



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

Honorable Betty J. Sternberg  
Commissioner of Education  
Connecticut Department of Education  
165 Capital Avenue  
Room 305, State Office Building  
Hartford, Connecticut 06106-1630

OCT 18 2005

Dear Commissioner Sternberg:

The purpose of this letter is to respond to the Connecticut State Department of Education's (CSDE's) April 1, 2005 submission of its Federal Fiscal Year (FFY) 2003 Annual Performance Report (APR) under the Individuals with Disabilities Education Act (IDEA) Part B for the grant period July 1, 2003 through June 30, 2004. The APR reflects actual accomplishments that the State made during the reporting period, compared to established objectives. The Office of Special Education Programs (OSEP) has designed the APR under the IDEA to provide uniform reporting from States and result in high-quality information across States. The APR is a significant data source for OSEP in the Continuous Improvement and Focused Monitoring System (CIFMS).

The State's APR should reflect the collection, analysis, and reporting of relevant data, and includes specific data-based determinations regarding performance and compliance in each of the cluster areas. This letter responds to the State's FFY 2003 APR. OSEP has set out its comments, analysis and determinations by cluster area.

### ***Background***

The conclusion of OSEP's December 13, 2004 FFY 2002 APR response letter required CSDE to submit the following in the FFY 2003 APR: (1) documentation that the State ensured correction of noncompliance identified through monitoring, within a year of identification or a plan that included strategies, proposed evidence of change, targets and timelines to ensure correction of identified noncompliance within a reasonable period of time, not to exceed one year from when OSEP accepted the plan; (2) report on its progress toward compliance in ensuring the resolution of formal written complaints within required timelines (34 CFR §300.661); (3) data and analysis demonstrating compliance with the due process hearing timeline requirements (34 CFR §300.511); (4) CSDE's specific policy and practices regarding the provision of required related services that would be followed in the event of personnel shortages, including data and analysis to address the shortage of speech/language pathologists (SLPs); (5) Within 60 days from the date of OSEP's letter, documentation that the State ensured the correction of identified noncompliance within a year of identification regarding early childhood transition, and include in the FFY 2003 APR a description of activities and timelines to ensure that all children transitioning from Part C, who were eligible for Part B services, received those services by their

third birthdays as required by 34 CFR §300.132(b); (6) a report based on a review of the policies, procedures, and practices used in the State in the identification and placement of children with disabilities to ensure that they are consistent with the Part B requirements of 34 CFR §300.755; (7) information indicating that the State examined data to determine if significant discrepancies were occurring in the rate of long-term suspension and expulsions of children with disabilities either among local educational agencies (LEAs) in the State or compared to the rates for nondisabled children within the agencies, and, that when it identifies significant discrepancies, it reviews, and if appropriate, revises (or requires the affected LEAs to revise) policies, procedures, and practices consistent with 34 CFR §300.146; and (8) documentation of data regarding preschool skills, or a plan for collecting such data, including a detailed timeline of the activities necessary to implement that plan.

### ***General Supervision***

#### Identification and timely correction of noncompliance

OSEP's December 2004 letter directed CSDE to provide either documentation that the State ensured the correction of noncompliance identified through monitoring, within one year of identification, as required by 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §300.600(a)(2)(ii), or a plan to ensure such correction not later than 30 days following one year from the date that OSEP accepted the plan. On pages 1 through 7 of the FFY 2003 APR, CSDE included data and analysis demonstrating progress in correcting noncompliance that it identified through monitoring, within one year of identification. On page 1, CSDE reported data and analysis for the 1999-2003 monitoring cycle indicating that 169 school districts were required to develop and implement corrective action plans; timelines were established for all corrective actions, typically ranging from 3-6 months; and timelines for corrective actions did not exceed one year. The State reported that by the end of the 2003-2004 school year, 168 of the 169 school districts had been issued close-out letters for noncompliance identified within the 1999-2003 monitoring cycle.

On pages 1 through 6 of the FFY 2003 APR, CSDE provided a description of the State's monitoring process including: on-site monitoring; the provision of technical assistance and support to districts with on-going issues of noncompliance; and sanctions imposed in some instances by CSDE to ensure compliance. On page 1, the State indicated that the process to ensure correction of noncompliance and close out districts from 1999 through 2003 required an extensive desk audit with half of the districts under review receiving an on site-monitoring visit. The result of this visit was an exit interview and a preliminary report that noted required corrective actions for non-compliance items as well as recommendations for improvement for items not found to be out of compliance. Timelines were established for any required action, typically ranging from 3-6 months. Timelines for required actions did not extend beyond one year.

