



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

Honorable Karl B. Kurtz  
Director  
Department of Health and Welfare  
450 West State Street, 5<sup>th</sup> Floor  
2300 Capitol Avenue  
Boise, Idaho 83720-0036

SEP 29 2005

Dear Director Kurtz:

The purpose of this letter is to respond to the Idaho Department of Health and Welfare's (DHW) April 1, 2005 and June 20, 2005 submissions 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. This letter responds to the State's FFY 2003 APR. OSEP has set out its comments, analysis and determinations by cluster area.

### ***Background***

The conclusion of OSEP's November 19, 2004 FFY 2002 APR response letter required the State to submit, in the FFY 2003 APR, data and information regarding: (1) correction of noncompliance with the provision to hold the initial IFSP meeting within 45 days of referral to Part C as required by 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a); and (2) if available, responsive data regarding the percentage of children participating in the Part C program that demonstrated improved and sustained functional abilities.

### ***General Supervision***

#### Identification and timely correction of noncompliance

On pages 2 through 13 of the FFY 2003 APR, the State included data and analysis that demonstrated progress in the correction of noncompliance regarding the provision to hold an initial IFSP meeting within 45 days of referral to Part C. OSEP will discuss the State's analysis

of the 45-day timeline issue in the Early Intervention Services in Natural Environments section of this letter.

DHW also reported data in its FFY 2003 APR, as described in the Early Intervention Services in Natural Environments section of this letter, that indicated noncompliance in the following area: provision of early intervention services in accordance with IFSPs. OSEP will discuss that issue in the Early Intervention Services in Natural Environments section of this letter.

OSEP also looks forward to the State providing OSEP with the information on its general supervision system in accordance with indicator 9 in the State Performance Plan (SPP), due December 2, 2005.

#### Dispute resolution

In its May 20, 2004 letter regarding the verification visit to Idaho (during the week of April 19, 2004), OSEP required the State to submit, within 90 days of that letter, either: (1) the Part C revised prior written notice that meets the content requirements of 34 CFR §303.403 and a written assurance that the State informed providers of the revised notice and when the notice must be provided to parents; or (2) a written assurance that the State revised its notice to meet the content requirements and informed providers of the revised notice and when the notice must be provided to parents. The State submitted several drafts of a revised parent notice to OSEP. In a July 28, 2005 letter, OSEP approved the State's June 27, 2005 revised notice. On page 13 of the FFY 2003 APR, the State reported it would translate the prior written notice into Spanish.

On page 14 and in Attachment 1 of the FFY 2003 APR, the State reported that no complaints, mediations or due process hearings occurred during the FFY 2003 reporting period. The State reported that it tracked records maintained at both the State and regional levels to ensure that informal complaints did not demonstrate systemic concerns. According to the State, no systemic issues were identified from these informal complaints. OSEP appreciates the State's efforts in this area and looks forward to the State providing OSEP with the information on signed written complaints, due process hearing requests, and mediations in accordance with indicators 10, 11, and 13 in the SPP, due December 2, 2005.

#### Personnel

On page 16 of the FFY 2003 APR, DHW reported that all early intervention personnel, with the exception of four developmental specialists, met the highest personnel standards in the State. According to the State, the four developmental specialists, hired under provisional arrangements, were on track to meet personnel standards in accordance with their hiring agreements. The State estimated that it needed 28 additional social workers, developmental specialists and speech/language pathologists and that an additional \$320,000 was needed to provide occupational therapy, physical therapy, audiology, assistive technology, and speech and language services. The Part C program reported it had requested and would continue to request DHW to include funds for early intervention providers in its annual request for State appropriations. DHW reported that anecdotal reports indicated that personnel shortages might have led to delays

in delivery of services. OSEP will address the service provision issue in the Early Intervention Services in Natural Environments section of this letter.

Collection and timely reporting of accurate data

On page 18 of the FFY 2003 APR, the State reported that it assured accurate and timely data collection and submission because of ongoing oversight and technical assistance systems in place. Proposed revisions to the database were planned to increase the regions' capacities to utilize the database for regional management reporting and to provide service coordinators with a tool to track timelines. OSEP appreciates the State's efforts in this area and looks forward to the State providing OSEP with the information regarding State reported data (618 and State Performance Plan and Annual Performance Plan) that are timely and accurate in accordance with indicator 14 in the SPP, due December 2, 2005.

***Comprehensive Public Awareness and Child Find System***

On pages 19-26 of the FFY 2003 APR, the State provided information indicating that the State increased the percentage of children served by the Part C program from 2.12% on June 1, 2003 to 2.69% as of December 1, 2004. DHW attributed these increases to its public awareness and outreach. On page 24, DHW reported that, for children birth to one, the State increased the enrollment from 1.02% on June 1, 2003 to 1.52% on June 1, 2004. Moreover, DHW reported that the average age for the identification of children needing early intervention services lowered from 14.46 months of age to 13.2 months between June 2003 and June 2004. OSEP looks forward to the State providing the information regarding child find in accordance with indicators 5 and 6 in the SPP, due December 2, 2005.

