



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

Honorable Karl B. Kurtz  
Director  
Department of Health and Welfare  
450 West State Street, 5<sup>th</sup> Floor  
Boise, Idaho 83720-0036

FEB 23 2004

Dear Director Kurtz:

The purpose of this letter is to respond to the Idaho's Department of Health and Welfare (DHW) July 18, 2003 submission of its Federal Fiscal Year (FFY) 2001 Annual Performance Report (APR) for the Individuals with Disabilities Education Act (IDEA) Part C funds used during the grant period July 1, 2001 through September 30, 2002. The APR reflects actual accomplishments made by the State during the reporting period (as compared to established objectives). In addition, States used the FFY 2001 Part C APR, due on July 1, 2003, to report on the State's progress in meeting the goals identified in the State's Part C Improvement Plan that is part of the Continuous Improvement and Focused Monitoring System (CIFMS). 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 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 Memorandum 03-6 (regarding the submission of the Part C APR) directed States to address five cluster areas in their Part C APRs: General Supervision; Comprehensive Public Awareness and Child Find System; Family Centered Services; Early Intervention Services in Natural Environments; and Early Childhood Transition.

Because it is OSEP's intent to consolidate improvement planning and performance reporting activities, OSEP is commenting on both Idaho's FFY 2001 APR and Improvement Plan (IP). DHW's IP was submitted to OSEP in October 2001, amended in April, July, and October 2002, and approved by OSEP on December 2, 2002. The State submitted an Improvement Plan Progress Report on September 29, 2003. It is OSEP's expectation that as part of its improvement planning efforts and in reporting in the APR, Idaho will collect, analyze, and report relevant data and make data-based determinations regarding implementation of the five clusters (as well as other areas identified by the State) to ensure compliance and improvement in program performance. OSEP's comments regarding the content of Idaho's APR and IP regarding each of the five cluster areas are set forth below. We recognize the time and effort that went into the

development of your APR and appreciate the State's work to describe performance related to serving infants and toddlers with disabilities and their families under IDEA.

### ***General Supervision***

The State's Self-Assessment and its Improvement Plan did not identify any areas of noncompliance in this cluster.

DHW reported that it has mechanisms in place to carry out its general supervisory activities: (1) a centralized database by which DHW can track the current child count, age of child at identification, Individualized Family Service Plan (IFSP) information, exit information, and payment sources of early intervention services; (2) a reporting system by which early intervention providers submit quarterly reports to DHW about child find and public awareness activities; (3) a mechanism to obtain parent opinions by administering a written survey at certain early intervention milestones (shortly after the child enters early intervention, after enrollment for over 6 months, and at transition); and (4) a three-year on-site monitoring cycle for evaluating the provision of early intervention services by regional early intervention providers. Another mechanism DHW uses to carry out its general supervisory responsibilities is to provide ongoing feedback to regional providers about trends that the lead agency tabulates from the database and quarterly reports.

DHW reported that its monitoring system can identify poor performance and has the capacity to ensure changes are made by provider agencies. For the APR reporting period, the State reported that its general supervision was focused on provision of services in natural environments and training about using routine-based interventions as a means for enhancing services provided in natural environments. As a result of this ongoing monitoring of provision of services in natural environments, DHW stated that it believes the State has shown significant improvement and plans to continue to monitor and provide training to providers about IFSP services provided in natural environments. In addition, as a result of monitoring activities, DHW found that some agencies have not documented that parents received required notices.

OSEP appreciates that DHW has several mechanisms in place to ensure compliance with the State's early intervention system, but for purposes of this APR, OSEP expected the State to provide specific information about the results of its general supervisory activities so that OSEP could determine the compliance with this cluster. For instance, except for monitoring data about holding initial IFSP meetings within 45 days of receipt of a referral in DHW's September 29, 2003 Improvement Plan Progress Report and the APR (described below in the Early Intervention Cluster), DHW did not report monitoring data about the number of regions visited, the types of noncompliance identified, length of time for correction and level of corrective action required, whether some regions have persistent noncompliance, what the State does in these instances, and the results of actions taken by the State. DHW could report these types of data to demonstrate that its general supervision system is effective in ensuring compliance. In the FFY 2002 APR, due on March 31, 2004, if DHW determined the existence of noncompliance from its

monitoring during the 2001-2002 reporting period for this cluster area, it must address the noncompliance by submitting improvement planning strategies, timelines and evidence of change to ensure correction of the noncompliance within one year from OSEP's approval of the strategies to address the noncompliance. If DHW has not found any noncompliance, other than the 45-day timeline issue, then DHW should provide baseline, trend data, analysis, progress and activities that the State routinely carries out to maintain an acceptable level of performance.

