



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

Honorable George A. Coleman
Interim Commissioner of Education
Connecticut Department of Education
165 Capital Avenue
Room 305, State Office Building
Hartford, CT 06106-1630

FEB - 9 2007

Dear Commissioner Coleman:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP) recent verification visit to Connecticut. As indicated in my letter to you of June 22, 2006, 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). OSEP conducted the verification visit to Connecticut during the week of October 2, 2006.

The purpose of our verification reviews of States is to determine how States use their general supervision, State-reported data collection, and statewide assessment systems to assess and improve State performance, and to protect child and family rights. The purposes of the verification visits are to: (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 Connecticut Department of Education (CSDE), OSEP staff met with Nancy Cappello, Interim Director, Bureau of Special Education (BSE) within CSDE, and CSDE staff members who are responsible for: (1) the oversight of general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings); (2) the collection and analysis of State-reported data; and (3) ensuring participation in, and the reporting of student performance on, statewide assessments. Prior to and during the visit, OSEP staff reviewed a number of documents¹, including the following: (1) the Connecticut Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2002, submitted to OSEP in March 2004; (2) the Connecticut APR for FFY 2003, submitted to OSEP in March 2005; (3) the Connecticut State Performance Plan (SPP), submitted to OSEP in December 2005; (4) the State's application for its FFY 2006 grant award under Part B of IDEA; (5) national special education data related to Connecticut's rankings for educational environments, dropout rates, and

¹ 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.

graduation rates; (6) Connecticut's System of General Supervision and Focused Monitoring guide; (7) *A Parent's Guide to Special Education in Connecticut*; (8) the *Connecticut Mastery Test (CMT)* and *Connecticut Academic Performance Test (CAPT) Assessment Guidelines and Skills Checklist Teacher Handbook*; (9) Connecticut's State Personnel Development Grant; (10) randomly selected complaint files from 2004-2005; (11) randomly selected due process hearing files from 2004-2005; (12) randomly selected on-site monitoring logs from 2003-2004 and 2004-2005; (13) training and technical assistance information and data from the State Education Resource Center (SERC) website; and (15) other pertinent data sources. OSEP also conducted a conference call on September 13, 2006, with members of the State's Advisory Committee, to hear their perspectives on the strengths and weaknesses of the State's systems for general supervision, data collection, and statewide assessment.

The presentation and information that Nancy Cappello, her staff and staff from the Office for No Child Left Behind, the Bureau of Early Childhood, Career and Adult Education and the Bureau of Research, Evaluation and Student Assessment 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 the CSDE systems for general supervision, data collection and reporting, and statewide assessment. Nancy Cappello and her staff were fully engaged and readily available throughout the duration of the visit.

General Supervision

In reviewing the State's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (2) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct 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., section 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

Based on the information provided to OSEP during the verification visit, it appears that the State's general supervision system is reasonably designed to ensure the identification and timely correction of noncompliance. However, without collecting data at the local level, OSEP cannot determine whether the State's procedures are fully effective in identifying and correcting noncompliance.

Connecticut has implemented a general supervision system for programs serving students age three to 21, which encompasses planning, monitoring, complaint management, and dispute resolution systems, as well as a comprehensive statewide network of technical assistance. In preparation for the verification visit OSEP reviewed the State's organizational chart that illustrates how the administrative structure integrates the State's

monitoring system with policy and planning functions, technical assistance, professional development, and support services systems. CSDE has developed a Policy and Procedures Manual, its own individualized education program (IEP) form and related forms, and guidelines for complaints/mediations/due process hearings. CSDE also conducts monitoring of the settlement agreement in *PJ et al v. State of Connecticut, State Board of Education, et al*² (PJ settlement agreement) and addresses data verification through reports conducted by the State's Office of Research, Evaluation and Student Assessment.

Monitoring

In 2003, CSDE along with its stakeholders developed a focused monitoring system (FM) designed to ensure compliance and focus on results for students with disabilities. In preparation for the verification visit, OSEP learned that CSDE conducts the following activities in implementing its FM system: (1) reviews data for all districts on an annual basis; (2) disseminates to the public data for all districts on an annual basis; (3) identifies key performance indicators (KPI's) based on past findings and feedback from OSEP, data and State ranking by OSEP, and State priorities; (4) rank orders districts based on data according to performance on KPIs; (5) requires districts in need of improvement to conduct self-assessments; (6) places districts into population groups; and (7) selects districts for site-visits based on data, trends over time, districts' self-assessment and analysis. During the verification visit, OSEP learned that CSDE also selects some districts identified as having model programs and some districts on a random basis. FM was implemented in the 2004-2005 school year.

