



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

Honorable E. Mitchell Roob  
Secretary  
Indiana Family and Social Services Administration  
402 W. Washington Street  
P.O. Box 7083  
Indianapolis, Indiana 46207-7083

NOV 14 2005

Dear Secretary Roob:

The purpose of this letter is to respond to Indiana's April 27, 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. This letter responds to the State's FFY 2003 APR. OSEP has set out its comments, analysis and determinations by cluster area.

***Background***

OSEP's September 24, 2004 FFY 2002 response letter, as updated by OSEP's March 10, 2005 letter responding to the State's December 2004 Progress Report, directed the State to provide in the FFY 2003 APR data demonstrating correction of two previously identified areas of noncompliance:

1. Evaluations and assessments are completed, and meetings to develop the initial individualized family service plan (IFSP) are conducted, within 45 days from the receipt of the referral to Part C (34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a)); and
2. In the case of a child who may be eligible for preschool services under Part B of the Act, with the approval of the family of the child, the lead agency convenes a conference among the lead agency, the family, and the local educational agency

(LEA) at least 90 days before the child is eligible for preschool services, to discuss any services that the child may receive (34 CFR §303.148(b)(2)(i)).

In addition, Indiana was required to submit in the FFY 2003 APR updated data and analysis regarding the one remaining area of potential noncompliance: early intervention services on IFSPs are implemented, as required by 34 CFR §§303.340(c) and 303.342(e).

### ***General Supervision***

#### Identification and timely correction of noncompliance

On pages 2 through 6 of the FFY 2003 APR, the State included data and analysis regarding this area. Indiana described the effectiveness of its general supervision procedures to document statewide and county success in meeting IDEA requirements, identifying noncompliance and supporting correction in a timely manner. The source for much of Indiana's data was its comprehensive early intervention database that included information entered at the local level at the System Point of Entry, as well as claims payment data. OSEP appreciates the work of the State with these requirements, and looks forward to reviewing the State's data in this area in the State Performance Plan (SPP), due December 2, 2005.

#### Dispute resolution

On page 7 of the FFY 2003 APR, the State included data and analysis regarding this area. The State reported that all six of the formal complaints it received during the reporting period (July 1, 2003 through June 30, 2004) were resolved within 60 days, and it received no requests for mediation or due process hearings. OSEP appreciates the work of the State in ensuring compliance with the timely complaint resolution requirements. OSEP looks forward to reviewing the State's data in this area in the SPP, due December 2, 2005.

#### Personnel

On pages 8 and 9 of the FFY 2003 APR, the State included data and analysis regarding this area. The State reported that there are providers for all early intervention services listed on IFSPs. OSEP appreciates the State's efforts regarding this area.

#### Collection and timely reporting of accurate data

On pages 11 and 12 of the FFY 2003 APR, the State included data and analysis regarding this area. The State reported that it made timely submissions of all required reports during the reporting period. Indiana was investigating moving to a web-based system to further enhance access to accurate and timely data in the future. OSEP appreciates the work of the State regarding 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 14 through 17 of the FFY 2003 APR, the State included data and analysis regarding this area. Indiana continued to identify, and determine eligible for Part C, a high percentage of its birth-to-three population, when compared with the national average of 2%. Based on the December 1, 2003 child count, 3.62% of Indiana's infants and toddlers were determined eligible for Part C. In addition, 1,674 infants of its birth-to-one population were determined eligible for Part C. OSEP appreciates the State's efforts in this area and looks forward to reviewing updated data in the SPP, due December 2, 2005.

### ***Family Centered Services***

On page 19 of the FFY 2003 APR, the State included data and analysis regarding this area. Indiana's State Fiscal Year (SFY) 2004 report on its *Outcome Evaluation Project* summarized data collected from families as they entered and exited First Steps between July 1, 2003 and June 30, 2004, as follows:

- Most families reported knowing about and understanding the First Steps process, including the purpose of the evaluation, assessment, and the IFSP (99.8%); sharing information during evaluation and assessment (99.8%); contributing outcomes at the IFSP meeting (99.5%); expressing agreement with the team (99.4%); and doing things at home that are part of their family service plan and the team's recommendations (99.5%); and
- The majority of families (99%) knew they could access at least one resource, and 23.7% knew of four or five (out of a total of five) resources they could access. In addition, most exiting families reported they had information and resources to meet needs in transportation (96.5%); housing (98.1%); jobs (96.1%); and education (96.9%).

