



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable J. Nick Baird, MD
Director
Ohio Department of Health
246 North High Street
P.O. Box 118
Columbus, Ohio 43266-0188

OCT - 4 2005

Dear Director Baird:

The purpose of this letter is to respond to Ohio's March 31, 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 and November 1, 2004 Progress Report. OSEP has set out its comments, analysis and determinations by cluster area.

Background

The conclusion of OSEP's September 15, 2004 FFY 2002 APR response letter indicated that the Ohio Department of Health (ODH)/Help Me Grow program (HMG) had addressed three of the findings (findings 2, 3, and 4) of noncompliance from OSEP's 2001 Monitoring Report and was required to submit by November 1, 2004, the specific documentation demonstrating correction of the remaining six findings. Specifically, the State was required to demonstrate correction of the findings made in the 15 counties monitored in April-July 2003 in the following areas:

- (1) all programs and activities used to implement the statewide early intervention system were consistent with Part C (34 CFR §303.501);
- (2) evaluations and assessments were completed in all developmental areas, including the family assessment, and the initial individualized family service plan (IFSP) meeting was held within 45 days after a referral was received (34 CFR §§303.321(e), 303.322(e) and 303.342(a));
- (3) every child had a single service coordinator, and service coordinators performed their roles and activities for each child (34 CFR §303.23(a) and §303.321(e));

- (4) IFSPs were developed based on evaluations and assessments, and early intervention services were based on the unique needs of the child and family (34 CFR §303.322, §303.340(b), §§303.342-343);
- (5) early intervention services on the child's IFSP were provided to children and families (34 CFR §303.342(e)); and
- (6) IFSPs included the requisite transition planning content (34 CFR §303.344(h)).

OSEP reviewed the data that ODH/HMG submitted on November 1, 2004, and responded to the State during the verification visit in December 2004 and at the National Early Childhood Conference in February 2005. OSEP reported, in its May 1, 2005 response to the November 2004 Progress Report, that ODH/HMG provided data indicating that the service coordination finding had been resolved. OSEP's Part C FFY 2005 grant award letter to ODH/HMG attached Special Conditions regarding two of the five outstanding findings (45-day timeline and transition) and required the State to submit reports by October 28, 2005 and April 14, 2006. The remaining three findings (monitoring and correction, identification of needed services on the IFSP, and provision of IFSP services) are addressed below in the general supervision and early intervention services in the natural environment cluster areas.

General Supervision

Identification and timely correction of noncompliance

OSEP's September 2004 letter required ODH/HMG to demonstrate correction of the Part C requirements for the 15 counties monitored in April-July 2003 identified as noncompliant in the six areas described above.

In its November 2004 response, ODH/HMG reported that the 15 counties monitored between April-July 2003 were given one year to come into compliance. The counties submitted Continuous Improvement Plans (CIPs) as a part of their grant application for FFY 2005 funds. ODH/HMG made the CIP a part of the county grant application in order to tie compliance to funding. County programs were required to respond within 30 days of the receipt of the first payment. ODH/HMG reported that it had the ability to withhold funds if there was no response or for an inadequate response to the special conditions. ODH/HMG staff reviewed and rescored the county CIPs based upon data from their CIP and data in Early Track data system. The CIPs included strategies and activities to correct compliance areas, including timelines and benchmarks.

OSEP's May 2005 letter expressed concern about the timely correction of noncompliance and requested additional data to be provided in the FFY 2003 APR. The data required included timelines for correction for the eight counties that remained out of compliance with Part C's 45-day timeline requirement (from referral to Part C to initial IFSP meeting), and its efforts to ensure correction and any updated data demonstrating compliance. For any sanctions the State implemented to ensure correction of the noncompliance, the State was required to: (1) indicate the actions that it took, when and why the State took those actions, and the impact of those

actions. OSEP also stated that, failure to provide all of the information (including timelines to address the noncompliance) could negatively affect the State's FFY 2005 Part C Grant Award; (2) provide sampling data in the FFY 2003 APR from the counties monitored in April-June of 2003 to ensure that services on the IFSP were being provided; and (3) provide updated data for the six counties that the State identified as noncompliant with the requirement at 34 CFR §303.344(h) for timely transition planning.

ODH/HMG's FFY 2003 APR indicated continued noncompliance with the following two findings from the 2001 Monitoring Report: (1) completing evaluations and assessments, including family assessments, and holding the initial IFSP meeting within 45 days from referral under 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a); and (2) conducting timely transition planning under 34 CFR §§303.148(b)(2)(i) and 303.344(h). OSEP's FFY 2005 Part C Grant Award letter to Ohio included Special Conditions regarding the correction of evaluations and assessments that were not completed in all developmental areas, including the family assessment; the initial IFSP meeting was not held within 45 days after a referral was received under 34 CFR §§303.321(e), 303.322(e) and 303.342(a); and ensuring timely transition planning under 34 CFR §§303.148(b)(2)(i) and 303.344(h). OSEP will respond separately to the Progress Reports due under the State's FFY 2005 grant Special Conditions.

ODH must submit in the State Performance Plan (SPP), due December 2, 2005, its status in correcting State-identified noncompliance including those areas still outstanding from OSEP's 2001 Monitoring Report.

Dispute Resolution

On pages 1-4 and Appendix #1 of the FFY 2003 APR, the State included data and analysis demonstrating compliance in this area. ODH/HMG reported that seven complaints were filed in the reporting period and all complaints were resolved within required timelines. Furthermore, there were no requests for mediation or due process hearings in the reporting period. OSEP looks forward to reviewing the State's data in this area in the SPP.

Personnel

On page 3 of the FFY 2003 APR, the State included data and analysis regarding its performance in this area. ODH/HMG reported a web-based training on Part C requirements to increase HMG staff's knowledge. OSEP is concerned about the State's ability to maintain a comprehensive system of personnel development to ensure provision of early intervention services in light of the State's recent discussions about modifying its service delivery system. The State must report on the adequacy of its personnel in the SPP if it is a factor in ensuring the State's ability to meet Part C's 45-day timeline and service provision requirements.

Collection and timely reporting of accurate data

On pages 1-4 of the FFY 2003 APR, the State included data and analysis demonstrating continued compliance and performance in this area. ODH/HMG reported a web-based data

collection system in Early Track to improve the timely submission of accurate data. OSEP looks forward to reviewing the State's data in this area in the SPP.

Comprehensive Public Awareness and Child Find System

OSEP's May 2005 letter reported that ODH/HMG completed activities related to the coordination of the Part C system in urban areas. No further concerns were identified by OSEP.

On pages 5-8 and Attachment #3 of the FFY 2003 APR, ODH/HMG reported serving .86% of the birth-to-one population and 1.4% (urban) and 1.82% (rural) of the birth-to-three population for infants and toddlers with developmental delays. In addition, ODH/HMG reported a 353% increase in referrals in 2004 due to the revisions to the Early Track data system and the Newborn Home visiting component. OSEP looks forward to reviewing the State's data in this area in the SPP.

Family Centered Services

On pages 9-11 and Attachment #2 of the FFY 2003 APR, the State included data and analysis regarding performance in this area. ODH/HMG reported the development of a "helpline survey" to measure a family's level of confidence with the HMG program. In addition, 2500 families were randomly selected to participate in a family survey. The Family Information Network of Ohio held 166 education sessions and approximately 1000 families and 235 professionals attended the sessions. OSEP looks forward to reviewing the State's response to the family outcomes indicator in the SPP.

Early Intervention Services in Natural Environments

Service Coordination

OSEP's May 2005 letter reported that ODH/HMG completed activities ensuring that one service coordinator was available for each child and that all service coordinator activities were available for each child and family. No further concerns were identified by OSEP.

