



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAY 21 2004

Maria Greene  
Acting Commissioner  
Department of Human Resources  
2 Peachtree Street, NE  
Atlanta, Georgia 30303-3186

Dear Commissioner Greene:

The purpose of this letter is to respond to Georgia's May 3, 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 12, 2003 letter to the Georgia Department of Human Resources (GDHR) accepted Georgia's Part C Improvement Plan. The Improvement Plan letter identified one area of noncompliance: the State was not ensuring that public agencies completed an evaluation and assessment, and convened an initial Individualized Family Service Plan (IFSP) meeting, within 45 days after they received a referral, as required by 34 CFR §§303.321(e), 303.322(a), and 303.342(a). OSEP informed GDHR that the State must demonstrate compliance in this area within one year of February 12, 2003.

In July 2003, OSEP conducted a visit to the State, to verify the effectiveness of the State's systems for general supervision and collection of data under section 618 of the IDEA. In OSEP's October 28, 2003 letter regarding the visit, OSEP informed the State that GDHR's procedural safeguards notice document did not meet the requirements of 34 CFR §303.403(b), and directed the State to submit a revised document within 60 days.

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). OSEP's comments regarding Georgia's continuing improvement efforts and each cluster within the APR are set forth below.

### ***General Supervision***

As noted above, in its October 28, 2003 verification letter, OSEP informed the State that GDHR's procedural safeguards notice document did not include all of the content required by 34 CFR §303.403(b). OSEP has reviewed the revised "Notice of Infants/Toddlers and Family Rights under Babies Can't Wait (BCW)" that GDHR submitted on February 27, 2004, and has found that the document now includes all of the content required by 34 CFR §303.403(b).

OSEP's response to Georgia's FFY 2001 APR requested that the State include strategies, designed to maintain compliance with Part C, in the General Supervision cluster in its FFY 2002 APR. The State has included strategies and benchmarks designed to maintain compliance. For example, the State included the following strategy to maintain and, indeed, improve, the effectiveness of its general supervision system: BCW will review recommendations and best practices from the National Center for Special Education Accountability and Monitoring (NCSEAM) and other national projects related to focused monitoring approaches and strategies. In the next APR, OSEP requests that the State continue to report on how the State is monitoring for compliance with Part C's 45-day timeline (as discussed further below) and, if the data indicate noncompliance with Part C's transition requirements, the transition requirements.

### ***Comprehensive Public Awareness and Child Find System***

OSEP's March 17, 2004 response to Georgia's FFY 2001 APR requested that the State continue to include, in its FFY 2002 APR, baseline and trend data from the ongoing improvement activities that the State is carrying out to maintain performance related to the Comprehensive Public Awareness and Child Find System cluster. The State's FFY 2002 APR provided baseline and trend data, which included a numerical goal. Page 32 of the APR contains the numerical goal for increasing the number of children identified by Part C. The State identified 1.2% of all children birth to three years old to be eligible for Part C services on December 1, 2003.

Projected targets, including numerical goals are listed in the APR through December 1, 2007. 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. Overall, the strategies suggested appear to be results-oriented and OSEP encourages the State to continue its work to improve performance in this cluster area.

### ***Family Centered Services***

OSEP's response to Georgia's FFY 2001 APR requested that the State include, in its FFY 2002 APR, monitoring data regarding the use of the tool for record/IFSP reviews referenced in

Outcome 3, #2 Family Identified Needs that is being used to assess linkages between family identified needs and outcomes. Georgia's FFY 2002 APR indicated that the tool for record/IFSP reviews (Family Identified Needs – assess linkages between family identified needs and outcomes) was incorporated into district program monitoring as of Spring 2003. As a projected target for June 2004, GDHR indicated that the baseline percentage of training, outreach and informal supports that are directly linked to family-identified needs will have been established. In addition, GDHR reported that BCW will hire a data analyst to assist in the development of methods to link family identified needs and training, outreach and informal supports. The State has included strategies to ensure provision of family-centered services, and OSEP encourages the State to continue its work to improve performance in this cluster area.

### *Early Intervention Services in Natural Environments*

OSEP's response to Georgia's FFY 2001 APR requested that the State submit final documentation that it had completed correction of the noncompliance identified in OSEP's February 12, 2003 Improvement Plan letter (that the State was not ensuring that public agencies completed an evaluation and assessment, and convened an initial IFSP meeting, within 45 days after they received a referral, as required by 34 CFR §§303.321(e), 303.322(a), and 303.342(a). OSEP informed GDHR that the State must demonstrate compliance in this area within one year of February 12, 2003.

Data in Georgia's FFY 2002 APR indicated continued noncompliance in this area. State-wide data from February 2003 indicated that 76 percent of IFSPs were completed within 45 days (excluding family-identified or initiated reasons for delays), while in December 2003 this rate rose to 85 percent. The APR also included data showing that ten of 19 health districts reported compliance at or above 90 percent for this requirement (four of those ten health districts reported 100 percent and the remaining six health districts reported at or above 90 percent). Six of the remaining nine health districts reported compliance at or above 80 percent. The remaining three health districts report compliance below 80 percent.

