ODE’s procedure of “amending” complaint timelines is inconsistent with 34 CFR §§300.660-300.662 and 303.512.

OSEP finds that ODE has failed to ensure compliance with the requirement that within 60 days of receiving a complaint, an investigation is conducted and that a written decision is issued, and failed to ensure that extensions of time for State complaint decisions only occur when exceptional circumstances exist with respect to a particular complaint (34 CFR §300.661). This newly identified area of noncompliance will be addressed in greater detail, including requirements for corrective action, in OSEP's response to the State's FFY 2002 APR submission.

### *Collection of Data Under Section 618 of the IDEA*

In reviewing the State's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has identified any barriers, (e.g., limitations on authority, sufficient staff or other resources, etc.) that impeded the State's ability to accurately, reliably and validly collect and report data under section 618.

Oregon is in its fifth year of collecting 618 data via a secure web-based data collection system. This system is used for collecting and validating at the local educational agency (LEA) level and SEA level student data for both Parts B and C. In spring 2003, Oregon implemented a web-based system for the collection of IDEA Personnel and Discipline data. Internal validations were implemented in spring 2004 for these collections.

LEAs and EI/ECSE agencies must submit data using the Special Education Child Count (SECC) web-based application that automatically validates data and requires pre-submission corrections. Because ODE is the lead agency for both Part B and Part C, these two data collections are fully integrated within the SECC. The SECC also collects all student data on special education students served in Oregon's Youth Corrections, Youth Detention, Adult Correction, Long Term Care and Treatment, and Hospital Programs. The State requires LEA and EI/ECSE providers to submit data to the State according to a specified schedule using web-based forms.

LEAs and EI/ECSE agencies can upload files from other applications into the SECC. The State incorporates three points of validation within the web-based system that checks for validity of data entered at the local level: (1) at the time of data entry, the web-based forms will not accept the entry of data that do not conform to set parameters (e.g., date of birth must correspond to reporting requirements); (2) prior to submission to the State level, the system will identify additional data errors; (3) upon receipt by the State, the system will identify any errors that were not corrected at the local level.

Requiring the execution of multiple student level validations within the SECC application ensures data accuracy. These same validations are also repeated at the server level once data are submitted. (Examples include: correct coding options used for Federal Placement Codes, age of student within accepted range, IEP/IFSP date within previous 365 days, grade code corresponds with student age, etc.)

Using consistent methods of data collection since December 1, 1999, supports reliability in the system. All systems are computerized, thereby reducing operator errors. File layout has been consistent since 1999, although coding options and validations have been updated and improved. Reliability (consistency of response) is an area of enhancement that ODE plans to address. It will establish expected variance levels for submitting agencies based on previous year trends for that agency taking into account the numbers of records submitted (agencies with smaller n size will naturally be allowed more variance before being flagged as possible reliability concern).

ODE reported one problem with submitting data consistent with 618 and OSEP requirements at 34 CFR §300.754. By Oregon statute, students aged five as of September 1 are of school age. Therefore, about three-fourths of Oregon's five year olds in special education are classified each December 1 with a Federal placement code that aligns with students ages 6-21 by their resident districts (the other quarter of five year olds have their fifth birthday between September 2 and December 1.) The problem is that Oregon's Part B data in Table 1 (Age and Disability) does not align with Table 3 (Age and FAPE and Disability). Because the only valid FAPE data they collect on the five year olds in school is from the school age 6-21 data, this is where ODE codes those five year olds. Specifically, ODE codes those five year olds based on the best data available and "force fits" them into the 6-11 year old column on Table 3, Sections C and G. Conversely, they are not shown on Table 3, Sections A, B, and F.

ODE also reported to OSEP that its discipline data (Part B) vary significantly by agency due to the various ways districts handle disciplinary actions. ODE reported that it sees huge swings in the yearly data at the district level, but that the swings "wash out" at the State level.

The data manager reported that ODE's data definitions are identical to OSEP's 618 data definitions. The data manager provides significant information to submitting agencies for their understanding, coding, processing, and submission of data so that the data will align with OSEP definitions. Training on SECC occurs during October and all submitting agencies are invited to participate. Annually, the SECC Process and Content Manual is updated and made available to all submitters. Finally, the Data Manager manages a listserv where information and answers to inquirers' specific questions are sent to all subscribers. In this way, submitters can all access the same responses in an effort to make their data consistent (valid) across agencies. The data manager and his support staff are available to answer data questions from the field.

The State reported the following challenges to collecting, verifying, or reporting 618 data: (1) turn-over of local data entry personnel -- ODE is addressing this challenge



through ongoing formal and informal assistance made available to newly hired data entry staff; (2) lack of unique child identifiers for Part C and 619 -- ODE reported that the unique child identifiers will be in place by September 2004; (3) a need for year-to-year agency validations; and (4) the transition to an agency-wide single record layout in 2005 - this will replace the data forms that have been in place since 1999.

### *Assessment*

As a part of its analysis of the State's system for State-wide assessment<sup>3</sup>, OSEP collected information regarding a number of elements, including whether the State: (1) establishes procedures for State-wide assessment that meet the participation, alternate assessment, and reporting requirements of Part B, including ensuring the participation of all students, including students with disabilities, and the provision of appropriate accommodations; (2) provides clear guidance and training to public agencies regarding those procedures and requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with those requirements.