On page 2 of the FFY 2003 APR, the State also reported its activities to address one district's ongoing issues of noncompliance that included: consultation with the district to ensure that children with disabilities were receiving a free appropriate public education (FAPE) in the least restrictive environment (LRE); meetings to address the noncompliance with the Commissioner of Education and Superintendent of Schools, representatives of the Board of Education, parent

groups, building and district-level administrators, and legal services; training through the Special Education Resource Center (SERC); site visits; delayed awarding of IDEA funds; and random audits to determine if individualized education program (IEP) services were being implemented. As a result of these activities, CSDE required the district to provide compensatory education to affected students. OSEP appreciates the work of the State in this area and looks forward to reviewing the State's data as part of the State Performance Plan (SPP), due December 2, 2005.

Identification and correction of noncompliance is an indicator in the SPP under section 616 of IDEA. In preparation for the submission of the SPP on December 2, 2005, the State should carefully consider its current data collection against the requirements related to this indicator in the SPP packet to ensure that data will be responsive to those requirements. In the SPP, the State must submit responsive baseline data regarding the percent of noncompliance related to monitoring priority areas and indicators and the percent of noncompliance related to areas not included in the above priority areas and indicators corrected within one year of identification, including the number of findings of noncompliance made related to monitoring priority areas and indicators and the number of findings not included in the above priority areas and indicators and the number of corrections completed as soon as possible but in no case later than one year from identification.

#### Formal written complaints

OSEP's December 2004 letter directed CSDE to provide data and analysis demonstrating compliance regarding the completion of complaints within required timelines (34 CFR §300.661) in the FFY 2003 APR, and a report to OSEP demonstrating compliance in this area, not later than 30 days following one year from the date of OSEP's December 2004 letter, which is January 14, 2006. On pages 13 through 16 and Attachment 1 of the FFY 2003 APR, the State included data and analysis demonstrating progress in resolving complaints within required timelines. Specifically, while 2002-2003 data indicated that 87.9% of formal written complaints were resolved within required timelines, 2003-2004 data indicated that 93.4% of complaints were resolved within the 60-day timeline or allowable extensions. CSDE included targets, activities and timelines designed to ensure compliance. OSEP appreciates the State's efforts in this area, and looks forward to data and analysis demonstrating full compliance with this requirement. CSDE may choose to include this information in the SPP, due December 2, 2005, or in a final report due no later than January 14, 2006.

#### Mediation

On pages 13 through 16 and Attachment 1 of the FFY 2003 APR, CSDE included data and information demonstrating performance in this area. CSDE reported 2003-2004 data indicating that 172 requests for mediation were received and in all instances, parties were contacted within 30 days of the date that the mediation request was received by CSDE. All mediations were conducted as requested. The State included targets, activities and timelines to maintain performance in this area. OSEP appreciates the State's efforts in this area and looks forward to reviewing data and information regarding the percent of mediations held that resulted in mediation agreements in the SPP.

### Due process hearings and reviews

OSEP's December 2004 letter directed CSDE to provide documentation of compliance in the FFY 2003 APR and data and analysis demonstrating full compliance with the due process hearing timelines at 34 CFR §300.511 not later than January 14, 2006. On pages 13 through 16 and Attachment 1 of the FFY 2003 APR, CSDE included data and analysis demonstrating progress in correcting this area of noncompliance, as follows: for the reporting period January 1, 2004 through December 31, 2004, data indicated that 276 hearing requests were received, of which 19 resulted in fully adjudicated hearings, and 17 (89.5%) of the 19 were completed within the required timelines. In its analysis on page 14, CSDE noted that two hearings were not completed in a timely manner and stated that the timelines may have been affected by its process for pre-hearing dispute resolutions. CSDE reported that 57 mediation requests were related to hearing requests and 38 resulted in mediation agreements. On pages 14 through 16, the State included targets, activities, timelines and resources designed to ensure compliance with the due process hearing timeline at 34 CFR §300.511(a). OSEP appreciates the State's efforts in this area and looks forward to data and analysis demonstrating full compliance with this requirement. CSDE may choose to include this information in the SPP, due December 2, 2005, or in a final report due to OSEP not later than January 14, 2006.