GDHR's final Improvement Plan Progress Report, dated April 6, 2004, as well as pages 71-74 of the APR, included strategies, evidence of change, targets and timelines to ensure compliance by the time that the State submits its FFY 2003 APR (due March 31, 2005). While the strategies set forth by the State appear to be designed to achieve correction, the timeline set forth by the State for correction is not acceptable. The State must provide documentation to OSEP, no later than 90 days from date of this letter, that it has completed correction of the noncompliance, and specifically provide data and follow-up strategies and other activities to address the nine districts that were below 90 percent compliance, as well as follow-up in all districts. If there are any health districts that are not in full compliance by that date, the State must include: (1) its analysis of the factors that have impeded correction of the noncompliance in the nine districts that are reporting that they are below 90 percent in compliance, and whether existing strategies are effective or need to be refined or targeted to ensure full compliance in all 19 health districts; (2) documentation of the specific steps, including any sanctions that it has taken to ensure correction, and the impact of those actions; and (3) if the State determines that additional strategies are needed or that existing strategies must be modified, its proposed strategies, evidence of change data and timelines to ensure full compliance as soon as possible.

The Part C FFYs 2001 and 2002 APRs 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)). The State did provide OSEP with limited data in response to this performance probe. The State provided baseline data, current and future strategies and activities, as well as projected targets. The APR does not provide specific data related to the five developmental areas listed in 34 CFR §303.322(c)(3)(ii). Please provide, to OSEP, in the FFY 2003 APR, responsive data (whether collected through sampling, monitoring, individual IFSP review, or other methods) that demonstrate how children participating in the Part C program demonstrate improved and sustained functional abilities in the five developmental areas.

### ***Early Childhood Transition***

OSEP's response to Georgia's FFY 2001 APR requested that the State include, in its FFY 2002 APR, monitoring or other data demonstrating that the State was meeting the Part C requirements to: (1) conduct a meeting at least 90 days before the third birthday for a child who may be eligible for Part B services, to discuss any services that the child may receive (34 CFR §303.148(b)(2)(i)); and (2) ensure that IFSPs included the transition-related content required by 34 CFR §303.344(h).

Georgia's FFY 2002 APR indicated that: (1) during the current reporting period, GDHR revised the Part C database to generate numbers and percentages of transition meetings that are completed within designated timelines, and data will be available in State fiscal year 2004; and (2) a specific space for providing the required transition content is found on page five of the State IFSP form. The APR set forth strategies and activities that the State is using to address the concern regarding variations across health districts in the understanding of transition requirements and use of page five of the IFSP form, but included no data regarding whether the content that agencies enter into page five is consistent with Part C.

From the information and data in the APR, OSEP could not determine compliance in this cluster, including whether the State is complying with the: (1) 90-day timeline requirement of 34 CFR §303.148(b)(2)(i); and (2) transition-related content requirements of 34 CFR §303.344(h). GDHR must submit within 90 days of this letter to OSEP data, along with analysis and a determination of compliance or noncompliance on these issues. If the data demonstrate noncompliance, the State must include a plan with strategies, proposed evidence of change, targets and timelines to ensure correction of the noncompliance within a reasonable period of time, not to exceed one year from the date when OSEP accepts the plan.

### ***Conclusion***

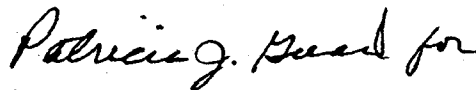
As noted above, the State must, no later than 90 days from date of this letter, provide documentation to OSEP, that it has completed correction of the noncompliance related to ensuring that that public agencies complete an initial evaluation and assessment, and convene an initial IFSP meeting, within 45 days after they receive a referral, as required by 34 CFR §303.321(e)). If there are any health districts that are not in full compliance by that date, the State must include: (1) its analysis of the factors that have impeded correction of the

noncompliance in the nine districts that are reporting that they are below 90 percent in compliance, and whether existing strategies are effective or need to be refined or targeted to ensure full compliance in all 19 health districts; (2) documentation of the specific steps, including any sanctions that it has taken to ensure correction, and the impact of those actions; and (3) if the State determines that additional strategies are needed or that existing strategies must be modified, its proposed strategies (by each district, if appropriate), evidence of change data and timelines to ensure compliance as soon as possible.

The State must also provide, no later than 90 days from the date of this letter, an analysis and a determination of compliance or noncompliance related to the 90-day timeline requirement of 34 CFR §303.148(b)(2)(i), and the transition-related content requirements of 34 CFR §303.344(h). If the data demonstrate noncompliance, the State must include a plan with strategies, proposed evidence of change, targets and timelines to ensure correction of the noncompliance within a reasonable period of time not to exceed one year from the date when OSEP accepts the plan. If data are not available, the State must submit a plan within 90 days of the date of this letter that describes how the State will collect data to enable it to determine compliance or noncompliance by the next APR.

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 Mary Louise Dirrigl at (202) 290-9490.

Sincerely,



Stephanie Smith Lee  
Director  
Office of Special Education Programs

cc: Stephanie Moss  
Part C Coordinator