



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. 629
Baton Rouge, Louisiana 70821-0629

NOV 19 2004

Dear Secretary Cerise:

The purpose of this letter is to respond to Louisiana's March 31, 2004 submission of its Federal Fiscal Year (FFY) 2002 Annual Performance Report (APR) for the Individuals with Disabilities Education Act (IDEA) Part C funds used during the grant period July 1, 2002 through June 30, 2003. The APR reflects actual accomplishments made by the State during the reporting period, compared to established objectives. The APR for IDEA is designed to provide uniform reporting from States and result in high-quality information across States.

The Louisiana Department of Health and Hospitals (DHH) replaced the Louisiana Department of Education (LDE) as the State's Lead Agency for Part C, effective July 1, 2003. In the FFY 2002 APR, DHH reported on activities from the period of July 1, 2003 through December 31, 2003. OSEP accepts, as the State's FFY 2002 APR, the APR that DHH submitted on March 31, 2004 and which addresses the reporting period from July 1, 2003 through December 31, 2003.

The APR is a significant data source utilized in the Continuous Improvement and Focused Monitoring System (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 into one document. OSEP's Memorandum regarding the submission of Part C APRs 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.

Background

In its July 21, 2001 Monitoring Report, OSEP identified fourteen areas of Part C noncompliance (listed below under each respective cluster area), and directed the State to develop and implement improvement strategies to ensure timely correction of all of the areas of noncompliance identified in the Report. On June 27, 2002, LDE (as the Part C Lead Agency at that time) submitted the State's Part C Improvement Plan. In its February 12, 2003 response, OSEP accepted the Plan and informed the State that it must provide OSEP with documentation that the State had corrected all areas of noncompliance no later than February 12, 2004. In its February 2003 letter, OSEP emphasized that the projected change in the State's Lead Agency did

not diminish the State's responsibility to correct all of the previously identified noncompliance within the one-year timeline.

In its February 13, 2004 response to the State's FFY Part C 2001 APR, OSEP noted that the State had corrected two of the findings: (1) the State Interagency Coordinating Council (SICC) included the required percentage of parents of children with disabilities (34 CFR §303.601(a)(1))¹; and (2) the assignment of a service coordinator prior to the initial evaluation and assessment (see 34 CFR §303.23(b)(1)). Regarding the other 12 findings of noncompliance in OSEP's July 2001 Monitoring Report, OSEP's February 13, 2004 letter directed the State to submit, in the FFY 2002 APR due on March 31, 2004, either: (1) documentation of correction of each area of noncompliance; or (2) the specific additional actions the State would take to ensure full correction and the date by which the State would be able to provide documentation that it had fully corrected each of those findings.

As detailed in OSEP's July 1, 2004 FFY 2004 Louisiana Part C grant award letter, OSEP determined that the State failed to provide OSEP with the required documentation or proposed actions to ensure timely correction of the following four areas of noncompliance related to the State's failure to: (1) conduct evaluations and assessments and convene the initial Individualized Family Service Plan (IFSP) meeting within 45 days of referral to Part C (34 CFR §§303.321(e), 303.322(e) and 303.342(a)); (2) convene an IFSP meeting and obtain parental consent prior to eliminating or reducing early intervention services (34 CFR §303.342(e)); (3) identify 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) provide the early intervention services listed on the child's IFSP (34 CFR §303.342(e)). In the State's FFY 2004 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 those four areas of noncompliance. OSEP's July 1, 2004 FFY 2004 Louisiana Part C grant award letter also specified documentation that the State must submit documentation in its first Progress Report, due on October 15, 2004 and in its second Progress Report, no later than January 15, 2005, demonstrating correction of those four areas. Therefore, OSEP is not addressing those four areas of noncompliance in this letter and will respond separately to the State's first Progress Report, submitted to OSEP on October 18, 2004.

