



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

JAN -5 2005

Dear Commissioner O'Meara:

The purpose of this letter is to respond to Connecticut's March 25, 2004 submission of its Federal Fiscal Year (FFY) 2002 Annual Performance Report (APR) for the Individuals with Disabilities Education Act (IDEA) Part C funds used during the grant period July 1, 2002 through June 30, 2003. The APR reflects actual accomplishments made by the State during the reporting period, compared to established objectives. The APR for IDEA is designed to provide uniform reporting from States and result in high-quality information across States.

The APR is a significant data source utilized in the Continuous Improvement and Focused Monitoring System (CIFMS) implemented by the Office of Special Education Programs (OSEP), within the U.S. Department of Education. The APR falls within the third component of OSEP's four-part accountability strategy (i.e., supporting States in assessing their performance and compliance, and in planning, implementing, and evaluating improvement strategies) and consolidates the self-assessing and improvement planning functions of the CIFMS into one document. OSEP's Memorandum regarding the submission of Part C APRs directed States to address five cluster areas: General Supervision; Comprehensive Public Awareness and Child Find System; Family Centered Services; Early Intervention Services in Natural Environments; and Early Childhood Transition.

Background

OSEP's February 13, 2004 response to the State's FFY 2001 APR included an analysis of Connecticut's February 15, and July 10, 2002 Improvement Plans and the State's April 1, July 1, and November 1, 2003 Improvement Plan Progress Reports. In its December 24, 2002 response to Connecticut's Improvement Plan, OSEP identified noncompliance with the Part C requirement at 34 CFR §303.148(b)(2) that required the lead agency to ensure that a transition conference is convened with the approval of the family at least 90 days prior to a child's third birthday for children potentially eligible under Part B. OSEP's December 24, 2002 letter required Connecticut to demonstrate full compliance within one year from the date of OSEP's letter with Part C's transition conference requirement at 34 CFR §303.148(b)(2). Connecticut submitted the requested revisions on February 27, 2003 and Progress Reports in April, July and November of 2003. In its February 13, 2004 letter, based on its review of the FFY 2001 APR and

Connecticut’s Progress Reports, OSEP required Connecticut to continue to provide monitoring data on compliance with 34 CFR §303.148(b)(2)(i). OSEP’s February 13, 2004 letter also identified two potential areas of noncompliance: (1) compliance with evaluation requirements at 34 CFR §§303.322-303.323 and 303.321(c)(2)(ii), and (2) Part C’s 45-day timeline requirement at 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a). OSEP directed the State to submit data and analysis to OSEP, along with a determination of compliance or noncompliance within 60 days of OSEP’s February 13, 2004 letter. As noted in greater detail below, Connecticut submitted data and analysis in its FFY 2002 APR regarding the two potential noncompliance issues and the noncompliance issue regarding timely transition conferences.

The State’s APR should reflect the collection, analysis, and reporting of relevant data, and document data-based determinations regarding performance and compliance in each of the cluster areas. This letter responds to the State’s FFY 2002 APR. OSEP’s comments are listed by cluster area below.

General Supervision

Noncompliance was not identified in this cluster area. The State responded to the APR probes and provided data and information on its: (1) monitoring systems; (2) dispute resolution systems; (3) personnel status; and (4) data systems.

On pages 1 through 21 and in attachment 1 of the FFY 2002 APR, Connecticut provided data and analysis indicating that the State had systems in place to meet its general supervision monitoring responsibilities through policies and procedures to ensure the identification and correction of noncompliance. On pages 3 through 6 of the FFY 2002 APR, Connecticut reported the following: (1) 15 programs were reviewed and continuous improvement plans (CIP’s) were developed, and all other programs (37) completed self-assessments; (2) 63% of identified noncompliance issues were corrected within 6 months from the date that the CIP was accepted; and (3) of the 12 programs monitored in State fiscal year (SFY) 2003, 22 compliance indicators or 25% of the items State-wide were identified as compliance issues and those issues were expected to be corrected within 6 months after the CIP was accepted. On pages 4 through 6 of the FFY 2002 APR, Connecticut reported that 78% of the noncompliance identified in SFY 2002 was corrected and the data and analysis to demonstrate correction of the remaining identified noncompliance for SFY 2002 were not available for that reporting period. In the next APR, Connecticut must include 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.

On pages 1 through 14 of the FFY 2002 APR, the State used a variety of sources to assess performance, including: financial reviews; onsite program reviews; the complaint resolution system; and program CIPs. On pages 1 through 5 of the FFY 2002 APR, Connecticut included data and information indicating that it had few complaints, mediations and due process hearings, and that data and analysis were used to identify issues and target technical assistance. On pages 12 through 14 of the FFY 2002 APR, Connecticut provided data indicating that complaint investigations, mediations, and due process hearings and reviews were completed in a timely

manner. The State included strategies and benchmarks designed to ensure continued compliance.

