



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

AUG 29 2005

Honorable Gail Gray
Director
Montana Department of Public Health and Human Services
Disabilities Services Division
Helena, Montana 59604-4210

Dear Director Gray:

The purpose of this letter is to respond to Montana's Department of Public Health and Human Services (DPHHS) 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 for the grant period July 1, 2003 through June 30, 2004. The APR reflects actual accomplishments that the State made during the reporting period, compared to established objectives. The Office of Special Education Programs (OSEP) has designed the APR under the IDEA to provide uniform reporting from States and result in high-quality information across States. The APR is a significant data source for OSEP in the Continuous Improvement and Focused Monitoring System (CIFMS).

The State's APR should reflect the collection, analysis, and reporting of relevant data, and include specific data-based determinations regarding performance and compliance in each of the cluster areas. This letter responds to the State's FFY 2003 APR and Montana's letter to OSEP dated January 31, 2005 that identified additional performance and compliance data and information. OSEP has set out its comments, analysis and determinations by cluster area.

Background

The conclusion of OSEP's September 27, 2004 FFY 2002 APR response letter required the State within 60 days from the date of the letter, to submit data and analysis to OSEP to regarding:

- a. Implementation of family centered services;
- b. Monitoring of early intervention services in natural environments; and
- c. Monitoring of the early childhood transition cluster.

OSEP also required that Montana report verification of monitoring data in the general supervision area in its FFY 2003 APR.

OSEP's September 2004 FFY 2002 APR letter was lost in the mail. When Montana did not respond to OSEP's letter, OSEP contacted the State and notified them of the required timelines. Montana responded to OSEP's faxed letter dated November 16, 2004 in a letter dated January 31, 2005. Montana submitted data and analysis to OSEP in response to all of the above requests.

General Supervision

Identification and timely correction of noncompliance

OSEP did not identify noncompliance in this area in the FFY 2002 APR. However, OSEP's November 2004 letter requested that Montana report, within 60 days of the November 2004 letter, monitoring data, strategies, proposed evidence of change, targets and timelines designed to maintain compliance and performance in the general supervision area. On pages 3-7 of the FFY 2003 APR, the State included data and information regarding multiple mechanisms for identifying performance and compliance. Montana reported data indicating that six of seven regional agencies were found to be 100 percent in compliance with Part C requirements. Thus, the lead agency did not need to take corrective action with any of the regional Part C agencies monitored. One of the seven agencies was not monitored during this reporting period. OSEP appreciates the State's efforts in this area and looks forward to reviewing updated data and information regarding the State's efforts to maintain performance in this area in the State Performance Plan (SPP), due December 2, 2005.

Dispute resolution

OSEP did not identify noncompliance in this area in the FFY 2002 APR. On pages 6-11 of the FFY 2003 APR, the State included data and information regarding complaints, mediations and due process requests indicating continued performance and compliance in this area. Montana reported that: none of the seven regional Part C agencies received any formal complaints, or requests for mediation or due process hearings; four of seven agencies received seventeen informal complaints that were resolved at the agency level within one to ten days. On page 6, the State provided monitoring data and analysis indicating that: 30 of 30 files reviewed documented that families received information on parent rights in their native language or typical means of communication. OSEP appreciates the State's efforts in this area and looks forward to reviewing updated data and information regarding the State's efforts to improve performance in this area in the SPP.

Personnel

OSEP did not identify noncompliance in this area in the FFY 2002 APR. On pages 12-14 of the FFY 2003 APR, the State included data and analysis demonstrating continued performance in this area to ensure that sufficient personnel were available to meet the identified early intervention needs of all eligible infants and toddlers and their families. Montana reported data that indicated a shortage of some professionals in both rural and urban areas; however, the State reported that the lead agency and regional Part C agencies have established innovative strategies to obtain the consultation and direct services of key personnel such as occupational and physical therapists and speech and language pathologists to address the needs listed on IFSPs of all young children and their families. OSEP appreciates the work of the State in ensuring performance and compliance with this requirement.