The State's APR should reflect the collection, analysis and reporting of relevant data, and document data-based determinations regarding performance and compliance in each of the cluster areas (as well as any other areas identified by the State to ensure improvement). This letter responds to the State's APR (reporting period from July 1, 2003 through December 31, 2003), and addresses each of the remaining eight areas of noncompliance from OSEP's 2001 Monitoring Report that were not the subject of the special conditions on the State's FFY 2004

¹ In September 2003, OSEP conducted a visit to DHH, to verify the effectiveness of the State's systems for Part C general supervision and data collection under section 618 of IDEA. In its December 19, 2003 letter reporting on the results of review, OSEP noted that the September 24, 2003 DHH document entitled, Federal Compliance Findings and Potential Resolutions (that served as an updated Progress Report on the State's Improvement Plan), demonstrated compliance with the finding regarding SICC parent membership.

Part C grant award and were not already previously corrected. OSEP's comments are listed by cluster area.

General Supervision

In its 2001 Monitoring Report, OSEP identified noncompliance regarding the membership of the SICC and the State's procedures for identifying and correcting noncompliance. As noted above, in its February 13, 2004 response to the State's FFY 2001 APR, OSEP stated that it had found during the September 2003 verification visit to the State that DHH had corrected the noncompliance regarding the membership of the SICC, but that the State had not yet provided sufficient documentation that it had corrected the noncompliance related to the identification and correction of noncompliance.

OSEP's finding regarding the State's system for identifying and correcting noncompliance identified three issues: (1) the State was not monitoring for compliance with all Part C requirements (34 CFR §303.501); (2) the State was not monitoring all programs and agencies that provided Part C services (34 CFR §303.501); and (3) the State was not ensuring correction of all the identified noncompliance (34 CFR §303.501). OSEP directed DHH to submit, as part of its final Progress Report in the FFY 2002 APR, documentation that it was monitoring for all Part C requirements and monitoring all entities that provide early intervention services, including: (1) copies of DHH's monitoring reports; (2) corrective action plans (CAPs) provided to DHH by providers; (3) a data-based analysis of the effectiveness of the State's procedures in identifying and correcting noncompliance; (4) any other policies and procedures confirming that the State was monitoring for all Part C requirements and all entities that provide Part C services in the State; and (5) DHH's analysis and summary of its data reports regarding Part C requirements.

Monitoring for compliance with all Part C requirements. In its 2001 Monitoring Report, OSEP found that the State was not, as required by 34 CFR §303.501, monitoring for compliance with all Part C requirements. At the time of OSEP's September 2003 verification visit, the State had: (1) begun to use data from the automated system maintained by an outside contractor, Covansys, to prepare data profiles for each agency to use in self-assessments and in improving performance; and (2) developed plans for other monitoring procedures, including desk audits of data and periodic site visits by yet-to-be-hired quality assurance specialists, including observations, record reviews, interviews and focus groups. DHH staff also told OSEP that, by February 2004, it would have the following procedures in place, and be able to use them to monitor for compliance with all Part C requirements: (1) self-assessments by the 19 Single Points of Entry (SPOEs); (2) local reports on compliance and the status of the correction activities; (3) ongoing reviews of files (including IFSPs) by the regional coordinators; and (4) on-site peer reviews and pilot studies to establish a baseline for focused monitoring of the intake and IFSP processes, as well as to determine trends, training and technical assistance needs.

To date, OSEP has not received any of DHH's monitoring protocols or other documentation that its monitoring procedures address all Part C requirements, and the State has not demonstrated that it has monitoring procedures, manuals and staff to ensure that it can monitor for all Part C requirements. In its FFY 2002 APR, the State indicated that once it hired quality assurance

specialists “by April 2004,” it would monitor all agencies that provide Part C services. DHH confirmed in its October 14, 2004 Progress Report on the Special Conditions that it hired three Quality Assurance Specialists in June 2004 to conduct monitoring reviews.

