



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

MAY - 1 2005

Dear Director Baird:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to Ohio. As indicated in my letter to you of January 2004, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under Parts B and C of the Individuals with Disabilities Education Act (IDEA). We conducted a verification visit to Ohio during the week of December 13, 2004.

The purpose of our verification reviews of States is to determine how States use their general supervision, State-reported data collection, and State-wide assessment systems to assess and improve State performance; and to protect child and family rights. The purposes of the verification visits are to: (1) understand how the systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to the Ohio Department of Health (ODH), the State's Part C Lead Agency, OSEP staff met with Ms. Debra Wright, Bureau Chief and Ms. Debra Cheatham, the State's Part C Coordinator, and members of ODH's early intervention staff who are responsible for: (1) oversight of general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings); and (2) the collection and analysis of State-reported data. Prior to and during the visit, OSEP staff reviewed a number of documents¹, including the State's Part C Application, Self-Assessment, Improvement Plan, and Annual Performance Reports (APRs), and submissions of data under section 618 of the IDEA. OSEP also conducted conference calls on November 9th and 10th 2004, with members of the Part C Steering Committee and with families in Ohio, to hear their perspectives on the strengths and weaknesses of the State's systems for general supervision and data collection and reporting.

The information that Ms. Wright and her staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our

¹ Documents reviewed as part of the verification process were not reviewed for legal sufficiency but rather to inform OSEP's understanding of your State's system.

understanding of ODH's systems for general supervision, and data collection and reporting for the Ohio Help Me Grow System (HMG).

General Supervision:

In looking at the State's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (2) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (3) utilizes guidance, technical assistance, follow-up, and—if necessary—sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

OSEP believes that ODH's systems for general supervision constitute a reasonable approach to the identification and correction of noncompliance. However, OSEP has concerns based on interviews with ODH/HMG personnel and a review of the revised ODH/HMG Compliance Monitoring Tool, that ODH/HMG does not monitor to determine if eligible children receive early intervention services that are in their Individualized Family Service Plans (IFSPs). In addition, without collecting data at the local level, OSEP cannot determine whether ODH/HMG's monitoring system is identifying and correcting noncompliance.

OSEP learned through interviews with ODH/HMG staff that Ohio has significant State challenges. Ohio has 88 decentralized and autonomous counties, which makes implementing a consistent monitoring process difficult. Each county has a different system of early intervention services depending on funds raised through local levies, due to reduced State funding. The Office of Mental Retardation and Developmental Disabilities (OMRDD) also provides early intervention services under HMG and those services are offered through 88 separate county boards. Based on OSEP's 2001 Monitoring Report that identified areas of noncompliance, and the State's subsequent reporting of its monitoring data in its Federal Fiscal Year (FFY) 2001 and 2002 Annual Performance Reports (APRs), Ohio made substantial changes to its general supervision and data collection systems in order to address the challenges and to strengthen and improve oversight of the Part C system.

ODH/HMG reported that it reorganized the general supervision system in September 2004. The State developed four separate teams that included: (1) the Monitoring Work Team that conducts data collection through written and electronic format, verifies data through local on-site reviews, and compiles data into a report format; (2) the Technical Assistance Work Team that provides technical assistance based on technical assistance plans developed by a member of the team and aligned with monitoring, and identifies State and local training needs and assists with training; (3) the Training and Education Work Team that develops specialized training in response to identified needs, and coordinates core HMG training; and (4) the Outreach and Communications Work Team that develops child find outreach efforts, coordinates communication initiatives and develops and implements technical assistance plans that address monitoring findings and other State and local training needs. OSEP recognizes Ohio's efforts in redesigning its system in order to better address

the identification and correction of noncompliance through monitoring, technical assistance and training.

OSEP learned through interviews with ODH/HMG personnel that Ohio monitors, through the Help Me Grow System Review (HMGSR), each of the 88 counties every 2 years. The Family and Child First Council located in each county and the HMG Project Director for that county are responsible for establishing and implementing procedures to ensure continuous improvement in the HMG system. The monitoring process includes a self-assessment and a site visit. The two-day site visit includes record reviews, interviews and/or focus groups with representatives from administrative, consumer, and provider groups, and an exit meeting for technical assistance and long term strategic planning. The HMG Compliance Monitoring Tool includes 11 program areas and 82 performance and compliance indicators. Additional monitoring completed by ODH/HMG prior to the on-site visit includes: (1) a review of seven records from each county monitored that are randomly selected from the State's database; (2) a parent focus group; (3) a consumer call made to the county to determine how the county processes a call through the central intake and referral system; and (4) a review of Virtual System Record Reviews in the Early Track Data System. The Virtual System Record Reviews include data from 17 of the 82 indicators from monitoring. The 17 indicators relate directly to Part C requirements and timelines such as referral and initial IFSP timelines, services in natural environments and transition planning.

