



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

Chiyome L. Fukino, M.D.
Director
Hawaii Department of Health
1250 Punchbowl Street
Honolulu, HI 96813

SEP 22 2005

Dear Dr. Fukino:

The purpose of this letter is to respond to Hawaii's April 21, 2005 submission of its Federal Fiscal Year (FFY) 2003 Annual Performance Report (APR) under the Individuals with Disabilities Education Act (IDEA) Part C during the grant period July 1, 2003 through June 30, 2004. The APR reflects actual accomplishments made by the State 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 utilized in the Continuous Improvement and Focused Monitoring System (CIFMS).

The State's APR should reflect the collection, analysis, and reporting of relevant data, and include specific data-based determinations regarding performance and compliance in each of the cluster areas. This letter responds to the State's FFY 2003 APR. OSEP has set out its comments, analysis and determinations by cluster area.

Background

The conclusion of OSEP's November 19, 2004 FFY 2002 APR response letter required the Hawaii Department of Health (HDOH) to provide:

- (1) updated monitoring data on the results of its December 2004 through March 2005 monitoring, including monitoring of the Public Health Nursing Branch (PHNB) and the Maternal Child Health Branch (MCHB) and updated correction data on the status of correction for each of the 13 Early Intervention Section (EIS) programs monitored in 2002-2003 (including any findings that were outstanding or unresolved, and a description of what actions were taken by HDOH to correct the noncompliance identified in those 13 programs) for the following areas:
 - a. 34 CFR §303.342(a) and §303.321(e), indicating the completion of a comprehensive evaluation/assessment in all five developmental areas;
 - b. 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a) indicating the completion of evaluations and assessments, including family assessments, and holding the initial IFSP meeting within 45 days from referral;

- c. 34 CFR §§303.148(b)(1) and (2), and 303.344(h) indicating its responsibility to ensure that school districts were notified of children who were approaching the age of transition, that timely transition meetings were held, and that transition plans were developed and implemented for each eligible child; and

- (2) a copy of its report summarizing all monitoring findings for dissemination to the Hawaii Interagency Coordinating Council (HICC) and agencies.

OSEP conducted a visit to Hawaii during the week of September 8, 2003 to verify the effectiveness of the State's systems for general supervision and data collection under §618 of IDEA. OSEP's January 21, 2004 letter documented the results of that visit, including OSEP's conclusions, which raised concerns about the ability of HDOH's monitoring system to correct State identified noncompliance.

General Supervision

Identification and timely correction of noncompliance

On pages 15-18 of the FFY 2003 APR, the State reported monitoring data collected through its revised monitoring system from December 2004 - February 2005 that indicated significant noncompliance with all findings from OSEP's 2002 Monitoring Report. OSEP's FFY 2005 Part C Grant Award letter to Hawaii included Special Conditions, under the regulations governing "high risk" grantees at 34 CFR §80.12, due to the noncompliance reported in the State's FFY 2003 APR and the lack of correction since the 2002 Monitoring Report. The Special Conditions require HDOH to submit an interim Progress Report in November 2005 and a final Progress Report in April 2006. OSEP will respond separately to those reports regarding the status of HDOH's correction of noncompliance.

On page 26 of the FFY 2003 APR, HDOH reported that it used a rate of 85% compliance to indicate "strong" data results from monitoring activities conducted from 2002-2004, and corrective action plans were not required. In the State's revised monitoring system, a rate of 75% compliance was used to determine "strong" results and it is unclear whether corrective action plans were required. HDOH must ensure 100% compliance with all requirements of IDEA (34 CFR §303.501(b)). Therefore, in the State Performance Plan (SPP), due December 2, 2005, HDOH must describe how it ensures that all providers and agencies meet 100% compliance with the requirements of IDEA within one year of identification, including actions it has implemented to ensure full correction of noncompliance by those agencies and providers identified in the State's FFY 2003 APR.

Dispute resolution

On pages 33-35 of the FFY 2003 APR, the State included data and analysis regarding its performance and compliance in this area. HDOH reported that there were no complaints,

requests for mediation, or due process hearings filed during the reporting period. OSEP looks forward to reviewing the State's updated data in this area in the SPP.

Personnel

On pages 36-41 of the FFY 2003 APR, the State included data and analysis demonstrating continued performance in this area. HDOH reported that 91% of direct service positions were filled in the EIS programs and included strategies to improve the number of personnel positions that were not filled. OSEP appreciates the State's efforts to improve performance in this area.