As part of the next APR, due March 31, 2005, the State must submit documentation of the extent to which DHH is monitoring for compliance with all Part C requirements, including: (1) the procedures that DHH uses to monitor for compliance with each of the components of a State-wide early intervention system as set forth at 34 CFR §§303.160 and 303.161-.176, and the regulations that those sections incorporate by reference; (2) a monitoring manual or procedures which are in place and confirmation that staff required for monitoring are hired; and (3) a summary of the findings of noncompliance that DHH has made from July 1, 2003 through February 28, 2005, by Part C requirement and agency.

Monitoring all programs and agencies that provide Part C services. In its 2001 Monitoring Report, OSEP found that the State was not, as required by 34 CFR §303.501, monitoring all programs and agencies that provided Part C services. On page 15 of its FFY 2002 APR, the State included data indicating that DHH was using 1186 entities (including DHH contractors, hospitals and clinics, and agencies) to provide Part C services, and that by December 2004, DHH anticipated increasing the number of providers to 2000. In addition, DHH contracted with the 19 SPOEs to be responsible for initial referrals and initial service coordination, and with other agencies to provide ongoing service coordination. In the APR, the State indicated that once it hired quality assurance specialists, it would monitor all agencies that provide Part C services. Although, as stated above, DHH informed OSEP that it hired monitoring staff in June 2004, as of the date of this letter, the State had provided no documentation that DHH has a monitoring system that addresses all programs and agencies that provide Part C services.

As part of the next APR, due March 31, 2005, DHH must provide documentation that DHH has a monitoring system to monitor all programs and agencies that the State uses to implement Part C, including: (1) a detailed description of the monitoring methods² used to monitor each type of agency that DHH uses to implement Part C, including the SPOEs, agencies that provide ongoing service coordination, agencies that receive Part C funds and provide early intervention services, and agencies that the State uses to implement Part C although those agencies do not receive Part C funds; and (2) a schedule, by agency, SPOE or provider, of the Part C monitoring that DHH has conducted from July 1, 2003 through February 28, 2005.

Ensuring correction of all identified noncompliance. In its 2001 Monitoring Report, OSEP found that the State was not ensuring correction, in a timely manner, of all the noncompliance that it identified (34 CFR §303.501). Since OSEP’s 2001 Monitoring Report,

² Given the large number of early intervention providers, DHH may utilize a range of strategies, such as: (1) a review of, and if needed revisions to, contracts to ensure inclusion of provisions such as (a) data-reporting requirements for both IDEA section 618 data and Part C compliance requirements (such as the 45-day timeline, service provision in natural environments etc.); (2) compliance enforcement mechanisms such as certification or failure to qualify as a contractor or receive payment based not only on submitting data but data demonstrating compliance; (3) on-site monitoring of major providers (as determined by the numbers of children served); and (4) a system of prioritizing findings or areas of need (based on key State-identified indicators, such as child find, provision of services, other) given the large numbers of providers.

DHH completed some follow-up monitoring of findings made by the previous Lead Agency (LDE). Because the State has not provided OSEP with documentation of the effectiveness of its monitoring system in *identifying* noncompliance (see #1 and #2 above), OSEP cannot yet document the State's effectiveness in *correcting* identified noncompliance.

OSEP's February 13, 2004 response to the State's FFY 2001 APR directed the State to submit, as part of its final Progress Report in the FFY 2002 APR, documentation that it was ensuring the correction of noncompliance, including CAPs provided to DHH by providers. On pages 2 and 3 of the FFY 2002 APR, DHH reported that it: (1) had reviewed 23 of 26 agencies in which LDE had previously found noncompliance (the other three agencies were no longer providing services) to follow up on CAPs that those agencies had submitted to LDE; (2) found that some areas of noncompliance persisted, and developed a system to determine the level of compliance and further corrective action; (3) required correction as part of its contracts with providers; and (4) was prepared to dismiss any agency or provider from the Early Steps program that is found to persistently show noncompliance with Part C.