***Family Centered Services***

On pages 27-29 and 35 of the FFY 2003 APR, the State included data and analysis regarding compliance and performance in this area. On page 28 of the APR, DHW reported that the State monitoring in all Regions demonstrated that family concerns, priorities and resources were incorporated into IFSP outcomes and activities, when appropriate, as required by 34 CFR §§303.322(d) and 303.344(b). In addition, DHW reported on page 27 of the APR that results of family surveys conducted between July 2003 and June 2004 showed a high rate of satisfaction related to the families' capacity to enhance outcomes for their infants and toddlers as a result of the provision of family supports and services. OSEP appreciates the State's efforts in this area and looks forward to reviewing the State's response to indicator 4 in the SPP, due December 2, 2005.

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

Service coordination

On pages 31-34 of the FFY 2003 APR, the State included data and analysis regarding performance and compliance in this area. DHW reported that local programs demonstrated compliance with the provision to ensure that each family had a service coordinator that carried

out their roles and responsibilities as required by 34 CFR §303.23. Idaho reported the results of its survey of 128 families demonstrating that 91.2% of the surveys were rated as meeting expectations or above related to service coordination. OSEP appreciates the work of the State in this area.

#### Evaluation and identification of needs

On pages 34-35 of the FFY 2003 APR, the State provided information based on quarterly file reviews conducted during six regional monitoring visits indicating that “all children have a comprehensive, multi-disciplinary evaluation conducted by appropriate qualified personnel.” In addition, results of family surveys conducted between July 2003 and June 2004 showed a high rate of satisfaction related to their involvement in multi-disciplinary evaluations. OSEP appreciates the State’s efforts in this area and looks forward to reviewing the State’s data in the SPP.

#### Individualized family service plans (IFSPs)

45-day timeline. The conclusion of OSEP’s November 2004 letter required the State to provide: (1) the monthly reporting that it was collecting from Regions 4 and 6, or a summary of that reporting, demonstrating correction of the noncompliance; (2) updated data showing the progress that Region 1 made toward compliance; and, (3) updated data regarding the timelines for IFSP development in Region 2.<sup>1</sup>

On pages 3-13, of the FFY 2003 APR, the State included data and analysis demonstrating progress in correcting the noncompliance with the provision to hold the initial IFSP meeting within 45 days of referral to Part C as required by 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a).<sup>2</sup> On page 6, State data (as of December 2004) indicated that 94.7% (376) of IFSPs reviewed during the months of September, October and November 2004, were in compliance with the 45-day timeline. The State reported that 5.3% (21) of IFSPs were delayed, during the same time period, because of systems’ issues, such as personnel turnover and delays in hiring new personnel (a temporary, State-imposed hiring freeze). In accordance with OSEP’s November 2004 request to provide additional information regarding Regions 1, 2, 4 and 6, DHW provided data from its monitoring of these regions regarding the 45-day timeline. All regions made progress, as follows:

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<sup>1</sup> DHW’s Self-Assessment and Improvement Plan identified one area of systemic noncompliance: initial IFSP meetings were not held within 45 days of receipt of a referral as required by 34 CFR §303.321(e)(2), §303.322(e)(1) and §303.342(a). OSEP approved the State’s Improvement Plan in a letter dated December 2, 2002, and as noted in OSEP’s subsequent letters, DHW’s progress reports and FFY 2001 and 2002 APRs showed consistent improvement in this area.

<sup>2</sup> DHW requires early intervention providers to obtain a *signed, completed* IFSP within 45-days of referral, whereas the Part C regulations require an *initial* IFSP meeting be held within 45-days of referral. However, it is our understanding that the State’s data represents Part C requirements because it completes the initial IFSP at the initial IFSP meeting.

Region	FFY 2002 APR COMPLIANCE	FFY 2003 APR COMPLIANCE
1	77%	95.8% (2 IFSPs not in compliance)
2	82%	96.15% (1 IFSP not in compliance)
4	90%	99%
6	80.43%	83.3% (8 IFSPs not in compliance)

During the FFY 2003 APR reporting period, corrective action plans were in place for these regions and the State planned to continue to evaluate each region’s progress every three months and impose sanctions, if necessary. As requested in indicator 7, the State must include in its SPP data and analysis demonstrating compliance with the requirements to conduct evaluations and assessments, and hold the initial IFSP meeting, within 45 days of referral to Part C.

Provision of early intervention services. On pages 35-39 of the FFY 2003 APR, the State indicated the following area of noncompliance, not previously identified by OSEP: early intervention services were not provided in accordance with IFSPs as required by 34 CFR §§303.344, 303.342(e), and 303.340(c). The State reported that during the FFY 2003 APR reporting period, children were awaiting services in five regions.<sup>3</sup> By September 2005, DHW planned to refine and track data from all regions regarding the start dates for provision of required early intervention services. DHW also reported in the APR that any region demonstrating noncompliance would be required to implement a corrective action plan and achieve full compliance by June 2006.