On pages 14 through 18 of the FFY 2002 APR, the State reported that there were sufficient numbers of administrators, service coordinators, service providers, paraprofessionals and other providers to meet the identified early intervention needs of all eligible infants and toddlers and their families. In addition, the State reported that it has a system in place to track the numbers of personnel and the types of services provided to ensure that there are sufficient staff to meet the identified early intervention needs of all eligible infants and toddlers and their families.

On pages 1 through 21 of the FFY 2002 APR, Connecticut reported that the State had procedures and practices to ensure collection and reporting of accurate and timely data. Connecticut included strategies and timelines to maintain the collection of accurate and timely data. For example, the State created reminders about entering local education agency (LEA) referral data and LEA reports; built date checks into all fields; conducted annual data training for new end users and advanced users; continued to develop local reports and exporting abilities; convened monthly data users’ group meetings; and developed mechanisms for capturing and exporting data related to a new parent fee system. OSEP looks forward to reviewing the impact of Connecticut’s general supervision monitoring, personnel, dispute resolution and data strategies in the next APR.

Comprehensive Public Awareness and Child Find System

Noncompliance was not identified in this cluster area. However, in its February 2004 letter, OSEP required that Connecticut review its child development information (CDI) phone line policies, procedures and practices to determine compliance with Part C; specifically to ensure that parents referring their children to Part C were either receiving an evaluation and assessment consistent with 34 CFR §§303.322 and 303.323 or a prior written notice meeting the requirements of 34 CFR §303.403(b) if the lead agency was refusing to conduct an evaluation and assessment. On pages 22 through 30 of the FFY 2002 APR, Connecticut responded to OSEP’s concern, reporting on page 24 of the FFY 2002 APR, that the State toll-free resource and referral phone number: (1) provided information about community services and a wide range of human service needs; (2) transferred all concerns about young children’s development to the CDI; and (3) transferred all concerns about the development of a child younger than three years, to the Birth-to-Three program.

On page 25 of the FFY 2002 APR, Connecticut reported that every child referred to the Connecticut Birth-to-Three System received a multidisciplinary evaluation in all five developmental areas, meeting the Part C requirements of 34 CFR §303.322. On pages 25 through 33 of the FFY 2002 APR, Connecticut provided the following data: (1) trend data from 1999 through 2003 demonstrated the number of children referred and served increased each year; (2) the percent of children referred and served by race/ethnicity matched the race/ethnicity of births reported by the Department of Public Health for each year; (3) trend data from 1995 through 2001 indicated the decline in births in Connecticut and the increase in referrals; (4) trend data indicated that the percent of children served on December 1st increased each year since 2001; and (5) data that indicated that children under one year of age at the time of their referral

to Birth-to-Three increased from 0.95% in SFY 2001 to 1.03% in SFY 2002. OSEP requests that Connecticut continue to report on its efforts to improve its child find in the next APR.

Family Centered Services

Noncompliance was not identified in this cluster area. On pages 35 through 41 of the FFY 2002 APR, Connecticut included monitoring data and analysis demonstrating the collection of data on family outcomes was included on the Individualized Family Service Plan (IFSP) and that these practices were being implemented throughout the State. For example, 92% of IFSP’s included: (1) family outcomes; (2) family concerns, priorities and resources in IFSP planning; and (3) family routines in natural environments. OSEP looks forward to reviewing data and analysis in the next APR demonstrating continued implementation of strategies, to ensure compliance and performance in this area.

Early Intervention Services in the Natural Environments

In its February 2004 letter, OSEP required Connecticut to review data and information submitted in its FFY 2001 APR to determine compliance with Part C’s 45-day timeline requirement at 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a). In its March 25, 2004 FFY 2002 APR cover letter, and on page 10 of the FFY 2002 APR, Connecticut provided data and analysis indicating that all programs were in compliance with Part C’s 45-day timeline requirement when factoring in documented reasons for delays. In addition, the State reported data for SFY 2003, that indicated that 10 of the 13 programs monitored were in compliance and the remaining three programs that were identified as out of compliance were expected to submit continuous improvement plans and correct the problem within six months. OSEP appreciates the State’s response and requests that in the next APR, due March 31, 2005, Connecticut provide updated correction data on the three programs identified in SFY 2003 as out of compliance with Part C’s 45-day timeline requirement.