The HMG Compliance Monitoring Tool also includes a scoring system for each indicator based on its importance and relation to Part C requirements. It also includes general guidance to assist the monitoring team in reviewing and documenting the data and information reviewed. However, OSEP could not find an indicator in the HMG Compliance Monitoring Tool that reviews whether Part C services on the Individualized Family Service Plan (IFSP) are being provided. OSEP acknowledges that ODH/HMG is using its monitoring data to identify State-wide trends in meeting certain Part C requirements, and to determine root causes in order to focus its monitoring and technical assistance efforts on systemic improvement; however, OSEP requires State programs to ensure that services on the IFSP are being provided. Therefore, ODH/HMG must revise its Compliance Monitoring Tool and Virtual System Record Reviews to incorporate this compliance indicator and submit the revised tools to OSEP by June 1, 2005. In addition, as noted in OSEP's April 2005 response to the State's November 2004 final Progress Report data, ODH must provide to OSEP by June 1, 2005 data indicating whether eligible children are receiving the Part C services on their IFSPs. If the data indicate noncompliance, ODH/HMG must submit to OSEP by June 1, 2005 its plan to ensure correction as soon as possible.

Within 10 business days following an onsite visit to the HMG county system, the ODH/HMG provides a monitoring report. The report requests submission of a Continuous Improvement Plan (CIP) within 4 weeks. Once the CIP is approved by ODH/HMG, technical assistance is prioritized and more focus is given to counties with lower scores on the monitoring report. ODH/HMG provides technical assistance, with two visits to a county per year, and the development of a technical assistance report by the technical assistance team representative. The technical assistance representative for the county reviews quarterly monitoring reports through the Virtual Data System Reviews and provides ongoing technical assistance and training to the counties until the next on-site visit.

As reported by ODH/HMG, 55 of the 88 counties did not receive on-site monitoring in 2004, but were required to submit a self-assessment. As part of the revised system, ODH/HMG is moving toward a performance-based funding formula and is requiring self-assessments to be completed by all counties in order to receive 2005 funding. This past year, ODH/HMG reviewed the self-assessments, required “special condition improvement plans” if noncompliance was identified and approved the plans prior to releasing funds for each county. ODH obtained baseline data from the self-assessments and the Virtual Data System Quarterly Reports in order to learn which counties had the most need for additional focused monitoring, technical assistance and training. Additional data collection in 2005 will include data from the State-wide IFSP that was implemented in the fall of 2004, including the transition checklist that documents timelines for transition planning, and outcome data that documents data on functional abilities. ODH will use that data to develop a focused monitoring system in 2005.

As confirmed by OSEP’s review of ODH/HMG monitoring files, and interviews with ODH/HMG staff, ODH/HMG is making a number of compliance findings regarding such Part C requirements as meeting the 45-day timeline for development of initial IFSPs, including evaluations and assessments, and timely transition planning. The CIP approved by ODH/HMG requires correction of noncompliance within a year of identification. OSEP also learned through interviews with ODH/HMG staff and review of ODH/HMG monitoring files, that ODH/HMG conducts follow-up technical assistance visits, as necessary, to local counties in order to ensure correction of identified noncompliance.

ODH/HMG has established a list of sanctions that may be imposed if a program fails to take the requisite corrective actions specified in the CIP. For counties with persistent noncompliance, ODH will partner with the other agencies involved (i.e., OMR/DD and parent groups) to work with the county or local provider to determine the reason for the noncompliance. If persistent noncompliance continues, ODH/HMG and the State Interagency Coordinating Council determine if funding should be withheld or withdrawn. OSEP asks that ODH/HMG keep OSEP informed concerning its progress in ensuring correction in those counties through its APR, and if ODH/HMG determines that it cannot, without the use of sanctions, ensure timely correction of noncompliance in some counties, ODH/HMG must utilize sanctions, when appropriate, to achieve timely compliance.

