



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

NOV 15 2004

Honorable Brian W. Amy, M.D.
State Health Officer
Mississippi Department of Health
570 East Woodrow Wilson
P.O. Box 1700
Jackson, Mississippi 39215-1700

Dear Dr. Amy:

The purpose of this letter is to respond to Mississippi's April 30, 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 during the reporting period, compared to established objectives. The APR for Part C of 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 the 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

In its January 22, 1999 Part C Monitoring Report, OSEP identified the following eight areas of noncompliance: (1) the State was not monitoring for compliance with all Part C requirements (34 CFR §303.501(b)(2)); (2) the State was not monitoring all programs and agencies that provided Part C services (34 CFR §303.501(b)(1)); (3) the State was not providing technical assistance, if necessary, to those agencies, institutions, and organizations (34 CFR §303.501(b)(3)); (4) the State was not ensuring correction of all of the noncompliance that it identified (34 CFR §303.501(b)(4)); (5) the State had not ensured that service coordination meeting the requirements of Part C was provided to all eligible children and their families, in accordance with 34 CFR §303.23(a)(2); (6) the State had not ensured that all early intervention services for which parental consent had been obtained were provided, in accordance with 34

CFR §303.342(e); (7) the State had not ensured that all children who might have been eligible for early intervention services were identified, located and evaluated, in accordance with 34 CFR §303.321(b)(1); and (8) the State was not complying with the requirement that, within 45 days after it receives a referral, the public agency must complete the initial evaluation and assessment activities in 34 CFR §303.322(e)(2); 303.322(e)(1) and hold an initial individualized family service plan (IFSP) meeting (34 CFR §303.342(a)).

In its March 18, 2003 response to the State's 2002 Self-Assessment, OSEP found that the Self-Assessment included data that indicated continued noncompliance with Part C requirements in two of the areas in which OSEP had previously found noncompliance in its 1999 Monitoring Report: (1) the State was not ensuring, as required by 34 CFR §303.321(b)(1), that all eligible infants and toddlers were identified, located, and evaluated; and (2) the State was not complying with the requirement that within 45 days after it receives a referral, the public agency must complete the initial evaluation and assessment activities as required by 34 CFR §303.322, and hold an initial IFSP meeting (34 CFR §§303.321(e), 303.322(e)(1), and 303.342(a)).

On July 3, 2003, the State submitted its Part C Improvement Plan, and informed OSEP that it intended that document to serve as its FFY 2001 Part C APR. In its February 27, 2004 response to the FFY 2001 APR, OSEP informed the State that it was accepting the Improvement Plan, and directed the State to submit a Progress Report with its FFY 2002 APR, and a final Progress Report by February 27, 2005 demonstrating full compliance with the eight areas of noncompliance identified in OSEP's February 27, 2004 letter. In OSEP's June 28, 2004 letter reporting on OSEP's March 2004 on-site verification visit, OSEP indicated that one of OSEP's original eight findings had been resolved: finding 3 above, that the State was not providing technical assistance, if necessary, to those agencies, institutions, and organizations providing Part C services, as required by 34 CFR §303.501. The remaining seven findings are addressed in this letter by cluster area below. By this letter, OSEP is revising the State's final Progress Report deadline of February 27, 2005 to March 31, 2005, so that the State may submit the required documentation with its FFY 2003 APR.

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 as well as any other areas identified by the State to ensure improvement. This letter responds to the State's FFY 2002 APR. OSEP's comments are listed by cluster area.