Identification of Noncompliance

During the verification visit, CSDE staff described the three levels of its FM system for identifying noncompliance. Level One consists of a review of statewide data, school profiles, SPP and APR data, district self-assessments and the five goals of the PJ settlement agreement. Based on this review, CSDE assesses districts on each KPI and makes a determination of "risk." Stakeholders along with CSDE focused on the following two KPIs for the 2004-2005 and 2005-2006 school years: (1) education of students with disabilities in the least restrictive environment; and (2) disproportionate identification of minority students in special education.

Level Two focuses on districts determined to be at risk. Districts identified at risk complete a self-assessment and verify data for a KPI. CSDE conducts a desk audit for districts at risk and identifies those districts that are most in need of improvement to participate in FM. Except for districts that the State is currently involved with through FM or Improvement Planning, any district can be selected for monitoring.

² According to the State's website at http://www.sde.ct.gov/sde/lib/sde/PDF/deps/PJ/REPORT_EAP_05.pdf: "The Settlement Agreement in *PJ et al v. State of Connecticut, State Board of Education, et al* contains five overarching goals: 1) increase percentages of "Class" students placed in general education; 2) reduce over-identification of ethnic and other minorities, 3) increase school time with non-disabled students, 4) increase home school placements; and 5) increase time with non-disabled peers in extra-curricular activities."

In Level Three, districts receive an on-site FM visit and participate in a subsequent improvement planning session. Monitoring reports are issued within six weeks of the FM visit. Districts work with the monitoring team on the development of corrective actions, and identify compliance issues that need to be addressed immediately. CSDE's database tracks noncompliance, improvement strategies, and timelines across all districts until a final report is issued closing out the identified noncompliance. In addition to focusing on noncompliance, all districts participate in a subsequent improvement planning session. Improvement plans are written for 18-24 months and districts report on improvement plans every six months. The SERC facilitates improvement planning by providing technical assistance and training to districts with State Department of Education grant funds.

In partnership with SERC, CSDE conducts statewide training for monitoring teams focused on specific content areas aligned with KPIs, such as suspension and expulsion. CSDE's monitoring teams are comprised of a CSDE lead consultant, general and special education consultants, SERC consultants, parents, and local Special Education Directors. The monitoring team and the school district engage in pre-visit planning activities and hold public forums to improve understanding of the issues behind the data. Monitoring teams spend up to one week on-site and review records and IEPs, and interview teachers and parents to make compliance determinations. Monitoring teams also assist districts in developing improvement activities.

Timely correction of noncompliance

In Connecticut's SPP, the State reported a 95 percent level of compliance under Indicator 15 regarding the correction of identified noncompliance within one year of identification. During the verification visit, CSDE reported that noncompliance is corrected within one year from the issuance of the monitoring report. CSDE also reported that it is implementing strategies that ensure timely corrective actions that include: (1) training for CSDE staff; (2) tracking noncompliance and timelines from the date of the monitoring report; (3) publicly disseminating data maps on the State's website; (4) ongoing improvement planning activities; and (5) implementing sanctions including administrative conferences, withholding funds, and court actions. CSDE provided data and information demonstrating its continuum of interventions and sanctions to ensure timely correction of noncompliance and the implementation of improvement plans. The State also reported that at the time of OSEP's verification visit, with the exception of one district, all corrective action plans for identified noncompliance were submitted and closed within one year from the date of identification. With regard to the district where corrective actions were not closed, systemic change had not resulted from the correction of noncompliance. The State presented a description of its ongoing efforts and progress over the past 10 years to address the persistent areas of noncompliance in this district, including hiring a special education consultant, ongoing involvement and monitoring to support the districts efforts to ensure that students with disabilities receive appropriate services. During the verification visit, the State also clarified that some of the issues that this district is experiencing are associated with broader issues that persist in urban school districts, which make it more difficult to affect systemic change.

