



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

Honorable Deborah Fleming  
Director  
Wyoming Department of Health  
Hathaway Building, First Floor  
2300 Capitol Avenue  
Cheyenne, Wyoming 82002

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Dear Dr. Fleming:

The purpose of this letter is to respond to the Wyoming Department of Health (WYDH) July 8, 2003 submission of its Federal Fiscal Year (FFY) 2001 Annual Performance Report (APR) for the Individuals with Disabilities Education Act (IDEA) Part C funds used during the grant period July 1, 2001 through September 30, 2002. The APR reflects actual accomplishments made by the State during the reporting period (as compared to established objectives). In addition, States used the Part C APR, due on July 1, 2003, to report on the State's progress in meeting the goals identified in the State's Part C Improvement Plan that is part of the Continuous Improvement and Focused Monitoring System (CIFMS). The APR for Part C of IDEA is designed to provide uniform reporting from States and result in high-quality information across States.

The APR is a significant data source utilized in CIFMS implemented by the Office of Special Education Programs (OSEP), within the U.S. Department of Education. The APR falls within the third component of OSEP's four-part accountability strategy (i.e., supporting States in assessing their performance and compliance, and in planning, implementing, and evaluating improvement strategies) and consolidates the self-assessing and improvement planning functions of the CIFMS into one document. OSEP Memorandum 03-6 (regarding the submission of the Part C APR) directed States to address five cluster areas in their Part C APRs: General Supervision; Comprehensive Public Awareness and Child Find System; Family Centered Services; Early Intervention Services in Natural Environments; and Early Childhood Transition.

Because OSEP is consolidating the self-assessing and improvement planning functions of the CIFMS into one document (APR), OSEP encouraged States, where appropriate, to integrate the State's Improvement Plan into its APR. WYDH decided to incorporate its Improvement Plan into its July 8, 2003 APR and future APRs.

### ***Improvement Plan***

WYDH was in the process of implementing its Improvement Plan that was developed in conjunction with the Wyoming Steering Committee at the time the State submitted its APR. The Improvement Plan intended to focus WYDH's activities toward improved results and accountability for children with disabilities and their families under the IDEA. WYDH submitted its Improvement Plan to OSEP in March 2002, September 2002, December 2002 and March

2003. The Steering Committee identified the following areas of improvement in its Self-Assessment and Improvement Plan: General Supervision, Public Awareness and Child Find, Family Centered Services, and Early Childhood Transition. The Steering Committee did not identify any areas of noncompliance. OSEP informed WYDH in its letter dated January 22, 2003 that the Improvement Plan did not contain adequate information to ensure WYDH was identifying noncompliance and ensuring corrective action under its General Supervision Improvement Cluster Area and requested WYDH to submit examples of State monitoring reports, quarterly, between February 2003 and September 2003. For the other cluster areas, Public Awareness and Child Find, Family Centered Services, and Early Childhood Transition, OSEP requested that WYDH submit revisions to its Improvement Plan as part of its APR in accordance with guidance that was attached to OSEP's January 22, 2003 letter. WYDH submitted the requested monitoring reports and made revisions to its Improvement Plan dated March 21, 2003 and July 8, 2003. WYDH reported to OSEP that its July 8, 2003 APR was being submitted to meet both the requirements for its Improvement Plan and its APR.

Our comments regarding the content of Wyoming's APR/Improvement Plan regarding each of those cluster areas are set forth below. We recognize the time and effort that went into the development of your APR and appreciate the State's work to describe performance related to serving infants and toddlers with disabilities and their families under IDEA.

### ***General Supervision***

The State's Self-Assessment and its Improvement Plan did not identify any areas of noncompliance in this cluster. In its APR, WYDH submitted general information including, the number of on-site visits the State had conducted and general timelines for completing monitoring processes.

OSEP determined from review of WYDH's monitoring materials noted above that, during the APR reporting period, the State made findings of noncompliance through its on-site monitoring process. Nevertheless, in its APR, WYDH did not provide analysis of its monitoring data to allow OSEP to determine the status of and compliance for this cluster. For instance, there are no analyses reported on the types of noncompliance identified, the length of time for correction, the use of corrective actions and the level of corrective action required, and the results of actions taken by the State. In the next APR, please provide to OSEP sufficient data to determine the status of the State's performance and compliance in this area.

