



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

December 13, 2022

Honorable Molly Magarik
Cabinet Secretary
Delaware Department of Health and Social Services
Division of Public Health
Herman Holloway Administration Building
1901 N. DuPont Highway
New Castle, Delaware 19720
molly.magarik@delaware.gov

Dear Secretary Magarik:

This letter addresses the Delaware Department of Health and Social Services' (DHSS) submissions in response to the U.S. Department of Education's (Department), Office of Special Education Programs' (OSEP) January 19, 2021, monitoring letter. OSEP's January 19, 2021, monitoring letter required DHSS to implement corrective actions to address noncompliance with the Individuals with Disabilities Education Act (IDEA) Part C requirements as identified through OSEP's Differentiated Monitoring and Support (DMS) activities conducted with DHSS's Delaware Birth to Three Early Intervention Program.

Specifically, OSEP's 2021 monitoring letter found that DHSS failed to:

1. Have a single line of responsibility within its department reasonably designed to ensure the general administration and supervision of programs and activities administered by its components and Early Intervention programs under IDEA Part C, consistent with IDEA Sections 635(a)(10) and 34 C.F.R. § 303.120(a)(1).
2. Have a system reasonably designed to monitor its Early Intervention programs and Early Intervention service providers to ensure compliance with IDEA Part C of the Act, as required under IDEA Sections 616(a), 635(a)(10) and 642 and 34 C.F.R. §§ 303.120(a)(2) and 303.700(a) and (b). Specifically, the DHSS did not have a monitoring system reasonably designed to identify, correct, and report findings of noncompliance.
3. Provide IDEA Part C services in a timely manner as required by 34 C.F.R. §§ 303.342(e) and 303.344(f)(1) and the State consistently reported a low level of compliance under its State Performance Plan/Annual Performance Report Indicator 1 for five reporting years.

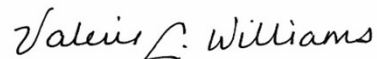
In response to OSEP’s 2021 DMS monitoring report; DHSS submitted the following reports and supporting documents:

- Birth to Three’s Early Intervention Program Policies and Procedures Manual (Manual) on September 23, 2020;
- DHSS Corrective Action Plan on April 23, 2021;
- Updated Indicator 1 (timely early intervention services) Compliance Reports on April 27, 2021, and June 21, 2021.
- Delaware Part C’s Birth to Three’s Early Intervention Manual revisions on July 26, 2021;
- Part C Transition Memorandum of Understanding on Early Childhood Transition and section 19 of the Manual on November 19, 2021;
- DHSS Process for Monitoring Compliance with IDEA Part C Requirements, on May 7, 2021; and
- Updated DMS report on September 16, 2022.

OSEP has determined that DHSS has resolved the three findings (findings 1, 2 and 3 above) and no further action is required from the State.

OSEP appreciates DHSS’s cooperation and the State’s efforts to improve results for infants and toddlers with disabilities. If you have any questions, please contact Jennifer Miley, your OSEP State Lead, at Jennifer.Miley@ed.gov.

Sincerely,



Valerie Williams
Director
Office of Special Education Programs

Cc: Lisa Henry
Christina Farmer
Nicole Topper
Marcus Hedrick