### Personnel

OSEP's December 2004 letter directed CSDE to provide OSEP with its specific policy or practices regarding the provision of required related services to be followed in the event of personnel shortages, along with any guidance and technical assistance provided to LEAs regarding the provision of related services, specifically regarding what LEAs need to do to ensure the provision of required speech-language services when there are personnel shortages. The December 2004 letter also required the State to include, in the FFY 2003 APR, data and analysis, along with a determination of compliance or noncompliance in this area. On pages 21 through 24, CSDE provided trend data and analysis of the State's shortage of SLPs, and described the policy and practices to be followed to ensure that the identified needs of all children with disabilities in the State are met. On page 21 of the FFY 2003 APR, CSDE provided data from 2001-2002 through 2003-2004 indicating that, although SLPs remain the highest shortage area, data indicated an increase of qualified SLPs from 66.2% in 2002-2003 to 83.2% in 2003-2004. CSDE reported on the activities it conducted during this reporting period that contributed to the increase in SLPs as follows: (1) partnered with Manchester Community College to implement a new training program to prepare SLP Assistants; (2) used its State Improvement Grant (SIG) to provide scholarship assistance to bi-lingual students in SLP preparation programs; and (3) continued to provide districts with names of State, regional and national companies that provide contracted SLP services.

The State reported that it provided guidance and support to LEAs and parents where speech and language services specified on an IEP were not available because of vacancies. Specifically, CSDE supported districts in contracting for services with qualified SLPs who were in private practice, work at Universities or community agencies, or are recently retired, until a permanent SLP could be contracted. CSDE reported on page 23 of the FFY 2003 APR, that in rare instances, where LEAs could not provide speech/language services from any source, the CSDE

advised LEAs and parents that parents could obtain services privately and that the LEA would pay the private provider directly so that parents incurred no costs related to their child's right to FAPE. The CSDE also advised LEAs and parents of the requirements to consider compensatory speech and language services if the LEA's new hire contracted SLP, or the parent's private SLP could not provide the speech and language services in a child's IEP in a timely manner. OSEP appreciates the States efforts in this area.

Collection and timely reporting of accurate data

On pages 25 and 26 of the FFY 2003 APR, CSDE reported on its continued efforts to maintain a system that provides timely reporting of accurate data. CSDE reported the addition of a data analyst to address increased reporting, data cleaning, and responsiveness to LEA data needs. CSDE also reported that the addition of focused monitoring (FM) data verification reports increased the visibility of LEA and State reported data to local superintendents and directors of special education. OSEP looks forward to reviewing the State's data in this area in the SPP, due December 2, 2005.

***Early Childhood Transition***

OSEP's December 2004 letter directed CSDE to provide within 60 days from the date of that letter, either documentation that the State has ensured the correction of noncompliance that it identified within a year of identification with respect to early childhood transition, or a plan to ensure compliance in this area with documentation of progress in the FFY 2003 APR and a report to OSEP demonstrating compliance not later than 30 days following one year from the date that OSEP accepted the plan. On pages 27 through 31 of the FFY 2003 APR, CSDE included data and analysis demonstrating that the State ensured the correction of noncompliance with respect to early childhood transition that it identified through monitoring, within a year of identification, as follows: (1) 2002-2003 and 2003-2004 data indicated that 76% and 83.5% respectively, of children who exited from the Connecticut Birth to Three System at age three, with a transition planning conference convened at least 90 days before the child's third birthday, had an IEP developed and implemented by age three; and (2) 2003-2004 monitoring data indicated that the State ensured the correction of noncompliance identified through monitoring, within a year of identification.

The State reported on its monitoring and follow-up activities with districts where noncompliance was identified. For example, the State's monitoring data indicated that in one district, eight children had not received FAPE by age three, but a follow-up record review for all eight children indicated that seven of those children did receive FAPE by age three. The State also reported that information from State follow-up activities and analysis from parent survey data indicated that a major reason for children not receiving FAPE by age three was that parents were choosing not to accept special education and related services. On page 28, CSDE noted that in 2003-2004, the state's available data indicated that FAPE is being provided to this population of children 83.5% of the time. This is an increase of 7.5% and also represents an increase of 271 children from the previous reporting year. Additional data and related follow-up activities the state engaged in indicated that the available data that is reported may under-represent the actual

number of children who receive FAPE by their third birthday and/or who have FAPE made available to them by their third birthday through an IEP.

