



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

JUN 15 2007

Honorable Brian W. Amy  
State Health Officer  
Mississippi State Department of Health  
P.O. Box 1700  
570 East Woodrow Wilson Boulevard  
Jackson, MS 39215-1700

Dear Dr. Amy:

Thank you for the timely submission of Mississippi's 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.

As you know, under IDEA sections 616 and 642, each State has an SPP that evaluates the State's efforts to implement the requirements and purposes of Part C of the IDEA and describes how the State will improve its implementation of Part C. In the revised SPP due by February 1, 2007, States were required to provide information on: (1) specific new indicators; and (2) correction of any deficiencies identified in the Office of Special Education Programs' (OSEP's) SPP response letter sent to your State last year. States were also required to submit by February 1, 2007, an APR for Federal fiscal year (FFY) 2005 that describes the State's: (1) progress or slippage in meeting the measurable and rigorous targets established in the SPP; and (2) any revisions to the State's targets, improvement activities, timelines or resources in the SPP and justifications for the revisions. We appreciate the State's efforts in preparing the FFY 2005 APR and revised SPP.

The Department has reviewed the information provided in the State's FFY 2005 APR and revised SPP, other State-reported data, information obtained through monitoring visits, and other public information and has determined that, under IDEA sections 616(d) and 642, Mississippi needs assistance in meeting the requirements of Part C of the IDEA. The State should review IDEA section 616(e) regarding the potential future impact of the Department's determination.

The Department's determination is based on the totality of the State's data in its SPP/APR and other publicly available information, including any compliance issues. The factors in States' FFY 2005 APR and February 1, 2007 SPP submissions that affected the Department's determinations were whether the State: (1) provided valid and reliable FFY 2005 data that reflect the measurement for each indicator, and if not, whether the State provided a plan to collect the missing or deficient data; and (2) for each compliance indicator that was not new (a) demonstrated compliance or timely corrected noncompliance, and (b) in instances where it did not demonstrate compliance, had nonetheless made progress in ensuring compliance over prior performance in that area.

We also considered whether the State had other IDEA compliance issues that were identified previously through the Department's monitoring, audit or other activities, and the State's progress in resolving those problems. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2007" for further details.

OSEP's FFY 2005 determination that Mississippi needs assistance, rather than needs intervention, was based on OSEP's recognition of the devastating effects of Hurricanes Katrina and Rita on the State during the FFY 2005 reporting period, which affected the State's ability to identify and provide early intervention services to infants and toddlers with disabilities and their families during a time when many families were displaced by these hurricanes.

Other specific factors affecting OSEP's determination for Mississippi were that the State, for Indicator 9, did not provide FFY 2005 data because "no systemic focused and/or compliance monitoring was carried out in 2003 or 2004 which identified noncompliance or which was designed to correct noncompliance no later than one year from identification." Without these data, OSEP, and the public, cannot determine the effectiveness of the State's general supervision system to correct identified noncompliance, as soon as possible, but in no case later than one year from identification.

In addition, for Indicator 8C, the State's FFY 2005 data reflect a low level of performance (45%) and regression from its FFY 2004 data of 54% with the requirement to conduct timely transition conferences for children exiting Part C who are potentially eligible for Part B special education and related services.

We commend the State's high level of compliance for Indicator 10 (100%), and for its high level of performance and of compliance with Part C's natural environments requirements under Indicator 2.

OSEP will address in Mississippi's FFY 2007 grant award letter the State's status under its special conditions related to Indicators 1, 7 and 9.

The table enclosed with this letter provides OSEP's analysis of the State's FFY 2005 APR and revised SPP and identifies, by indicator, OSEP's review and acceptance 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, and whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data. The table also lists, by indicator, any additional information the State must include in the FFY 2006 APR or, as needed, the SPP due February 1, 2008, to address the problems OSEP identified in the revised SPP or FFY 2005 APR. The State must provide this required information. We plan to factor into our determinations next year whether or not States provided the additional information requested in this table in their FFY 2006 APR, due February 1, 2008, and may take other actions as well, if the State's data, or lack of data, regarding these issues indicates continuing noncompliance.

As you know, your State must report annually to the public on the performance of each early intervention services (EIS) program located in the State on the targets in the SPP under IDEA section 616(b)(2)(C)(ii)(1) and 642. The requirement for public reporting on

EIS programs' performance is a critical provision in ensuring accountability and focusing on improved results for infants and toddlers with disabilities. Please have your staff notify your OSEP State Contact when and where your State makes available its public report on EIS program performance. In addition, States must review EIS program performance against targets in the State's SPP, especially the compliance indicators, 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 Guidance Materials at <http://www.rrfcnetwork.org/>.

We hope that the State found helpful, and was able to benefit from, the monthly technical assistance conference calls conducted by this Office, ongoing consultation with OSEP State Contacts and OSEP-funded Technical Assistance Center staff, materials found on the IDEA 2004 website, and attendance at OSEP-sponsored conferences. OSEP will continue to provide technical assistance opportunities to assist your State as it works to improve performance under Part C of the IDEA. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

OSEP is committed to supporting Mississippi'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 Rhonda Spence, your OSEP State Contact, at 202-245-7382.

Sincerely,



Patricia J. Guard  
Acting Director  
Office of Special Education Programs

Enclosures

cc: Part C Coordinator