



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

Honorable Maria Greene
Acting Commissioner
Department of Human Resources
2 Peachtree Street, NE
Atlanta, Georgia 30303-3186

SEP 29 2005

Dear Commissioner Greene:

The purpose of this letter is to respond to Georgia's April 19, 2005 submission of its Federal Fiscal Year (FFY) 2003 Annual Performance Report (APR) under the Individuals with Disabilities Education Act (IDEA) Part C for the grant period July 1, 2003 through June 30, 2004. The APR reflects actual accomplishments that the State made during the reporting period, compared to established objectives. The Office of Special Education Programs (OSEP) has designed the APR under the IDEA to provide uniform reporting from States and result in high-quality information across States. The APR is a significant data source for OSEP in the Continuous Improvement and Focused Monitoring System (CIFMS).

The State's APR should reflect the collection, analysis, and reporting of relevant data, and include specific data-based determinations regarding performance and compliance in each of the cluster areas. OSEP has set out its comments, analysis and determinations by cluster area.

Background

The conclusion of OSEP's May 21, 2004 response to the State's FFY 2002 APR directed the State to submit to OSEP, no later than 90 days from the date of OSEP's letter: (1) documentation that it completed correction of the noncompliance related to ensuring that public agencies complete an initial evaluation and assessment, and convene an initial individualized family service plan (IFSP) meeting, within 45 days after they receive a referral, as required by 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a); and (2) an analysis and a determination of compliance or noncompliance related to the transition planning timeline requirement at 34 CFR §303.148(b)(2)(i) and the transition-related content requirements at 34 CFR §303.344(h).

On August 13, 2004, the State submitted a Progress Report to OSEP, providing statewide performance data related to Part C's 45-day timeline requirement along with additional strategies designed to ensure compliance. OSEP responded to that Progress Report in a letter dated October 25, 2004, accepting the additional strategies and informed the State that, in its FFY 2003 APR, it must: (1) continue to report its progress in ensuring full compliance with Part C's 45-day timeline requirement and its efforts to ensure correction and any updated data demonstrating compliance; and (2) provide updated data for the two districts at 83% compliance. In addition, OSEP's letter informed the State that it must provide a determination of compliance or

noncompliance with updated data related to the transition planning timeline requirements at 34 CFR §303.148(b)(2)(i) and the transition-related content requirements at 34 CFR §303.344(h).

General Supervision

Identification and timely correction of noncompliance

OSEP did not identify noncompliance in this area in the FFY 2002 APR. On pages 1 through 5 of the FFY 2003 APR, the State included data and analysis regarding its compliance and performance in this area. On page 2, the State reported that, “Each of the six districts monitored during State Fiscal Year (SFY) 2004 were found to be in compliance with most or all program requirements.” Because the State included no data or information in the APR regarding the correction of noncompliance, OSEP could not determine whether the lead agency requires and ensures the correction of all identified noncompliance within one year from the date on which the State identifies the noncompliance. In the State Performance Plan (SPP), due December 2, 2005, the State must, as directed by the SPP, include a clear data-based determination as to its effectiveness in ensuring the timely correction of noncompliance, consistent with the requirements of 34 CFR §303.501(b)(4).

Dispute resolution

On pages 10 through 14 of the FFY 2003 APR, the State included data regarding its compliance in this area. On pages 10 and 11 and in Attachment 1, the State reported that it received no complaints, or requests for mediation or due process hearings, during the FFY 2003 reporting period. The State reported that informal complaints were not systematically tracked during the reporting period. OSEP looks forward to reviewing the State’s data in this area in the SPP, due December 2, 2005.

Personnel

On pages 15 through 18 of the FFY 2003 APR, the State included data and analysis regarding its compliance and performance in this area. Georgia’s data submissions under section 618 of IDEA (1998-2003) indicated that there were adequate personnel throughout the State to meet the needs of infants and toddlers with disabilities and their families. Numbers of personnel increased annually through 2002 in the disciplines most frequently listed on IFSP; for example, occupational therapy, physical therapy, speech-language pathology, and special instruction. The number of paraprofessionals working within the Babies Can’t Wait system declined as the number of degreed early interventionists and early intervention specialists increased. As services were shifted to natural environments, districts elected to use fewer paraprofessionals and more qualified service providers. OSEP appreciates the State’s efforts to ensure performance and compliance in this area.