On pages 29 and 30 of the FFY 2003 APR, CSDE further noted that its statewide data collection did not allow for variability in the data relative to situations such as differing start and end days of school (which vary across the State), because of weekends, holidays, etc. The State included a description of its ongoing activities and timelines to ensure that all children transitioning from Part C, who are eligible for Part B services, received those services by their third birthdays as required by 34 CFR §300.132(b). On page 30, the State explained its process for using the available statewide data to identify school districts in which the data may indicate that the school district is not in full compliance. For example, CSDE follows up with school districts by contacting the local school district, engaging in a process of data verification with a representative of the school district, identifying the extent to which non-compliance may or may not exist and if non-compliance is identified, requesting that activities be identified and/or a plan be developed by the school district to address and ensure that FAPE is provided by age three to those children who exit the state's early intervention system. Collaborative activities between the state's early intervention and special education systems take place on an on-going basis and will continue in future years. OSEP appreciates the State's efforts in this area. Early childhood transition is an indicator in the SPP that is due December 2, 2005. In preparation for the submission of the SPP, the State should carefully consider its current data collection against the requirements related to this indicator in the SPP packet to ensure that data will be responsive to those requirements. OSEP looks forward to reviewing the State's data in the SPP.

### ***Parent Involvement***

On pages 32 through 39 of the FFY 2003 APR, CSDE included data and analysis describing its performance in this area. Baseline data for the State's parent involvement indicators were reported in the FFY 2002 APR. The State reported that it collected parent data every other year. In 2003-2004, CSDE revised its Parent Survey and administered it in 2004-2005; therefore, data and analysis were not available for this reporting period. CSDE described its efforts to collect information on the effectiveness of LEA parent training and information activities. On page 35, CSDE reported baseline data and analysis indicating that in 88% of LEAs that reported on parent training, the most popular topics for parent trainings and activities were preschool/early childhood transition, LRE/inclusion, and transition. OSEP appreciates the State's efforts in this area and looks forward to reviewing updated data and information in this area in the SPP due December 2, 2005. The SPP instructions establish a new indicator in this area, for which States must provide baseline data in the FFY 2005 APR, due February 1, 2007. OSEP looks forward to reviewing the State's plan for collecting data, in the SPP.

### ***Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)***

#### **Disproportionality**

OSEP's December 2004 letter required Connecticut to report on the results of its review of its policies, practices and procedures and if appropriate, revisions to policies, practices, and procedures in those districts where significant disproportionality was found to ensure that they

are consistent with Part B and race neutral (34 CFR §300.755). On pages 40 through 45 of the FFY 2003 APR, CSDE included data and analysis that addressed disproportionality. For example, CSDE identified four areas of statistically significant overrepresentation for Black/African-American and Hispanic/Latin children with disabilities: (1) learning disability; (2) intellectual disability; (3) emotional disturbance; and (4) special education. Connecticut reported the formula that the State used to identify statistically significant overrepresentation and the State mandated activities including the review of policies, practices and procedures required of districts identified with statistically significant overrepresentation. On pages 41 and 42, CSDE reported 2003-2004 district level data and analysis indicating that 18 school districts demonstrated at least one area of statistically significant overrepresentation by race/ethnicity for children with disabilities. CSDE described its plans to monitor any overrepresentation of children with disabilities, in specific disability categories, for all racial and ethnic groups, in comparison to the population of the district's general education enrollment. On page 41, CSDE explained that these districts were mandated to attend a two-day Closing the Achievement Gap (Summit II) in March of 2004 and develop CSDE approved Action Plans to address areas identified as being in need of improvement, and that these 18 districts were required to respond to a series of questions on how the district was addressing overrepresentation within the context of district goals and the general education environment.

With regard to educational environment data where significant disproportionality was identified, CSDE indicated that the development of the focused monitoring system includes a review of placement decisions for individual students in all districts identified for on-site visits in the area of overrepresentation. However, Connecticut did not provide the results of its review of policies, procedures, and practices used in the identification and placement of students with disabilities to ensure that they are consistent with the requirements of Part B and are race neutral, for those districts with data that illustrated significant disproportionality in the identification of children in specific disability categories and the placement of children in particular educational settings.

