

**Disability Rights Center v. Maine Department of
Education:**

**Recommendations of the Department of Education
Corrective Action Plan Work Group**

Transmitted to:

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Acting Commissioner of Education

By:

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July, 2010

As required by the DRC v. MDOE
Corrective Action Plan (Case #10.064CS), dated March 5, 2010

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Introduction

In a letter to Maine Department of Education (DOE) Commissioner Susan Gendron, dated January 7, 2010, the Disability Rights Center (DRC) described what it believed to be “a significant unmet need among Maine’s children who are blind and/or have visual impairment as relates to education services.” The letter alleged violations of the federal Individual with Disabilities Education Improvement Act of 2004 (IDEA) and Maine’s Unified Special Education Regulations (MUSER), Chapter 101. The Commissioner’s subsequent systemic complaint investigation confirmed the principle allegations. Specifically, the investigation found that 19 blind and/or visually impaired (BVI) students were not receiving the services called for in their Individual Education Programs (IEP), but had instead been placed on a waiting list for those services. In addition, it was determined that there was a systemic problem with the completion of evaluations within regulatory time lines.

The Commissioner’s complaint investigation report (Case #10.064CS) included a corrective action plan (see Appendix) ordering the formation of a work group tasked with developing a plan that would identify and rectify the root causes of the violations. The resulting work group included a broad and diverse spectrum of stakeholders. The 17 members were (in alphabetical order):

Yvonne Batson, parent of a visually-impaired student
Gail Donahue, Director, CDS Lincoln County
Karen Farber, Advocate, Disability Rights Center
Marcye Gray, Special Education Director, RSU 17
Janna Gregory, DOE Birth to Five Consultant
Ronella Hanson, Educational Consultant
Sandra MacArthur, Executive Director, Maine School Superintendent’s Association
John McMahon, Director, Division for the Blind and Visually Impaired, Bureau of
Rehabilitation Services, Department of Labor
Nancy Moulton, Supervisor, Education Services for Blind and Visually Impaired
Children, Catholic Charities of Maine
James Phipps, Executive Director, The Iris Network
Debrajean Scheibel, DOE Distinguished Educator
Jean Small, Program Director, Education Services for Blind and Visually Impaired
Children, Catholic Charities of Maine
Valerie Smith, Coordinator of Community Services, Center for Community Inclusion
Steve Spear, DOE Due Process Consultant (Work Group Coordinator)
Jude Thomas, Director, CDS Knox County
Todd Winship, Operations Director, Early Care and Education, Catholic Charities
Carson Wood, Board Member, American Council of the Blind of Maine

The Corrective Action Plan Work Group (hereafter referred to as the Work Group) held its first meeting on April 26, 2010. This meeting was devoted to understanding the complaint investigation report and the operating procedures of the Division of the Blind and Visually Impaired (DBVI) and its contractual partner, Education Services for Blind and Visually Impaired Children (ESBVIC), a program of Catholic Charities of Maine. Time was also devoted to brainstorming possible solutions to the issues presented in the complaint investigation report.

Subsequent to this meeting, participants were asked to complete a 15-item questionnaire which was designed to elicit additional feedback regarding possible solutions and recommendations. The compiled results were sent to participants prior to the second meeting.

At the second and final meeting, held on May 20, the group reviewed the consolidated results of the questionnaire and solidified a recommended plan of action to be submitted to the Commissioner.

The Nature of Systemic Complaint Investigations

The funding of special education, the determination of student eligibility, and the delivery of special education services involves extensive planning, communication, and coordination within and among state and local agencies, school administrative units (SAU), and regular and special education staff. The successful provision of a free, appropriate public education (FAPE) to eligible students can therefore never be attributed to any single individual or organization.

The same logic holds true when this multi-layered system fails. Systemic failures occur when, despite the best efforts of individuals and organizations, a policy, practice, or procedure emerges which results in the denial of a free, appropriate public education (FAPE) to a group of eligible children. Such policies, practices, and procedures may evolve over time, insinuating themselves within the system and oftentimes functioning invisibly until the resulting inability to provide FAPE becomes more apparent.

The discovery and investigation of a systemic failure in special education is an unsettling event for educators, advocates, parents, and stakeholders. Yet it is primarily a positive undertaking, for it presents a valuable and timely opportunity for educators and stakeholders not only to correct the systemic failures, but to renew their commitment to the population that has been underserved. This reassessment, rededication, and renewal can only result in improved services for blind and visually impaired students, both now and in the years to come.