On page 11 and in Attachment #1 of the FFY 2003 APR, ODH/HMG reported that it monitored all counties regarding the supervision of service coordinators. For the indicator, "full time personnel providing service coordination receive clinical supervision a minimum of eight hours per month," the Virtual System Review (VSR) data submitted quarterly by counties, indicated an increase from 40% (May-July 2004) to 72% (October - December 2004). In addition, ODH/HMG reported in its December 2004 VSR compliance data for all 88 counties, the following: (1) "service coordinators have appropriate qualifications as defined by the lead agency = 93.3%," (2) "the service coordinator coordinates the delivery of services and is a single point of contact for the family = 100%," (3) "each child and family has a single service coordinator identified as soon as possible = 97.8%," and (4) "the service coordinator assists the parents of eligible children in gaining access to early intervention services identified in the IFSP = 95.5%." OSEP appreciates the State's efforts to ensure compliance and improve performance in this area.

Evaluation and identification of needs

OSEP's September 2004 letter required ODH/HMG to provide data by November 1, 2004 demonstrating correction of the following two findings from OSEP's 2001 Monitoring Report:

- (1) evaluations and assessments are completed in all five developmental areas, including the family assessment, and the initial individualized family service plan (IFSP) meeting is held within 45 days after a referral was received (34 CFR §§303.321(e)(2)(i), 303.322(e)(1) and 303.342(a)); and
- (2) IFSPs are developed based on evaluations and assessments, and early intervention services are based on the unique needs of the child and family (34 CFR §§303.322, 303.340(b), 303.342 and 303.343).

ODH/HMG submitted data in the November 2004 Progress Report. OSEP agreed to wait for updated correction data to be submitted in the FFY 2003 APR and indicated in the May 1, 2005 response letter to the November 2004 Progress Report, that it would address these areas in the response to the FFY 2003 APR.

Regarding the timely comprehensive evaluations findings, ODH/HMG submitted updated monitoring data from the 15 counties monitored in its November 2004 Progress Report and its FFY 2003 APR, that indicated 88.9% compliance on the indicator, "each child referred to early intervention will have a timely, comprehensive, multidisciplinary developmental evaluation that includes family directed identification of needs of the child and family." The State reported a much lower percentage of compliance on the 45-day timeline, as follows: 64% compliance for all 88 counties (based on data from the VSR for the quarter from October through December 2004); and 48% compliance for all 88 counties on the indicator "developmental evaluations for a suspected developmental delay are completed within 45 days of initial referral to the Help Me Grow system." OSEP's FFY 2005 Part C Grant Award letter to Ohio included Special Conditions to ensure the correction of evaluations and assessments that were not completed in all developmental areas, including the family assessment, and the initial IFSP meeting was not held within 45 days after a referral was received under 34 CFR §§303.321(e), 303.322(e) and 303.342(a). OSEP will respond separately to the Progress Reports due under the State's FFY 2005 grant Special Conditions.

Regarding the finding that all needed services must be identified on the IFSP, ODH/HMG submitted updated monitoring data from the 15 counties monitored in its November 2004 Progress Report and its FFY 2003 APR that indicated 100% compliance for Standard #2, "the county Help Me Grow System utilizes a team to determine eligibility for Part C specialized services." OSEP appreciates the work of the State in this area.

Individualized family service plans (IFSPs)

OSEP's September 2004 letter required ODH/HMG to confirm whether the 15 counties monitored in April-July 2003, were monitored to determine if early intervention services listed on the child's IFSP were provided in a timely manner to the child and family and, if so: (a) how

many of the counties were out of compliance on this issue; and (b) for each county determined to be out of compliance, the status of correction and data on the number of children and families on waiting lists for early intervention services, and provide by November 1, 2004, either data demonstrating correction, or baseline data on whether children and families were receiving the early intervention services on the IFSP and, if the data indicated noncompliance, a plan including strategies, timelines and targets to ensure correction as soon as possible. ODH/ HMG did not report data or information in the November 1, 2004 submission. OSEP contacted ODH/HMG and requested a meeting during OSEP's verification visit in December 2004, to address the lack of data and information.