General Supervision

In its 1999 Monitoring Report, OSEP found that: (1) the State was not monitoring for compliance with all Part C requirements; and (2) the State was not monitoring all programs and agencies that provided Part C services (34 CFR §§303.501(b)(1) and (2)). The FFY 2001 APR included no specific data to support the State's conclusion that it was monitoring for all Part C requirements in all programs and agencies providing Part C services, and OSEP directed the State to include, in its FFY 2002 APR, baseline data (including monitoring data), the State's conclusions regarding those data and strategies to improve or maintain performance and compliance in these specific areas. On pages 5 through 8 of the FFY 2002 APR, the State described its monitoring process which included data from the First Steps Information System

(FSIS), district self-monitoring for service coordination issues, quality assurance monitoring on-site by the Mississippi State Department of Health (MSDH), on-site targeted case management monitoring, service quality reviews, collaborative interagency monitoring with the Mississippi Department of Mental Health (MSDMH), internal audit reviews annually, technical assistance visits as needed and complaint investigations as needed.

OSEP visited Mississippi in March 2004 to verify the effectiveness of the State's systems for general supervision and data collection under Section 618 of IDEA. OSEP reported to Mississippi on the results of this visit in its June 28, 2004 letter. The verification letter noted that MSDH's monitoring procedures appear to be designed to monitor all Part C requirements and all Part C providers. However, as OSEP further stated in the verification letter, OSEP could not, without collecting data at the local level, determine whether MSDH's current systems were effective in identifying noncompliance for all Part C requirements and with all entities being monitored under Part C. The State must include in the final Progress Report (due on March 31, 2005) a summary of the State's monitoring activities including: (1) a list of the entities MSDH has monitored or plans to monitor, and (2) for all entities/health districts monitored through March 31, 2005: (a) a summary of findings of noncompliance with Part C requirements, (b) corrective actions required for each district or provider, and (c) the status of correction of each district or provider.

In its 1999 Monitoring Report, OSEP found that the State was not ensuring correction of all identified noncompliance (34 CFR §303.501(b)(4)). During the verification visit, MSDH acknowledged that its procedures for ensuring the correction of any identified noncompliance through its system of involving the service coordinators in conducting the monitoring of early intervention service providers was not systematic, and that MSDH could not provide documentation that service coordinators were effective in ensuring such correction. The State's FFY 2002 APR did not include any data to address this finding. The State must ensure that its final Progress Report, due on March 31, 2005, contains documentation, including data and analysis, that its procedures for ensuring the timely correction of all identified noncompliance are effective. As part of that documentation, MSDH must demonstrate that it ensures the correction of noncompliance, including: (1) the five outstanding findings from OSEP's 1999 Monitoring Report and (2) State-identified noncompliance.

On Page 8 of the APR, the State reported it had received no written complaints during the FFY 2002 reporting period. MSDH informed OSEP during the March 2004 verification visit that, subsequent to July 1, 2003, it received two written complaints and had resolved both complaints within 60 days. The Part C regulations require, at 34 CFR §303.403(a), that written prior notice must be given to parents a reasonable time before a public agency or service provider proposes, or refuses, to initiate or change the identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and the child's family. They further specify the required content for such notice at 34 CFR §303.403(b). The regulations require, at 34 CFR §303.403(b)(3) and (4), that, "The notice must be in sufficient detail to inform the parents about-...(3) All procedural safeguards that are available under §§303.401-303.460 of this part; and (4) The State complaint procedures under §§303.510-303.512, including a description of how to file a complaint and the timelines under those procedures." In order to ensure that parents are fully and accurately informed regarding their procedural safeguards, and

that there is no failure to so inform them that may be contributing to parents' minimal use of complaints and hearings to address Part C issues, OSEP reviewed the State's notice materials. With its June 28, 2004 letter reporting on OSEP's March 2004 onsite verification visit, OSEP enclosed a memorandum, in which OSEP detailed needed revision to the notice materials and directed MSDH to submit revised notice materials to OSEP within 60 days. On October 7, 2004, MSDH sent OSEP its revised notice materials, together with an assurance that the materials now met the requirements of 34 CFR §303.403(b). OSEP will review the revised materials and provide its analysis of the revised materials under separate cover.