Collection and timely reporting of accurate data

In the January 2004 verification letter, OSEP indicated that HDOH's system for collecting and reporting data was not a reasonable approach to ensuring the accuracy of the data that HDOH reports to OSEP under §618 of the IDEA, because HDOH reported that it could not ensure the accuracy of its personnel and exit data, and required HDOH to submit a plan. HDOH submitted its plan with the July 1, 2004 final Progress Report. In the plan, HDOH reported that it was finalizing the Child Early Intervention Records System (CHEIRS) for use by September 2004 to provide a mechanism for the EIS and MCHB to collect valid and reliable §618 data. In addition, HDOH reported that it would develop a cost estimate for PHNB to utilize CHEIRS by April 2004 and ongoing. On page 42 of the FFY 2003 APR, HDOH reported that "there are increased checks and balances to ensure data is accurate and there is not duplication of data." In addition, HDOH stated that "although EIS does not yet have a statewide data system, each Program [in the Part C system] has an internal system to track children; therefore, each Program completed the required §618 paperwork based on their individual system." OSEP has approved the plan and looks forward to reviewing the State's information in its Progress Report due with the SPP.

Comprehensive Public Awareness and Child Find System

On pages 48 and 63 of the FFY 2003 APR, the State included data and analysis regarding its performance in this area. HDOH reported serving 7.70% of the birth-to-three population and 3.03% of the birth-to-one population for infants and toddlers with developmental delays and children who are biologically and environmentally at risk. OSEP looks forward to reviewing the State's updated data in this area in the SPP.

Family Centered Services

On pages 69-78 of the FFY 2003 APR, the State included data and analysis regarding its performance in this area. HDOH reported that the Family Assessment Workgroup developed family assessment criteria with indicators in various areas. In addition, a family checklist was also available to support families in identifying their needs. Data from the family surveys indicated that a future focus should be on families receiving enough information, when needed, and to assist families in learning more about other community resources and services. OSEP appreciates the State's efforts in this area and looks forward to reviewing the plan for collecting

data in the SPP regarding the percent of families in Part C who report that early intervention services have helped the family: (a) know their rights; (b) effectively communicate their children's needs; and (c) help their child develop and learn.

Early Intervention Services in Natural Environments

Service coordination

On pages 81-86 of the FFY 2003 APR, the State included data and analysis demonstrating continued compliance and performance in this area. HDOH reported that, as part of the Felix Consent Decree, the EIS program was required to submit quarterly data on all islands that were serving above the weighted care coordinator (service coordinator) caseload of 45:1. In addition, monitoring data indicated that the results of the higher caseloads (above 45:1) impacted the ability of the care coordinator to provide sufficient support to children and families. Some strategies HDOH reported included: (1) developing protocols on roles and responsibilities of care coordinators; (2) contacting NECTAC for additional technical assistance; and (3) tracking ratio data to determine which programs need additional staff. Based on the data, HDOH requested additional State positions and additional funds. OSEP appreciates the State's efforts to improve performance in this area.

Evaluation and identification of needs

OSEP's November 2004 letter required HDOH to provide a summary of the status of correction of any of the 13 EIS programs monitored during 2002-2003 for which HDOH identified noncompliance with the requirements under 34 CFR §303.321(e) and 303.342(a), indicating the completion of a comprehensive evaluation/assessment in all five developmental areas, as well as, the 45-day timeline requirement under 34 CFR §303.342(c), along with a description of what actions were taken by HDOH to correct the noncompliance (e.g., follow-up site visits, collection of additional documents, etc.).

On pages 87 and 88 of the FFY 2003 APR, HDOH reported that children referred to the EIS program did not receive a full evaluation in all five developmental areas. HDOH reported, "if a child cannot access a comprehensive developmental evaluation (CDE) within 45 days, the child is provided an evaluation in his/her major area(s) of need, and placed on a wait list for the CDE. This ensures that all children will receive a CDE, even if it is not timely." On page 88 of the FFY 2003 APR, HDOH reported that 60% of EIS eligible children received a comprehensive evaluation and the additional 40% received a "single" or "partial" evaluation. OSEP's FFY 2005 Part C Grant Award letter to Hawaii included Special Conditions regarding correction of the comprehensive timely evaluation requirements under 34 CFR §§303.321 and 303.342(a). OSEP will respond separately to the Progress Reports due under the State's FFY 2005 grant Special Conditions.

Individualized family service plans (IFSPs)

OSEP's November 2004 letter required HDOH to provide updated monitoring data from the 13 EIS programs monitored in 2002-2003, and provide: (1) the number of EIS programs monitored that were determined to be out of compliance with the IFSP content for present levels of functioning under 34 CFR 303.344(a); and (2) the status of correction for each program monitored in 2002-2003 determined to be out of compliance with this requirement.