OSEP appreciates the State's efforts to improve performance and ensure compliance in this area. OSEP looks forward to reviewing the State's plan to collect data in response to the family outcome indicator (#4) in the SPP, due December 2, 2005.

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

#### **Service coordination**

On pages 23 and 24 of the FFY 2003 APR, the State included data and analysis regarding this area. On page 23 of the FFY 2003 APR, the State reported that 100% of families had access to service coordination services. OSEP appreciates the State's efforts in this area.

#### **Evaluation and identification of needs**

OSEP's March 2005 letter to Indiana, in response to the State's December 2004 Progress Report, accepted the State's strategies to correct previously identified noncompliance related to the 45-

day timeline requirements of 34 CFR §§303.321(e), 303.322(e), and 303.342(a). The State's 2001 Self-Assessment originally identified the noncompliance in this area. OSEP's September 3, 2003 response to the State's 2002 Improvement Plan directed the State to submit a final Progress Report by September 3, 2004 demonstrating correction of this noncompliance. OSEP's March 2005 letter directed the State to provide in the FFY 2003 APR a report on its progress in ensuring full compliance and its efforts to ensure correction and any updated data demonstrating compliance. It specifically requested updated data on two counties (St. Joseph and Steuben) that the State had identified as continuing to be in noncompliance.<sup>1</sup>

The State addressed the 45-day timeline on pages 25 and 26 of the FFY 2003 APR. The State reported that the percentage of IFSPs statewide that exceeded the 45-day timeline for any reason decreased from 17.2% to 16.9% for the FFY 2003 reporting period (July 1, 2003–June 30, 2004), and verified that the majority of reasons documented for the delays were caused by requests from families. The State also reported on page 25 of its FFY 2003 APR that it would revise its County Profile Reports to reflect data on the 45-day timeline and post these data on its website. OSEP's review of the most recent data on Indiana's First Steps website confirmed that the State has corrected the noncompliance for the two counties the State had continued to identify as being in noncompliance in its December 2004 report. Specifically, the data for both of these counties for the period January 1, 2005 through June 30, 2005 indicated that only one child had the initial IFSP meeting beyond the 45-day timeline.

OSEP appreciates the State's efforts to ensure compliance and looks forward to the State's response to Indicator #7 in the SPP due December 2, 2005.

#### Individualized family service plans (IFSPs)

OSEP's September 2004 letter raised concerns about whether Indiana was providing all services listed on the IFSP, as required by 34 CFR §§303.340(c) and 303.342(e). OSEP's concern was prompted by Indiana's use of billing records to provide data on whether all services are delivered. OSEP's March 2005 letter asked the State to continue to report on this area in the FFY 2003 APR. On pages 27 and 28 of the FFY 2003 APR, the State included data and analysis regarding this area. The State reviewed 369 records, or 2% of children served, over a two-month period, and concluded that 92% of sessions authorized were provided to families. The State provided the number of children receiving particular early intervention services, and reported that the State has not received any complaints or concerns from parents regarding this issue. The State also included additional strategies to ensure that the services listed on the IFSP are delivered, including using Eligibility Determination Teams to monitor the delivery of services, training, technical assistance, policies requiring missed appointments to be made up during the same week, and improved data collection. OSEP appreciates the State's efforts in this area and looks forward to reviewing the State's response to Indicator #1 in the SPP.

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<sup>1</sup> In its December 23, 2004 Progress Report, the State reported that Indiana interpreted the 45-day requirement to measure the timeline from the date of referral to the date the initial IFSP was finalized and signed by the parent. In its letter, the State further reported that it received clarification that the 45-day timeline referred to the time from referral to the date of the initial meeting to develop the IFSP. At that time, Indiana did not have electronic aggregated, statewide data within the system to measure this specific timeline, and therefore reported the timeline between the referral and the date the IFSP was signed.

