



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

Honorable Peter O' Meara
Commissioner
Department of Mental Retardation
DMR Central
460 Capital Avenue
Hartford, Connecticut 06106

OCT 14 2005

Dear Commissioner O'Meara:

The purpose of this letter is to respond to Connecticut's March 28, 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 January 5, 2005 FFY 2002 APR response letter required Connecticut to submit, in the FFY 2003 APR, the following: (1) updated monitoring and correction data (from July 1, 2003 through the date of the report, March 31, 2005) and analysis demonstrating that State-identified noncompliance was corrected within one year of identification (34 CFR §303.501); (2) updated correction data on the three programs identified as noncompliant in its State fiscal year (SFY) 2003 monitoring with Part C's 45-day timeline requirement (34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a)); (3) its plan to collect and submit early childhood outcome data, or, if available, responsive data (whether collected through sampling, monitoring, or other methods), targets for improved performance and strategies to achieve those targets for this area; and (4) updated monitoring data and the status of correction on the seven programs that have continuous improvement plans (CIP) regarding compliance with Part C's transition planning conference timeline requirement at 34 CFR §303.148(b)(2)(i).

General Supervision

Identification and timely correction of noncompliance

OSEP’s January 2005 letter required Connecticut to provide data and analysis demonstrating correction, within one year of identification, of noncompliance identified through monitoring (34 CFR §303.501); Part C’s 45-day timeline requirement (34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a)); and Part C’s transition planning conference timeline requirement at 34 CFR §303.148(b)(2). On pages 3 through 7 and on pages 45 through 54 of the FFY 2003 APR, the State reported data that indicated all IDEA noncompliance identified in SFY 2001-2002 and in SFY 2003 was corrected within required timelines. On page two, Connecticut noted that, based in part on the results of monitoring, one of the 13 programs monitored in SFY 2003 did not renew its contract to provide Birth to Three Services.

On pages 3 through 7 and pages 45 through 54 of the FFY 2003 APR, Connecticut provided data and analysis that demonstrated full correction of identified noncompliance with Part C’s transition planning conference timeline requirement. On page 6, Connecticut described its focus on this issue through monitoring, data collection, and follow-up by the lead agency. Early childhood transition was one of the priorities identified for Focused Monitoring (FM) in SFY 2005 and SFY 2006. On pages 45 through 55, Connecticut provided an analysis of its monitoring data along with modifications that the State made to its data system and procedures as a result of monitoring. OSEP appreciates the work of the State in ensuring compliance with these requirements. OSEP looks forward to reviewing the State’s data in this area as part of the State Performance Plan (SPP), due December 2, 2005.

Dispute resolution

On pages 1 through 8 and Attachment 1 of the FFY 2003 APR, Connecticut included data and analysis regarding its efforts to ensure compliance and improve performance in this area. Connecticut reported that, for this reporting period, 100% of all complaints, mediations and due process hearings were resolved within the required timelines. On page 3, Connecticut reported that findings of noncompliance as a result of complaints, mediation, and due process hearings were used to update procedures, identify systemic issues, and target technical assistance. OSEP looks forward to reviewing the State’s updated data in this area in the SPP.

Personnel

On pages 9 through 11 of the FFY 2003 APR, the State included data and analysis regarding performance in this area. Connecticut reported trend data from 2000-2005 indicating that the availability of occupational therapists, physical therapists, speech/language pathologists, special educators and paraprofessionals remained stable. The State maintains a database capable of performing program-by-program analyses and calculating staff to child ratios based on the electronic submissions of all programs in Birth to Three. OSEP appreciates the State’s efforts to improve performance in this area.

Collection and timely reporting of accurate data

On pages 11 and 12 of the FFY 2003 APR, Connecticut included data and analysis regarding its performance in this area. Connecticut reported that its data system was modified to support the State’s FM effort and that all programs submitted the required data sets in a timely manner, consistent with the State’s contract provisions. OSEP appreciates the State’s efforts in this area and looks forward to reviewing the State’s data in the SPP.