On June 2, 2004, DHH submitted an addendum to its FFY 2002 APR, that included a CAP format DHH used to address Part C noncompliance, including: (1) date of original monitoring by LDE; (2) dates of follow up monitoring by DHH; (3) "date released from CAP or date sanctioned for noncompliance;" (4) issue to be corrected; (5) procedures for correction; (6) person responsible; and (7) target date for correction. DHH also included examples of the completed CAP format from three agencies. This material indicated DHH conducted follow-up steps with three agencies in relationship to corrective action. However, the CAP form for one agency showed that the original monitoring by LDE had occurred in September 2002, but gave no date for follow-up monitoring, date released from the CAP, or date sanctioned, and no indication as to how, or whether, DHH had determined that the agency effectively corrected the noncompliance. The CAP form for a second agency indicated that follow-up monitoring occurred on May 25, 2004, but provided no date for the original monitoring, no indication of what DHH determined through its follow-up, date released from the CAP, or date sanctioned. The CAP form for the third agency indicated that the original LDE monitoring occurred in September 2002, with a follow-up by DHH in March 2004, but, other than an assurance from the agency that it would comply in the future, provided no indication as to how, or whether, DHH determined that the agency effectively corrected the noncompliance.

As part of the next APR, due March 31, 2005, DHH must provide documentation of its effectiveness in ensuring correction of noncompliance in a timely manner, that must include: (1) DHH's CAP documentation form, as revised to include (a) a timeline indicating when the provider must be in compliance and (b) the evidence of change/data the provider must submit to DHH to demonstrate compliance; and (2) for any agencies or providers that DHH found in noncompliance since July 1, 2003, the corrective action(s) that 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.

Qualified personnel. From data and information provided by the State in the APR, OSEP could not determine performance related to the State having an adequate supply of personnel to provide early intervention services. On pages 4 through 6, the State reported on the number of

administrators, service coordinators, teachers, service providers, paraprofessionals, and other providers employed or contracted to meet the identified early intervention needs of all eligible infants and toddlers and their families, and stated that the State can determine provider and service shortages. The State did not, however, include any data or analysis as to whether there were 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. In the next APR, due March 31, 2005, 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.

Comprehensive Public Awareness and Child Find System

In its 2001 Monitoring Report, OSEP identified two areas of noncompliance in this cluster: (1) implementing an effective public awareness program (34 CFR §303.320); and (2) ensuring that all children in the State who were eligible for services under Part C were identified, located, and evaluated, and an effective method developed and implemented to determine which children were receiving needed early intervention services (34 CFR §303.321(b)). OSEP's February 13, 2004 response to the State's FFY 2001 APR directed the State to include in its FFY 2002 APR: (1) a data-based analysis of the effectiveness of its child find and public awareness system in ensuring that all eligible children with disabilities, including children whose families' primary language is not English, are identified, located and evaluated; and (2) evidence of the effectiveness of its improvement strategies including data on the availability of public awareness materials with all primary referral sources in all relevant languages and the change in percentage of children, if any, referred and determined eligible.

During the reporting period July 1, 2003 – December 31, 2003, a total of 3,604 referrals were made to the Early Steps Program. As of December 1, 2003, DHH reported a total of 3,498 eligible children served.

On pages 8 through 15 of its FFY 2002 APR, DHH reported that: (1) its child find efforts comprised a variety of approaches, including distribution of written materials and dissemination to all primary referral sources of a list of the SPOE with a toll-free number for referral; (2) DHH implemented a comprehensive public awareness campaign with the support of the public relations committee of the SICC; (3) DHH's data system tracks referral sources and provides a periodic report for local and regional planning (on pages 12 through 14, the APR contained graphs reflecting these data); (4) with the creation of regional interagency coordinating councils charged with coordinating child find and referral at the local level, there would not be unnecessary duplication of effort by the various agencies involved in the child-find system and the State used the resources available through each public agency; (5) the highest number of calls was related to children ages birth to 6 months and more calls were received during the first three months of the child find efforts; (6) printed materials and word of mouth were a major source of information for those who called the toll-free number, but because DHH did not initiate the use of public media advertisements until December 2003, DHH could not determine the effectiveness of these efforts; and (7) there was a 27% increase in the number of eligible children

served during the this reporting period. On pages 9 and 10, the State provided information showing that it made public awareness materials available in the various needed languages.

