

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

Honorable Kathy Cox  
Superintendent of Education  
Georgia Department of Education  
2066 Twin Towers East  
205 Jesse Hill Jr. Drive SE  
Atlanta, Georgia 30334-5001

NOV 3 2008

Dear Superintendent Cox:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Georgia Department of Education (GaDOE) during the week of August 18, 2008. As indicated in my letter to you dated August 7, 2008, 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, Part B and Part C of the Individuals with Disabilities Education Act (IDEA). CIFMS is designed to ensure compliance and improve performance with Parts B and C<sup>1</sup> of the IDEA. Sections 616 and 642 of the IDEA require the Department to monitor States with a focus on: (1) improving early intervention and educational results and functional outcomes for infants, toddlers, children, and youth with disabilities; and (2) ensuring that States meet the program requirements, particularly those most closely related to improving results for infants, toddlers, and children with disabilities.

The purpose of the verification visit is to verify the effectiveness of the State's systems for general supervision, collection of State-reported data, and fiscal management, as well as the State's systems for improving child and family outcomes and protecting child and family rights. During the verification visit, OSEP: (1) analyzed the components of the State's general supervision, data and fiscal systems to determine whether they are reasonably designed to ensure compliance and improve performance; and (2) reviewed the accuracy of the data the State submitted for selected indicators in the State's FFY 2006 Annual Performance Report (APR)/State Performance Plan (SPP).

As part of the verification visit to Georgia, OSEP staff met with Nancy O'Hara and Kim Hartsell, State Directors of Special Education, State personnel responsible for implementing the general supervision, data or fiscal systems, and local agency staff. Prior to and during the visit, OSEP staff reviewed a number of documents, including the following: (1) Georgia's Federal Fiscal Year (FFY) 2006 APR submitted to OSEP in

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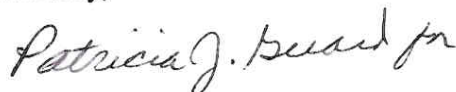
<sup>1</sup> OSEP conducted its Part C verification visit to the Georgia Department of Human Resources (the State's Lead Agency for Part C) during the week of September 22, 2008, and will be issuing a letter describing the results of that visit under separate cover.

February 2008; (2) Georgia's SPP submitted to OSEP in December 2005 and updated in 2007 and 2008; (3) Georgia's eligibility document submissions under Part B of the IDEA for FFY 2008; (4) OSEP's Verification Visit letter to Georgia dated October 20, 2003; (5) GaDOE's website; and (6) other pertinent information.<sup>2</sup>

OSEP developed critical elements that were used to guide its evaluation of Georgia's general supervision, data, and fiscal systems. OSEP's analysis of each critical element is set out in the enclosure to this letter. If OSEP identifies noncompliance during the verification visit, the enclosure also includes an explanation of the noncompliance with applicable Part B or Part C requirements and the required actions that OSEP has determined the State must take to address the noncompliance. As further detailed in the enclosure to this letter, OSEP found noncompliance with some of the Part B requirements for dispute resolution, and is requiring the State to take corrective action in the following areas: (1) requirements regarding the 60 day timeline for State complaint resolutions (34 CFR §300.152 (a)); (2) requirements regarding issuing a written decision to a complainant that addresses each allegation in the complaint (34 CFR §300.152 (a)(5)); and (3) requirements for granting specific extensions of the 45-day timeline for issuing final decisions in due process hearings at the request of a party (34 CFR §300.515(a) and (c)).

We appreciate the cooperation and assistance provided by GaDOE personnel during our visit. We look forward to collaborating with the State as you continue to work to improve results for infants, toddlers, and children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Melanie Byrd, at 202-245-6568.

Sincerely,



William W. Knudsen  
Acting Director  
Office of Special Education Programs

Enclosure

cc: Nancy O'Hara and Kim Hartsell  
Directors of Special Education

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<sup>2</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.