OSEP concluded in its June 2004 verification letter that, while it appeared that MSDH's system for data collection was reasonably designed to collect and report data under section 618 of the IDEA, OSEP could not, in light of MSDH not providing written procedures or other guidance to service coordinators and district coordinators on data entry, as well as lack of systemic review of data errors, determine whether the system resulted in accurate data. The description included on page 13 of the APR confirmed, but did not add to, the information that the State provided during the verification visit. OSEP's June 28, 2004 verification letter required MSDH to submit a plan to address the concerns about accuracy of the data within 60 days of the date of that letter. On October 7, 2004, MSDH sent OSEP its plan for ensuring the accuracy of future data submissions under section 618. The State must include with its next 618 data report (due February 1, 2005 for the State's December 2004 child count) documentation that data reported are accurate and also report in the next APR on implementation.

Comprehensive Public Awareness and Child Find System

As noted above, OSEP's 1999 Monitoring Report included one finding of noncompliance in this cluster: the State had not ensured that all children who might have been eligible for early intervention services were identified, located and evaluated, in accordance with 34 CFR §303.321(b)(1). In its 2002 Self-Assessment, the State reported that, "Given socioeconomic and other health issues facing the population of the State, the State is not currently identifying and serving all eligible infants and toddlers." As documented in its March 18, 2003 letter responding to the Self-Assessment, OSEP determined, based upon that conclusion by the State, that Mississippi remained in noncompliance with 34 CFR §303.321(b)(1). The State's FFY 2001 APR included strategies to: (1) use the FSIS to track families from intake to evaluation and compare children evaluated and those who received services under an IFSP; (2) improve coordination of child find with the Mississippi Department of Education (MDE) and MDMH; and (3) engage in an update of State-wide public awareness efforts. The FFY 2001 APR also provided evidence of change and timelines, but did not establish a baseline. OSEP's February 2004 response requested that baseline data be provided in the FFY 2002 APR.

On pages 14, 16, and 17 of its FFY 2002 APR, the State reported baseline and trend data on referrals, age at referral, child count and comparison of IFSPs to initial evaluations. On page 15, the State provided an update on its activities, reporting that it implemented the FSIS tracking process, and that the State's activities under its General Supervision Enhancement Grant focused on improved coordination and collaboration between MDE and MSDH, training for local education agencies, and an advisory committee of stakeholders to address policy and procedural issues affecting child find evaluation and assessment State-wide. Pages 16 through 18 described

other activities that were included in the Improvement Plan, as well as new activities, such as implementation of a contract with the Mississippi Chapter of American Academy of Pediatrics, that were either ongoing or scheduled to begin on July 1, 2004. Pages 18 and 19 of the APR described the partnerships that the Part C program has developed with other programs within MSDH, MDMH and the State's child care system, that have led to the identification of additional infants and toddlers with disabilities and their families.

On pages 15 and 18 of the APR, the State included a numerical goal for increasing the number of children identified by Part C. While it is not inconsistent with Part C to include a numerical goal to increase the percentages of infants and toddlers with disabilities determined eligible for services, 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 (at 34 CFR §§303.320-303.323) and not based upon a numerical goal.

The State reported on the implementation of strategies to ensure compliance in this area. In the next APR, as part of the final Progress Report on this area of noncompliance, the State must confirm implementation of all strategies that were identified in the Improvement Plan that OSEP accepted in February 2004.

Family Centered Services

OSEP's 1999 monitoring report identified no noncompliance in this cluster area.

In its February 2004 letter, OSEP directed the State to include, in its FFY 2002 APR, further data, including monitoring data regarding utilization of the page of the IFSP that includes family's resources, priorities and supports. On pages 20 and 21 of the FFY 2002 APR, the State reported on the results from a parent and family survey that included 30 questions addressing the indicators for family-centered services, with a mean cluster score of 86 percent, and a range from 65 percent to 100 percent satisfaction. As OSEP learned through its verification visit, the checklist that district coordinators and the State office staff use to review IFSPs calls for a determination of whether the IFSP addresses family resources, priorities and supports (and, if not, whether the family has chosen not to include that information in the IFSP). In the next APR, please continue to report on the State's efforts to improve performance and ensure compliance in this area.