In the SPP, due December 2, 2005, the State must either: (1) provide the results of its review of policies, procedures, and practices used in the identification and placement of students with disabilities to ensure that they are consistent with the requirements of Part B and are race neutral, for those districts with data that illustrate significant disproportionality in the identification of children in specific disability categories and the placement of children in particular educational settings, as required by 34 CFR §300.755; or (2) a plan to report on the results of its review of policies, procedures, and practices, and to ensure correction of the noncompliance as soon as possible, not to exceed one year from the date that OSEP accepts the plan.

The SPP instructions establish two new indicators in this area (indicators #9 and #10), for which States must provide baseline data in the FFY 2005 APR, due February 1, 2007. The State should carefully review the instructions to the SPP in developing its plans for this collection.

#### Graduation and drop-out rates

On pages 46 through 48 of the FFY 2003 APR, CSDE included data and information regarding graduation and drop-out rates. CSDE reported 2003-2004 data indicating that the graduation rate for students with disabilities increased to 61.8% from 41.8% in the previous year and that the

graduation rate for all students was 89% for the same reporting period. State reported data indicated that, in 2003-2004, the drop-out rate for students with disabilities was 7.9%, continuing a three-year trend of reduction in drop-out rates for students with disabilities. On pages 46 through 48, CSDE included information regarding the State's data and analysis of graduation and drop-out data for students with disabilities and its efforts to close the gap between students with and without disabilities. OSEP appreciates the State's efforts in this area and looks forward to reviewing data and information regarding the percent of youth with IEPs graduating from high school with a regular diploma compared to the percent of all youth in the State graduating with a regular diploma and the percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school, in the SPP.

### Suspension and expulsion

OSEP's December 2004 letter required CSDE to include information indicating that the State examined data to determine whether significant discrepancies were occurring in the rate of long-term suspensions and expulsions of children with disabilities based on one of the comparisons described in 34 CFR §300.146, and, that when it identified significant discrepancies, it reviewed, and if appropriate, revised (or required the affected LEAs to revise) policies, procedures, and practices consistent with 34 CFR §300.146. On pages 49 through 51 of the FFY 2003 APR, CSDE described its review of the State's suspension and expulsion data and its efforts to identify and address the disproportionate suspension and expulsion of children with disabilities in comparison to their nondisabled peers. On page 49, CSDE described its review of suspension and expulsion data from 2002-2003 in the areas of: Special Education Out-of-School Suspensions, Special Education Overall Suspension Rates, and a calculated difference score between the overall suspension rates of students with disabilities and those of their nondisabled peers. Districts were rank ordered on each of these three indicators, a cut score for data of concern was established, and finally, districts were identified as belonging to one of 3 groups: districts with data below the state average; districts with data between the state average and the established cut score; and districts with data above the established state cut score for suspension/expulsion rates of concern. Twenty districts, using 2002-2003 data reported during the 2003-2004 school year, were identified as districts with atypical suspension/expulsion data.

During the 2003-2004 school year, CSDE published suspension/expulsion data for each school district in its Special Education Strategic School Profiles, district counts and rates for in-school suspensions, out-of school suspensions and expulsion data for both general and special education students, making the data public for the first time. The State included targets, activities, timelines and resources to promote appropriate use of suspension and expulsion in Connecticut's public schools, including statewide focused monitoring that used suspension data as a probing indicator for site visits for overrepresentation. Six districts that were awarded Continuation Sliver Grants in the 2002-2003 school year, received continued funding for 2003-2004 to reduce out-of-school suspensions/expulsions of students with disabilities.

Under 34 CFR §300.146, the State must examine data to determine if significant discrepancies are occurring in the rate of long-term suspension and expulsions of children with disabilities, either among the LEAs in the State or compared to the rates for nondisabled children within the agencies. Where the State determines that significant discrepancies are occurring, it must review



and, if appropriate, revise (or require the affected State agency or LEA to revise) its policies, procedures and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards to ensure that the policies, procedures and practices comply with Part B. OSEP requested this information in the FFY 2003 APR.