OSEP's review of random monitoring files during its verification visit indicated that monitoring reports required correction of noncompliance within one year of identification, and that corrective actions reviewed were implemented within appropriate timelines. CSDE uses a web-based system for reporting, corrective action planning, and implementation and tracking of corrective actions. Timelines for corrective action begin on the date the report is issued to the district and districts are given one year to complete a corrective action. OSEP looks forward to data in Connecticut's FFY 2005 APR, under Indicator 15 demonstrating that Connecticut's general supervision system corrects identified noncompliance within one year of identification.

During the verification visit, CSDE presented OSEP with information to demonstrate Connecticut's coordinated statewide system for providing technical assistance and guidance to districts. For example, CSDE coordinates with SERC to implement its initiatives aimed at building the capacity of all educational agencies in the State to serve students who receive special education and related services by providing training, offering technical assistance, and providing resources to school personnel and families to improve student achievement and outcomes. SERC provides on-site technical assistance to districts in developing and implementing corrective action plans. CSDE also supports early intervention programs through professional development and family informational services in collaboration with its Part C partner, Connecticut's Birth to Three System.

Complaint Management System

Under 34 CFR §300.661(a) and (b)(1) of the Part B regulations³ that were in effect during the time of OSEP's verification visit, each SEA must issue a final decision on a State complaint within 60 days of the date that the complaint is filed, and the SEA must permit an extension of the 60-day timeline only if exceptional circumstances exist with respect to a particular complaint.

During the verification visit, OSEP learned that Connecticut operates a broad-based dispute resolution system for families of children with disabilities, which includes the complaint management system operated within CSDE, for formal complaints alleging violations of Part B requirements. CSDE's system can track timelines for the investigation and the issuance of written decisions. During the verification visit, OSEP reviewed CSDE's log of formal complaints filed during the 2005-2006 school year. Six of the files were selected for further review based on timelines that went beyond 60 days from the time they were

³ These regulatory provisions have been redesignated, with several changes, as 34 CFR §300.152(a) and (b)(1) in the final Part B regulations which became effective on October 13, 2006. The requirement for a State's complaint procedures to include a time limit of 60 days after a complaint is filed to conduct specified actions with regard to the complaint is unchanged from prior regulations. In addition to the requirement that the State's procedures permit an extension of the 60-day timeline only if exceptional circumstances exist with respect to a particular complaint, the 60-day timeline can be extended if "The parent (or individual or organization, if mediation or other alternative means of dispute resolution is available to the individual or organization under State procedures) and the public agency involved agree to extend the time to engage in mediation pursuant to paragraph (a)(3)(ii) of this section or to engage in other alternative means of dispute resolution, if available in the State..." 34 CFR §300.152(b)(1)(i)-(ii).

filed. All six files contained documentation that CSDE had granted an extension of the 60-day timeline and complaint decisions were issued within extended timelines. OSEP confirmed with CSDE staff that extensions were granted in accordance with 34 CFR §300.661(b)(1) only if CSDE determined that exceptional circumstances existed with respect to a particular complaint. OSEP looks forward to data in the State's FFY 2005 APR, due February 1, 2007, demonstrating compliance with requirements for issuance of complaint decisions in accordance with 34 CFR §300.152 of the final Part B regulations.

Due Process System

The Part B regulations at 34 CFR §300.511(a) and (c) that were in effect at the time of OSEP's verification visit, require that: (1) a final decision is reached in the hearing and a copy of the decision is mailed to each of the parties within 45 days of the receipt of a request for a hearing; and (2) a hearing officer may grant specific extensions of time beyond 45 days at the request of either party. Regulations for due process hearing timelines have been redesignated as 34 CFR §300.515(a) and (c) of the final Part B regulations. Under the reauthorized IDEA, generally, a 30-day resolution process must precede the initiation of the 45-day due process hearing timeline, with certain exceptions described in 34 CFR §300.510 of the final Part B regulations.

During the verification visit, OSEP confirmed that CSDE operates a due process hearing system that is in compliance with the 2004 amendments to IDEA. CSDE implements a tracking system for assigning hearing officers and tracking timelines for resolution of due process hearing requests. OSEP reviewed the nine due process hearing complaints that were filed with CSDE in 2005 through 2006. During the verification visit, OSEP also confirmed that timelines for resolution of due process hearings were consistent with Part B. OSEP looks forward to data in the State's FFY 2005 APR, due February 1, 2007, demonstrating compliance with the due process hearing timeline requirements in 34 CFR §300.515(a) and (c) of the final Part B regulations.