In the APR, the State reported implementation of the strategies and activities it identified as needed to correct the noncompliance in this cluster. OSEP appreciates the work of the State in implementing all strategies to address the noncompliance related to public awareness and child find.

As part of the next APR, due March 31, 2005, the State must continue to report on its efforts to improve performance and ensure compliance in this cluster area.

Family Centered Services

In its 2001 Monitoring Report, OSEP identified one area of noncompliance in this cluster: the State did not ensure 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)). The State in its June 2002 Improvement Plan identified strategies to address this finding, including: (1) providing annually an updated service directory of formal/informal available resources in local communities that can be used by the family service coordinators; and (2) providing initial and periodic training on the collaboration between family service coordinators and local community partners.

DHH indicated that it has implemented the strategies to address this noncompliance. The State reported on pages 17 to 19 of the FFY 2002 APR that it provided training in various formats across the State, targeting all service coordinators, early intervention service providers, stakeholders and potential early intervention service providers, and included information on identification of services and supports necessary to enhance the family's capacity to meet the developmental needs of their child and to meet the unique needs of the child and family.

In the APR, the State reported implementation of the strategies and activities it identified as needed to correct the noncompliance in this cluster. OSEP appreciates the work of the State in implementing all strategies to address the noncompliance related to family centered services.

As part of the next APR, due March 31, 2005, the State must continue to report on its efforts to improve performance and ensure compliance in this cluster area.

Early Intervention Services in Natural Environments

In its 2001 Monitoring Report, OSEP identified eight areas of noncompliance in this cluster. As explained above, in the Background section of this letter, OSEP addressed in detail four of those findings in the special conditions attached to the State's FFY 2003 Part C grant award. The other four areas of noncompliance are addressed below.

Provision of services in natural environments. In its 2001 Monitoring Report, OSEP found that the State had not ensured compliance with Part C's requirements regarding the provision of services in natural environments (34 CFR §§303.344(d)(1)(ii), 303.18 and

303.12(b)). OSEP's February 12, 2003 letter (page 5 of the Attachment) that accepted the State's Improvement Plan required that the State "must include a summary of the State's monitoring findings and actions to ensure correction of noncompliance with Part C's requirement that public agencies are providing early intervention services in natural environments. The data the State submits must include the State's progress in ensuring compliance in all of the parishes that OSEP visited in February 2000." The State's July 2003 FFY 2001 APR did not include any such monitoring data. OSEP's February 13, 2004 response to the State's FFY 2001 APR directed DHH to include in its FFY 2002 APR final documentation that it corrected the noncompliance, including IFSP review, site-visit, or other monitoring data to demonstrate that the IFSP for all children either provided services in the natural environment, or included an appropriate, individual (i.e., child-outcome based) justification.

In the FFY 2002 APR, DHH reported that: (1) a written justification must accompany the IFSP when a service was provided in a setting other than the natural environment, including a statement on how the family would be informed and involved in the provision of services when more restrictive settings were used; (2) as a part of an incentive to encourage providers to utilize natural environments, DHH reimbursed providers at a higher rate for serving children in home and community based settings; and (3) 80% of services were provided in the home and community settings and 20% in settings other than natural environments. While OSEP appreciates the State's efforts to improve performance in this area and its report of performance data, the State's FFY 2002 APR did not include any monitoring data or other documentation to show that the State ensured correction of this area of noncompliance that IFSPs contain appropriate justifications when early intervention services are not provided in the natural environment.

As part of the next APR, due March 31, 2005, DHH must provide: (1) a description of the procedures that it 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; (2) a list of the agencies in which DHH implemented those monitoring procedures from July 1, 2003 through February 28, 2005; and (3) 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.