Oregon measures student performance and progress through: State-wide assessments at grades 3, 5, 8, and 10 in reading, writing, mathematics and science; national and international achievement tests; and performance on college admissions tests such as the SAT and ACT. Oregon began testing students State-wide in spring 1991. Since 1996, Oregon's assessment system has increasingly included all students. Oregon offers a single comprehensive assessment system that includes every child and avoids the creation of separate standards and assessments for subgroups of students. By design, Oregon includes English language learners (students with limited English proficiency), students with disabilities, students from poor or disadvantaged backgrounds, and students with special gifts and learning needs when considering all students.

Staff reported that Oregon's system provides a number of options for students to participate in State-wide assessments. These opportunities for participation include: (1) standard administration: knowledge and skills and performance assessments; (2) modified administration; (3) achievement level tests; (4) challenge another benchmark, either up or down; (5) side-by-side assessments; (6) plain language assessment; (7) juried assessments and juried modifications; and (8) extended assessments. It is OSEP's understanding that the first seven assessment methods, listed above, generate a standardized score that can be reported as performance on the regular assessment with or without accommodations. There are currently five methods of extended assessment: (1) the Extended Career and Life Role Assessment System (CLRAS), which measures performance of living skills in the context of daily life routines; (2) Extended Reading, which measures emerging reading performance; (3) Extended Mathematics, which

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<sup>3</sup> Title I of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, also includes a number of requirements related to including children with and without disabilities in State assessment programs and reporting on their participation and performance on regular and alternate assessments that in many instances are more specific than requirements in the IDEA. This letter does not, and should not be interpreted to, address Oregon's compliance with requirements of Title I.

measures emerging mathematics performance; (4) Extended Writing, which measures early writing performance; and (5) technology enhancement student assessment (TESA). It is OSEP's understanding that students assessed with one or more of these extended assessment methods are reported as participating in the alternate assessment.

On April 18, 2002, the Oregon State Board of Education adopted a permanent rule, OAR 581-022-0612, Exception of Students with Disabilities from State Assessment Testing. This rule states that only the parent can request an exemption of a student from any of Oregon's State-wide assessments due to the student's disability.

Staff reported that while the assessment program does permit out-of-level testing, those scores are not used for school or district accountability purposes. There are no high-stakes assessments for individual children. ODE staff reported that through training, assessment manuals, and technical assistance, district staff are informed about the requirements of 34 CFR §300.138, §300.139, and §300.347(a)(5) in relation to the administration of State and district-wide assessments and the reporting of data gathered from these assessments. Staff reported that ODE provides annual training for administrators and test coordinators to ensure that all children with disabilities are participating appropriately in the State's assessment program.

For children aged 5 through 21, ODE assigns a unique student identifier, enabling it to track the participation rates of children with disabilities. The State utilizes the record review form during the monitoring process to check IEP teams' decisions related to participation in the assessment process and for recommendations concerning modifications and accommodations. The monitoring team also interviews appropriate personnel about the decision-making process related to assessments.

District report cards are available on the web. Methods of publication and distribution of district report cards vary among LEAs. Staff indicated that all district report cards contain aggregated and disaggregated data on the participation and performance of exceptional children on State-wide assessments except where it would not result in the disclosure of performance results identifiable to individual children. The report cards also include the participation of children within the district on alternate assessments.

With regard to State-level reporting, OSEP noted that in the *Oregon Report Card -- An Annual Report to the Legislature on Public Schools*, Oregon did not report on the performance of disabled children in State-wide assessments in the same detail as it did for non-disabled children. Specifically, the State report card included data on the performance of all students on Oregon's State-wide assessments, but did not report publicly on the performance of students with disabilities. See 34 CFR §300.139. This issue was brought to the attention of ODE staff, who indicated that ODE was beginning to design the 2003-2004 Oregon Report Card and assured OSEP that they would address this in the new reporting.

In addition, OSEP determined that ODE did not report on the performance of children with disabilities on alternate assessments. This is inconsistent with the requirements at

34 CFR §300.139(a)(2). When OSEP asked ODE staff about the lack of reporting on the performance of children with disabilities on alternate assessments, OSEP was told that the alternate assessments did not generate standardized scores but that changes were being made to the alternate assessments and that would allow ODE to be able to report scores in the following year.

OSEP finds that ODE has failed to ensure that reports to the public on the participation and performance of children on State-wide assessments contain disaggregated data on the performance of children with disabilities on State-wide assessments including the alternate assessment. This newly identified area of noncompliance will be addressed in greater detail, including requirements for corrective action, in OSEP's response to the State's FFY 2002 APR submission. In addition, if the State has not remedied this issue prior to the issuance of the FFY 2005 Part B grant award, the Department also may consider other actions, including, but not limited to, the imposition of Special Conditions upon the grant award.

### ***Conclusion***

As noted above, OSEP has found three areas of noncompliance that previously were not identified. These newly-identified areas of noncompliance will be addressed in greater detail, including requirements for corrective action, in OSEP's response to the State's FFY 2002 APR submission.

We appreciate the cooperation and assistance provided by your staff during and before our visit. The time that ODE staff spent in preparing for our visit resulted in a smooth, informative and organized visit. We look forward to our continued collaboration with Oregon to support your work to improve results for children with disabilities and their families.

Sincerely,



Stephanie Smith Lee  
Director  
Office of Special Education Programs

cc: Nancy Latini