Early Intervention Services in Natural Environments

As noted above, OSEP's January 1999 Monitoring Report included three findings of noncompliance in this cluster, each of which is discussed below: (1) service coordinators did not perform all roles and responsibilities; (2) Part C's 45-day timeline requirement was not met; and (3) all infants and toddlers with disabilities and their families were not receiving the early intervention services on the child's IFSP.

Service Coordination. OSEP's 1999 Monitoring Report included a finding that the State had not ensured that service coordination that met the requirements of Part C was provided to all eligible children and their families, in accordance with 34 CFR §303.23(a)(2). The State's

FFY 2001 APR included baseline data for the number of service coordinator vacancies (four of the nine districts had vacancies in service coordination positions), but did not describe the impact of these vacancies on the provision of service coordination, include any data regarding other personnel or provide data-based conclusions regarding the need for improvement or correction of any noncompliance, strategies, or evidence of change. In its February 2004 response to the FFY 2001 APR, OSEP requested the State to: (1) document that it had corrected the noncompliance that OSEP identified in its 1998 Report and currently was in compliance with service coordination requirements; or (2) provide baseline data, and the strategies, benchmarks, timelines and evidence of change it would use to ensure correction of the noncompliance within one year from the date on which OSEP approved the State's plan for correcting the noncompliance.

On pages 9 and 10 of the FFY 2002 APR, the State reported that: (1) MSDH had filled 45 of 53 allocated service coordinator positions; and (2) in the three health districts with continuing vacancies, MSDH had contracted with individuals who were not MSDH employees to provide service coordination to some families and thereby minimize the impact of vacancies on the provision of service coordination. On page 10, the State concluded that the vacancies had not negatively impacted the provision of required service coordination, but did not include monitoring or other data to support that conclusion or to demonstrate that the State has corrected the noncompliance (i.e., that service coordinators meet their roles and responsibilities in accordance with 34 CFR §303.23(a)(2)). OSEP accepts the State's strategies identified in the FFY 2002 APR. The State must, as part of its FFY 2003 APR (due March 31, 2005) report on its progress in correcting this noncompliance. The State must also, within one year from the date of this letter, provide documentation that it has corrected the noncompliance, including monitoring data showing: (1) the number of health districts that the State has identified as not being in compliance with the service coordination functions under 34 CFR §303.23(a)(2); and, for those providers found out of compliance, the corrective actions required and status of correction; and updated data on the number of available service coordinators and impact on the provision of service coordination.

45-Day Timeline. OSEP's 1999 Monitoring Report included a finding that the State was not complying with the requirement that, within 45 days after it receives a referral, the public agency must complete the initial evaluation and assessment activities and hold an initial IFSP meeting (34 CFR §§303.321(e)(2); 303.322(e)(1) and 303.342(a)). In its 2002 Self-Assessment, the State found that "the average length of time from referral to IFSP development in Mississippi is 85 days but removing the data skewing the average (from one district that was not reporting accurately) the number dropped to 76.33." In the FFY 2001 APR, the State: (1) acknowledged noncompliance in this area; (2) stated that it was reviewing the data to determine the amount of time between referral and convening of an IFSP meeting, rather than the implementation of the IFSP; and (3) stated that it would use these new data as a baseline for further determination of noncompliance. In its February 2004 response to the FFY 2001 APR, OSEP directed the State to include in its FFY 2002 APR, strategies, timelines, and evidence of change for ensuring that the State would correct the noncompliance within one year from the date on which OSEP accepted the State's plan for correcting the noncompliance.