Background and Context

The issues identified in the complaint investigation report are best understood when viewed within the context of the organizational structure and procedures by which services are delivered to BVI students. What follows is a brief overview.

Division for the Blind and Visually Impaired (DBVI)

DBVI, housed in and funded by the Maine Department of Labor (DOL), is required by statute to provide the following services to BVI students from birth through age 20 (26 MRS §1418-D):

- Itinerant teacher services
- Mobility instruction
- Braille instruction
- Low vision services
- Special aids and supports needed to participate in the educational process
- Advocacy, counseling, and guidance services to students and their parents

It is significant that this statutory obligation is limited to that of providing “assistance” to SAU’s, for this is one of the keys to understanding the systemic failures that are the focus of this report. DBVI is not required to provide the FAPE that is the legal and philosophical hallmark of special education law. That obligation rests with DOE and the individual SAU’s. An arrangement by which DBVI would be responsible for the provision of FAPE is possible within the constraints of federal regulations (34 CFR §§300.154(a) and 154(a)(2)), but the current Cooperative Agreement between DOE and DOL, dated June 1, 2000, does not specify such an arrangement. DBVI thus provides services to the birth through age 20 population under the same restrictions by which it provides services to adults. Such services are always subject to the availability of funds. Recent legislative reductions in funding have therefore translated directly to a reduction in services for the blind and visually impaired children and adult citizens of Maine.

DBVI’s staff of nine Orientation and Mobility (O&M) Instructors provides services to adults as well as children. These professionals teach BVI and deaf/blind students to travel safely and independently in familiar and unfamiliar environments. Evaluation and intervention are usually provided on an individual basis as early as preschool, but sometimes much later in life. O&M training provides an individual with a selection of travel techniques to be employed indoors and outdoors, and may involve the use of canes, walkers, or wheelchairs. Students learn the most basic self-protective techniques using the natural extension of their arms and hands. They are taught sighted guide techniques so they can travel safely with another person. Some students require intensive instruction in the use of a cane. The length of training differs for each individual. O&M Instructors also consult with parents, teachers, and other regular and special education personnel to coordinate programs and services.

DBVI contracts with Education Services for Blind and Visually Impaired Children (ESBVIC), a service of Catholic Charities of Maine, to provide Teacher of the Visually Impaired (TVI) services to BVI students aged birth through 20 throughout the state. TVI have the primary responsibility for specialized instruction and services to meet the unique educational needs of BVI students. They provide Functional Vision and

Learning Media assessments and interpret the results, emphasizing the educational implications of the student's specific condition. They consult with parents and classroom teachers and other regular and special education personnel to coordinate programs and services. Instruction is provided for the development and maintenance of skills in the following areas: low vision and visual efficiency skills; concept development and academic skills; daily living skills; career and vocational educational skills; communication skills, including Braille reading and writing as appropriate; social-emotional skills; and sensory-motor skills.

DBVI also provides Expanded Core Curriculum (ECC) services to transition age youth through its contract with the Iris Network. (Please see Recommendation #6 below for an explanation of Expanded Core Curriculum). If such services are included in the IEP's of students age 14 and older, then Vision Rehabilitation Therapy, adjustment counseling, and low vision services are available from the Iris Network's staff of nine Vision Rehabilitation Therapists. These services function as part of the overall Vocational Rehabilitation services available through DBVI, and can augment and support the ECC work of the TVI and O&M instructors. ECC services focus on all aspects of communication, home and personal management, recreation, and other aspects crucial to the development of the vocational and independent living skills that IDEA 2004 sites as a goal for all children with disabilities (Sec. 601 (C) (1)).

Education Services for Blind and Visually Impaired Children (ESBVIC)

ESBVIC is a statewide service of Catholic Charities of Maine. The program provides assessment, instruction, and consultation to BVI children. Their mission is to assist schools and families in meeting students' educational needs through consultation and/or direct services delivered in school or home.

