



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

Honorable Estelle B. Richman  
Secretary  
Department of Public Welfare  
Health and Welfare Building  
Room 333  
7<sup>th</sup> and Forester Streets  
Harrisburg, Pennsylvania 17120

SEP 20 2005

Dear Secretary Richman:

The purpose of this letter is to respond to Pennsylvania'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 September 27, 2004 FFY 2002 APR response letter required Pennsylvania's Department of Public Welfare (DPW) to provide in its FFY 2003 APR: (1) its progress in meeting compliance with the family assessment requirement, and (2) clarification regarding its definition of "underrepresented populations." OSEP also requested certain information regarding the State's data on transition steps in the individualized family service plan (IFSP).

OSEP's September 27, 2004 FFY 2002 APR response letter also identified noncompliance regarding the transition conference requirement at 34 CFR §303.148(b)(2)(i), and required the State to submit a plan to correct the noncompliance within 60 days of the letter. On December 28, 2004, Pennsylvania submitted its plan to correct the noncompliance. OSEP responded to the submission in a February 7, 2005 letter, requiring the State to report on its progress in ensuring correction of the noncompliance in its FFY 2003 APR, and to provide to OSEP by March 9, 2006 a final report demonstrating correction of the noncompliance regarding the transition conference.

OSEP's comments regarding the State's FFY 2003 APR will be included in the appropriate sections below.

### ***General Supervision***

#### Identification and timely correction of noncompliance

On pages 4-5 of the FFY 2003 APR, the State included data and information regarding the State's monitoring system. On page 4 of the FFY 2003 APR, the State reported that, of the 44 counties monitored during the reporting period, 35 received a validation visit during 2003-2004. On page 4 of the FFY 2003 APR, the State included data and analysis indicating a need to improve the timely submission of corrective action plans and validation visits, based on State-established timelines. County programs maintained a high rate of compliance regarding timely submission of corrective action plans; however, some counties did not submit corrective action plans according to the State-established timelines, as indicated on page 5 of the FFY 2003 APR. On page 5 of the FFY 2003 APR, the State reported that delays in the receipt of corrective action plans often led to delays in validation visits (only 49% of validation visits were held within the State-established timelines). On pages 5-7 of the APR, the State included strategies regarding its monitoring process. OSEP looks forward to reviewing information in the State Performance Plan (SPP) regarding the identification and correction of noncompliance, as requested in indicator number 9.

#### Dispute resolution

On pages 10-13 of the FFY 2003 APR, the State included data and analysis regarding compliance and performance in this area. On page 11 of the APR, the State reported several methods it used to demonstrate that parents received and understood their rights regarding complaint, mediation, and due process procedures. Such methods included: (1) parent training, education, and dissemination of materials about procedural safeguards; and (2) monitoring of county early intervention programs. Page 11 of the FFY 2003 APR also reported that, during the reporting period, 91% of counties monitored informed parents about their right to mediation and due process hearings, and 98% of counties monitored informed parents about their rights related to complaint resolution. Attachment 1 of the FFY 2003 APR indicated that: (1) 13 complaint investigations were filed during the reporting period, and of that number, 11 had findings, two had no findings, 12 had decisions issued within timelines, and one decision was resolved beyond 60 days with a documented extension; and (2) four due process hearing requests were received during the reporting period. On page 10 of the FFY 2003 APR, the State reported that no due process hearings were held because parents withdrew their requests since resolutions were reached prior to the hearing dates. OSEP looks forward to reviewing updated data in the SPP regarding indicator numbers 10-13.

#### Personnel

On pages 14-16 of the FFY 2003 APR, the State included data and analysis regarding the State's performance in this area. On page 14 of the FFY 2003 APR, the State reported that 2003-2004 personnel data reflected an increase over the 2002 levels. The State also analyzed monitoring

data to determine if the service needs of infants and toddlers were being met. On page 14 of the FFY 2003 APR, the State reported that, in 95% of counties monitored by the State in 2003-2004, all eligible children received early intervention services and support. On page 15 of the FFY 2003 APR, the State reported that, in 98% of counties monitored by the State in 2003-2004, IFSPs included the name of the service coordinator. OSEP appreciates the State's efforts regarding performance in this area.

#### Collection and timely reporting of accurate data

On pages 17-19 of the FFY 2003 APR, the State included data and analysis regarding compliance and performance in this area. On page 17 of the FFY 2003 APR, the State provided monitoring data for 2003-2004 related to data timelines. The data showed an increase from the previous year in meeting the State established timelines. In 2003-2004, 93% of counties monitored responded to requests from the State for data within 72 hours of the request, and 98% of counties monitored entered data into the Early Intervention Reporting System (EIRS) within 15 days of receipt, compared to 89% in both areas for 2002-2003. OSEP looks forward to reviewing updated data in the SPP regarding indicator number 14.