On page 24 of the FFY 2002 APR, the State reported data showing that in 2001 the State met the 45-day timeline for 38 percent of referrals, and that in the period from July 1, 2003 through the

date of the APR submission that percentage improved to 59 percent. Of grave concern is that for 33 children the timeline for holding the initial IFSP meeting exceeded 180 days. While the data show some improvement, they also indicate continued significant noncompliance (41%) with Part C's 45-day timeline requirement. On pages 23 through 25, Mississippi identified follow-up data collection, service coordinator reporting, reasons for delay and other strategies to ensure compliance with this requirement. Although the State noted its expectation that it would be fully compliant with the 45-day timeline under 34 CFR §§303.321(e), 303.322(e) and 303.342(a) by June 30, 2004, it also indicated that monthly reports by service coordinators on the 45-day timeline would not begin until July 1, 2004. Thus, OSEP accepts the State's strategies and timeline, and requests that in the next APR, the State provide a final Progress Report that includes updated data from the monthly reports that demonstrate full compliance with Part C's 45-day timeline requirement. As noted above, the State must provide data and the analysis demonstrating State-wide compliance with the 45-day timeline no later than March 31, 2005. In addition, the State must provide the number of providers who have been determined out of compliance with this requirement through the APR submission date and, for each provider determined out of compliance, the corrective actions required and the status of the correction.

Provision of Early Intervention Services on the IFSP. In its 1999 Monitoring Report, OSEP found that the State had not ensured that all early intervention services to which parental consent had been obtained were provided, in accordance with 34 CFR §303.342(e). OSEP could not determine from the State's 2002 Self-Assessment whether there were sufficient personnel and the impact of any shortages on the provision of early intervention services. OSEP's March 2003 response to the Self-Assessment directed the State to review all available data to determine whether any personnel shortages were resulting in noncompliance. In its February 2004 letter, OSEP stated its expectation that the State's FFY 2002 APR would include data and conclusions regarding performance and compliance related to the impact of vacancies on the provision of early intervention service coordination and any other service provision. On page 12 of its FFY 2002 APR, the State included data indicating that shortages of early intervention service providers continued to exist, but provided no data on when eligible children and families receive the early intervention services identified on a child's IFSP. The State did include, on page 13 of the FFY 2002 APR, targets that: (1) 80% of IFSP services be initiated within 30 days of the IFSP; (2) 90% within 60 days; and (3) 100% within 90 days. OSEP cannot determine how these targets relate to the Part C compliance requirements that early intervention services that are listed on the IFSP be provided in a timely manner and requests that the State provide by no later than November 30, 2004 the State's timeline requirement for initiating IFSP services after the parent has consented to the IFSP. The State must also provide OSEP by November 30, 2004 (before OSEP's December 6, 2004 visit to the State) any baseline data (from monitoring reports, sample child record reviews or other methods) as to the number (or percentage) of children who are timely receiving their IFSP services. In addition, the State must provide in the final Progress Report due with the next APR, data demonstrating compliance with this requirement.

OSEP identified another issue related to the provision of IFSP services in its response to the State's Self-Assessment. In its 2002 Self-Assessment, Mississippi stated that, "Currently, services are restricted to one service per week per discipline per child in an effort to ensure availability of services through the State's fiscal year." The Self-Assessment described this policy as a "cost containment strategy." The contract that the Lead Agency used with some Part

C providers, included the following clause: “Therapy sessions are limited to one session per week per discipline unless clinical or developmental issues dictate otherwise. Circumstances for the increase in frequency to two sessions per week must be documented and approved by the District Coordinator. Documentation for therapy sessions exceeding one per week must be specific as to reason and duration. Approval of two sessions per week should be the exception.” In its March 2003 letter, OSEP stated that, “A policy or practice that limits the amount of service that the participants in the IFSP meeting may include in a child’s IFSP or that limits the authority of the participants in an IFSP meeting to determine the amount of service, is inconsistent with Part C.” In its FFY 2001 APR, the State indicated that it had eliminated the “cost containment strategy,” modifying its contracts with providers to remove any perceived arbitrary limits to the frequency, intensity, or duration of services. As directed in OSEP’s February 2004 response to the FFY 2001 APR, the State submitted with its FFY 2002 APR, the revised standardized form from which the State had deleted the language referring to limiting therapy sessions to one per week per discipline.