Collection and timely reporting of accurate data

OSEP did not identify noncompliance in this area in the FFY 2002 APR. On pages 12-14 of the FFY 2003 APR, the State included data and analysis demonstrating continued performance and compliance in this area. Montana reported compliance with the requirement for all local agencies to submit the required data sets, including the 618 data in a timely manner, consistent with the State's contract provisions. Montana stated that funding was obtained under OSEP's General Supervision Enhancement Grant to identify early childhood, family and other Part C performance indicators, and enhance Montana's data collection and use of data for program improvement. OSEP appreciates the State's efforts in this area and looks forward to reviewing updated data and information regarding the State's efforts to improve performance in this area in the SPP.

Comprehensive Public Awareness and Child Find System

OSEP did not identify noncompliance in this area in the FFY 2002 APR. On pages 16-24 of the FFY 2003 APR, the State included data and analysis demonstrating continued performance and compliance in this area. Montana reported that the number of eligible children birth to three served increased from 1.81 percent in FFY 2002 to 1.95 percent in FFY 2003. The State also reported that the percent of eligible children served, less than one year of age, was 21 percent of all children served in FFY 2003. Montana stated that the total number of children receiving early intervention services continued to increase, including the number of infants in the birth-to-one-year age range. OSEP appreciates the State's efforts in this area and looks forward to reviewing updated data and analysis regarding the State's efforts in this area in the SPP.

Family Centered Services

OSEP did not identify noncompliance in this area in the FFY 2002 APR. However, OSEP required the State to submit, within 60 days of the November 2004 letter, evidence that: supports and services to enhance the family's capacity to enhance their child's development were included in IFSPs and provided. On pages 24-28 of the FFY 2003 APR, and on pages 4-8 of Montana's January 2005 letter, the State included data and analysis regarding child and family outcomes indicating performance and compliance. The lead agency reviewed randomly-sampled early intervention records and analyzed consumer satisfaction surveys in order to monitor the implementation of family centered services. On pages 26 and 27 of the FFY 2003 APR, Montana's data indicated that: thirty of thirty records reviewed, documented that IFSPs met Part C requirements, including the identification of a family support coordinator, inclusion of family outcomes, provision of early intervention services within timelines, and provision of all information on families' rights, and identification of family concerns, resources and priorities. OSEP appreciates the State's efforts in this area and looks forward to reviewing updated data and information regarding the State's efforts to improve performance in this area in the SPP.

Early Intervention Services (EIS) in Natural Environments (NE)

Service coordination

OSEP did not identify noncompliance in this area in the FFY 2002 APR. However, OSEP required the State to submit, within 60 days of the November 2004 letter, evidence that monitoring activities were effective in identifying and correcting noncompliance with the requirements of the early intervention services in natural environments cluster. On pages 29-31 of the FFY 2003 APR, the State included data and analysis regarding the implementation of service coordination indicating performance and compliance. Montana reported that six of six regional Part C agencies monitored and thirty of thirty records reviewed, demonstrated compliance with the requirement to ensure that each family had a service coordinator that carried out the service coordinator roles and responsibilities as required by 34 CFR §303.23. OSEP appreciates the State's efforts to maintain compliance and performance in this area.

Evaluation and identification of needs

OSEP did not identify noncompliance in this area in the FFY 2002 APR. However, OSEP required the State to submit, within 60 days of the November 2004 letter, evidence that monitoring activities were effective in identifying and correcting noncompliance with the requirements of the early intervention services in natural environments cluster. On pages 32-36 of the FFY 2003 APR, the State included data and analysis regarding the identification of child and family needs indicating performance and compliance in this area. Montana reported that the data collected through the State's monitoring process from six of six agencies monitored indicated that: thirty of thirty early intervention records reviewed, documented child and family outcomes, identified family needs and resources, and documented the provision of resources and supports identified on IFSPs. Montana stated that early intervention services needed to address child and family needs were identified on IFSPs and were provided in cases reviewed. OSEP appreciates the State's efforts in this area and looks forward to reviewing updated data and information regarding the State's efforts to maintain compliance and performance in this area in the SPP.