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

OSEP's September 27, 2004 FFY 2002 APR response letter directed the State to provide, in the FFY 2003 APR, clarification that the State would not define "underrepresented populations" (as used in the goals discussed in the child find section of the letter) to include racial or ethnic subgroups. The State's December 28, 2004 letter to OSEP clarified that it does not interpret the term "underrepresented population" to mean racial and ethnic groups.

On pages 20-27 of the FFY 2003 APR, the State included data and analysis regarding compliance and performance in the area of public awareness and child find. On page 22 of the FFY 2003 APR, the State reported collaboration with the Department of Health, child abuse and protection services, and the statewide homeless shelter coordinator regarding child find. On page 23 of the FFY 2003 APR, the State reported that it served 2.94% of the State birth rate during 2002-2003. Data also indicated that the State served an increasing percentage of the infant/toddler population at every age. On page 24 of the FFY 2003 APR, the State reported that its monitoring data for the reporting period indicated 93% of counties had a public awareness program that informed the public about: (a) the State's early intervention program; (b) the child find system; and (c) the central directory. On page 25 of the FFY 2003 APR, the State reported that referral source data for 2003-2004 indicated that 24% of referrals came from physicians; 15% came from hospitals; 37% came from parents; 8% came from other social service agencies; and 17% were identified as "other." OSEP looks forward to reviewing updated data in the SPP regarding indicator numbers 5-6.

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

In its February 2002 Monitoring Report, OSEP found that the State did not ensure that the assessment of each child identified the resources, priorities and concerns of the family. OSEP's September 27, 2004 FFY 2002 APR response letter directed the State to provide, in the FFY

2003 APR, progress on its efforts to ensure compliance with the assessment requirement in the Family Centered Services cluster. In the FFY 2003 APR, the State provided updated data regarding compliance with this requirement, and information regarding its efforts to increase the quality of the family assessments. OSEP appreciates the State's efforts regarding performance and compliance in this area. OSEP looks forward to reviewing data in the SPP regarding indicator number 4.

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

#### Service coordination

On pages 31 and 33 of the FFY 2003 APR, the State included data and information regarding the provision of service coordination. On page 33 of the FFY 2003 APR, the State reported that 100% of all eligible infants and toddlers receive service coordination services and 98% of counties were found in compliance with service coordinator responsibilities. On page 33 of the FFY 2003 APR, the State also reported that 1 of 44 county early intervention programs was out of compliance regarding the role of the service coordinator as required at 34 CFR §303.23. On page 34 of the FFY 2003 APR, the State included data and analysis indicating a need to improve performance in the area of activities performed by the service coordinator, specifically the need for two regions to increase their documentation of these activities. The State also included strategies to improve performance. OSEP appreciates the State's efforts regarding compliance and performance in this area.

#### Evaluation and identification of needs

On page 37 of the FFY 2003 APR, the State included data and analysis regarding compliance and performance in this area. On page 37 of the FFY 2003 APR, the State reported that 95% of counties completed evaluations on time during the reporting period, and only two counties were out of compliance. The State included strategies to improve performance. OSEP looks forward to reviewing updated information in the SPP regarding indicator number 7.

#### Individualized family service plans (IFSPs)

On pages 40-41 of the FFY 2003 APR, the State included data and analysis regarding compliance and performance in this area. On page 40 of the FFY 2003 APR, the State reported that, in 2003-2004, 95% of counties were in compliance with all eligible children receiving early intervention services and supports. The State included strategies regarding performance in this area. OSEP looks forward to reviewing updated information in the SPP regarding indicator number 1.

#### Natural environments

On page 42 of the FFY 2003 APR, the State included data and analysis regarding compliance and performance in this area. On page 42 of the FFY 2003 APR, the State reported that early intervention services are provided based on family routines and activities in the home, childcare, recreation sites, and other community settings. Page 42 of the FFY 2003 APR also indicated

that, during 2003-2004, 91% of counties provided services in natural environments and a justification on the IFSP of the extent, if any, to which supports and services would not be provided in natural environments. The State included strategies regarding performance in this area. OSEP looks forward to reviewing updated information in the SPP regarding indicator number 2.

### 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).

OSEP's September 27, 2004 FFY 2002 APR response letter directed the State to provide, in the FFY 2003 APR, an update on its process to provide responsive data (whether collected through sampling, monitoring, individual IFSP review, or other methods, at the county or other levels) that show the percentage of children participating in the Part C program who demonstrate improved and sustained functional abilities in the five developmental areas, targets for improved performance, and strategies to achieve those targets for this area. On pages 44-47 of the FFY 2003 APR, the State provided data and information as follows: The State reported that: (1) 22% of children exited Part C prior to their third birthdays because they met all outcomes on their IFSPs; and (2) IFSPs in 98% of counties monitored by the State in 2003-2004 included: (a) the degree to which progress towards achieving outcomes was made; and (b) whether modifications or revisions of the outcomes or supports and services was necessary. On pages 44-46 of the FFY 2003 APR, the State also reported implementing such strategies as modifications to data collection and changes in practices to assist with the collection of child outcome data. In preparing the SPP, the State must determine whether data collected related to this area will be responsive to those requirements. OSEP looks forward to reviewing updated early childhood outcome data in the State's SPP regarding indicator number 3.

