



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

Honorable Susan A. Gendron
Commissioner of Education
22 State House Station
Augusta, Maine 04333-0023

Commissioner Gendron:

Thank you for the timely submission of Maine's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also acknowledge the revisions to Maine'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 sections 616(d) and 642, Maine needs intervention in meeting the requirements of Part C 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 information obtained through on-site verification and focused monitoring visits, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 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 sections 616(e) and 642 regarding the potential impact of the Department's determination if the State is determined to need intervention for three consecutive years.

The specific factor affecting OSEP's determination of needs intervention for Maine is that the State did not provide data in its FFY 2006 APR for Indicator 9, regarding the requirement that the State correct identified noncompliance, as soon as possible, but in no case later than one year from identification. OSEP's June 2007 FFY 2005 APR/SPP response table indicated that the State also did not provide FFY 2005 data for this indicator. As discussed in OSEP's February 19, 2008 verification visit letter, the State reported that it began implementing new monitoring procedures for Part C in May 2007. OSEP's verification letter indicated that the State's new procedures appeared to be reasonably designed to identify noncompliance, but that OSEP was unable to determine that the State's system is reasonably designed to timely correct identified noncompliance because, in part, the one-year timeline for correction had not passed. During OSEP's verification visit, and in the State's FFY 2006 APR, the State described the steps that it had taken to make findings of noncompliance in FFY 2007 and to follow up on previously identified noncompliance. Given the lack of any timely correction data for FFY 2006 (and for FFY 2005), OSEP cannot determine the extent to which the State is effective in ensuring the timely correction of noncompliance with Part C requirements, as required by 34 CFR §303.501.

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,

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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 early intervention service (EIS) program located in the State on the targets in the SPP under IDEA sections 616(b)(2)(C)(ii)(I) and 642. In addition, your State must review EIS program performance against targets in the State's SPP, determine if each EIS program meets the requirements of the IDEA and inform each EIS program 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 sections 616(d)(2)(B) and 642 of the IDEA, 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 Maine's efforts to improve results for infants and toddlers with disabilities and their families 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 Dawn Ellis, your OSEP State Contact, at 202-245-6417.

Sincerely,



William W. Knudsen
Acting Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator