



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

OCT - 4 2005

Carol L. Adams, Ph.D.
Secretary
Department of Human Services
Harris Building, 3rd Floor
100 South Grand Avenue
Springfield, Illinois 62762

Dear Secretary Adams:

The purpose of this letter is to respond to Illinois' April 1, 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 and to the Progress Reports submitted by the Illinois Department of Human Services (IDHS) on December 15, 2004 and April 24, 2005. OSEP has set out its comments, analysis and determinations by cluster area.

Background

The conclusion of OSEP's October 13, 2004 FFY 2002 APR response letter required the State to include in the Progress Report due by December 15, 2004 and the final Progress Report due by April 24, 2005, the evidence of change data specified in OSEP's March 24, 2004 letter, to demonstrate correction of the following three previously-identified areas of noncompliance: (1) IDHS's monitoring procedures were not effective in identifying and ensuring the correction of all systemic noncompliance with the requirements of Part C, as required by 34 CFR §303.501; (2) IDHS did not ensure that infants and toddlers with disabilities and their families received service coordination that met the requirements of 34 CFR §303.23(b)(4); and (3) IDHS did not ensure that the individualized family service plan (IFSP) meeting participants determined the content of each child's IFSP.

General Supervision

Identification and timely correction of noncompliance

OSEP's December 2002 Monitoring Report indicated the following area of noncompliance: IDHS's monitoring procedures were not effective in identifying and ensuring the correction of all systemic noncompliance with the requirements of Part C, as required by 34 CFR §303.501. OSEP's March 2004 letter that accepted the State's plan to address this finding, specified the evidence of change data that IDHS must submit to demonstrate that it corrected the noncompliance within one year from the date of the letter, and that IDHS must submit quarterly Progress Reports and a final Progress Report by April 24, 2005. OSEP's October 2004 letter specified that the December 2004 Progress Report must include the progress IDHS was making to fully implement the monitoring procedures in Attachment A and B of the September 2004 Progress Report. In addition, OSEP's October 2004 letter specified that the December 2004 Progress Report must include a defined schedule for monitoring Child and Family Connections (CFC) offices and early intervention providers, as well as any revisions made to the monitoring process.

IDHS's December 2004 Progress Report indicated that no revisions were made to the monitoring process. Attachment A of the Progress Report provided a schedule of monitoring visits to 10 CFC offices and 10 Early Intervention (EI) providers during the period of December 2004 – February 2005. IDHS reported that OSEP would receive the requested six monitoring reports (CFCs 4, 6, 10, 16, 20 and 21) and four additional CFC monitoring reports, as well as monitoring reports from 10 non-CFC EI providers in its final Progress Report. OSEP appreciates the State's efforts in this area and requests the summary of all findings of noncompliance made by the State, as required in the SPP.

Individualized IFSP decision making

OSEP's October 2004 letter required that the final Progress Report include: the evidence of change data requested in OSEP's March 2004 and October 2004 letters documenting that IDHS's monitoring procedures are effective in identifying and ensuring the correction of all systemic noncompliance with the requirements of Part C, as required by 34 CFR §303.501. In addition, the final Progress Report was to include the monitoring data specified in the March 2004 letter demonstrating that the State's revision of its regulations resulted in the State's ensuring that the content of each child's IFSP is determined by the IFSP meeting participants. Specifically, the State was to include: (1) its procedures for monitoring to determine whether CFCs and early intervention providers are ensuring that the participants in each child's IFSP meeting determine the content of the IFSP; and (2) a summary of findings in which IDHS found that CFCs and providers were not meeting the requirement and actions taken to correct the noncompliance.

IDHS's April 2005 final Progress Report indicated that the Bureau of Early Intervention was able to hire an individual that would supervise the Early Intervention monitoring functions. In addition, the final Progress Report provided the following evidence of change data: (1) a

schedule for monitoring CFC offices and Early Intervention providers for the months of March – June 2005; (2) the monitoring tool used to monitor CFC offices; (3) the monitoring tool used to monitor Early Intervention providers; (4) Guidelines for Writing a Corrective Action Plan; (5) monitoring data for 17 of the 25 CFC offices (remaining CFC offices would be monitored by June 1, 2005); (6) monitoring data for 10 Early Intervention providers; and (7) a Corrective Action Plan for each CFC office found out of compliance in the 2001 Monitoring Report.