In the FFY 2003 APR, the State included strategies, proposed evidence of change, targets, and timelines designed to ensure compliance within a reasonable period, not to exceed one year from the date of this letter. OSEP accepts this plan. The State must include data and analysis demonstrating progress toward compliance in its SPP, and the State must provide a report to OSEP, with data and analysis demonstrating compliance as soon as possible, but not later than 30 days following one year from the date of this letter.

Natural environments

On pages 39-43 of the FFY 2003 APR, the State included data and analysis regarding performance in this area. OSEP looks forward to the State providing the information regarding early intervention services in natural environments in accordance with indicator 2 in the SPP, due December 2, 2005.

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<sup>3</sup> On page 37 of the APR, DHW reported that it defines “children awaiting service” as any service not available to be provided within 14 days of the start date projected on the IFSP. The State also reported that, by December 2005, it intended to examine its policy regarding children awaiting services, with stakeholder input.

### 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 pages 44-45 of the FFY 2003 APR, the State included information regarding the requirement to demonstrate that children participating in the Part C program demonstrated improved and sustained functional abilities. DHW reported that its previous attempt to measure achievement of IFSP objectives (reported in its FFY 2002 APR) was discontinued for a variety of reasons (page 45). The State reported that it would implement two strategies between July 2004 and June 2005 to determine child outcomes over time, including identifying and implementing methods to measure child and family outcomes recommended by the Early Childhood Outcomes Center (page 45). In preparing the SPP, the State should review the information it reported in its FFY 2003 APR to address the SSP requirements related to this indicator.

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. Absence of this information at that time will be considered in OSEP's annual determination on the status of the State's performance and compliance required under section 616(d) of the IDEA. The State should carefully review the instructions to the SPP in developing its plans for this collection.

### *Early Childhood Transition*

On pages 46-53 of the APR, the State provided data regarding transition conferences and transition steps in the IFSPs. However, with regard to transition conferences, the State indicates in the APR that its data does not represent children who may be eligible for Part B. In the SPP, the State must provide data, in response to indicator 8 C, that represents children potentially eligible for Part B. In addition, with regard to transition steps and services in the IFSPs, the State must ensure that the data provided in the SPP, in response to indicator 8 A, represents data regarding children exiting Part C. If the data in the SPP indicates noncompliance, the State must include in its SPP a plan including strategies, proposed evidence of change, targets and timelines designed to ensure correction of the noncompliance within a reasonable period of time, not to exceed one year from the date OSEP accepts the plan.

In its FFY 2003 APR, the State did not provide monitoring data on the number of children who may have been eligible for Part B services in which the LEA was notified of the child's potential eligibility for Part B. On page 52 of the APR, the State indicated that this data had not previously been collected, but that it was added to the file review checklist. This is an indicator in the State Performance Plan (SPP) under section 616 that is due December 2, 2005. In preparation for the submission of the SPP on December 2, 2005, the State should carefully consider its current data collection against the requirements related to this indicator in the SPP packet to ensure that data will be responsive to this requirement. The State must submit

responsive baseline data regarding the number of children who may have been eligible for Part B services in which the LEA was notified of the child's potential eligibility for Part B. The absence of baseline data in this area will be considered in OSEP's decision about approval of the State's SPP.

### *Conclusion*

In the SPP, due December 2, 2005, Idaho must submit, as requested in indicator 7, updated data demonstrating compliance for conducting evaluations and assessments, and holding initial IFSP meetings, within 45 days of referral as required by 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a).

In this letter, based on data in the State's FFY 2003 APR, OSEP identified noncompliance with the requirement that all services identified on the IFSP are provided as required by 34 CFR §§303.344, 303.342(e) and 303.340(c). In the SPP, the State must include data and analysis demonstrating progress toward compliance with those requirements. The State must also submit to OSEP its data and analysis demonstrating compliance with those Part C provisions as soon as possible, but not later than 30 days following one year from the date of this letter.

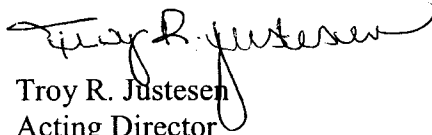
In the SPP, the State must also provide data regarding transition conferences, in response to indicator 8 C, which represents children potentially eligible for Part B. In addition, with regard to transition steps and services in the IFSPs, the State must ensure that the data provided in the SPP, in response to indicator 8 A, represents data regarding children exiting Part C. If the data in the SPP indicates noncompliance, the State must include in its SPP a plan, including strategies, proposed evidence of change, targets and timelines, designed to ensure correction of the noncompliance within a reasonable period of time, not to exceed one year from the date OSEP accepts the plan.

In the SPP, the State must also submit baseline data regarding the number of children who may have been eligible for Part B services in which the LEA was notified of the child's potential eligibility for Part B, in response to indicator 8 B. The absence of baseline data in this area will be considered in OSEP's decision about approval of the State's SPP.

IDEA 2004, §616, requires each State to submit a State Performance Plan (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 Sheryl Parkhurst at (202) 245-7472

Sincerely,



Troy R. Justesen  
Acting Director  
Office of Special Education Programs

cc: Mary Jones  
Part C Coordinator