



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

Honorable Robin Arnold Williams
Secretary
Department of Social and Health Services
P.O. Box 45010
Olympia, Washington 98504-5010

SEP 30 2005

Dear Secretary Arnold Williams:

The purpose of this letter is to respond to Washington's Department of Social and Health Services' (DSHS's) June 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 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, including DSHS's plan to correct noncompliance in the transition area submitted on December 7, 2004. OSEP has set out its comments, analysis and determinations by cluster area.

Background

OSEP's September 17, 2004 FFY 2002 APR response letter directed the State to submit data and analysis regarding convening the transition planning conference within required timelines. In March 2005, OSEP conducted an on-site verification visit to Washington to verify the effectiveness of the State's systems for general supervision and collection of data under §618 of Part C of IDEA. OSEP's June 13, 2005 letter to DSHS concluded that the State's systems for general supervision constituted a reasonable approach to the identification and correction of noncompliance. OSEP also recognized DSHS's ongoing support and training that resulted in a data management system reasonably designed to report accurate §618 data to meet the Federal requirements.

General Supervision

Identification and timely correction of noncompliance

On pages 1-8 of the FFY 2003 APR, the State included the following data and analysis regarding its performance and compliance: (1) all contractors monitored (34 of 35) had approved corrective action plans and received a verification visit; and (2) DSHS staff provided technical assistance to specific Part C contractors in need of improvement. On page 2 of the FFY 2003 APR, DSHS reported future activities to ensure compliance, as follows: (1) a contractual arrangement with the DSHS Operations Review and Consultation staff for fiscal and program monitoring of early intervention services providers to identify noncompliance and ensure consistent statewide implementation of Part C requirements; (2) all corrective action plans approved and completed within one year of identification of noncompliance; and (3) the addition of transition planning and timeline requirements to the State's data management system to ensure compliance in a timely manner. 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 9-10 of the FFY 2003 APR, the State included data and analysis for this area. Two mediation requests were filed with the lead agency for the reporting period. No due process hearings were requested. To ensure that families were aware of their rights under Part C of IDEA, DSHS required data entry on the data management system on family procedural safeguards by the family resource coordinator. On pages 9 and 10 of the FFY 2003 APR, the State reported that it implemented multiple system components in order to investigate and focus on compliance requirements such as procedural safeguards. OSEP appreciates the work of the State in ensuring compliance with these requirements. OSEP looks forward to reviewing the State's data regarding complaints, mediations and due process hearings in the SPP.

Personnel

On pages 11-12 of the FFY 2003 APR, the State included data and analysis for this area. Washington's personnel data system indicated sufficient numbers of designated family resource coordinators to meet the identified early intervention needs of infants, toddlers and their families. The State reported that it continued to address the need for early intervention personnel through emergency hiring procedures and local recruitment searches to ensure the provision of Part C services. OSEP appreciates the State's efforts in this area.

Collection and timely reporting of accurate data

On pages 4 and 5 and Attachment 3 of the FFY 2003 APR, the State included data and analysis regarding its compliance and performance in this area. DSHS reported compliance with the requirement for all local early intervention providers to submit the required data sets, including the §618 data under IDEA, in a timely manner. The State reported that it completed the following activities: (1) generated local provider data points in time to focus monitoring activities at the local level on statewide issues; and (2) provided ongoing technical assistance to

local systems and providers for a full year. OSEP appreciates the work of the State in ensuring compliance with these requirements. OSEP looks forward to reviewing the State's response to the indicator regarding its reported data (618 and State Performance Plan and Annual Performance Report) that are timely and accurate in the SPP.

Comprehensive Public Awareness and Child Find System

On pages 13-29 and Attachments 4-6 of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure performance and compliance in this area. DSHS indicated the results of the State's public awareness and child find activities as required by 34 CFR §§303.320-303.323. DSHS reported that the statewide average age at referral to Part C, was one year and seven months. DSHS reported that of the 1.60 percent birth to three population who received early intervention services in FFY 2003, 10.1 percent were in the birth to one age range. On page 17 of the FFY 2003 APR, the State reported referral data indicating physicians (25.7 percent) and parents (20.3 percent) as significant referral sources to the Part C system. OSEP looks forward to reviewing the State's data in the SPP regarding the percent of infants and toddlers birth to one and birth to three with IFSPs compared to: (a) other States with similar eligibility definitions; and (b) National data.

Family Centered Services

On pages 30-36 of the FFY 2003 APR, the State included data and analysis regarding its performance in this area. DSHS provided data from a family survey that was implemented between June and October 2003 indicating that 90 percent of families perceived the early intervention services they received helped support them to enhance their child's development. DSHS reported that it planned to develop a web-based parent/family satisfaction survey as an option for families in 2004-2005. DSHS stated that it would continue to collect the development of child and family outcomes on IFSPs on the State's data management system. OSEP appreciates the State's efforts in this area and looks forward to reviewing the plan, in the SPP, for collecting data 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 (EIS) in Natural Environments (NE)

Service coordination

On pages 34-36 of the FFY 2003 APR, the State included data and analysis regarding its performance and compliance in this area. DSHS reported that it tracked all enrolled children and families by family resource coordinator. The State's data management system generated reports on the number of coordinators by early intervention contractor and the number of children receiving services allowing the State to monitor the provision of service coordination. DSHS reported that it did not identify noncompliance in this area. OSEP appreciates the State's efforts in this area.

