



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

Honorable Frederick P. Cerise
Secretary
Louisiana Department of Health and Hospitals
P.O. Box 629
Baton Rouge, Louisiana 70821-0629

OCT 14 2005

Dear Secretary Cerise:

The purpose of this letter is to respond to Louisiana's March 31, 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

The conclusion of OSEP's November 19, 2004 FFY 2002 APR response letter required the State to submit documentation that it corrected the following areas of noncompliance from OSEP's 2000 monitoring visit¹:

- ***General Supervision.*** One area of noncompliance, with three issues (34 CFR §303.501): (1) monitoring for compliance with all Part C requirements; (2) monitoring all programs and agencies that provide Part C services; and (3) ensuring correction of all identified noncompliance.
- ***Early Intervention Services in Natural Environments.*** Four areas of noncompliance: (1) ensuring that individualized family service plans (IFSPs) identified the services and

¹ OSEP's July 20, 2001 Louisiana Monitoring Report identified 14 findings of noncompliance. OSEP's February 13, 2004 response to the State's FFY Part C 2001 APR noted that the State had corrected two of the findings. OSEP's July 2004 Part C FFY 2003 grant award letter imposed special conditions, under the regulations governing "high risk" grantees in 34 CFR §80.12, requiring the State to correct four areas of noncompliance identified in the July 2001 Monitoring Report. OSEP's November 2004 FFY 2002 APR response letter indicated the State had resolved three findings and required the State to submit documentation in the FFY 2003 APR that it corrected the remaining five areas of noncompliance.

supports necessary to enhance the family's capacity to meet the developmental needs of the child and to meet the unique needs of the child and family (34 CFR §303.344(b)); (2) provision of services in natural environments (34 CFR §§303.344(d)(1)(ii), 303.18 and 303.12(b)); (3) coordination of all services needed by the family and child (34 CFR §303.23(a)(2)(i), (3)(i), and (3)(ii)); and (4) provision of transportation services needed to meet the IFSP (34 CFR §303.12(d)(15)).

OSEP's letter further directed the State to submit the following documentation regarding each of those areas of noncompliance: (1) a description of the procedures that it used to monitor agencies to ensure compliance with each of those requirements; (2) a list of the agencies in which the Department of Health and Hospitals (DHH) implemented those monitoring procedures from July 1, 2003 through February 28, 2005; (3) the date and nature of any findings of noncompliance with each of those requirements that DHH made in any of those agencies; and (4) the status of correction of such findings.

OSEP's letter also directed the State to include the following in the FFY 2003 APR, due March 31, 2005:

1. A report on the sufficiency of all staff and providers in all regions of the State and the impact of any shortages in qualified personnel, and the impact of any shortages on Louisiana's noncompliance, addressed in the special conditions attached to its FFY 2004 Grant Award, related to waiting lists for evaluations and the timely provision of needed services to infants and toddlers with disabilities and their families;
2. Strategies, proposed evidence of change, targets and timelines designed to maintain compliance and performance related to public awareness and child find procedures;
3. Collection of data and any analysis completed to demonstrate improved and sustained functional abilities of eligible infants and toddlers; and
4. Data on the total number of children for whom transition plans were required, an analysis of monitoring data or other supporting data showing whether the policies and procedures regarding transition at age three were being carried out throughout the State, and an analysis of the exit reasons, and strategies to maintain compliance and improve performance in early childhood transition.

OSEP's July 13, 2005 FFY 2005 Louisiana Part C Grant Award letter determined that the State failed to provide the required documentation or proposed actions to ensure timely correction of the noncompliance related to four areas of noncompliance: (1) conducting evaluations and assessments and convening the initial IFSP meeting within 45 days of referral under 34 CFR §§303.321(e), 303.322(e) and 303.342(a); (2) convening an IFSP meeting and obtaining parental consent prior to eliminating or reducing early intervention services as required under 34 CFR §303.342(e); (3) identifying on the IFSP all early intervention services needed to meet the unique needs of the child and family under 34 CFR §303.344(d); and (4) providing the early intervention services listed on the child's IFSP under 34 CFR §303.342(e). In the State's FFY 2005 Part C Grant Award letter, OSEP designated the State as a high-risk grantee and imposed

Special Conditions on the Grant Award related to those four areas of noncompliance. In the Special Conditions enclosure to that letter, OSEP included a detailed analysis of the status of the State's efforts to correct the noncompliance, and specified documentation that the State must submit documentation in its first Progress Report, due by October 28, 2005 and in its second Progress Report, no later than April 14, 2006, demonstrating correction. OSEP is not addressing those areas of noncompliance in this letter and will respond separately to the progress reports due under the Special Conditions.