Although the State has identified discrepancies in the rates of suspension and expulsion of students with disabilities as compared with nondisabled children in 20 districts, the State's FFY 2003 APR did not include information indicating that it had reviewed, or required affected LEAs to review, and if appropriate revise, policies, procedures and practices related to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, as required by 34 CFR §300.146. Therefore, OSEP concludes that the State is not complying with the regulation.

With the SPP, due December 2, 2005, the State must include information indicating that when it identifies districts with discrepancies in the rates of long-term suspension and expulsion of disabled children as compared with nondisabled children, the State reviews and if appropriate revises, or requires affected LEAs to review, and if appropriate, revise, policies, procedures and practices as required by 34 CFR §300.146, including the results of that review, or a plan, including strategies, proposed evidence of change, targets and timelines designed to ensure correction of the noncompliance as soon as possible, not later than one year from the date that OSEP accepts the plan. No later than six months from the date of this letter, the State must submit a Progress Report including data and analysis demonstrating progress toward compliance, and provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but not later than 30 days following the end of the one year timeline.

Suspension and expulsion is an indicator in the SPP under section 616 of IDEA due December 2, 2005, and baseline data for indicator #4A is due December 2, 2005. In preparation for the submission of the SPP, the State should carefully consider its current data collection against the requirements related to this indicator in the SPP packet to ensure that data will be responsive to those requirements. The State must submit responsive baseline data in the SPP. Absence of baseline data in this area will be considered in OSEP's decision about approval of the State's SPP.

The SPP instructions also establish a new indicator in this area (#4B), for which States must provide baseline data in the FFY 2005 APR, due February 1, 2007. Absence of this information at that time will be considered in OSEP's annual determination on the status of the State's performance and compliance required under §616(d) of the IDEA. The State should carefully review the instructions to the SPP in developing its plans for this collection. OSEP looks forward to reviewing the State's plan for collecting this data, in the SPP.

#### Statewide and districtwide assessment

On pages 52 through 54 and Attachment 3 of the FFY 2003 APR, CSDE included data and analysis indicating that the participation rates of children with disabilities on the standard assessments increased by at least 10 percent in each grade and subject. CSDE noted that the increase in the 10<sup>th</sup> grade participation was due to the elimination of out-of-level testing and that the elimination of out-of-level testing for all grades will take effect during the 2004-2005 school

year. The State reported that the number of children with disabilities participating in statewide assessments through the alternate assessment remained relatively stable and that those children who participated in the alternate assessment, demonstrated improved performance in both reading and math in grades 4, 6, and 10. On page 52, CSDE reported that students with disabilities achieving proficiency on the standard administration of statewide assessments remained stable with the exception of 4<sup>th</sup> grade math and reading which both showed slight gains. CSDE included targets, activities, timelines and resources designed to improve performance and decrease the gap in performance between children with and without disabilities. OSEP appreciates the State's efforts in this area and looks forward to reviewing updated data and information regarding participation and performance in statewide and districtwide assessments in the SPP.

#### Least restrictive environment (LRE)

On pages 73 through 79 of the FFY 2003 APR, the State included data and analysis, along with a description of its efforts to ensure that children with disabilities were educated with nondisabled peers to the maximum extent appropriate, including preschool. State reported data for 2003-2004 indicated that 82% of Connecticut's children with disabilities were educated in their home school and that there was a 4.3% percent increase in children with intellectual disabilities who attended their home school and a 9.8% increase in children with "other disabilities" who were educated in their home school. The State included targets, activities, timelines and resources designed to improve performance.

On pages 80 through 84 of the FFY 2003 APR, CSDE included trend data and analysis indicating that the percent of preschool children ages 3 and 4 who received their services in settings that were least restrictive increased from: 46.2% in 2001-2002; to 57.3% in 2002-2003; and increased again to 60.4% in 2003-2004. With regard to monitoring to ensure that placement determinations were made on an individual basis and that decisions regarding educational placements were not made based upon any numerical target established by CSDE, the State described its monitoring activities designed to ensure progress in placing preschool children with disabilities in the least restrictive setting. OSEP appreciates the State's efforts in this area and looks forward to reviewing data regarding both preschool and school-age placements in the SPP.

#### Preschool performance outcomes

OSEP's December 2004 letter required Connecticut either to submit documentation of data regarding preschool skills (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan.