ESBVIC currently employs 15 TVI who provide services to approximately 300 students annually in over 200 schools. Caseload management is a challenge. Students with less intensive needs may require only a monthly consultation, while children who must learn to read and write Braille may require several hours of individual instruction per week. Thus, caseload sizes may vary significantly among TVI, depending upon the needs of the students they serve. Caseloads also vary over time, because the needs of the students on any particular caseload may change and new students may be added. For example, a medically fragile child's needs may dramatically intensify, or a student who is learning Braille may relocate into the state. ESBVIC administrators must continually work to balance these often changing and unpredictable service requirements against the reality of finite resources.

The ESBVIC referral processing procedure is another important factor in understanding the source of systemic failure. The program receives 8-10 referrals per month. These are carefully reviewed to determine the appropriate course of action for each child and to ensure that material and staff resources are utilized in the most cost-effective manner. If a student's condition, acuity, or functional limitations are considered to be minimal, the referral will not be activated. In this event the referral source, parent/guardian, and school are notified.

Referrals that require action proceed to a TVI for a Functional Vision Assessment (FVA) or a Learning Media Assessment (LMA). If a TVI is not available to conduct the needed assessment(s), the referral is placed on a pending services (waiting) list, and all parties are notified. If the assessment(s) are conducted and services are recommended, the student will be assigned a TVI. If no TVI is available, the student is placed on a pending services list. Thus, without the mandate and the funds to provide FAPE, ESBVIC has no choice but to place students on waiting lists for assessments and services. It should be noted, however, that the SAU's have a regulatory obligation to respond to situations where services named in IEP's and IFSP's are unavailable. This requirement will be discussed more fully below under the *Findings* section.

The Report of the Stakeholder Group

The *Report of the Stakeholder Working Group to Review the Current and Future Needs of Maine's Residents Who Are Blind and Visually Impaired* (January, 2010) proved to be highly relevant to the mission of the Work Group. This report was transmitted by DOL Commissioner Laura Fortman to the Joint Standing Committee on Labor and Education in fulfillment of the requirements of a legislative resolve.

The report provides a comprehensive overview of DBVI and its programs, affirms the efficacy of the current delivery system, and outlines the extent to which additional revenues are needed if DBVI is to fulfill its mission. It makes clear that the “unmet need of our child and adult clients is quite large (p. 18),” and it contains recommendations that address this problem.

Of special relevance to the BVI student population is the section entitled *Documenting Unmet Needs* (p. 16). In an effort to understand the extent of the need for additional resources, the Stakeholder Working Group asked blindness professionals to review their caseloads and identify essential needs that could not be addressed in the amount of time available. The personnel polled included TVI, O&M Instructors, Vocational Rehabilitation Counselors, Vision Rehabilitation Therapists, Blindness Rehabilitation Specialists, and a Personal Adjustment Counselor. All reported gaps between the level of service they were able to provide and the level needed. Of particular interest to the Work Group was the data collected from the TVI: all 15 reported time differences between what they were presently able to provide and what their assessments said the students truly needed.

The TVI responses raise the possibility that systemic failure may run deeper than the complaint investigation report suggests. While the waiting list of 19 students provides an easily defined and highly visible symbol of such failure, it is likely that there are unmet needs among the BVI population that are not as readily apparent.

Findings of the Complaint Investigation

The full redacted version of the 10.064CS complaint investigation report can be found at http://www.maine.gov/education/specedd/data/documents/10064rcs_cir.doc. This summary will focus only on the two allegations for which violations were found.

The first allegation alleged a failure to provide FAPE to the target population by failing to ensure that the students received the special education and related services they needed. The investigation confirmed that while most BVI students were receiving needed services, there were 19 children who were eligible to receive BVI services who were on a waiting list to receive them. Six of those children had been on the list for approximately 10 months.

The complaint investigation report concluded that the existence of a waiting list can be directly attributed to a shortage of service providers, and further, that this shortage is related to the amount of funding available for salaries and benefits.

Special education law does not allow students to be placed on waiting lists for services. In circumstances where IEP and IFSP teams find themselves unable to arrange for the services they have recommended for a child, they must follow the procedures outlined in MUSER §IX.3.B.(3). These procedures stipulate that an IEP/IFSP meeting must be held within 30 days from the start of the school year, or 30 days from the date of the team's development of the IEP/IFSP. At these meetings the teams must determine how the student's needs will be addressed until such time as the services become available. In addition, the SAU must continue to seek the personnel necessary to provide the needed services, which means that if it is TVI services that are lacking, the district must attempt to locate a provider outside of ESBVIC.