Parents' rights information related to evaluation, assessment and determination of eligibility provided to the child's family. In its 2001 Monitoring Report, OSEP found that parent rights information was not provided until after the evaluation and assessment procedures were completed, eligibility determination made, and if the child was eligible, the service coordination agency provided the parents with their rights. The State in its June 2002 Improvement Plan identified strategies to address this finding: (1) providing training to family service coordinators regarding the provision of parents' rights information at time of referral; and (2) requiring that the Procedural Safeguards and IFSP checklist be used for all providers. As part of OSEP's 2003 verification visit review, OSEP requested that DHH provide a copy of the written notice it provides parents under 34 CFR §303.403. OSEP provided in October 2004 its review of Louisiana's notice documents and requested DHH submit within 60 days its revised notice to

address all regulatory requirements. DHH submitted its revised notice on November 15, 2004. OSEP will provide in a separate letter its analysis of the State's November 15, 2004 revised notice.

DHH indicated it has implemented the strategies to address this noncompliance in the FFY 2001 APR. The State reported on page 4 of the FFY 2001 APR that it provided training, which included the clarification of the procedural safeguards policy ensuring that all families receive information about their parental rights. DHH reported 98% of families interviewed about the receipt of their rights indicated they received information about parental rights as evidenced by Parent Surveys.

In the APR, the State reported implementation of the strategies and activities it identified as needed to correct the noncompliance regarding parents' rights information related to evaluation, assessment and determination of eligibility provided to the child's family in this cluster. OSEP appreciates the work of the State in implementing all strategies to address this area of noncompliance.

Coordination of all services needed by the family and child. In its 2001 Monitoring Report, OSEP found that service coordinators did not coordinate all services needed by the child and family, including medical and other services that the child needed, but that were not required under Part C. OSEP's February 12, 2003 letter (page 4 of the Attachment) that accepted the State's Improvement Plan required that the State must include "a summary of the State's monitoring findings and actions to ensure correction of noncompliance with Part C's requirement that service coordinators coordinate all of the services on each child's IFSP. ... the State must include evidence of the State's progress in ensuring compliance in all of the parishes that OSEP visited in February 2000." The State's July 2003 FFY 2001 APR did not include any such monitoring data. OSEP's February 13, 2004 response to the State's FFY 2001 APR directed DHH to include in its FFY 2002 APR documentation that it corrected the noncompliance, which documentation could include service coordinator interview, parent interview, IFSP review or other monitoring data to show that service coordinators had coordinated all services needed by the child and family. In its FFY 2002 APR, the State: (1) described required service coordination roles and responsibilities in Louisiana; and (2) reported that guidelines for service coordinators were posted on the Early Steps website under service coordination. However, the FFY 2002 APR provided no monitoring data or other documentation of the extent to which service coordinators meet Part C service coordination requirements.

In the next APR, due March 31, 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.

Transportation services needed to meet the IFSP. In its 2001 Monitoring Report, OSEP found that families did not receive transportation needed to enable them to participate in early

intervention services (34 CFR §303.12(d)(15)). OSEP's February 12, 2003 letter (page 4 of the Attachment) that accepted the State's Improvement Plan required that the State must include "a summary of the State's monitoring findings and actions to ensure correction of noncompliance with Part C's requirement that public agencies provide transportation to families that need transportation as an early intervention service. The data the State submits must include the State's progress in ensuring compliance in all of the parishes that OSEP visited in February 2000." The State's July 2003 FFY 2001 APR did not include any such monitoring data. During OSEP's September 2003 verification visit, the State told OSEP that training to all providers and service coordinators included information on documenting transportation needs on the IFSP, and that the State had resolved this area of noncompliance. However, to date, including the FFY 2001 and FFY 2002 APRs, the State has provided no monitoring data or other documentation to OSEP that it corrected this area of noncompliance.

In the next APR, due March 31, 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 are included in the IFSP and provided as an early intervention service, 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 the requirement that DHH made in any of those agencies, and the status of correction of such findings.