Under the Government Performance and Results Act of 1993, 31 U.S.C. 1116, the effectiveness of the IDEA section 619 program is being measured based on the extent to which early language/communication, pre-reading, and social-emotional skills of preschool children with disabilities receiving special education and related services are improving. On pages 85 through 87 of the FFY 2003 APR, the State did not provide OSEP with data in response to this

performance indicator, or its plan to collect data and information in this area. The State provided the following: (1) CSDE reported that it has made significant progress in the development of a plan to collect data on preschool outcomes for reporting in the FFY 2005 APR and reporting to stakeholders on the relative success of the State's 619 program for preschool aged children receiving special education and related services; (2) targeted progress toward identifying potential developmental indices for language/ communication, pre-reading and social-emotional skills; (3) CSDE's progress in identifying potential measurement tools, measurement and data collection methods; and (4) CSDE was diverting State resources and attention to address this new data collection. The SPP instructions establish a new indicator in this area (#7), for which States must provide entry data in the FFY 2005 APR due February 1, 2007. Absence of this information at that time will be considered in OSEP's annual determination on the status of the State's performance and compliance required under section 616(d) of the IDEA. The State should carefully review the instructions to the SPP in developing its plans for this collection. OSEP looks forward to reviewing the State's plan for collecting this data, in the SPP.

### ***Secondary Transition***

On pages 88 through 94 of the FFY 2003 APR, the State reported data and information regarding youth with disabilities participating in post-school activities compared to nondisabled youth, and the ongoing support, training and technical assistance that was provided to LEAs, parents and students regarding secondary transition. CSDE included strategies and activities to improve performance for students with disabilities, as follows: (1) developing a collaboratively funded position of State consultant for transition services; (2) establishing a statewide Interagency Transition Task Force; (3) the development of a bi-lingual transition manual; and (4) providing funding for career internships. The SPP instructions establish two new indicators on secondary transition and post-school outcomes (indicators #13 and #14), for which States must provide baseline data in the FFY 2005 APR, due February 1, 2007 (#13) and February 1, 2008 (#14). The State should carefully review the instructions to the SPP in developing its plans for these collections.

### ***Conclusion***

As noted above, with the SPP, due December 2, 2005, Connecticut must submit to OSEP:

- (1) data and analysis demonstrating progress in compliance with the requirements at 34 CFR §300.661 regarding completion of complaints within the 60-day timeline or allowable extensions and a report demonstrating full compliance in this area not later than January 14, 2006;
- (2) data and analysis demonstrating progress toward compliance with the due process hearing timeline requirement, (34 CFR §300.511(a)), with a report demonstrating full compliance no later than January 14, 2006;
- (3) (a) the results of its review of policies, procedures, and practices used in the identification and placement of students with disabilities to ensure that they are consistent with the requirements of Part B and are race neutral, for those districts with data that illustrate

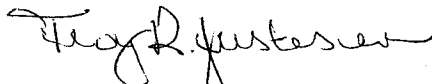
significant disproportionality in the identification of children in specific disability categories and the placement of children in particular educational settings, as required by 34 CFR §300.755; or (b) a plan to report on the results of its review of policies, procedures, and practices, as outlined above, and to ensure correction of the noncompliance as soon as possible, not to exceed one year from the date that OSEP accepts the plan; and

- (4) the results of the review and any appropriate revisions of policies, procedures, and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, as required by 34 CFR §300.146 when the State identifies significant discrepancies in the rates of suspension and expulsion of disabled children as compared with nondisabled children, or a plan, including strategies, proposed evidence of change, targets and timelines designed to ensure correction of the noncompliance with 34 CFR §300.146 as soon as possible, but not later than 30 days following one year from the date that OSEP accepts the plan. No later than six months from the date of this letter, the State must submit a Progress Report including data and analysis demonstrating progress toward compliance, and provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but not later than 30 days following the end of the one year timeline.

IDEA 2004, §616, requires each State to submit a State Performance Plan (SPP) that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators are, for the most part, similar to clusters and probes in the APR. OSEP encourages the State to carefully consider the comments in this letter as it prepares its SPP, due December 2, 2005.

OSEP recognizes that the APR and its related activities represent only a portion of the work in your State and looks forward to collaborating with you as you continue to improve results for children and youth with disabilities and their families. If you have questions, please contact Margaret Romer at (202) 245-7501.

Sincerely,



Troy R. Justesen  
Acting Director  
Office of Special Education Programs

cc: George Dowaliby