There was no specific finding of a systemic failure on the part of districts to fulfill their responsibilities in this respect. Nevertheless, the corrective action plan calls for districts to receive training regarding their responsibility to deliver FAPE and early intervention services to their BVI students and children.

The second violation substantiated the allegation that assessments were not being completed within regulatory timelines. MUSER §V.1.A.(3)(a)(i) states that for children who are ages 5 through 20 and under the responsibility of the public school system, evaluations must be completed within 45 school days. For children in the Child Development System, 60 calendar days are allowed.

The understaffing of TVI is the principle reason why ESBVIC has had difficulty meeting this requirement. The ESBVIC program director reported to the complaint investigator that for the past year, one TVI has been responsible for conducting assessments from Augusta south. Again, the complaint investigation report notes that SAU's are obligated to seek outside evaluators if and when ESBVIC is unable to complete evaluations within regulatory time frames. The corrective action plan requires that DOE provide district personnel with a list of alternative service providers as part of their mandatory training.

Recommendations

The following set of recommendations is best viewed within the context of the corrective action plan as a whole. To be effective, the recommendations must be integrated with the other components of the corrective action plan, which include a case-by-case review of those students on the waiting list and the provision of those services they have to date not received; training provided to districts regarding their responsibilities for the provision of FAPE to BVI students; and post-training IEP/IFSP

meetings for all BVI students in order to ensure that their plans have been properly developed and implemented. It is only through the integration and implementation of these four components that the provision of FAPE to all blind and visually impaired students can be assured.

The following are the Work Group's recommendations and the rationale for each.

1. Hire four additional Teachers of the Visually Impaired and one additional Orientation and Mobility Instructor.

Rationale: The primary cause of the violations identified in the complaint investigation report is the lack of adequate TVI and O&M staff. With an appropriate level of TVI and O&M personnel there would be no need for a pending services list, and students would receive levels of service more reflective of their assessments and the recommendations of IEP/IFSP teams. In addition, evaluations conducted by TVI would, under normal circumstances, be completed within regulatory time lines.

Although adequate staffing is essential for meeting the needs of the BVI population, it does not by itself guarantee this. The training required by the corrective action plan will also play a key role in helping districts fully understand their responsibilities in meeting the needs of this low incidence population. In addition, the continuous monitoring and assessment of student needs at both the district and DOL/DOE level will also be crucial in assuring that FAPE is provided to these children.

Data from the *Report of the Stakeholder Group* was used to calculate the number of additional TVI needed. Included in this calculation was the gap between what was perceived to be the appropriate level of service and the level of service actually being provided; the 13 students on the pending services list (at the time the Stakeholder Working Group was meeting); additional time for the completion of evaluations; and time for travel and lesson preparation. This calculation resulted in a shortfall of 146.5 hours per week, the equivalent of 3.5 FTE. Because the pending services list has since grown to 19 students, the group recommended the acquisition of 4 additional full-time TVI .

The *Report of the Stakeholder Group* recommended hiring two additional O&M Instructors for the entire birth through adulthood population. The Work Group concluded that the need for the Birth through 20 population was for one.

It should be noted that there is presently an unfilled opening for an O&M Instructor for which the funding is already in place. This position has not been filled because the staff member who vacated it chose to leave under an early retirement incentive. By legislative mandate, the position cannot be filled until June, 2011. Filling this funded position immediately would help to ensure the provision of equitable services to both the adult and student populations. The Work Group's recommendation is for the creation of an O&M Instructor position that would be in addition to the one that is currently vacant

Cost: The first year total cost (including salary and benefits, as calculated by DBVI) of hiring an additional O&M Instructor would be between \$60,404 and \$67,013, inclusive, depending upon the experience of the person hired.

The cost of hiring additional TVI staff members is provided under the next recommendation.

2. Raise the salaries of Teachers of the Visually Impaired to \$34,733 for an entry level with a Bachelors degree, and \$42,754 for an entry level with a Masters degree.