In light of the major devastation to the State following Hurricane Katrina on August 29, 2005, the State requested, in its September 19, 2005 e-mail correspondence to OSEP, a six-month extension of its deadline to submit its: (1) October 28, 2005 progress report under the FFY 2005 Part C grant Special Conditions and (2) the State Performance Plan (SPP) due December 2, 2005. The Department understands that the State's Part C program office, which is located in New Orleans, has had to reorganize and will not be able to report data by the October deadline. By this letter, OSEP is confirming the extension of the progress report deadline such that one progress report under the FFY 2005 Special Conditions will be due by April 14, 2006. The State requested an extension of the Individuals with Disabilities Education Act SPP submission deadline. The Department currently does not have legal authority to delay the deadline for the SPP. Section 616(b)(1)(A) of the IDEA requires States to have performance plans "in place" no later than December 4, 2005.

General Supervision

In the area of General Supervision, OSEP's 2001 Monitoring Report and November 2004 APR response letter identified three issues regarding the State's failure to implement a system for identifying and correcting noncompliance issues (34 CFR §303.501): (1) monitoring for compliance with all Part C requirements; (2) monitoring all programs and agencies that provide Part C services; and (3) ensuring correction of all identified noncompliance.

Identification and timely correction of noncompliance

- **Monitoring for compliance with all Part C requirements & monitoring all programs and agencies that provide Part C services.**
- **Ensuring correction of all identified noncompliance.**

In its FFY 2003 APR, DHH included procedures with detailed descriptions of the methods used for monitoring the 19 System Points of Entry (SPOEs), Family Service Coordination (FSC) Agencies and early intervention providers. The EarlySteps Monitoring Procedure Manual (Manual) included the schedule which indicated Stage I monitoring beginning December 2003, concluding with Stage III monitoring in the Spring 2005. Page 13 of the Manual indicated the hiring of Quality Assurance Specialists in June 2004, and that extensive monitoring training was provided to the Quality Assurance Specialists. Pages 23–26 specifically reported the methods used to monitor each FSC agency's on-going service coordination activities.

Page 22 of the Manual outlined an EarlySteps Quality Assurance Monitoring, Reporting and Follow-up Timeline for the SPOEs. In addition, on page 27, the Manual specifically outlined an

EarlySteps Quality Assurance Monitoring, Reporting and Follow-up Timeline for the Family Support Coordinators. Both timelines showed that DHH used a six-month monitoring follow-up method to ensure correction and compliance. The table on page 30 summarized the levels and categories of compliance, and recognition and sanctions and follow-up monitoring schedule.

On page 4 of the FFY 2003 APR, DHH reported a projected target of completing SPOE monitoring, that would include the review, final report, technical assistance and corrective action plan developed for all SPOEs. In addition, a projected target of completing FSC monitoring, would include the review, final report, technical assistance and corrective action plan developed for all FSCs. On page 11, DHH reported the following projected timelines: (1) the SPOE Corrective Action process would occur between February 2005 and May 2005; (2) the SPOE timeline Corrective Action process would take place on a quarterly basis beginning April 2005; and (3) the FSC Corrective Action process would occur during Summer 2005.

OSEP recognizes the significant progress that DHH made in developing the policies, procedures and methods to monitor SPOEs, FSC agencies and early intervention providers. The State did not, however, include data and/or analysis to support its conclusion that it corrected the following noncompliance identified in OSEP's FFY 2002 APR response letter (34 CFR §303.501): (1) monitoring for compliance with all Part C requirements; (2) monitoring all programs and agencies that provide Part C services; and (3) ensuring correction of all identified noncompliance. The State's response did not, as directed by OSEP's November 2004 letter, include specific data regarding the date and nature of any findings of noncompliance with each Part C requirement that DHH made in the agencies it monitored and the status of correction of such findings.