Comprehensive Public Awareness and Child Find System

On pages 13 through 20 of the FFY 2003 APR, Connecticut provided data and information on 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 13 and 14, Connecticut reported trend data that indicated an increase in the number of children referred and served each year from 1999 through 2003. On page 15, Connecticut reported a change in eligibility criteria effective July 1, 2003, as follows: (1) children with expressive language as the only area with a significant delay, but where the communication domain as a whole was not significantly delayed, were no longer eligible; (2) infants under six months of age, corrected with a birth weight between 750 and 1000 grams, were no longer automatically eligible for Birth to Three; and (3) children with a condition that had a low probability of resulting in developmental delay, if combined with a mild-moderate delay (-1.5 SD) were also no longer eligible unless the developmental delay was significant (at least -2 SD in one area.)

On page 15 of the FFY 2003 APR, Connecticut reported data and analysis on the impact of those changes, including: (1) an average drop in the eligibility rate from 73% to 65%; and (2) “follow-along” visits every three months for children who previously would have been eligible in order to monitor their development and potential future eligibility. One hundred and four of the children qualified for “follow-along” visits during SFY 2004, 17 of the 104 were determined to be eligible in SFY 2004, 21 were determined to be eligible in the first half of SFY 2005, and 29 discontinued “follow-along” visits. Thirteen of the 29 discontinued either because they no longer qualified, the child’s parent withdrew from follow-along visits, or the children turned three.

On pages 17 through 20 of the FFY 2003 APR, Connecticut provided data and information on its continued efforts and plans to improve its child find, including the identification of child find as a FM priority. The State reported that the percent of all children in Connecticut under age one, who had an IFSP on December 1 each year, remained above one percent. Connecticut provided data and analysis demonstrating that the State was using its data to inform its policies and procedures while continuing to improve its public awareness and child find. OSEP looks forward to reviewing the State’s data in response to the child count indicator in the SPP, due December 2, 2005.

Family Centered Services

On pages 21 through 28 of the FFY 2003 APR, the State included data and analysis regarding compliance and performance in this area. Connecticut provided monitoring data indicating that family assessments were being conducted and the results were being used to identify and document outcomes on the IFSP as required by 34 CFR §§303.322(d) and 303.344(b). The State reported that modifications were made to the IFSP procedures, handbook, and the statewide IFSP. In addition, the statewide service coordination training was adjusted to reflect the increased emphasis on the importance of family outcomes. Connecticut provided data, analysis, activities and targets to support the State’s efforts to improve performance. OSEP appreciates the State’s efforts to improve performance in this area and looks forward to the State’s response to the family outcome indicator (#4), in the SPP.

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

Service coordination

On pages 29 through 33 of the FFY 2003 APR, the State included data and analysis regarding performance and compliance in this area. Connecticut provided baseline and trend data and analysis that indicated compliance with the provision to ensure that each family had a service coordinator that facilitates ongoing, timely early intervention services. Connecticut reported the results of family and staff interviews indicating that families knew their service coordinator and that their service coordinator had discussed resources, rights, safety, health and financial supports with them. OSEP appreciates the work of the State in ensuring compliance and performance in this area.

Evaluation and identification of needs

On pages 33 through 35 of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure compliance and improve performance in this area. Connecticut reported baseline and trend data indicating that the State ensures that initial evaluations are completed within 45 days from referral unless the family requests a delay or the reason is beyond the control of the lead agency and indicated that 97% of records met the 45-day timeline requirement in SFY 2004. On pages 33 and 34, Connecticut provided monitoring data from SFY 2003 indicating that 94% of evaluations and assessments were conducted in all five developmental domains, as required by 34 CFR §303.322(c)(3)(ii). Specifically, monitoring data for SFYs 2002-2004 indicated that in SFY 2003, 66% of records reviewed had evaluation reports that covered all five developmental domains, as compared to 94% in SFY 2002 and 98% in SFY 2004. On page 34, Connecticut described its FM activities to include the extent to which evaluations are timely, comprehensive, and multidisciplinary and that they accurately reflect that the child and family was identified as a component of the on-site inquiry visit protocol. OSEP looks forward to reviewing the State’s data in this area in the SPP, due December 2, 2005.