In the final Progress Report, IDHS indicated that: (1) its revision of the State Early Intervention Rule 89 II Admin Code 500.80(e) eliminated components of the quality enhancement process from the Illinois Early Intervention Program; (2) its monitoring staff use Monitoring Tools Attachments #2 and #3 to ensure that the IFSP development policies and procedures are followed and that the participants in each child's IFSP meeting determine the content of the IFSP; and (3) monitoring of the CFC offices began in December 2004 and monitoring of the EI providers began in January 2005. The State further indicated that it was currently compiling monitoring data regarding this requirement, and did not, as directed by OSEP, provide a summary of findings in which IDHS found that CFCs and providers were not meeting the requirement and actions taken to correct the noncompliance.

In the SPP, due December 2, 2005, IDHS must include: (1) a summary of any findings in which IDHS found CFC offices and providers not meeting Part C requirements including the requirement to ensure the participants in each child's IFSP meeting determine the content of the IFSP; and (2) the actions taken to correct the noncompliance.

Dispute resolution

On pages 1-11 of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure compliance and improve performance in this area. On page 11, the data indicated a decrease in complaints, mediations and hearing requests from FFY 2001 to FFY 2003. IDHS indicated the decreased number of complaints, mediations and due process hearings was a direct result of the change in quality assurance methodology from the use of quality enhancement teams to initial evaluators that met experience and training criteria. For the period of July 1, 2003 to June 30, 2004, IDHS reported that it received six complaints. One of those complaints was withdrawn, one was resolved within 60 days, and four were resolved beyond 60 days but with a documented extension. In the FFY 2003 APR, the State included strategies, proposed evidence of change, targets, and timelines designed to continue improving performance. OSEP looks forward to reviewing the State's updated data in this area in the SPP, due December 2, 2005.

Personnel

On pages 11-14 of the FFY 2003 APR, the State included data and analysis demonstrating improved performance in this area to ensure that sufficient personnel are available to meet the identified early intervention needs of all eligible infants and toddlers and their families. IDHS indicated that each CFC is responsible for provider recruitment within its local service area.

When gaps in service were identified, provider recruitment efforts began immediately. Provider Connections at Western Illinois University continued to serve as the EI credentialing office. Provider Connections provided technical assistance to EI providers and processes applications, renewals and changes in provider information or status for early intervention credentialing. OSEP appreciates the State's efforts to improve performance in this area.

Collection and timely reporting of accurate data

On pages 15-18 of the FFY 2003 APR, the State included data and analysis demonstrating continued performance in this area. IDHS reported compliance with the requirement for all CFCs and providers to submit the required data sets, in a timely manner, consistent with the State's contract provisions. The State has provided OSEP with monthly data reports since May 2002. As stated in OSEP's December 1, 2003 letter, OSEP determined through its verification visit that IDHS's data system was a reasonable approach to the collection and reporting of accurate data and a valuable source of information for ensuring general supervision. OSEP looks forward to reviewing the State's updated data in this area in the SPP, due December 2, 2005.

Comprehensive Public Awareness and Child Find System

On pages 19-38 of the FFY 2003 APR, the State included data and analysis demonstrating continued compliance and performance in this area. IDHS indicated the results of 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 28-32 of the FFY 2003 APR, IDHS described various partnerships and activities that resulted in a coordinated child find and public awareness system and increased performance in each of the CFC offices. Illinois reported the number of eligible children served, birth to three, continued to increase. State data for December 1, 2003 indicated 2.42% of infants and toddlers served in Illinois. At the end of State Fiscal Year (SFY) 2004, the State reported it was serving under Part C 2.76% of its birth to three population. The State also reported that the number of eligible children served under one year of age was increasing, but at a slower rate. At the end of the SFY 2003, 0.87% of eligible children under one year of age were served. On June 30, 2004, the data indicated 1.06% being served. OSEP looks forward to reviewing the State's data regarding the percent of children identified, birth to one and birth to three, compared to States with similar eligibility criteria and to national data, in the SPP, due December 2, 2005.

Family Centered Services

On pages 39-44 of the FFY 2003 APR, the State included data and analysis demonstrating continued compliance and performance in this area. On pages 39-42 of the FFY 2003 APR, the State reported on its performance in this cluster area, in particular its review and analysis of the rate of terminations from intake and from IFSP due to family reasons and IDHS's efforts to reduce these numbers. On page 42, the State reported that the reduction in families leaving on their own was significant, dropping to 65% in SFY 2002 and to 44.5% in SFY 2004.