OSEP also reviewed ODH/HMG’s system for the resolution of State complaints, due process hearings and mediation. ODH/HMG reported that 15 complaints were filed from July 1, 2002-June 30, 2003. All complaints were addressed within timelines. There were no requests for mediation or due process. Review of complaints found that 11 of the 15 complaints were from the same program that asked families to file complaints about insufficient funding from the State for the program. Based on interviews with the Part C Coordinator, it appears that the program was providing additional services not approved under their contract with the State office and the State office had to remove the program. ODH/HMG has continued to provide technical assistance to its providers with approved contracts on allowable early intervention services. In addition, ODH/HMG has continued to report correction data from its monitoring of 15 counties in 2003, on whether parents are notified of their rights in a clear and understandable manner. OSEP looks forward to reviewing the data on procedural safeguards in the FFY 2003 APR.

Data Collection under Section 618 of the IDEA:

In looking at the State's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; and (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has identified any barriers, (e.g., limitations on authority, sufficient staff or other resources, etc.) that impede the State's ability to accurately, reliably and validly collect and report data under section 618.

Based on information provided both prior to and during the verification visit, OSEP concludes that the State's system for collecting and reporting data reasonably ensures the accuracy of the data ODH/HMG reports to OSEP under IDEA section 618.

In interviews with ODH/HMG staff, OSEP learned that the web-based Early Track 2.1 version allows counties the ability to access Early Track anywhere in the user's county and thus move beyond the need for a centralized data entry function. ODH/HMG is working with counties to move towards a decentralized system. MR/DD data comes in at the local level and the MR/DD personnel use the web-based system. Due to some limitations with the 2.1 version (slow and not user friendly), ODH is developing an Early Track 3.0 version due in Spring 2005 that will match OSEP's 618 data requirements exactly. The Early Track 3.0 version will move all counties to a decentralized system, and will include edit enhancements such as the development of data reports that identify inconsistencies in data reporting, and the development of a data quality assurance plan. ODH/HMG Early Track 3.0 will be implemented in Spring 2005 and mandatory training on the revised system will be provided to HMG Project Directors and County Administrators.

ODH/HMG personnel reported that they have implemented a State-wide web-based birth to three data collection and tracking system. ODH/HMG schedules ongoing State and regional trainings for counties that are less proficient with data systems and do not have adequate staff, as well as to accommodate staff turnover. A master trainer for the Early Track System conducts training at the local level. Four times a year, five regional trainings are held for all counties. A training manual is provided to each county and the HMG Project Director in each county also receives an electronic version of the training manual. Early Track memos regarding the data system and updates are sent to the Early Track County Administrators and HMG Project Directors on a regular basis. Additional technical assistance on the data system is provided through: (1) data training refresher classes; (2) a monthly Early Track newsletter; and (3) emails to users that address questions and answers about the Early Track System.

ODH/HMG has developed a data team at the State level to assist with data development, collection and research. In previous years, ODH's data manager was located in a separate office which made communication and changes to the system difficult. Since the data manager moved to the HMG office with a data research team, ODH/HMG personnel report that the data has increased in validity and reliability. The data team is working closely with the monitoring team to complete a needs

assessment to determine county needs so that deficiencies can be identified and technical assistance provided. The State has developed various reports to track timely entry of data into the system.

OSEP learned through interviews with ODH/HMG personnel that the Security Administrator is responsible for authorizing application users within the ODH, and one county system administrator for each of the 88 counties. The county system administrator will be responsible for authorizing all the users in the county and the Security Administrator will be responsible for reviewing and approving all requests for access to the Early Track 2.1 and 3.0 database. An individual is designated with an access level and service program in their county. An individual's viewing and maintenance capabilities are implemented based upon that access level/service program combination. At the State level, individuals without an ODH username and password are not allowed to maintain any information in the database. Individuals with an ODH username and password may view all of the reports identified within the Early Tack 2.1 and 3.0 applications. Reports at the State level do not display personally identifiable information.

In conclusion, as referenced under General Supervision, ODH/HMG must revise its Compliance Monitoring Tool and Virtual System Record Reviews to incorporate a compliance indicator that reviews whether Part C services on the IFSP are being provided. ODH/HMG must submit the revised tools to OSEP by June 1, 2005. In addition, as noted in OSEP's April 2005 response to the State's November 2004 final Progress Report data, ODH must provide to OSEP by June 1, 2005 data indicating whether eligible children are receiving the Part C services on their IFSPs. If the data indicate noncompliance, ODH/HMG must submit to OSEP by June 1, 2005 its plan to ensure correction as soon as possible.

We look forward to collaborating with Ohio as you continue to work to improve results for children with disabilities and their families.

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education Programs

cc: Debra Wright
Bureau Chief

Debra Cheatham
Part C Coordinator