Collection and timely reporting of accurate data

On pages 21 through 24 of the FFY 2003 APR, the State included data and analysis regarding its compliance and performance in this area. Subgrants to Georgia’s nineteen public health district

offices were in place for implementation of the Babies Can't Wait program statewide. Georgia's Part C Data System was initiated in response to State results-based budgeting requirements and then expanded to meet Federal reporting requirements in 1998-1999. The State reported that reports from the Part C Data System have been critical in forming the Continuous Improvement Monitoring Process for Georgia since 2000. OSEP appreciates the work of the State in ensuring compliance with these requirements. OSEP looks forward to reviewing the State's data in this area in the SPP, due December 2, 2005.

Comprehensive Public Awareness and Child Find System

On pages 25 through 48 of the FFY 2003 APR, the State included data and analysis regarding its compliance and performance in this area. On page 35, the State provided fourth-quarter State Fiscal Year (SFY) 2004 data indicating that 1.47% of the birth-to-three population (based on the 2000 Census) in Georgia was receiving Part C services as of June 30, 2004. The State noted that, although this percentage was below the national average and State target of 2%, it represented an increase from the baseline data of 0.98% on December 1, 2001. In addition, on page 42 of the FFY 2003 APR, the State provided SFY 2003 data indicating that 0.52% of the birth-to-one population in Georgia was receiving Part C services. Overall, the strategies suggested appear to be results-oriented and OSEP encourages the State to continue its work to improve performance in this area. OSEP appreciates the work of the State in ensuring compliance with these requirements and looks forward to reviewing the State's data regarding the percent of children identified, birth to one and birth to three, compared to States with similar eligibility criteria and to national averages, in the SPP, due December 2, 2005.

Family Centered Services

On pages 49 through 70 of the FFY 2003 APR, the State included data and analysis regarding its compliance and performance in this area. The State reported the following. Babies Family Survey results (SFY 1997 and SFY 1999) showed that nine of ten families agreed that they were part of the decision-making team within Babies Can't Wait. State lead agency staff and parents worked to revise the Family Survey and a first draft was available for review by State staff in August 2003. In addition, the statewide IFSP was translated into Spanish and disseminated in January 2004. OSEP appreciates the State's efforts to ensure performance in this area and looks forward to reviewing the State's plan, in the December 2, 2005 SPP, to collect data regarding the percent of families participating in Part C who reported that early intervention services have helped the family: (a) know their rights; (b) effectively communicate their children's needs; and (c) help their children develop and learn in order to provide baseline data in this area in the FFY 2005 APR, due February 1, 2005.

Early Intervention Services (EIS) in Natural Environments (NE)

Service coordination

On pages 70 through 77 of the FFY 2003 APR, the State included data and analysis demonstrating compliance and performance in this area. Six districts were monitored during SFY 2004. In each district, a minimum of 12-13 family interviews were completed.

Comprehensive review of individual child records were completed on a minimum of 10% of records or at least 20 records. In all six districts, child record reviews indicated that each child and family had a single service coordinator. Families in each district reported a high degree of satisfaction with service coordination. OSEP appreciates the State's efforts to ensure performance and compliance in this area.

Evaluation and identification of needs

OSEP's May 2004 letter required the State to provide documentation to OSEP, no later than 90 days from the date of the letter, that it completed correction of the noncompliance related to that 45-day timeline. OSEP's letter further specified that, if there were any health districts that were not in full compliance by that date, the State was to include: (1) its analysis of the factors that impeded correction of the noncompliance in the nine districts that were reporting that they were below 90 percent in compliance, and whether existing strategies were effective or needed to be refined or targeted to ensure full compliance in all 19 health districts; (2) documentation of the specific steps, including any sanctions that it imposed to ensure correction, and the impact of those actions; and (3) if the State determined that additional strategies were needed or that existing strategies must be modified, its proposed strategies (by each district, if appropriate), proposed evidence of change, targets and timelines to ensure compliance as soon as possible.