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

#### IFSP transition content

The February 2002 OSEP Monitoring Report identified the following area of noncompliance: transition steps were not included on the IFSP. See 34 CFR §303.344(h). On pages 50 of the FFY 2003 APR, DPW included data and analysis regarding this issue. DPW reviewed a sample of 107 IFSPs collected from counties across four regions. The review indicated that 76% of the IFSPs included transition steps. In the SPP, the State must clarify whether this data represents children exiting Part C who have transition steps in their IFSPs. If this data does not represent children exiting Part C, the State must ensure that the data provided in the SPP, in response to indicator number 8A, represents data regarding children exiting Part C. If the data in the FFY 2003 APR does represent children exiting Part C, or if the data in the SPP indicates

noncompliance, the State must include in its SPP a plan to correct the noncompliance as soon as possible.

#### Transition conference

Based on data in the State's FFY 2002 APR, OSEP's September 27, 2004 letter identified noncompliance regarding the transition conference requirement at 34 CFR §303.148(b)(2)(i) and directed DPW to provide, within 60 days of the date of the letter, a plan including strategies, proposed evidence of change, targets and timelines that would ensure correction of noncompliance within a reasonable period of time, not to exceed one year from the date OSEP approved the plan.

DPW's December 28, 2004 letter to OSEP provided a plan as requested in the September 27, 2004 letter. The plan included such strategies as identification and remediation of systemic transition issues, ensuring that local interagency agreements are updated and revised by October 2005, clarifying the timeline requirements and participants at the 90-day transition meeting by January 2005, enhancing DPW's database to better capture transition meeting dates and reasons for delays, providing training to service coordinators on children with low incidence disabilities, and capturing transition data on the new compliance monitoring tool (county profile) by July 2005.

In its February 7, 2005 letter to DPW, OSEP accepted the plan and required DPW to report on its progress in correcting noncompliance in the FFY 2003 APR. On pages 48-58 of the FFY 2003 APR, DPW included data and analysis on its progress in correcting noncompliance with the transition conference. On pages 50 and 51 of the FFY 2003 APR, the DPW reported its 2003-2004 monitoring data indicated that 75% of counties held timely transition conferences, compared to 65% in 2002-2003. The State also identified barriers to the timely completion of the transition conference, such as unavailability of LEA personnel during summer/vacation breaks, delays due to family requests, and children referred close to their third birthdays. The State included activities to address the barriers. In addition, on page 49 of the FFY 2003 APR, the State reported that 100% of counties had an agreement with their local Part B preschool programs regarding the exchange of information on children in transition. The State must provide updated data as requested in indicator number 8C of the SPP, and as required in OSEP's February 7, 2005 letter, the State must submit to OSEP, by March 9, 2006, a final report demonstrating correction of the noncompliance regarding transition conferences.

#### LEA notification

On pages 49 of the FFY 2003 APR, DPW reported monitoring data that reflected 100% of counties monitored have an agreement with Part B preschool regarding the exchange of information on children in transition. However, 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. In the SPP, the State must provide data indicating compliance with this requirement, as required in indicator number 8B.

***Conclusion***

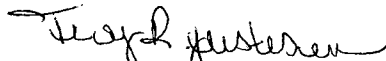
In the SPP, due December 2, 2005, Pennsylvania must:

1. Clarify, regarding IFSP transition content, whether the data in its FFY 2003 APR represented children exiting Part C who had transition steps in their IFSPs. If the data do not represent children exiting Part C, the State must ensure that the data provided in the SPP, in response to indicator number 8A, represents those children. If the data in the FFY 2003 APR do represent children exiting Part C, or if the data in the SPP indicate noncompliance, the State must include in its SPP its plan to correct the noncompliance as soon as possible;
2. Provide updated data as requested in indicator number 8C of the SPP regarding the transition conference;
3. Submit to OSEP by March 9, 2006, as required in OSEP's February 7, 2005 letter, a final report demonstrating correction of the noncompliance regarding transition conferences; and
4. Provide data indicating compliance with the LEA notification requirement, as required in indicator number 8B.

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 the 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 Mary A. Williams at (202) 245-7586.

Sincerely,



Troy R. Justesen  
Acting Director  
Office of Special Education Programs

cc: Maureen Cronin