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 addressed barriers to the implementation of procedures for data collection and reporting data under section 618 of the IDEA. OSEP believes that CSDE's system for collecting and reporting data is a reasonable approach to ensuring the accuracy of the data that Connecticut reports to OSEP under section 618 of the IDEA.

During the verification visit, CSDE demonstrated to OSEP that its data collection and analyses are integral to CSDE's system of general supervision. OSEP conducted interviews with CSDE including staff from the Information Management Unit to review components of CSDE's data system. CSDE staff explained that they use a secure web application to collect data required under section 618 of the IDEA. OSEP confirmed that CSDE's data is collected through its Public Student Information System (PSIS) and Special Education Data Application and Collection (SEDAC), which give the State common reference points and provide accurate data analysis of KPIs (e.g., disproportionate identification of minority students in special education). CSDE explained that the use of PSIS in combination with SEDAC will allow CSDE to collect and manage Special Education data and Excess Cost grant data from individual school districts.

The PSIS requires that each student have a unique student identifier or State Assigned Student ID. The SEDAC is an annual data collection that verifies all required special education information on all students with active IEPs. This annual data collection generates edits and reports to ensure accuracy of data collection at the district level. The SEDAC also automates the FM reports and similar reports such as the Federal child count used by local educational agencies (LEAs) to view aggregate student data. The State described SEDAC's capacity to provide edit checks and real-time technical assistance to the field (including immediate instructions and directions on navigating the State's website for other supports and guidance). CSDE reported that edits, checks, and "cleaning" occur at each level of the data collection process, including the district level, and that draft reports with 'red flags' are identified and returned to districts for verification and "cleaning." CSDE verifies and reports the data to OSEP's contractor, Westat, and to the U.S. Department of Education, Education Data Exchange Network (EDEN), and data are posted on-line for required reporting to the public.

During the verification visit, OSEP learned that Discipline Data Collection is a stand-alone system that collects data required for all Federal programs for regular and special education students. This data collection, which is child-specific and the largest data collection in the State, is integrated with PSIS to reflect students with disabilities subject to student disciplinary action.

CSDE also checks for data anomalies and requires districts to verify data and explain anomalies. In addition, as a result of the PJ settlement agreement, a detailed – child-by-child data review of 3,000 files is being conducted, including (IEP schedule, interview, and verification of data collection). Local data collection activities are monitored by the State through self-assessments, desk audits, FM and monitoring of the PJ settlement agreement. All districts submit data to CSDE for certification.

CSDE reported that it conducts annual training to districts on data collection, data input and data oversight, and CSDE assigns staff members to districts responsible for collecting, "cleaning" and submitting data. CSDE staff that are responsible for data collection provide continuing web-based support. Training is mandatory for all new LEA directors and open to all LEA directors. In addition, follow-up materials are available, a recording of WebEx

is available for trainings, and call-in assistance is available to staff responsible for data entry to assist with accurate collections and reporting.

Statewide Assessment

In looking at the State's system for statewide assessment, OSEP collected information regarding a number of elements, including whether the State: (1) establishes procedures for statewide assessment that meet the participation, alternate assessment, and reporting requirements of Part B, including ensuring the participation of all students, including students with disabilities,⁴ 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.

OSEP has determined, through its review of the State's written procedures for statewide assessments and the State's reports to the public and the Secretary on the participation and performance of children with disabilities on such assessments, that those procedures, as written, and those reports are consistent with Part B requirements in 20 U.S.C. 1412(a)(16). OSEP cannot, however, without also collecting data at the local level, determine whether all public agencies in the State implement the State's procedures in a manner that is consistent with Part B.

During the verification visit, the Bureau of Student Assessment and the Bureau of Special Education (CSDE) presented the process for administering and scoring the Connecticut Mastery Test (CMT), the Connecticut Academic Performance Test (CAPT) and the CMT/CAPT Skills Checklist Alternate, as well as monitoring the use of accommodations and modifications.