On pages 42 through 54 of the FFY 2002 APR, Connecticut reported on its efforts to ensure that early intervention services provided in natural environments were meeting the unique needs of eligible infants and toddlers and their families. On pages 43 and 44 of the FFY 2002 APR, Connecticut reported that for SFY 2002 and SFY 2003, 100% of eligible children had a service coordinator. In addition, Connecticut reported monitoring data for SFY 2002 and SFY 2003 that detailed IDEA-specific service coordination duties; these data indicated improvement in compliance and performance areas with some limited slippage in the areas of: (1) files reviewed had documented annual reassessment from 92% in SFY 2002 to 90% in SFY 2003, and (2) interview data indicated that families told about self-advocacy and parent groups decreased from 89% in SFY 2002 to 84% in SFY 2003. Connecticut reported its compliance data on the provision of early intervention services in natural environments and included strategies to ensure continued compliance in this area.

The Part C FFY 2001 and FFY 2002 APRs requested States submit data on the percentage of children participating in the Part C program who demonstrate improved and sustained functional abilities (in the developmental areas listed in 34 CFR §303.322(c)(3)(ii)). On pages 50 through 54 of its FFY 2002 APR, Connecticut provided some information and identified targets to

improve data collection in this area. In the FFY 2003 APR, due March 31, 2005, the State must submit its plan to collect and submit such data by the FFY 2004 APR (expected deadline March 2006) 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. OSEP looks forward to reviewing in the next APR the State’s efforts to ensure compliance and maintain performance in this cluster area.

Early Childhood Transition

Noncompliance was identified by OSEP in its December 2002 letter to Connecticut with the Part C requirement at 34 CFR §303.148(b)(2). In its February 2004 letter, OSEP required that Connecticut provide updated monitoring data to demonstrate compliance with this requirement. In its FFY 2002 APR, Connecticut reported on a number of early childhood transition compliance and performance criteria including: timely notification to LEAs; transition planning requirements in all IFSPs; and smooth transitions for eligible children and their families to Part B or other programs or services.

On pages 64 and 65 of the FFY 2002 APR, Connecticut reported monitoring data that demonstrated identification and improvement in the correction of noncompliance with Part C’s 90-day transition conference requirement during SFY 2002 and indicated that such data for SFY 2003 would not be available until the FFY 2003 APR reporting period. The State reported that in SFY 2002, 61% of the 57 records reviewed were in compliance with the requirement and that based on the State’s review, 13 of 15 programs were required to develop a CIP to address this issue. The State further reported that of the 13 programs that developed CIPs in SFY 2002, 10 programs had corrected the noncompliance issue and that the remaining three had documented reasons for the delay beyond the lead agency’s control. The State provided data for SFY 2003 indicating that 60% of the 78 records reviewed in that year met this requirement and that based on the State’s review, 10 of 12 programs were required to develop a CIP to address this issue and demonstrate correction of the noncompliance. Data reported by four of the 10 programs that developed CIPs in SFY 03 indicated that one remained in noncompliance; no data was reported on the remaining six programs that have CIPs on this issue in SFY 03. In the next APR, due March 31, 2005, Connecticut must report on the seven programs that have CIPs on this issue in SFY 03 and the status of correction.

On pages 9 through 12 and on pages 55 through 66 of the FFY 2002 APR, the State included data, targets, activities, timelines and resources designed to ensure continued compliance and improve performance in the area of early childhood transition. Specifically, the State reported significant efforts to collect data through targeted monitoring to demonstrate compliance with Part C requirements at 34 CFR §303.148(b) and 303.344(h) regarding LEA notification and inclusion of transition plans on IFSPs. In addition, Connecticut updated its data system to include transition related fields and reports; activities that included the generation of a list of transition conferences to be held, detailed by program, service coordinator and LEA. OSEP assumes that any data tracking system developed by Connecticut that tracks children from Part C to Part B will be consistent with the requirements of the IDEA and the Family Education Right to Privacy Act (FERPA). OSEP has enclosed, for your information, a copy of its February 11, 2004 Letter to Elder which describes the circumstances under which the limited disclosure of

personally identifiable information from a child's education records may be made in order to meet IDEA's child find mandate.

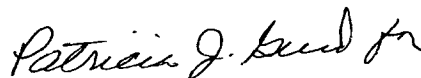
Conclusion

In the next APR, Connecticut must:

- (1) provide 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;
- (2) provide updated correction data on the three programs identified in SFY 03 as in noncompliance with Part C's 45-day timeline requirement;
- (3) submit its plan to collect and submit early childhood outcome data by the FFY 2004 APR (expected deadline March 2006) 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) provide updated monitoring data and the status of correction on the seven programs that have CIPs regarding compliance with Part C's 90-day transition conference at 34 CFR §303.148(b)(2).

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 Margaret Romer at (202) 245-7501.

Sincerely,



Stephanie Smith Lee
Director
Office of Special Education Programs

cc: Linda Goodman