The State's August 2004 Progress Report provided statewide performance data for February 2004-May 2004, showing compliance with Part C's 45-day timeline ranging between 90% and 92%. The data further showed that two health districts remained at 83% compliance. For one district, the compliance rate improved significantly from 50% in December 2001 to 83% in February 2004. For these two districts, the State provided: (1) an analysis of the factors that impeded correction of the noncompliance; and (2) specific steps (both current and future) to ensure correction of the noncompliance. The State also provided additional strategies and sanctions that the State would impose for districts demonstrating continued noncompliance that OSEP accepted in its October 2004 letter.

On page 7 of the FFY 2003 APR, the State included data and information indicating additional findings of noncompliance made by the State, with the 45-day timeline. In each of the six districts that it monitored during SFY 2004, the State found that five of the six districts it monitored were not in compliance with the requirement to convene the initial IFSP meeting within 45 days of receipt of the referral. Corrective action plans were required of those districts. The State further reported that it communicated findings, in writing, from follow-up visits to District Health Directors and that, as a result of follow-up in one area of noncompliance, administrative changes were being considered and implemented to better ensure program compliance. Additional follow-up in each district was planned through SFY 2005.

On page 81 of the FFY 2003 APR, the State provided data showing that, for the final four months of SFY 2004: (1) 93% of IFSPs were developed within 45 days, excluding family-identified reasons for delays; (2) three districts reported 100% of compliance; and (3) 13 districts reported percentages greater than 90%. Three districts reported percentages less than 90% for the final four months of SFY 2004. The State reported that with these three districts, it: (1) conducted additional monitoring, (2) mandated training and/or technical assistance; (3) required

a District Compliance Plan, developed in cooperation with State staff and/or Training/Technical Assistance personnel, to address noncompliance, including strategies, proposed evidence of change, targets and timelines to ensure correction of the noncompliance; and (4) delayed allocations to the districts of any additional Part C funding until noncompliance was corrected. (The districts would continue to receive funding equal to what was received in the previous year, but no additional funds or increase would be made available if noncompliance persisted; additional funds to be allocated to the district would be held for the district and would not be used for another purpose.)

OSEP appreciates the State's efforts to ensure timely identification and evaluation, and IFSP development. In the SPP, the State must submit documentation that it has ensured statewide correction of the noncompliance related to the 45-day timeline requirement under 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a). If the State is unable to demonstrate compliance in the SPP, OSEP will review the State's plan and determine what, if any, further action is required.

Individualized family service plans (IFSPs)

On pages 87 through 96 of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure compliance in this area. On page 94, the State reported that a random sample of child needs, in June 2003, confirmed that the average number of days from IFSP development to initiation of services was 11.8 days. During this reporting period, each of the sixteen mandated services specified in IDEA, excluding health services, were accessed by families through the IFSP process. Health services were most frequently accessed through existing Public Health programs and services available in each community. OSEP appreciates the State's efforts to ensure compliance in this area and looks forward to reviewing data regarding the percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner, in the SPP, due December 2, 2005.

Natural environments

On pages 102 through 110 of the FFY 2003 APR, the State included data and analysis regarding its performance in this area. Georgia's data, submitted under §618 of IDEA, indicated that over 99% of children enrolled in Babies Can't Wait received services in natural environments (home and programs designed for typically developing children). Training and Technical Assistance contracts were executed between the State lead agency and Valdosta State University, and the Institute on Human Development and Disability at the University of Georgia for at least seven years in order to further support personnel in the provision of early intervention services in natural environments throughout the State. OSEP appreciates the work of the State in improving performance and looks forward to reviewing the State's data regarding the percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children, in the SPP, due December 2, 2005.