### Natural environments

OSEP's March 2005 letter indicated that OSEP had no further concerns regarding potential noncompliance in this area. On pages 29 and 30 of the FFY 2003 APR, the State included data and analysis regarding this area. On page 30 of the FFY 2003 APR, the State reported that it delivered 94% of services primarily in the home or in programs for typically developing children, and that authorizations for "onsite" services must be thoroughly documented on the IFSP. OSEP appreciates the work of the State regarding these requirements, and looks forward to reviewing the State's data in this area 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 pages 31 and 32 and in Appendix CC of the FFY 2003 APR, the State provided data and information as follows: Indiana developed a Statewide Outcomes Evaluation Project to measure the impact of the early intervention program on nine outcomes that were identified by program stakeholders, including parents. This report included data from July 1, 2003 to June 30, 2004, and included information on changes in overall child development, acquisition of important developmental skills, independent functioning in everyday family routines, and continued need for specialized services. The Outcomes Evaluation Report summarized the data collected for children and families exiting First Steps between July 1, 2003 and June 30, 2004. During this period of time, a total of 8,531 families entered First Steps, and 6,566 exited First Steps. Data were collected on children and families entering First Steps from three sources: (1) at intake with portions of the Combined Enrollment Form; (2) during the initial evaluation through the Family Interview; and (3) at the initial IFSP meeting with portions of the completed IFSP. Service Coordinators were asked to assemble and send documents from these three sources to the Early Childhood Center for data entry. Data were also collected on children and families exiting First Steps. Service Coordinators were asked to conduct an exit interview with the family, and include developmental data from the other members of the team. OSEP appreciates the work of the State in this area.

The SPP instructions establish a new indicator in this area, for which States must provide entry data in the FFY 2005 APR, due February 1, 2007. OSEP looks forward to reviewing the State's plan to collect early childhood outcome data in the State's SPP.

### ***Early Childhood Transition***

In its 2001 Self Assessment and 2002 Improvement Plan, the State identified noncompliance with the requirement that, in the case of a child who may be eligible for preschool services under Part B of the Act, with the approval of the family of the child, the Lead Agency must convene a conference among the lead agency, the family, and the local educational agency at least 90 days, and at the discretion of the parties, up to 6 months, before the child is eligible for the preschool services, to discuss any services that the child may receive.<sup>2</sup> 34 CFR §303.148(b)(2)(i). In its February 27, 2004 response to the State's FFY 2001 APR, OSEP accepted the State's plan of correction and required that the State submit a final Progress Report documenting correction no later than September 3, 2004. Indiana was unable to document correction in its December 2004 Progress Report. In that Report, Indiana stated that it had incorporated a new data collection component to its SPOE software to monitor the occurrence and timing of transition meetings. The State further indicated that its FFY 2003 APR would include initial data from this system.

On page 34 and in Appendix CC of the FFY 2003 APR, the State reported the following data collected for children exiting First Steps between July 1, 2003 and June 30, 2004: (1) 71.1% of families whose child exited Part C when the child turned three had a transition meeting more than 90 days prior to the child's third birthday; and (2) of the families who did not have a transition planning meeting, 72.6% did not indicate the reason. However, it is unclear whether these data measured compliance with the requirements of 34 CFR §303.148(b)(2)(i), because the State also noted that of the families who responded, 80.9% chose not to have the meeting, which would not be noncompliance. With the SPP, or within 60 days of the date of this letter, the State must clarify whether its transition conference data represent compliance and if they do not, submit any additional or revised strategies to ensure compliance as soon as possible. This information is requested as part of the SPP in Indicator #8B.

### **Conclusion**

As noted above, with the SPP due December 2, 2005, or within 60 days of the date of this letter, the State must clarify its earlier data, or provide OSEP updated correction data, to demonstrate compliance with the requirement that a conference is convened for children who may be eligible for preschool services under Part B of the Act, with the approval of the family, at least 90 days, and at the discretion of all parties, not more than 9 months, before the child is eligible for preschool services, to discuss any services that the child may receive. If the State is unable to demonstrate compliance, the State must submit any additional or revised strategies to ensure statewide compliance as soon as possible with the noncompliance related to the 90-day transition planning conference requirement under 34 CFR §303.148(b)(2)(i).

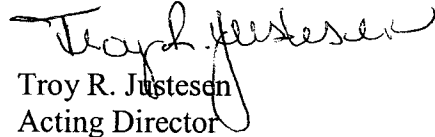
IDEA 2004, §616, requires each State to submit a SPP that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators are, for the most part, similar to clusters and probes in the APR. OSEP encourages the State to carefully consider the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

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<sup>2</sup> Section 637(a)(9)(A)(ii)(II) of the IDEA Amendments of 2004 changed the transition conference timeline from "not more than 6 months" to "not more than 9 months" before the child is eligible for preschool services (*i.e.*, before the child's third birthday).

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: Dawn Downer, Part C Coordinator