Provision of Early Intervention Services in Natural Environments. In its FFY 2001 APR, the State concluded that, notwithstanding the statement in the State’s 2002 Self-Assessment that “...the setting where services are provided is sometimes dependent upon the available resources in the region,” it was in compliance with the requirement that the participants in the IFSP determine the natural environments and locations in which the child and family will receive early intervention services, based on the unique needs of the child and family (34 CFR §§303.18 and 303.344(d)(1)(ii) and (iii)). The APR also indicated that: (1) the State has added fields to capture data on “place of service;” (2) further study would occur on this issue using those data; and (3) it would provide training by December 31, 2003 to service coordination staff on “place of service” definitions. In its February 27, 2004 response to the State’s FFY 2001 APR, OSEP stated that it expected the State’s FFY 2002 APR to include data from the training and results from adding fields in the data system and that the FFY 2002 APR also address how the State was ensuring that there is an appropriate (child-based) justification on each child’s IFSP of the extent, if any, to which services were not being provided in a natural environment.

The State’s FFY 2002 APR did not provide these compliance data on the provision of early intervention services in natural environments. However, the State included the following performance information. On page 26 of the FFY 2002 APR, the State reported that the FSIS data system now captures the reason for early intervention being provided in a setting other than a natural environment. On page 27, the State reported that training on natural environments was provided as a standard part of the mandatory new provider orientation for all service coordinators and service providers. The State concluded from the data that, with further clarification on “setting of service” as part of data entry training, more accurate data would reflect that services in natural environments meet or exceed 70 percent. On page 28 of its FFY 2002 APR, the State set forth the following targets: 70% in natural environment by December 2004, 75% by December 2005, 80% by 2006, and by December 2008 a target of 100% match to IFSP team recommendations. States may establish performance goals for providing early intervention services in natural environments provided that they are specifically monitoring to ensure that the establishment of the goal does not override the Part C requirements that service setting decisions are individualized and made by the IFSP meeting participants under the Part C regulations. OSEP will be conducting a focused monitoring visit to Mississippi during the week of December

6, 2004, and will, as part of that visit, review both: (1) local compliance with Part C's requirements related to the determination of the settings in which services will be provided and natural environments; and (2) the State's monitoring procedures to ensure compliance and improve performance in this area.

The Part C FFY 2001 and 2002 APR 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)). OSEP requested in its February 27, 2004 letter that the State include in the FFY 2002 APR either responsive data or the State's plan on how it will collect these data (whether through sampling, monitoring, individual IFSP review, or other methods). On page 30 of the APR, the State acknowledged that it did not have the capacity to capture child or family outcome data, but that it would begin to capture baseline data subsequent to every initial evaluation, beginning FFY 2004. OSEP notes that the State may, but is not required to, report on such improvement data for all children. The State may choose to report on a representative sample. The APR, on that same page, included the State's plan for different ways to collect the data, including training of service coordinators on methodology and activities in order to integrate these methods into their service coordination activities with families. In the FFY 2003 APR due on March 31, 2005, the State must provide an update of its plan to report such data no later than the FFY 2004 APR (expected to be due March 31, 2006) and, if available, data (whether collected through sampling, monitoring, or other methods) that demonstrate how children participating in the Part C program demonstrate improved and sustained functional abilities (in the developmental areas listed in 34 CFR §303.322(c)(3)(ii)).

Early Childhood Transition

OSEP's 1998 monitoring visit identified no noncompliance in the area of Early Childhood Transition.