Early childhood outcomes

Under the Government Performance and Results Act of 1993, 31 U.S.C. 1116, the effectiveness of the IDEA Part C program is measured based on the extent to which children receiving Part C services demonstrate improved and sustained functional abilities in the cognitive, physical, communication, social or emotional and adaptive developmental areas. The Part C FFY 2001, 2002 and 2003 APRs requested data on the percentage of children participating in the Part C program that demonstrate improved and sustained functional abilities in the developmental areas listed in 34 CFR §303.322(c)(3)(ii). On page 113 of the FFY 2003 APR, the State provided data and information as follows: In order to more fully assess if infants and toddlers receiving early intervention supports and services demonstrate improved and sustained functional abilities in all five developmental areas, an analysis and coding of 2,899 IFSP progress statements was completed. The selected progress statements were drawn from the IFSP outcomes that were reviewed and rated during the fourth quarter of SFY 2004. Initial coding sorted progress statements into: (1) child-focused or child-oriented statements and (2) family-focused or family-oriented statements. “Child” outcomes were then coded as addressing one or more developmental domains in order to determine the percentage of progress statements that addressed each domain as well as the percentage that were met and partially met in each domain. In addition, on page 113 of the 2003 APR Table CE-7 entitled, “SFY Analysis of Sample of IFSP Outcomes and Progress Statements” provides additional analysis of IFSP outcome and progress statements.

The SPP instructions establish a new indicator in this area, for which States must provide baseline data in the FFY 2005 APR, due February 1, 2007. In preparing the SPP, the State must determine whether plans currently in place to collect data related to this area will be responsive to those requirements. OSEP looks forward to reviewing the State’s plan to collect this data, in the SPP.

Early Childhood Transition

As noted above, OSEP’s May 2004 letter directed the State to provide, no later than 90 days from the date of OSEP’s letter, an analysis and determination of compliance or noncompliance related to the early childhood transition planning timeline requirements at 34 CFR §303.148(b)(2)(i), and the transition-related content requirements at 34 CFR §303.344(h). OSEP’s letter further specified that, if the data demonstrated noncompliance, the State was to include a plan with strategies, proposed evidence of change, targets, and timelines to ensure correction of the noncompliance within a reasonable period of time not to exceed one year from the date when OSEP accepted the plan. If data were not available, the State was to submit a plan, within 90 days of the date of the May 2004 letter, describing how the State would collect data to enable it to determine compliance or noncompliance by the FFY 2003 APR.

The State’s August 2004 Progress Report indicated that changes were made to the data collection system regarding transition planning meetings and would be effective in determining compliance, but that it would be unable to demonstrate full compliance related to the transition planning timeline and IFSP content requirements and the transition-related IFSP content requirements by the FFY 2003 APR.

OSEP's October 2004 letter informed the State that it must provide a determination of compliance or noncompliance with updated data related to the transition planning timeline and IFSP content requirements at 34 CFR §§303.148(b)(2)(i) and 303.344(h). On page 130 of the FFY 2003 APR, the State provided current State monitoring data and State monitoring reports indicating that the State monitored six districts during SFY 2004, and found one district noncompliant in transition planning and documentation of related transition activities. The district submitted an improvement plan to the State lead agency. The lead agency reported it conducted periodic follow-up with the district every 90 days. With the SPP, due December 2, 2005, the State must submit to OSEP updated data regarding these transition requirements.

Conclusion

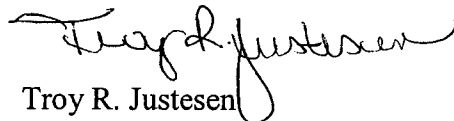
In the SPP, due December 2, 2005, Georgia must submit to OSEP data and analysis demonstrating progress toward compliance with the 45-day timeline requirements set forth at 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a) regarding Part C's 45-day timeline.

With the SPP, due December 2, 2005, Georgia must submit to OSEP updated data regarding the early childhood transition requirements at 34 CFR §§303.148(b)(2)(i) and 303.344(h).

IDEA 2004, §616, requires each State to submit a SPP that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators are, for the most part, similar to clusters and probes in the APR. OSEP encourages the State to carefully consider the comments in this letter as it prepares its SPP, due December 2, 2005.

OSEP recognizes that the APR and its related activities represent only a portion of the work in your State and looks forward to collaborating with you as you continue to improve results for infants and toddlers with disabilities and their families. If you have questions, please contact Barbara Route at (202) 245-7510.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Stephanie Moss, Part C Coordinator