In October 2003, OSEP conducted a verification visit to Wyoming to collect information regarding a number of elements in the State's general supervision system and its State-reported data collection. OSEP is responding to the verification visit under separate cover, in which OSEP requests that WYDH provide additional submissions to OSEP regarding the State's general supervision and data collection. In addition to the submissions requested in the verification letter, OSEP requests that WYDH provide in its next APR information regarding its progress in meeting WYDH's Comprehensive System of Personnel Development (CSPD).<sup>1</sup>

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<sup>1</sup> OSEP learned that WYDH is using results from on-site monitoring visits to target training and technical assistance and has developed a CSPD plan through synthesis of in-person surveys of 100 early childhood personnel. Personnel surveyed included regional early childhood directors, administrative staff, family service coordinators, early

If WYDH determined the existence of noncompliance from its monitoring for the 2001-2002 reporting period for this cluster area, it must address the noncompliance by submitting improvement planning strategies, timelines and evidence of change to ensure correction of the noncompliance within one year from OSEP's approval of the strategies to address the noncompliance. If WYDH has not found any noncompliance, then WYDH should provide the baseline, trend data, analysis, progress, and activities that the State routinely carries out to maintain an acceptable level of performance.

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

The State's Self-Assessment and its Improvement Plan did not identify any areas of noncompliance in this cluster.

WYDH provided its December 2002 child count in comparison with the national average and a breakout of infants and toddlers served in December 2002 by race/ethnicity and general strategies for conducting Child Find. From the data that was provided in the APR, OSEP cannot determine that the public awareness system and the child find system results in the identification, evaluation and assessment of all eligible children in a timely manner. The APR asks the following question: "Does the implementation of a comprehensive, coordinated Child Find system result in the identification, evaluation, and assessment of all eligible infants and toddlers?" One example of an analysis the State could conduct to respond to that question is to compare data on referrals by source, by region or program to determine areas in the State that were exemplary or deficient. If WYDH determined the existence of noncompliance from its monitoring for the 2001-2002 reporting period for this cluster area, it must address the noncompliance by submitting improvement planning strategies, timelines and evidence of change to ensure correction of the noncompliance within one year from OSEP's approval of the strategies to address the noncompliance. If WYDH has not found any noncompliance, then WYDH should provide the baseline, trend data, analysis, progress, and activities that the State routinely carries out to maintain an acceptable level of performance.

In addition, Page 2 of the APR contains a goal for increasing the number of infants and toddlers with disabilities of certain racial or ethnic backgrounds who will be identified as eligible for services under Part C. The use of a goal for a racial or ethnic subgroup is inconsistent with Federal law. If the State wishes to examine whether and why infants and toddlers with disabilities in certain subpopulations are not referred, identified and/or determined eligible for services under Part C, under Title VI of the Civil Rights Act, it must do so in a race-neutral manner without the use of race- or ethnicity-specific goals. If the State has proposed these goals because it is concerned about the number of infants and toddlers with disabilities being served under Part C who are from a particular racial or ethnic subgroup, the State should instead review, and if necessary revise, its policies, practices and procedures (including monitoring) to ensure

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childhood special education teachers, speech and language pathologists, occupational therapists and physical therapists. One objective of the CSPD, to provide opportunities for early childhood staff to obtain master's degrees through distance learning, was in the process of being implemented at the time of OSEP's October 2003 visit. Resources to provide training on another component of the CSPD, training on mental health issues, are being discussed.

that traditionally underserved groups are not being excluded by current policies, practices and procedures. For example, the State may wish to review its eligibility procedures and practices to ensure that infants and toddlers suspected of having a disability are individually evaluated and assessed using tests and other evaluation methods consistent with 34 CFR §§303.320 through 303.323, including ensuring that nondiscriminatory procedures are used (see 34 CFR §303.323). In addition, the State may wish to ensure that traditionally underserved groups are involved and informed of the Part C program and processes, consistent with 34 CFR §§303.128 and 303.320. Please review and revise the APR to be consistent with Federal law and submit the revised child-find language with the State's next APR submission to OSEP.

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

The State's Self-Assessment and its Improvement Plan did not identify any areas of noncompliance in this cluster.