The FFY 2001 and 2002 APRs requested data on the percentage of children participating in the Part C program who demonstrate improved and sustained functional abilities (in the developmental areas listed in 34 CFR §303.322(c)(3)(ii)). The State did not provide OSEP with any data in response to this performance indicator, but included a plan to collect this data. DHH reported that it would develop a mechanism as a component of their monitoring process that would include focus groups and surveys of providers and parents. In the FFY 2003 APR, due on March 31, 2005, the State must either submit, if available, data (whether collected through sampling, monitoring, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data to report in the FFY 2004 APR (expected deadline: March 31, 2006), including a detailed timeline of the activities necessary to implement that plan.

OSEP identified no additional concerns in this cluster area. As part of the next APR, due March 31, 2005, the State must continue to report on its efforts to improve performance and ensure compliance in this cluster area.

Early Childhood Transition

OSEP's July 2001 Monitoring Report did not include any findings of noncompliance in this cluster. The State met the condition of its FFY 2003 Part C grant award application requirement under 34 CFR §303.148(b) that it submit to OSEP a signed, revised interagency agreement between DHH and LDE relating to transition.

In its February 13, 2004 letter, OSEP directed the State to include in the FFY 2002 APR an analysis based on the data it collected on the State's performance and compliance related to early

childhood transition under 34 CFR §303.148(b), including data on the number of children for whom transition conferences were convened at least 90 days prior to their third birthday, data on the number of children for whom the school district was notified of the child's potential eligibility for Part B, and the number of children for whom the required transition plans are in place on the IFSP. On page 30 of its FFY 2002 APR, the State reported on the number of children for whom it held transition-planning meetings, and disaggregated those data by race/ethnicity. The State did not, however, include any data regarding the total number of children transitioning from Part C to Part B, or any analysis of whether in fact the policies and procedures the State developed were implemented throughout the State. According to the chart on page 28 regarding Early Steps exit reasons, only a small percentage of children transitioned to Part B early childhood special education services.

In the next APR, due March 31, 2005, the State must report on the implementation of its strategies to ensure compliance and improve performance in early childhood transition.

Conclusion

As part of the next APR, due March 31, 2005, the State must submit documentation that it has corrected the following remaining areas of noncompliance from OSEP's 2001 monitoring visit:

- ***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 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)).

As indicated above, the documentation that DHH must provide must include: (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 DHH has 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.

Further, the State must 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 on Louisiana's noncompliance, addressed in the special conditions attached to its FFY 2004 Grant Award, related to waiting lists

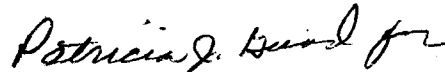
for evaluations and the timely provision of needed services to infants and toddlers with disabilities and their families;

2. Strategies, proposed evidence of change, targets and timelines designed to maintain compliance and performance related to public awareness and child find and family-centered services;
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 are required, an analysis of monitoring data or other supporting data that shows whether the policies and procedures regarding transition at age 3 are being carried out throughout the State, and an analysis of the exit reasons and include strategies to maintain compliance and improve performance in early childhood transition.

In addition, DHH must submit, by January 15, 2005, its final progress report under its FFY 2004 Part C grant special conditions documentation relating to the following four regulatory requirements: (1) conducting evaluations and assessments and convene the initial IFSP meeting within 45 days of referral to Part C (34 CFR §§303.321(e), 303.322(e) and 303.342(a)); (2) convening an IFSP meeting and obtain parental consent prior to eliminating or reducing early intervention services (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 (34 CFR §303.342(e)). OSEP will respond separately to the State's first Progress Report, submitted to OSEP on October 18, 2004.

OSEP recognizes that the APR and its related activities represent only a portion of the work in your State and we look 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 Louise Dirrigl at (202) 245-7324.

Sincerely,



Stephanie Smith Lee
Director
Office of Special Education Programs

cc: Nichole Dupree
Part C Coordinator