Reading and mathematics assessments are administered to all students in grades 3 through 8 and grade 10, and writing assessments are administered to all students in grades 5, 8, and 10. Students with disabilities may take the grade level assessments, with and without accommodations as determined by the IEP Team. All students with disabilities who cannot participate in the regular assessment, as determined by the IEP team, participate in the alternate assessment. Test administrators are required to provide an explanation for children with IEPs not participating in the regular or alternate assessments. CSDE ensures participation and reporting requirements are met through monitoring. In order to assist

⁴ 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 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. For example, the Title I regulations require, at 34 CFR §200.2(b)(3) and (4), that all State assessments must, "(3)(i) Be aligned with the State's challenging academic content and student academic achievement standards; and (ii) Provide coherent information about student attainment of those standards. (4)(i) Be valid and reliable for the purposes for which the assessment system is used; and (ii) Be consistent with relevant, nationally recognized professional and technical standards." This letter does not, and should not be interpreted to, address Connecticut's compliance with requirements of Title I.

OSEP in understanding Connecticut's system for statewide assessment, during the verification visit, CSDE staff clarified that the alternate assessment is aligned with grade-appropriate content standards. CSDE also reported that a science assessment has been developed for grades 4, 8, and 10 and will be piloted during the 2007-2008 school year. An alternate science assessment will be developed to coincide with the administration of the grade level science assessment.

Part B requires, at 20 U.S.C. 1412(a)(16)(D)(i), that CSDE must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the number of children with disabilities participating in regular assessments, the number of those children who were provided accommodations in order to participate in those assessments, and the number of children with disabilities participating in alternate assessments, as well as data on the performance of children with disabilities on regular and alternate assessments, consistent with 20 U.S.C. 1412(a)(16)(D)(iv).

OSEP learned that although the State reports the number of children with disabilities who receive accommodations in order to participate in regular assessments on a statewide basis, the State does not report this information for its school districts. Although the State reports to the public the number of children with and without disabilities participating in regular assessments at the local level, it does not, as required by 20 U.S.C. 1412(a)(16)(D)(i), report to the public, at the LEA level, the number of those children who were provided accommodations in order to participate in those assessments. By June 1, 2007, CSDE must submit documentation that the State is meeting the requirement at 20 U.S.C. 1412(a)(16)(D)(i), and is reporting to the public the number of children with disabilities who were provided accommodations in order to participate in regular assessments with the same frequency and in the same detail as it reports assessment results for children without disabilities. Failure to submit the required documentation by that time may affect the State's status under section 616(d) of the IDEA or the State's FFY 2007 Part B grant award.

The State reported during the verification visit that it provides professional development opportunities and technical assistance on issues related to statewide assessment that include: (1) monitoring of LEA data through its cyclical monitoring process to ensure compliance with the requirements related to statewide assessment; (2) offering professional development implemented by SERC and curriculum departments to provide an integrated approach to school improvement based on State assessment results; (3) providing statewide training on assessment administration through the Bureau of Student Assessment, and the Bureau of Special Education; (4) implementing a computerized assessment review process; and (5) implementing progress monitoring techniques to improve achievement and measure improved performance based on curriculum standards.

Conclusion

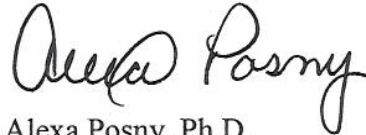
As noted above in the discussion of the State's monitoring system, and in accordance with OSEP's March 20, 2006 response to Connecticut's SPP, OSEP looks forward to data under

Indicator 15 in the State's FFY 2005 APR, due February 1, 2007, demonstrating timely correction of identified noncompliance within one year of identification.

As discussed in the assessment section, by June 1, 2007, CSDE must submit to OSEP documentation that the State is meeting the requirement, at 20 U.S.C. 1412(a)(16)(D)(i), to report to the public the number of children with disabilities who were provided accommodations in order to participate in regular assessments, with the same frequency and in the same detail as it reports assessment results for children without disabilities. Failure to demonstrate compliance at that time may affect the State's status under section 616(d) of the IDEA or the State's FFY 2007 Part B grant award.

We appreciate the cooperation and assistance provided by your staff during our visit. We were especially impressed with the coordination and cooperation between various offices and programs within CSDE that seemed to be a reflection of the hard work and skill demonstrated by Dr. Cappello and her staff. We look forward to collaborating with Connecticut as you continue to work to improve results for children with disabilities and their families.

Sincerely,

A handwritten signature in black ink that reads "Alexa Posny". The signature is written in a cursive style with a large, looped initial "A".

Alexa Posny, Ph.D.

Director

Office of Special Education Programs

cc: Nancy Cappello
Interim Director of Special Education