WYDH provided results of family surveys from two regional early intervention programs regarding whether early intervention services had helped families enhance their child's development and stated it plans to provide training and technical assistance for early intervention providers regarding family-centered practices. However, the APR did not contain baseline data regarding the supports, services, and resources provided to families. Therefore, OSEP is unable to determine the status of WYDH's early intervention system in this cluster. Some examples of what the State could provide as baseline data are: (1) the types or numbers of family support services provided, (2) results from monitoring that family assessments, with parental consent, are conducted, and (3) results from monitoring that Individualized Family Service Plans (IFSPs) contain a statement of the family's resources, priorities, and concerns related to enhancing the development of the child.

If WYDH determined the existence of noncompliance from its monitoring for the 2001-2002 reporting period for this cluster area, it must address the noncompliance by submitting improvement planning strategies, timelines and evidence of change to ensure correction of the noncompliance within one year from OSEP's approval of the strategies to address the noncompliance. If WYDH did not identify any noncompliance, then WYDH should provide the baseline, trend data, analysis, progress, and activities that the State routinely carries out to maintain an acceptable level of performance.

### ***Early Intervention Services in Natural Environments***

The State's Self-Assessment and its Improvement Plan did not identify any areas of noncompliance in this cluster.

WYDH did not provide to OSEP any information in this cluster area, so OSEP is unable to determine the status of WYDH's early intervention system for this cluster. OSEP expects that the State provide data in its APR that demonstrate the impact of performance and compliance with the "Early Intervention Services in Natural Environments" cluster objective. For example, WYDH could provide baseline data on the following topics: whether evaluations and assessments are being provided, whether all services needed by children and families are being

identified on the IFSP and provided, and whether service coordinators are carrying out all of their responsibilities. In addition, the Part C FFY 2001 APR 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)). Please provide to OSEP in the next APR (for FFY 2002) the results from its data collection or the State's plan on how it will collect this data (whether through sampling, monitoring, individual IFSP review, or other methods).

If WYDH determined the existence of noncompliance from its monitoring for the 2001-2002 reporting period for this cluster area, it must address the noncompliance by submitting improvement planning strategies, timelines and evidence of change to ensure correction of the noncompliance within one year from OSEP's approval of the strategies to address the noncompliance. If WYDH has not determined any noncompliance, then WYDH should provide the baseline, trend data, analysis, progress, and activities that the State routinely carries out to maintain an acceptable level of performance.

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

The State's Self-Assessment and its Improvement Plan did not identify any areas of noncompliance in this cluster.

WYDH stated in its APR that monitoring data indicates that regional early intervention providers need technical assistance in the steps to prepare children for changes in services at transition. WYDH indicated that it would provide technical assistance to ensure providers were documenting specific outcomes to prepare the children for their next services in IFSPs. In addition, WYDH stated that corrective actions plans would be required if noncompliance was found. WYDH also planned to develop written materials about transition to disseminate to regional early intervention providers, the Parent Information Center, and the Family Support Network.

OSEP is unable to determine the status of WYDH's early intervention system for this cluster. In its next APR, WYDH may provide for example monitoring results that demonstrate that the 90-day transition meeting is occurring and that IFSPs contain a child and family transition plan. In addition, WYDH may provide an analysis of trend data from the Section 618 Federal exiting table. Information about the status and impact of training and dissemination of written materials regarding transition could be submitted as well.

If WYDH determined the existence of noncompliance from its monitoring for the 2001-2002 reporting period for this cluster area, it must address the noncompliance by submitting improvement planning strategies, timelines and evidence of change to ensure correction of the noncompliance within one year from OSEP's approval of the strategies to address the noncompliance. If WYDH did not determine any noncompliance, then WYDH should provide the baseline, trend data, analysis, progress, and activities that the State routinely carries out to maintain an acceptable level of performance.

**Conclusion**

It is OSEP's expectation that, as part of its improvement planning efforts and in its reporting of its next APR, inclusive of improvement plan goals, that WYDH will collect and analyze relevant data and make a databased determination regarding the current status and future activities of its improvement plan and the five APR cluster areas.

We recognize that the APR and Improvement Plan represent only a portion of the work in your State and we look forward to collaborating with Wyoming as you continue to improve results for infants and toddlers with disabilities and their families.

Sincerely,



Stephanie Smith Lee  
Director  
Office of Special Education Programs

cc: Sheldon Skelcher  
Supervisor for Part C  
and Part B Preschool

Jason Jones  
Part C Coordinator