The Part C regulations require, at 34 CFR §303.148(c), that if the State educational agency responsible for administering preschool programs under Part B, is not the Lead Agency under Part C, the State's Part C application must include an interagency agreement between the two agencies to ensure coordination of transition from Part C to Part B for all eligible children. In its October 2002 Self-Assessment, the State acknowledged that the interagency agreement between MSDH and the MDE had lapsed. During OSEP's March 2004 verification visit to the State, MSDH confirmed that the agreement had not yet been completed. As a condition of receiving its Part C grant award for FFY 2004, OSEP required the State to provide a signed assurance that, as soon as possible, but no later than May 31, 2005, the State would submit to OSEP: (1) the final, signed, revised interagency agreement between MSDH and MDE that meets the requirements of 34 CFR §303.148(c); and (2) documentation that MSDH met all of the public participation requirements of 34 CFR §§303.110, 303.111, 303.112, and 303.113 with regard to that interagency agreement.

The State did not include any data or conclusions regarding its performance or compliance related to Early Childhood Transition in the FFY 2001 APR. OSEP's February 27, 2004 response directed the State to include in the FFY 2002 APR performance and compliance data, conclusions based on those data, and strategies, timelines, and proposed evidence of change for

maintenance or improvement in early childhood transition. On page 31 of the FFY 2002 APR, the State described how the State's General Supervision Enhancement Grant would support MSDH and MDE in development of a data system that will provide information about the effectiveness of interagency coordination and the effectiveness of the system to identify children's eligibility for Part B, as well as the transition from Part C to Part B. On page 32, the State described historical issues that have impeded performance in this cluster, and reported on its goals, performance indicator, targets, projected targets, and planned future activities. In the FFY 2003 APR, due March 31, 2005, the State should submit information that includes both implementation of strategies and the resulting data demonstrating improvement.

Conclusion

The State must provide to OSEP before OSEP's December 6, 2004 visit to the State baseline data (from monitoring reports, sample child record reviews or other methods) as to the number (or percentage) of children who are timely receiving their IFSP services, and also confirm the State's timeline requirement for initiating IFSP services after the parent has consented to the IFSP. In addition, with the State's February 2005 Child Count Data Report under IDEA Section 618, the State must confirm the accuracy of the data submitted.

Mississippi must, by the next APR (due March 31, 2005), submit to OSEP a final Progress Report demonstrating correction of the noncompliance related to the following Part C requirements:

1. The State's monitoring is effective in reviewing compliance with all Part C requirements, in accordance with 34 CFR §303.501;
2. The State is monitoring all agencies providing Part C services, in accordance with 34 CFR §303.501(b)(1)(2);
3. Identified noncompliance is corrected, in accordance with 34 CFR §303.501(b)(4);
4. Children are identified, located and evaluated, in accordance with 34 CFR §303.321(b)(1);
5. Service coordination meeting the requirements of Part C is provided to all eligible children and their families, in accordance with 34 CFR §303.23(a)(2);
6. Within 45 days after it receives a referral, the public agency completes the initial evaluation and assessment activities in 34 CFR §303.322, and holds an initial IFSP meeting, in accordance with 34 CFR §§303.321(e), 303.322(e), and 303.342(a); and
7. All early intervention services to which parental consent is obtained are provided, in accordance with 34 CFR §303.342(e).

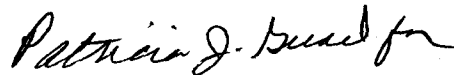
In addition to other required content for the FFY 2003 APR (due on March 31, 2005), Mississippi must, in that APR: (1) confirm implementation of strategies to ensure data accuracy

under Section 618; and (2) provide child outcome data on the percentage of children who demonstrated improved and sustained functional abilities.

As noted above and in the State's Part C grant award for FFY 2004, the State must, as soon as possible, but no later than May 31, 2005, submit to OSEP: (1) the final, signed, revised interagency agreement between MSDH and MDE that meets the requirements of 34 CFR §303.148(c); and (2) documentation that MSDH met all of the public participation requirements of 34 CFR §§303.110, 303.111, 303.112, and 303.113 with regard to that interagency agreement. In the FFY 2003 APR, the State should report on its progress in meeting those requirements.

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 Rhonda Spence at (202) 245-7382.

Sincerely,



Stephanie Smith Lee
Director
Office of Special Education Programs

cc: Roy Hart
Part C Coordinator