Individualized family service plans (IFSPs)

OSEP did not identify noncompliance in this area in the FFY 2002 APR. However, OSEP required the State to submit, within 60 days of the November 2004 letter, evidence that monitoring activities were effective in identifying and correcting noncompliance with the requirements of the early intervention services in natural environments cluster. On pages 32-36 of the FFY 2003 APR, the State included data and analysis regarding timely evaluations and assessments indicating performance and compliance in this area. Montana reported that six of six agencies monitored met IFSP timelines, including the timely implementation of early intervention services, and indicated that child and family needs were identified within 45 days of referral to Part C services. Montana reported that thirty of thirty early intervention records reviewed documented that: IFSPs were evaluated, revised, or rewritten in compliance with State and Federal regulations; that services were provided without delay and according to Part C requirements; and that there were no gaps in the provision of early intervention services. OSEP

appreciates the State's efforts in this area and looks forward to reviewing updated data and information regarding the State's efforts to maintain performance in this area in the SPP.

Natural environments

While it did not identify noncompliance in this area in the FFY 2002 APR, OSEP did require the State to submit, within 60 days of the November 2004 letter, evidence that monitoring activities were effective in identifying and correcting noncompliance with the requirements of the early intervention services in natural environments cluster. On pages 37-38 of the FFY 2003 APR and on pages 9-13 of Montana's January 2005 letter, the State included data and analysis regarding children receiving early intervention services in natural environments indicating performance and compliance in this area. Montana reported that 92-96 percent of Part C services were provided either in the family's home or programs designed for typically developing children, and that an increase in the number of children receiving *some* of their early intervention services in programs for children with developmental delays was attributable to one of the seven Part C agencies. The lead agency stated that these children attended a two-year old toddler group that addressed the development of social skills in preparation for transition to Part B preschool services. OSEP appreciates the State's efforts in this area and looks forward to reviewing updated data and information regarding the State's efforts to improve performance and ensure compliance in this area in the SPP.

Early childhood outcomes

On pages 39-41 of the FFY 2003 APR, the State included data and analysis demonstrating performance with the requirement to demonstrate that children participating in the Part C program demonstrated improved and sustained functional abilities. On page 39 of the FFY 2003 APR, Montana reported the following data collected from random samples in each of the seven regional Part C agencies: (1) 91 percent of files reviewed showed improvement or sustained functional abilities in physical development; (2) 91 percent of files reviewed showed improvement or sustained functional abilities in cognitive development; (3) 100 percent of files reviewed showed improvement or sustained functional abilities in communication development; (4) 97 percent of files reviewed showed improvement or sustained functional abilities in social/emotional development; and (5) 80 percent showed improvement or sustained functional abilities in adaptive development. Trend data indicated a one percent increase in all enrolled children who exited Part C no longer needing special programs, who had demonstrated improved and sustained functional abilities. Exit data indicated that 22 percent of enrolled children before reaching age three exited Part C services because they improved their functional abilities, met their goals and no longer required services. Exit data indicated that 7 percent of children at age three exiting Part C services were not eligible for Part B preschool programs. In the State's submission of its SPP on December 2, 2005, the State should incorporate and update the data and information collected for and reported in the State's FFY 2001, 2002, and 2003 APRs to address the requirements related to this indicator. In preparing the SPP, the State must determine whether data collected related to this area will be responsive to those requirements. OSEP looks forward to reviewing updated early childhood outcome data in the State's SPP.

Early Childhood Transition

While it did not identify noncompliance in this area in the FFY 2002 APR, OSEP required the State to submit, within 60 days of the November 2004, letter, evidence that monitoring activities were effective in identifying and correcting noncompliance with the requirements of the early childhood transition cluster. On pages 41-44 of the FFY 2003 APR and on pages 13-15 of Montana's January 2005 letter, the State included data and analysis demonstrating performance and compliance as follows: (1) 77 percent of files reviewed documented that transition conferences were convened with the approval of the family at least 90 days prior to the child's third birthday as required by 34 CFR §§303.148 and 303.344(h), and the reasons for the eight children that did not have transition conferences convened; (2) 97 percent of files reviewed documented notification to the school district of children about to turn three who would be eligible for Part B services, and the reasons as to why the school district was not notified; and (3) 100 percent of the files reviewed documented that transition plans were in place within timelines. OSEP appreciates the State's efforts in this area and looks forward to reviewing updated data and information regarding the State's efforts to maintain performance in this area in the SPP.

Conclusion

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