The State received a General Supervision Enhancement Grant (GSEG) to measure the impact of early intervention services on child and family outcomes. The Early Intervention Statewide Outcomes Survey is a joint project of the Illinois and Texas Part C programs. A survey tool will be developed to measure: (1) self-efficacy, confidence in parenting skills, and positive view of the future; (2) improved quality of life; (3) knowledge of their child's abilities and development; (4) involvement as an equal partner in medical services and decisions for their child and the ability to advocate for what their child needs; and (5) increased family problem-solving skills and adequate support networks. Outcome measures will be produced for each of the five areas. Projected targets, future activities and projected timelines and resources, for this GSEG were reported in the APR.

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. OSEP looks forward to reviewing the State's plan for collecting data related to the percent of families participating 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 children develop and learn, in the SPP, due December 2, 2005. The State should carefully review the instructions to the SPP in developing and submitting its plan for this collection in the SPP.

Early Intervention Services In Natural Environments

Service coordination

OSEP's December 2002 Monitoring Report indicated the following area of noncompliance in this cluster: IDHS did not ensure that infants and toddlers with disabilities and their families received service coordination that met the requirements of 34 CFR §303.23(b)(4). OSEP's October 2004 letter directed the State to include, in its December 2004 Progress Report, final Progress Report, and FFY 2003 APR, an update on the evidence of change data, as well as evidence that the training for service coordinators was provided and other data indicating IDHS was ensuring infants and toddlers with disabilities and their families received service coordination that met Part C requirements. IDHS did not provide updates in the December 2005 Progress Report and the final Progress Report. In its FFY 2003 APR, however, the State included data and analysis demonstrating correction of this noncompliance.

On pages 45-53 of the APR, the State reported data on caseload numbers, staffing levels and current service coordinators survey results. Page 46 indicates that the CFC Procedures Manual was updated and distributed in March 2004 so that service coordinators had up-to-date instructions on performing their duties. The new manual included the policies, procedures and EI Rule that affected the functions of a service coordinator. Page 47 of the FFY 2003 APR indicated that, as of February 28, 2005, statewide there was no case manager/service coordinator for 0.19% of IFSPs. The Cornerstone data system allowed agencies to identify these cases, address the problem, and assign a service coordinator.

As outlined above, the State included data and analysis demonstrating correction in the following area of noncompliance: IDHS did not ensure that infants and toddlers with disabilities and their families received service coordination that met the requirements of 34 CFR §303.23(b)(4). OSEP appreciates the State's efforts in this area.

Evaluation and Identification of needs

On pages 53-61 of the FFY 2003 APR, the State included data and analysis regarding its performance in this area. IDHS continued to implement a statewide system for the identification, training, and use of experienced Early Intervention evaluators who would complete the initial evaluation and assessment, including the participation in identification of all needs and developing the initial IFSP. On page 53, the State reported that, as of September 2003, providers that held an evaluation/assessment credential, across all disciplines, must conduct initial evaluations to determine eligibility or add a new service. OSEP appreciates the State's efforts in this area.

Natural environments

OSEP's October 2004 letter further indicated that in the FFY 2003 APR, the State must report on the specific monitoring methods used to ensure that IFSP service settings decisions are made on an individualized basis, in accordance with Part C requirements.

In addition, OSEP's October 2004 letter cautioned IDHS that setting a numerical goal to serve a specific percentage of the State's population in natural environments raises specific compliance concerns under Part C of IDEA. The Part C regulations, at 34 CFR §303.12(b), require that "[t]o the maximum extent appropriate to the needs of the child, early intervention services must be provided in natural environments, including the home and community settings in which children without disabilities participate." The IFSP must include a statement of the natural environments in which early intervention services will be provided, and "a justification of the extent, if any, to which the services will not be provided in a natural environment." See 34 CFR §303.344(d)(1)(ii).

Pages 62-69 of the FFY 2003 APR contained information, data and a numerical goal for increasing the number of children placed in natural environments. Again, while it is not inconsistent with Part C of the IDEA to include a numerical performance goal to increase the percentages of infants and toddlers with disabilities placed in natural environments, the State must continue to monitor to ensure that eligibility decisions for all infants and toddlers are made in conformity with the individual evaluation and assessment requirements of Part C of IDEA. On page 67, IDHS reported that the EI monitoring process included the review of documentation that IFSPs included a statement of natural environments in which EI services shall be provided and/or a justification of the extent, if any, to which the service(s) were not provided in natural settings. IDHS reported that its monitoring process includes a review of the service location. The APR did not include information on how the State ensured that IFSP service setting(s) decisions were made on an individual basis.

OSEP appreciates the State's efforts to ensure the provision of EI services in natural environments, and looks forward to the State's response to the natural environment indicator in the SPP.

