



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

JUN 6 2008

Honorable Dwight D. Jones
Commissioner
Colorado Department of Education
201 East Colfax Avenue, Room 500
Denver, CO 80203-1799

Dear Dr. Jones:

Thank you for the timely submission of Colorado's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also acknowledge the revisions to Colorado's SPP and APR received on April 14, 2008 and April 16, 2008. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA section 616(d), Colorado needs intervention in meeting the requirements of Part B 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, information obtained through on-site verification and focused monitoring visits, audits and related activities, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) 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 section 616(e) regarding the potential impact of the Department's determination if the State is determined to need intervention for three consecutive years.

The factor affecting OSEP's determination of needs intervention for Colorado was the failure of the State to ensure the timely correction of noncompliance. The State's FFY 2006 data in Indicator 15 include the percentage of findings of noncompliance identified in FFY 2005 (2005-2006) and corrected within one year of identification. The State reported a very low level of compliance for Indicator 15 -- 19.64%, with slippage from its FFY 2005 data of 25%. Even though the State also reported in Indicator 15 that all noncompliance findings made in FFYs 2004 and 2005 and reported in Indicator 15 in its FFY 2006 APR were corrected by the time of the State's submission of the APR, the correction was not timely. The very low level of noncompliance reported by the State for Indicator 15 is consistent with OSEP's conclusions in its May 9, 2008 verification letter that the State is not ensuring the timely correction of noncompliance, as required by 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600.

We hope that the State will be able to demonstrate that it meets requirements in its next APR.

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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, 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 local educational agency (LEA) located in the State on the targets in the SPP under IDEA section 616(b)(2)(C)(ii)(I). In addition, your State must review LEA performance against targets in the State's SPP, determine if each LEA meets the requirements of the IDEA and inform each LEA 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 section 616(d)(2)(B) of the IDEA and 34 CFR §300.603(b)(2), 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 Colorado's efforts to improve results for children with disabilities 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 Daniel Schreier, your OSEP State Contact, at 202-245-6552.

Sincerely,



William W. Knudsen
Acting Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education