As part of the SPP, due December 2, 2005, DHH must provide a list of the agencies or providers in which DHH found noncompliance since July 1, 2003, the corrective action(s) DHH required the agency or provider to take, any correction data provided by that agency or provider, and the status of correction of the noncompliance. If the State is unable to demonstrate compliance in the SPP, OSEP will consider designating the State as a high-risk grantee and impose Special Conditions in this area in the FFY 2006 Grant Award.

Personnel

From the data and information provided in the FFY 2002 APR, OSEP could not determine performance related to the State having an adequate supply of personnel to provide early intervention services. OSEP's November 2004 letter indicated that, in the FFY 2003 APR, the State must report on whether there are sufficient qualified professionals in all regions of the State to ensure the provision of timely evaluations and assessments of, and early intervention services to, all infant and toddlers with disabilities and their families in the State.

Page 16 of the FFY 2003 APR indicated that, since DHH replaced the Louisiana Department of Education (LDE) as the State's lead agency for Part C, effective July 1, 2003, several administrative structural changes have occurred. DHH reported that a main goal during the transition was to avoid losing existing service providers, as well as expanding the participation of partners at the State and local levels to reflect the diversity of resources, supports and services.

The provider pool was expanded to allow independent providers to enroll, providing an increase in provider availability and family choice. Family Surveys were sent to all families enrolled in the EarlySteps system since July 1, 2003. Page 18 of the FFY 2003 APR indicated that 72% of the families responded that they were receiving services listed on the IFSP. DHH reported a future activity to analyze the information by region to determine areas where provider shortages may exist. In addition, DHH indicated that, in the Spring 2005, modifications would be made to the existing Early Intervention Data System. A field entitled “No Provider Available” would allow the State to track provider shortages.

OSEP appreciates the State’s efforts to improve performance in this area.

Dispute Resolution

On pages 12 -14 of the FFY 2003 APR, data and information indicated the following area of noncompliance, not previously identified by OSEP: Regulations at 34 CFR §303.512(a) require that each lead agency include in its complaint procedures, a time limit of 60 calendar days after a complaint was filed to: (1) carry out an independent on-site investigation, if the lead agency determined that such an investigation was necessary; (2) give the complainant an opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; (3) review all relevant information and make an independent determination as to whether the public agency was violating a requirement of Part C; and (4) issue a written decision to the complainant that addressed each allegation in the complaint and contained findings of fact and conclusions and the reasons for the lead agency’s final decision.

On page 12, for the period of July 1, 2003 to June 30, 2004, DHH reported that it received 15 complaints. Of the 15 complaints filed, seven were resolved within 60 days, and eight exceeded the 60-day timeline. The State reported reasons for exceeding the 60-day timeline, including obstacles with obtaining cooperation from providers. The State did not provide data or information related to the use of extensions for resolving complaints beyond the 60-day timeline. As a result of the complaints not being processed within the 60-day timeline, DHH reported the EarlySteps program would refine and establish new complaint processing procedures, including the completion of the Complaint Data System in Spring 2005, with implementation in Spring/Summer 2005. OSEP accepts the State’s plan. The State should consider the following data and information describing compliance with this requirement: (1) number of complaints filed during the reporting period; (2) timelines within which written decisions were issued for each complaint; and (3) an explanation for any timelines exceeding 60 calendar days after the date the complaint was filed.

The State must include data and analysis documenting progress toward compliance in the SPP, due December 2, 2005, and provide a final report to OSEP, including data and analysis demonstrating compliance, no later than 30 days following one year from the date of this letter.

Collection and timely reporting of accurate data

On pages 19-20 of the FFY 2003 APR, the State included data and analysis regarding its performance in this area. DHH reported the development of the Early Intervention Data System, connected to the finance system, that the State used to collect various data elements, including referral data, child data, early intervention provider data, family selection data, IFSP data and service authorization data. The data were utilized for: (1) federal reporting; (2) facilitating state and local planning; and (3) continuous quality improvement at the State and local levels. DHH reported two projected outcomes from the data collection activities: (1) developing SPOE data validation procedures in April 2005; and (2) developing statewide and Regional Profiles in June 2005.

OSEP looks forward to reviewing the State's updated data in this area in the SPP, due December 2, 2005.