Rationale: The current TVI salary structure, as developed four years ago by Catholic Charities, is based upon the premise that TVI pay should approximate average classroom teacher salaries in Maine. However, these salaries have not kept pace with those of classroom teachers. In addition, the Work Group concluded that in order to hire and maintain appropriate levels of staff, TVI entry level salaries should approximate, not Maine teacher salaries, but the average TVI salaries in all of New England combined. Current New England TVI salaries are as follows:

	BA	Masters	
Maine	\$30,000	\$40,000	
New Hampshire	33,120	35,851	(estimate based upon average classroom teacher salaries)
Vermont	34,000	36,000	
Rhode Island	36,750	39,750	
Massachusetts	39,796	43,115	(estimate based upon average classroom teacher salaries)
Connecticut	56,125	61,812	

The Work Group determined that when calculating the average salary for Bachelor of Arts (BA) TVI in New England, the resulting figure (\$38,299) was higher than was necessary for Maine to be competitive. After removing Connecticut from the calculation, the average dropped to \$34,733. The Work Group determined this to be an appropriate and competitive entry level salary for BA level TVI in Maine. At this level, BA TVI in Maine would be making more than their counterparts in New Hampshire and Vermont.

The average entry level salary for Masters level TVI in New England, including Connecticut, is \$42,754. The Work Group concluded that this was an appropriate and competitive entry level salary for Masters Degree TVI in Maine. At this level, Maine TVI with Masters Degrees would be making more than their counterparts in New Hampshire, Vermont, and Rhode Island.

Cost: The total first year cost of hiring one entry level BA TVI under the new salary structure would be \$59,192. The total first year cost of hiring one entry level Masters Degree TVI would be \$69,633. These figures include salaries, expenses, and indirect costs, as calculated by Catholic Charities.

Raising the salaries of new entry level TVI requires a comparable raise in the salaries of current TVI. The new entry level salary for BA TVI represents a 15.8% raise over the existing starting salary. The new entry level salary for TVI with Masters Degrees represents a 6.9% increase over the existing salary. This increase results in a total annual cost of \$60,432 to raise the salaries of the TVI currently employed (13 with Masters Degrees and two with BA Degrees).

3. Pay tuition costs and an internship stipend for those who wish to become Teachers of the Visually Impaired.

Rationale: According to the American Foundation for the Blind (2005) there is a critical shortage of TVI nationwide. This means that in our efforts to hire and maintain a TVI staff of appropriate size and quality, we must do more than offer a competitive salary. We must actively recruit, not only currently qualified TVI, but also classroom teachers and college students who may be interested in a career in the field of vision education. This would be an especially advantageous undertaking in the current fiscal climate, in which classroom teachers are experiencing layoffs throughout the state. The Work Group believes that offering to pay for the costs associated with obtaining TVI certification is an important means by which recently unemployed teachers and other Maine residents can be assisted in transitioning to new careers as Teachers of the Visually Impaired. A number of years ago, ESBVIC successfully trained a TVI for Aroostook County using this approach.

Additional financial assistance should also be offered in the form of a stipend to help defray the costs of the required three-month internship. Recipients would be expected to commit to working in Maine for a minimum of one year.

Cost: Students attending grant-funded programs such as the UMASS Boston certification program would be eligible. The UMASS program charges \$300 for each of eleven required courses. The total cost would therefore be \$3300 for one student, plus a stipend of \$1200 to be paid during the internship.

4. Modify the DOE/DOL Cooperative Agreement to include an annuals needs assessment.

Rationale: The current Cooperative Agreement between DOL and DOE contains no mechanism requiring a regular assessment of the needs of the target population and the ability of the current delivery system to meet those needs. Had such a mechanism been in place, the impact of recent cuts in DOL/DBVI funding could have been more readily anticipated by DOE (it *was* anticipated by the blindness system and its advocates) and a proactive response fashioned. As long as DBVI is not obligated to provide FAPE, an annual needs assessment will serve as DOE's formal means of assuring that DOE and the individual SAU's are meeting the needs of BVI students, as required by federal and state special education laws and regulations.

5. Form a work group that will determine the scope and nature of the annual needs assessment.

Rationale: The term "needs assessment" can have varied meanings, depending upon the perspective of the reader. The Work Group believes that the importance of the annual needs assessment is such that the term must be succinctly defined in the modified Cooperative Agreement, and that procedures for the collection and analysis of data must be specifically detailed. The recommendations of the needs assessment work group will suggest what types of data should be collected, by whom, and when. These recommendations will be delivered to the Commissioner of Education and the

Commissioner of Labor in advance of any possible revision of the Cooperative Agreement in order that, if deemed appropriate, they may become a part of it.

6. Train district personnel in the use of the Expanded Core Curriculum as a guide to the development of IEP's and IFSP's.