Individualized family service plans

OSEP's October 2004 letter noted that the State made substantial progress regarding the following area of noncompliance: IDHS did not ensure compliance with the 45-day timeline for completing the initial evaluation and assessment, and holding a meeting to develop the initial IFSP (34 CFR §§303.321(e), 303.322(e), and 303.342(a)). IDHS was not required to provide data in the December 2004 Progress Report, but was required, in the final Progress Report, due by April 24, 2005, to include: (1) the most recent statewide data on the percentage of initial IFSP meetings held within 45 days from referral, the percentage of initial IFSPs completed more than 45 days after referral, and if available, the percentage of those IFSP meetings held that exceeded the 45-day timeline due to system reasons (as opposed to documented family or child circumstances); (2) for each CFC, the percentage of initial IFSP meetings completed within 45 days after referral; and (3) its analysis of the factors that impeded correction of the noncompliance in those CFCs that did not meet the 45-day timeline requirement, and whether existing strategies are effective or need to be refined or targeted to ensure full compliance in such CFCs as soon as possible. As outlined below, the State included data and analysis in its FFY 2003 APR demonstrating correction of the noncompliance.

IDHS's April 2005 final Progress Report directed OSEP to the FFY 2003 APR for the data and information requested regarding the 45-day requirement. On pages 53-61 of the APR, the State reported on the required documentation mentioned above. IDHS continued to use Performance Contracting to rank order the CFCs on a number of variables, and to use incentives and penalties on the amount of funding each CFC received based on its performance on the key variables, including the 45-day timeline. In the fourth quarter of SFY 2004, statewide, 91.4% of initial IFSP meetings were held within the 45-day timeline. The State reported if cases overdue for family reasons are factored out, approximately 99.7% of all initial IFSP meetings were held within 45 days during SFY 2004. On page 59 of the APR, the State reported during SFY 2004, an average of 2,286 cases were in intake at any point in time. Of those, approximately 111 were past 45 days, but only three cases were overdue for system reasons.

OSEP appreciates the State's efforts to ensure compliance in this area.

Early childhood outcomes

As noted above in the Family Centered Services section, the State received a GSEG to measure the impact of early intervention services on child and family outcomes. The Early Intervention Statewide Outcomes Survey is a joint project of the Illinois and Texas Part C programs. The survey tool will be developed to measure outcomes in five different areas. On page 44 of the FFY 2003 APR, IDHS reported the pilot test for the survey would occur May– June 2005.

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 consider its current data collection plans against the requirements related to this indicator in the SPP packet to ensure that data will be responsive to those requirements. OSEP looks forward to reviewing the State's data collection plans in the SPP, due December 2, 2005.

Early Childhood Transition

On pages 70-74 of the FFY 2003 APR, the State reported on its performance in this area, in particular, its review and analysis of data on the percentage of children transitioning at age 3 with special education eligibility or an alternative referral. On page 70, IDHS stated that the Part C and Part B programs developed strategies to document that a referral was made and an effective transition took place, including use of a new Early Intervention to Early Childhood Tracking Form. The form was piloted, but not implemented statewide. IDHS was incorporating the new data elements from the form into the Cornerstone information system.

OSEP looks forward to reviewing the State's updated data in this area in the SPP, including the data that will be available from the Early Childhood Tracking Form. This is an indicator in the SPP under §616. In preparation for the submission of the SPP on December 2, 2005, the State should carefully consider its current data collection against the requirements related to this indicator in the SPP packet to ensure that data will be responsive to those requirements. The State must submit responsive baseline data regarding the percentage of children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthdays, including: (1) IFSPs with transition steps and services; (2) notification to the LEA, if the child is potentially eligible for Part B; and (3) transition conference, if the child is potentially eligible for Part B in the SPP.

Conclusion

In the SPP, due December 2, 2005, IDHS must demonstrate correction of the following two areas of noncompliance: (1) IDHS's monitoring procedures are not effective in identifying and ensuring the correction of all systemic noncompliance with the requirements of Part C, as required by 34 CFR §303.501; and (2) IDHS has not ensured that the IFSP meeting participants determine the content of each child's IFSP.

Specifically, with the December 2, 2005 SPP, documentation must include: (1) a summary of findings in which IDHS found CFC offices and providers not meeting Part C requirements including the requirement to ensure the participants in each child's IFSP meeting determine the content of the IFSP; and (2) the actions taken to correct this noncompliance.

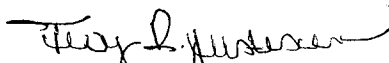
IDEA 2004, §616, requires each State to submit a SPP that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators are, for the most part, similar to clusters and probes in the APR. OSEP encourages the State to carefully

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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 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,



Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Janet Gully
Part C Coordinator