During the December 2004 verification visit, ODH/HMG reported that it did not monitor to ensure that services on the IFSP were being provided; and therefore, no data existed to ensure that infants and toddlers were not waiting for services. ODH/HMG reported that it would revise the monitoring system to include an indicator that addressed the implementation of the IFSP. OSEP required that ODH/HMG provide sampling data by June 1, 2005 that indicated if services on the IFSP were being provided. OSEP reported that failure to provide all the information could negatively affect the State's FFY 2005 Part C Grant Award.

In the June 1, 2005 submission, ODH/HMG provided sampling data and added an indicator to its monitoring protocol for the provision of services on the IFSP. ODH/HMG reported data regarding provision of early intervention services listed on the IFSP that were received by the child and family. In the SPP, ODH/HMG must provide data in response to the service provision indicator (indicator #1).

Natural Environments

On page 14 of the FFY 2003 APR, the State included data and analysis regarding its compliance and performance in this area. ODH/HMG reported a 6.34% increase in the percentage of children receiving services in natural environment settings which include home, other settings, and settings for typical children. OSEP looks forward to reviewing the State's 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 page 14 of the FFY 2003 APR, the State provided information as follows: ODH/HMG expected to develop program measures for child and family outcomes by June 2004; however, ODH/HMG reported that the evaluation plan for child and family outcomes was not approved and therefore, the workgroup was asked to revise its work. ODH/HMG reported that the plan would be completed by spring 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. Absence of this information at that time will be considered in OSEP's annual determination on the status of the State's performance and compliance required under section 616(d) of the IDEA. The State should carefully review the instructions to the SPP in developing its plans for this collection.

Early Childhood Transition

OSEP's September 2004 letter required ODH/HMG to provide data and analysis for the 15 counties ODH/HMG monitored in April-July 2003 and determined out of compliance with the transition requirements that: (1) the lead agency conduct a conference (with the approval of the family) at least 90 days prior to the child's third birthday for children potentially eligible under Part B (34 CFR §303.148(b)(2)(i)); and (2) IFSPs that include the requisite transition planning content (34 CFR §§303.148(b)(4) and 303.344(h).

ODH/HMG submitted correction data in the November 2004 Progress Report and FFY 2003 APR indicating 67% to 77.8% compliance with the standard, "every child exiting the HMG system has a written transition plan, as part of the IFSP," as required by 34 CFR §§303.148(b)(4) and 303.344(h). ODH submitted data in the FFY 2003 APR indicating 40% compliance with the 90-day transition conference requirement in 34 CFR §303.148(b)(2)(i). OSEP's FFY 2005 Part C Grant Award letter to Ohio included Special Conditions regarding the correction of the timely transition planning under 34 CFR §§303.148(b)(2)(i) and 303.344(h). OSEP will respond separately to the Progress Reports due under the State's FFY 2005 grant Special Conditions.

Conclusion

In the SPP, the State must submit updated data regarding the following two findings from OSEP's 2001 Monitoring Report: (1) correction of State-identified noncompliance (34 CFR §303.501(b); and (2) early intervention services on the child's IFSP are provided in a timely manner to children and families (34 CFR §303.342(e)).

The State must also report on the adequacy of its personnel in the SPP if it is a factor in ensuring the State's ability to meet Part C's 45-day timeline and service provision requirements.

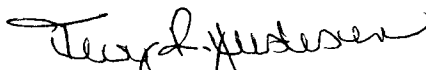
As noted above, Ohio's FFY 2005 IDEA Part C Grant Award is subject to Special Conditions to ensure the timely identification, evaluation and transition of infants and toddlers with disabilities in Ohio under Part C of the IDEA. Under the Special Conditions, ODH/HMG must submit two Progress Reports due on October 28, 2005 and April 14, 2006 that include data that ensure: (1) evaluations and assessments (in all five developmental areas and including the family assessment), and the initial IFSP meeting are conducted within 45 days after a referral is received; and (2) the 90-day conference is held as required by 34 CFR §303.148(b)(2)(i) and IFSPs include the early childhood transition plan under 34 CFR §§303.148(b)(4) and 303.344(h).

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



Troy R. Justesen
Acting Director

Office of Special Education Programs

cc: Debra Cheatham
Part C Coordinator