Rationale: It is likely that the students on the waiting list are not the only BVI students with unmet needs. Data from the *Report of the Stakeholder Working Group*, the findings of the complaint investigation, and anecdotal information shared by members of the Work Group suggest that there may be unidentified and unmet needs within the BVI population as a whole. This may be due in part to a lack of training at the district level, where important IEP and IFSP decisions are made by teams who may not have a full understanding of the unique needs of the BVI student. The Work Group therefore recommends the Expanded Core Curriculum (ECC) an excellent training and IEP/IFSP development guide.

The ECC represents the body of knowledge and skills needed by students with blindness or visual impairment if they are to be successful in school. It functions as an addition to the core academic curriculum and can be used as a framework for assessing students, planning individual goals, and providing instruction. The ECC focuses on the following nine areas:

- Compensatory and functional academic skills
- Orientation and mobility
- Social interaction skills
- Independent living skills
- Recreation and leisure skills
- Career education
- Assistive technology
- Visual efficiency skills
- Self- determination

The ECC is not designed to function as a universal prescription for BVI students; such a use would violate the spirit of IDEA's focus on individual needs. On the contrary, the ECC should be employed as quality assurance guide and resource that will assist teams in their efforts to identify and meet the full range of unique needs for each BVI student.

The Work Group recommends that the ECC be included in the district-level training that is mandated by the corrective action plan.

Total First Year Cost of Recommendations:

1 O&M Instructor (maximum salary):	\$67,013
4 TVI at Masters level:	278,532
Salary increase:	60,432
Tuition and stipend (assuming 2 students):	<u>9,000</u>
	\$414,977

Summary

This report contains the recommendations of the Department of Education Corrective Action Plan Work Group. The formation of the Work Group was mandated by the 10.064CS systemic complaint investigation report and the corrective action plan which was included within it. The Work Group's task was to uncover the root causes of the violations of special education laws and regulations identified in the complaint investigation report, and to deliver to the Commissioner of Education a recommended plan of action designed to correct the circumstances which led to the systemic failures.

The ethical dimensions of the issues reviewed in this report were not discussed during the Work Group's meetings, no doubt because the moral imperative to provide services to blind and visually impaired students was assumed. Nevertheless, it must be said that the members of this Work Group did not invest their time and energy in this project solely out of concern that the Department of Education is not in compliance with special education law. Rather, they met, listened, proposed, and debated out of their conviction that providing appropriate services for this vulnerable population of students is the right thing to do.

Appendix

Systemic Complaint Investigation 10.064CS DRC v. MDOE Corrective Action Plan

The DOE shall identify appropriate personnel who shall proceed immediately to review the educational files of each child/student on the CCME waiting list as of the date of this report, convene and confer with the IFSP/IEP team of each such child/student in order to bring about the completion of any required evaluation, determine what services the child/student presently requires, and take whatever actions are necessary to secure provision of those services. At the IFSP/IEP team meeting, in addition to the representative of the SAU who is authorized to obligate the SAU's fiscal resources, the DOE representative shall be authorized to obligate State fiscal resources.

The DOE shall also provide training to the special education field regarding the responsibility of the SAUs for delivery of EIS/FAPE to BVI children/students, and of the responsibility of the IFSP/IEP teams for evaluation, determination of eligibility and services, regardless of the participation of DBVI and/or CCME in their children/students' care. A list of qualified alternative service providers, both within and outside the State, shall be generated and shared with SAUs as part of that training.

Following the completion of training, the DOE shall require that, for every child/student whose IFSP/IEP includes provision of BVI services, the child/student's SAU shall convene the IFSP/IEP team to review the IFSP/IEP in light of the training and any subsequent evaluation reports, to make any necessary changes to the services identified in the IFSP/IEP, and to determine the steps to be taken in order to secure those services. Documentation shall be submitted to the DOE by the SAUs in the form of Written Notices and, where appropriate, new or amended IFSP/IEPs.

The DOE shall further direct the DOE Special Services Team to convene a task force with the goal of reviewing the current system for delivery of BVI services to the BVI child/student population in the State of Maine and delivering to the DOE, within 60 days, a plan of action to be implemented by the DOE. The plan of action shall include measures to ensure the completion of BVI evaluations within the regulatory time frame and the provision of FAPE to all BVI children/students, and shall further identify the resources which must be put in place in order to accomplish those goals.

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