Individualized family service plans (IFSPs)

On pages 35 through 37 of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure compliance and improve performance in this area. On pages 35 and 36, Connecticut reported baseline and trend data indicating that the State ensured that IFSPs

included all of the services necessary to meet the identified needs of the child and the family. Connecticut’s FM protocol for the priority, “families and their children receive quality services,” included family interview and record review items that measured the extent to which all needs were identified during evaluation and assessment, and that all services listed on each IFSP were provided. This is a selection data point in which programs are ranked and selected for FM. OSEP appreciates the State’s efforts to improve performance in this area.

Natural environments

On pages 37 through 39 of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure compliance and improve performance in this area. Connecticut provided monitoring data for 2000-2004 indicating that 99% of children received services primarily in the home or programs for typically developing children. The State reported on its targets and activities to ensure that 100% of children will be served in natural environments or have IFSPs with an appropriate child-based justification for why services cannot be delivered in a natural environment included in the IFSP, and that 100% of data entered about service locations and natural environments will be accurate. OSEP looks forward to reviewing the State’s data in this area in the SPP, due December 2, 2005.

Early childhood outcomes

OSEP’s January 2005 letter required Connecticut to submit its plan to collect and submit early childhood outcome data, or, if available, responsive data (whether collected through sampling, monitoring, or other methods), targets for improved performance and strategies to achieve those targets. On pages 39 through 44 of the FFY 2003 APR, the State provided data and information as follows: (1) developmental data has been collected since July 2001 from either the Hawaii Early Learning Profile (HELP) or the Carolina Curricula; (2) assisted with a State analysis grant from WESTAT, Connecticut has the tools to measure and analyze change in all five developmental areas (however, on page 42, the State noted that resources were not available for this analysis); and (3) as evidence of improved and sustained functional abilities, exit data for 2000-2004 indicated an increase from 9% to 12% for years 2000-2003 for children who exited at age three and were not eligible for Part B, and a 2% decrease in 2004. The State’s analysis indicated that this decrease might be the result of Connecticut’s change in eligibility criteria. 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 should carefully review the instructions to the SPP in developing its plans for this collection. OSEP looks forward to reviewing the State’s plan for collecting this data, in the SPP.

Early Childhood Transition

OSEP’s January 2005 letter required Connecticut to include, in the FFY 2003 APR, updated monitoring data and the status of correction in the seven programs that have CIPs regarding compliance with Part C’s transition planning conference timeline requirement at 34 CFR §303.148(b)(2)(i). On pages 54 and 55, the State reported data reflecting improvement but included continued noncompliance with this transition planning conference requirement. Data from SFY 2001 to SFY 2003 indicated improvement from 69% to 73% compliance with this requirement. The State included additional strategies to ensure compliance. The State reported

that early childhood transition is one of the priorities identified for FM in SFY 2005 and SFY 2006. On page 46, Connecticut reported that the statewide IFSP form and handbook were revised and training on the transition plan as a required component of the IFSP was offered during the summer of 2003. In addition, transition coordination training was updated and held quarterly throughout 2004.

In related transition areas, the State reported on page 53 of the FFY 2003 APR, that 91% of records had transition plans in SFY 2004-2005 but that noncompliance was identified in eight programs. On page 51, Connecticut reported that State legislation was passed in SFY 2003 and amended in SFY 2004, requiring Birth to Three to notify each local educational agency (LEA) of all children enrolled in the Birth to Three system by January of each year, respecting families’ right to privacy. In the SPP, the State must provide updated data regarding the transition conference planning requirement in 34 CFR §303.148(b)(2)(i) and if the data indicate continued noncompliance, the State may be considered as a high risk grantee under 34 CFR §80.12. OSEP looks forward to reviewing the State’s data on all transition indicator requirements in response to Indicator #8 as part of the SPP due December 2, 2005.

Conclusion

The State must provide in the SPP updated data regarding the transition conference planning requirement at 34 CFR §303.148(b)(2)(i). If the data indicate continued noncompliance, the State may be considered as a high risk grantee under 34 CFR §80.12.

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

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 Margaret Romer at (202) 245-7501.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Linda Goodman