On page 16 of the FFY 2003 APR, HDOH reported compliance data from the EIS programs for the following IFSP content indicators: (1) "statement of present levels of development" reported 79% compliance; (2) "IFSP outcomes, criteria, procedures, and timelines" reported 19% compliance; (3) "mandated service with frequency, intensity, method, location and payment" reported 27% compliance; and (4) "steps to support procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in a new setting" reported 38% compliance. HDOH did not provide a plan that included strategies, proposed evidence of change, targets and timelines that would ensure correction within a year of identification of the noncompliance. OSEP's FFY 2005 Part C Grant Award to Hawaii included Special Conditions regarding correction of the IFSP content requirements under 34 CFR §303.344(a). OSEP will respond separately to the Progress Reports due under the State's FFY 2005 grant Special Conditions.

Natural environments

On pages 116-120 of the FFY 2003 APR, the State included data and analysis regarding its performance and compliance in this area. HDOH reported that children in the EIS program receiving services in natural environments, continued to increase and 2003 data showed 65.7% of services in natural environments. PHNB and MCHB provide the majority of their services in the home. OSEP looks forward to reviewing the State's updated data in this area in the SPP.

Early childhood outcomes

Under the Government Performance and Results Act of 1993, 31 U.S.C. 1116, the effectiveness of the IDEA Part C program is measured based on the extent to which children receiving Part C services demonstrate improved and sustained functional abilities in the cognitive, physical, communication, social or emotional and adaptive developmental areas. The Part C FFY 2001, 2002 and 2003 APRs requested data on the percentage of children participating in the Part C program that demonstrate improved and sustained functional abilities in the developmental areas listed in 34 CFR §303.322(c)(3)(ii). On pages 121-122 of the FFY 2003 APR, the State reported that HDOH collects data on the completion of an IFSP prior to age 3 and also collects monitoring data on child performance indicators. The SPP instructions establish a new indicator in this area, for which States must provide baseline data in the FFY 2005 APR, due February 1, 2007. In preparing the SPP, the State must determine whether data collected, and plans currently in place to collect data related to this area, will be responsive to those requirements. OSEP looks forward to reviewing the State's plans for collecting data under this indicator, in the SPP.

Early Childhood Transition

OSEP's November 2004 letter required HDOH to provide: (1) updated monitoring data on the transition requirements of 34 CFR §§303.148(b)(1) and (2), and 303.344(h) from the results of its December 2004 through March 2005 monitoring; (2) updated data on the status of correction for each of the 13 EIS programs monitored in 2002-2003 (for which findings were made on transition requirements noted above, and a description of what actions were taken by HDOH to correct the noncompliance identified in the 13 EIS programs); and (3) confirmation of the implementation of the additional strategies identified in the State's FFY 2002 APR and July 2004 Progress Report.

On pages 15-17 of the FFY 2003 APR, HDOH reported monitoring data for the EIS, PHNB and MCHB agencies from 2004-2005 that indicated significant noncompliance with timely transition planning. For the indicator, "the transition conference was held at least 3-6 months prior to the child's 3rd birthday or start of home school," the State reported the following compliance data: 38% for EIS, 42% for PHNB, and 47% for MCHB. In addition, HDOH reported other transition planning compliance data in the FFY 2003 APR as: (1) "information about the child was transmitted to the Department of Education," EIS - 67%, PHNB - 38% and MCHB - 17%; and (2) "steps to support procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in a new setting," EIS - 38%, PHNB - 63% and MCHB - 74%. OSEP's FFY Part C Grant Award to Hawaii included Special Conditions regarding correction of Part C transition requirements in 34 CFR §§303.148(b)(1) and (2) and 303.344(b). OSEP will respond separately to the Progress Reports due under the State's FFY 2005 grant Special Conditions.

Conclusion

As noted above, Hawaii's FFY 2005 IDEA Part C Grant Award is subject to Special Conditions to ensure the timely identification and evaluation of, and provision of early intervention services to, infants and toddlers with disabilities and their families in Hawaii. Under the Special Conditions, HDOH must submit two Progress Reports due on November 21, 2005 and April 16, 2006, regarding correction of noncompliance with timely comprehensive evaluations, IFSP content and early childhood transition requirements.

In the State's Performance Plan, due December 2, 2005, HDOH must describe how it ensures 100% compliance with all requirements of IDEA within one year of identification. Also, HDOH must report its progress in ensuring the timely reporting of accurate §618 data.

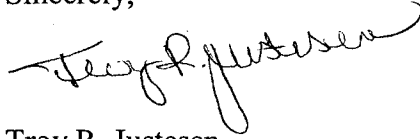
IDEA 2004, §616, requires each State to submit a SPP that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators are, for the most part, similar to clusters and probes in the APR. OSEP encourages the State to carefully consider the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

OSEP staff is ready to provide technical assistance should you request it. We look forward to working with HDOH on these matters to ensure the success of the program, and appreciate your

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ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families. If you have questions, please contact Julia Martin at (202) 245-7431.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy R. Justesen". The signature is written in a cursive style with a large, sweeping flourish at the end.

Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Sue Brown
Part C Coordinator