Comprehensive Public Awareness and Child Find System

In the FFY 2002 APR, the State reported implementation of the strategies and activities it identified to correct the noncompliance identified in the 2001 Monitoring Report for this cluster. On pages 21-32 of the FFY 2003 APR, the State included data and analysis demonstrating continued compliance and performance in this area.

DHH provided data that indicated the results of the State's public awareness and child find activities as required by 34 CFR §§303.320-303.323 of Part C of the IDEA. On pages 21-27 of the FFY 2003 APR, DHH described various partnerships and activities that resulted in a coordinated child find and public awareness system and increased performance in each of the SPOE offices. Louisiana reported the number of eligible children birth to three served continued to increase. State data for December 1, 2003 indicated 1.3% of infants and toddlers in Louisiana were served. For the December 1, 2004 count, the FFY 2003 APR reported the State serving 1.7%. The State also reported that the number of eligible children under one year of age served, was increasing, but at a slower rate. For the December 1, 2003 count, the FFY 2003 APR indicated 2,456 children aged 0-1 with active IFSPs and 2,983 for June 2004.

OSEP looks forward to reviewing the State's data in this area in the SPP, due December 2, 2005.

Family Centered Services

On pages 33-44 of the FFY 2003 APR, the State included data and analysis regarding its compliance and performance in this area. The State reported data and analysis from a Family Survey sent to every family enrolled in the EarlySteps program since July 1, 2003. Page 34 indicated that 94% of the families reported that early intervention had a positive impact on their family. On page 39, the State reported 93% of the families responded that their child's IFSP was based on issues important to the family. A future activity included collaborating with Parent Training and Information Centers to develop a community based education and training program for families. DHH reported the focus of the collaboration would be to develop ongoing training programs in each region of the State by Fall 2006.

OSEP looks forward to reviewing the State's response to the family outcomes indicator (including its plan to collect and submit by February 2007 data regarding family outcomes) in the SPP, due December 2, 2005.

Early Intervention Services in Natural Environments

In the area of Early Intervention Services in Natural Environments, the 2001 Monitoring Report and November 2004 letter identified four areas of noncompliance: (1) ensuring that IFSPs identified the services and supports necessary to enhance the family's capacity to meet the developmental needs of the child and to meet the unique needs of the child and family (34 CFR §303.344(b)); (2) provision of services in natural environments (34 CFR §§303.344(d)(1)(ii), 303.18 and 303.12(b)); (3) coordination of all services needed by the family and child (34 CFR §303.23(a)(2)(i), (3)(i), and (3)(ii)); and (4) provision of transportation services needed to meet the IFSP (34 CFR §303.12(d)(15)).

Evaluation and identification of needs

On page 8 of the FFY 2003 APR, in an attachment titled "SPOE Monitoring Results, Sanctions and Corrective Action Plan," the State included data and analysis indicating a need to improve performance in the area of evaluation and identification of needs. The State included data that three of 19 SPOEs were below 90% compliance when child records were monitored. The State also included strategies to improve performance. OSEP looks forward to reviewing updated information in the SPP, including the implementation of strategies to improve performance and resulting data and analysis.

Individualized family service plans

IFSPs identified the services and supports necessary to enhance the family's capacity to meet the developmental needs of the child and to meet the unique needs of the child and family.

OSEP addressed the noncompliance with the 45-day timeline in the State's FFY 2005 Part C Grant Award letter, and will respond to this issue after it receives the State's Progress Report under the Grant Special Conditions.

Transportation services needed to meet the IFSP.

The State did not include data and/or analysis to support correction of the following noncompliance identified in OSEP's November 2004 letter: provision of transportation services needed to meet the IFSP (34 CFR §303.12(d)(15)). On page 38 of the FFY 2003 APR, DHH reported that 68% of families surveyed responded that other services, such as transportation and childcare, were considered when planning for their child's services. These data were not sufficient to determine that the noncompliance was corrected. The data and information provided in the FFY 2003 APR did not provide the agency-specific data necessary to determine correction of the noncompliance.

In the SPP, due December 2, 2005, DHH must provide a description of the procedures that it used to monitor agencies to ensure that transportation needed to enable families to participate in early intervention services were included in the IFSP and provided as an early intervention service, as part of its list of the agencies in which DHH has implemented monitoring procedures from July 1, 2003 through February 28, 2005, the date and nature of any findings of noncompliance with this requirement that DHH made in any of those agencies, and the status of correction of such findings. OSEP requested the same data and information in its November 2004 letter.