Evaluation and identification of needs

On pages 37-39 of the FFY 2003 APR, the State included data and analysis regarding its compliance and performance in this area. DSHS reported parent/family satisfaction survey data indicating that: (1) 92 percent of families responded positively to the evaluation and assessment process; (2) 94.44 percent of families strongly agreed, or agreed, that the IFSP outcomes, services, and activities addressed their concerns and needs; and (3) 93.39 percent of families strongly agreed, or agreed, that they were satisfied with the quality of the early intervention services their children received. DSHS indicated that it identified and corrected one finding of noncompliance related to the identification of child needs on an IFSP. The State reported that it did not identify noncompliance related to needed services listed on IFSPs. DSHS reported the following strategies to ensure continued compliance in this area: (1) posting the State's screening and evaluation tools guide on the DSHS's web site; (2) completing a second statewide parent/family satisfaction survey by July 2005; (3) continued analysis of data management reports related to compliance with the 45-day timeline for initial IFSPs; and (4) implementing monitoring protocols to verify the provision of IFSP services. OSEP appreciates the State's efforts in this area.

Individualized family service plans (IFSPs)

On pages 4-8 of the FFY 2003 APR, the State included the following data and analysis regarding its compliance in this area. DSHS reported preliminary data for October 1, 2004 through December 31, 2004 indicating that: (1) 69 percent of *initial IFSPs* were completed within 45 days of referral (Washington completes initial IFSPs at the initial IFSP meeting); (2) 39 percent were not completed within 45 days of referral; and (3) one percent were not completed as of December 2004. DSHS stated that the most recent IFSP timeline data indicated an increase in the timeliness of both initial and annual IFSPs. The State reported that it had continued to provide technical assistance to correct data entries and improve the timely delivery of all Part C service components. DSHS reported the following strategies to ensure continued compliance in this area: (1) provision of technical assistance through monthly data reviews, telephone calls and onsite visits; (2) development of a written policy memo related to meeting required timelines; and (3) posting of local data on the State's Part C program's web site for public review. The State must submit with the SPP, its plan (including strategies, timelines and evidence of change), to correct this noncompliance.

Natural environments

On page 41-42 of the FFY 2003 APR, the State included data and analysis regarding its compliance and performance in this area. DSHS reported the following performance data from its statewide data system: (1) 39.3 percent of early intervention services on IFSPs were provided in the child and family's home; (2) 5.7 percent of early intervention services on IFSPs were provided in programs for typically developing peers; (3) 21.5 percent of early intervention services on IFSPs were provided in programs designed for children with a developmental delay; and (4) 31.3 percent of early intervention services on IFSPs were provided in service provider locations. On page 42, DSHS reported monitoring data that identified noncompliance related to

missing justification statements on IFSPs. The State must submit with the SPP, its plan (including strategies, timelines and evidence of change), to correct this noncompliance.

Early childhood outcomes

On page 43-46 of the FFY 2003 APR, DSHS reported trend data and analysis demonstrating continued performance with the requirement to demonstrate that children participating in the Part C program demonstrated improved and sustained functional abilities. DSHS reported data indicating that: (1) 45 percent of children under age three who exited Part C services were typically developing; (2) 14.2 percent of children who exited Part C services at age three were not eligible for Part B services; and (3) 19.4 percent of all children who exited Part C services no longer needed special programs. DSHS reported future activities to further determine child outcomes over time, including working with the Early Childhood Outcomes Center and the National Data Steering Committee. 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. 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 directed the State to submit data and its analysis regarding holding a transition conference, with the approval of the family, at least 90 days before the child's third birthday for children potentially eligible under Part B, as required by 34 CFR §303.148(h)(2). On pages 47-51 of the FFY 2003 APR, the State included data and analysis based on October 1, 2004 through December 31, 2004 data indicating that: (1) 31 percent of all children exiting Part C services had a transition conference completed on time; (2) 29 percent of children had a transition conference completed but not within timelines; and (3) 40 percent of children did not have a transition conference completed. For the same reporting period, DSHS included data related to the timely notification to local districts of children turning three years of age. DSHS acknowledged that its preliminary compliance data on transition planning and notification to local school districts was limited to three months and that it planned to collect 12 months of baseline data for the next reporting period. With the SPP, the State must include its plan (including strategies, timelines, evidence of change), to correct noncompliance with the transition planning timelines at 34 CFR §303.148(b)(2)(i).

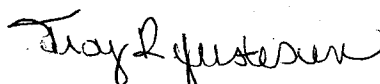
Conclusion

With the SPP, due December 2, 2005, DSHS must submit to OSEP its plan (including strategies, timelines and evidence of change), to correct: (1) the 45-day timeline under 34 CFR §303.321(e)(2), 303.322(e)(1) and 303.342; (2) natural environments justification under 34 CFR §303.344(d)(ii); and (3) the transition planning timelines at 34 CFR §303.148(b)(2)(i).

IDEA 2004, §616, requires each State to submit an 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 Jacquelyn Twining-Martin at (202) 245-7558.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Sandy Loerch-Morris