If the State is unable to demonstrate compliance in the SPP, OSEP will consider designating the State as a high-risk grantee and impose Special Conditions in this area in the FFY 2006 Grant Award.

Natural environments

Provision of services in the natural environments.

On page 62 of the FFY 2003 APR, the State included data and information indicating continued noncompliance in the following area: provision of services in natural environments (34 CFR §§303.344(d)(1)(ii), 303.18 and 303.12(b)). DHH provided a description of the procedures used to monitor agencies to ensure that to the maximum extent appropriate to the needs of the child, early intervention services were provided in natural environments, and that the IFSP for each child included the natural environments in which services would be provided and an appropriate (child-based) justification of the extent, if any, to which services were not provided in a natural environment.

DHH reported that 19% of children with IFSPs received services in settings that would not meet the definition of natural environment. On page 62 of the FFY 2003 APR, DHH reported that the Early Intervention Data System was not able to capture justification statements nor closely monitor this requirement during the FFY 2003 reporting period. The FFY 2003 APR did not provide data indicating if the 19% of children identified above had justifications on their IFSPs.

Page 63 of the FFY 2003 APR contained a numerical goal for increasing the number of children placed in natural environments. While it is not inconsistent with Part C of the IDEA to include a numerical performance goal to increase the percentages of infants and toddlers with disabilities placed in natural environments, the State must continue to monitor to ensure that eligibility decisions for all infants and toddlers are made in conformity with the individual evaluation and assessment requirements of Part C of IDEA (at 34 CFR §§303.322) and not based upon a numerical goal.

Regulations at 34 CFR §303.12(b) require that to the maximum extent appropriate to the needs of the child, early intervention services must be provided in natural environments, including the home and community settings in which children without disabilities participate. Natural environments are settings that are natural or normal for the child's age peers who have no disabilities. Data and information describing compliance with these requirements may include:

(1) numbers of children receiving services in the State (e.g., home, day care centers, service centers, etc.); (2) numbers of children receiving services in natural environments; (3) the percentage of children not receiving services in natural environments whose IFSPs include a justification; and (4) an explanation of why children do not receive services in natural environments.

In the SPP, due December 2, 2005, DHH must provide: (1) a list of the agencies in which DHH implemented monitoring procedures, including for natural environments and justifications for services not provided in natural environments, from July 1, 2003 through February 28, 2005; and (2) the date and nature of any findings of noncompliance with those requirements that DHH made in any of those agencies, and the status of correction of such findings. OSEP requested the same data and information in its November 2004 letter.

If the State is unable to demonstrate compliance in the SPP, OSEP will consider designating the State as a high-risk grantee and impose Special Conditions with this area in the FFY 2006 Grant Award.

Service coordination

Coordination of all services needed by the family and child.

On pages 45-50 of the FFY 2003 APR, the State included data and information indicating continued noncompliance in the area of coordination of all services needed by the family and child (34 CFR §303.23(a)(2)(i), (3)(i), and (3)(ii)). DHH reported, through the use of a family survey, that 80% of families surveyed reported that FSC facilitated the timely access to early intervention services and 74% of families reported that an Intake Coordinator contacted them within two days of referral. Page 49 of the FFY 2003 APR indicated: (1) SPOE monitoring would be conducted by the QAS from August 2004-September 2004; and (2) FSC monitoring would be conducted by the QAS beginning November 2004-April 2005.

OSEP recommends the following data and information describing compliance that the State may want to consider: (1) the number of children receiving services under Part C; (2) the number of those children who have been assigned a single service coordinator; (3) the percentage of children under (2) whose service coordinators are performing all required functions; and (3) explanations for any children whose service coordinators are not performing all required functions.

In the SPP, due December 2, 2005, DHH must provide a description of its procedures for monitoring agencies to ensure that infants and toddlers with disabilities and their families received service coordination that met all of the requirements of 34 CFR §303.23, a list of the agencies in which DHH has implemented those monitoring procedures from July 1, 2003 through February 28, 2005, the date and nature of any findings of noncompliance with those requirements that DHH made in any of those agencies, and the status of correction of such findings. OSEP requested the same data and information in its November 2004 letter.

If the State is unable to demonstrate compliance in the SPP, OSEP will consider designating the State as a high-risk grantee and impose Special Conditions in this area in the FFY 2006 Grant Award.

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 64-65 of the FFY 2003 APR, the State responded to but did not provide OSEP with any data in response to this performance indicator. 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. The State must make a determination whether plans currently in place to collect data related to this area will be responsive to those requirements. 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. OSEP looks forward to reviewing the State's plan for collecting these data, in the SPP.

Early Childhood Transition

On pages 66-77 of the FFY 2003 APR, the State included data and analysis regarding its compliance and performance in this area. Due to the reporting period for the FFY 2003 (July 1, 2003-June 30, 2004), the State reported on its performance in this cluster area by including a review and analysis of the 2002-2003 performance data that DHH received from LDE during the transition of Part C lead Agency. On page 72 of the FFY 2003 APR, DHH reported 27% of the children exiting EarlySteps did so because they completed the IFSP prior to age three. LDE reported during July 1, 2002-June 30, 2003 that 15% of the children exited Part C with a completed IFSP prior to age three. A future activity included modifying the Early Intervention Data System to include: (1) the required date of local educational agency notification; and (2) the required date of transition meeting. DHH reported using this information to assist with transition monitoring activities. LDE reported updating its data system to assist with data collection in this area. Additionally, on page 74 of the FFY 2003 APR, a policy clarification was included, outlining transition procedures for LDE, the Office for Citizens with Developmental Disabilities and the EarlySteps program.

OSEP looks forward to reviewing the State's updated data in this area in the SPP.

Conclusion

As part of the SPP, due December 2, 2005, DHH must provide a list of the agencies or providers in which DHH found noncompliance since July 1, 2003, the corrective action(s) DHH required the agency or provider to take, any correction data provided by that agency or provider, and the status of correction of the noncompliance. If the State does provide this documentation to show

that it can ensure the timely correction of noncompliance, OSEP will consider designating the State as a high-risk grantee. This information must include:

1. A list of the agencies in which DHH implemented its monitoring procedures from July 1, 2003 through February 28, 2005, regarding requirements addressing transportation, natural environments, justification for services not provided in natural environments, and service coordination;
2. The date and nature of any findings of noncompliance with each of those requirements that DHH made in any of those agencies; and
3. The status of correction of such findings.

Further, the State must include the following in the SPP:

1. The number of complaints filed during the reporting period;
2. The timelines within which written decisions were issued for each complaint; and
3. An explanation for any timelines exceeding 60 calendar days after the date the complaint was filed.

In addition, under its Part C FFY 2005 grant Special Conditions, DHH must submit its Progress Report no later than April 14, 2006, demonstrating correction of the noncompliance related to the following four areas detailed in OSEP's July 13, 2005 FFY 2005 Louisiana Part C grant award letter: (1) conducting evaluations and assessments and convening the initial IFSP meeting within 45 days of referral under 34 CFR §§303.321(e), 303.322(e) and 303.342(a); (2) convening an IFSP meeting and obtaining parental consent prior to eliminating or reducing early intervention services as required under 34 CFR §303.342(e); (3) identifying on the IFSP all early intervention services needed to meet the unique needs of the child and family under 34 CFR §303.344(d); and (4) providing the early intervention services listed on the child's IFSP under 34 CFR §303.342(e). OSEP will respond separately to the Progress Report that is required to be submitted by April 14, 2006.

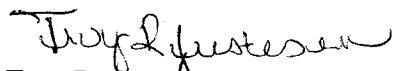
IDEA 2004, §616, requires each State to submit a State Performance Plan that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators are, for the most part, the same as clusters and probes in the APR. OSEP encourages the State to carefully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

As noted above, OSEP has, in light of the major devastation to the State following Hurricane Katrina on August 29, 2005, agreed to extend the Special Conditions progress report deadline such that one progress report will be due by April 14, 2006. OSEP recognizes that there are many requests in this letter for data to be submitted with the SPP due December 2, 2005. If, in light of that devastation, the State determines that it will not be able to meet any of the

documentation timelines set forth in this letter, please contact Mary Louise Dirrigl at (202) 245-7324.

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.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Linda Pippins