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

The State's Self-Assessment and its Improvement Plan did not identify any areas of noncompliance in this cluster.

In its APR, DHW reported a number of activities and strategies that the State uses to implement a comprehensive public awareness and child find system. Baseline data was reported related to child count of all enrolled children birth to age two and infants below the age of one. DHW described monitoring activities to evaluate the effectiveness of the State's child find system: (1) a 2% enrollment target for all enrolled children and a 1% target for infants below the age of one to evaluate regional early intervention providers' child find efforts; (2) quarterly reports from early intervention providers about public awareness and child find activities; and (3) regional trend data, shared with providers and the State Interagency Coordinating Council. DHW reported that it implements a significant ongoing tracking system for periodic follow-up of at-risk children who are not enrolled in the Part C system. As of December 2001, 5,061 children (8.5% of the total birth through two population) were being tracked.<sup>1</sup> During the reporting period, child find and public awareness activities resulted in a 1.9% growth rate of enrolled infants and toddlers.

While DHW reported some baseline data, activities to achieve results, and benchmarks, the data did not cumulatively describe how DHW ensures it is in full compliance with this cluster. For example, the State is collecting data, on an ongoing basis, regarding its public awareness and child find system, but in the APR, DHW did not report the impact of these activities and whether all eligible children are identified. Additionally, if DHW uses a target of 2% for all eligible children and 1% for enrollment of children below the age of one, the explanation of the basis for these targets and its correlation to the identification of all children needing early intervention service must be provided in future APRs. While it is not inconsistent with Part C of the IDEA 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 of IDEA (at 34 CFR §§303.320 through 303.323) and not based upon a numerical goal.

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<sup>1</sup> Tracking is implemented through the use of a parent-completed child development questionnaire (Ages and Stages Questionnaire). The questionnaire is mailed at regular intervals to parents of children being tracked. Questionnaires that identify a concern about the child's development are followed up with a screening.

From the data provided in the APR, OSEP cannot determine that the public awareness system and the child find system result in the identification, evaluation and assessment of all eligible children. In the FFY 2002 APR, due on March 31, 2004, if DHW determined the existence of noncompliance from its monitoring during the 2001-2002 reporting period for this cluster area, it must address the noncompliance by submitting improvement planning strategies, timelines and evidence of change to ensure correction of the noncompliance within one year from OSEP's approval of the strategies to address the noncompliance. If DHW has not found any noncompliance, other than the 45-day timeline issue, then DHW should provide baseline, trend data, analysis, progress and activities that the State routinely carries out to maintain an acceptable level of performance.

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

The State's Self-Assessment and its Improvement Plan did not identify any areas of noncompliance in this cluster.

DHW reported that: (1) parent survey results indicate that families' capacities are enhanced; (2) the State monitors IFSPs to ensure inclusion of family outcomes and objectives; (3) funding is provided for sign language classes, respite care, parent support groups; and (4) DHW intends to enhance program evaluation and self-assessment by September 29, 2003 related to family centered services.

OSEP cannot determine the status of DHW's early intervention system in this cluster. The APR did not contain baseline data, evidence of change, benchmarks or improvement strategies that addressed whether provision of family supports, services, and resources increased the family's capacity to enhance outcomes for infants and toddlers that OSEP expected in the APR. Some examples of what the State could provide are: (1) data on numbers of family support services provided; (2) regions where performance is exemplary or deficient, (3) results from monitoring that indicate family assessments, with parental consent, are conducted, and (4) data indicating that IFSPs contain a statement of the family's resources, priorities, and concerns related to enhancing the development of the child. In the FFY 2002 APR, due on March 31, 2004, if DHW determined the existence of noncompliance from its monitoring during the 2001-2002 reporting period for this cluster area, it must address the noncompliance by submitting improvement planning strategies, timelines and evidence of change to ensure correction of the noncompliance within one year from OSEP's approval of the strategies to address the noncompliance. If DHW has not found any noncompliance, other than the 45-day timeline issue, then DHW should provide baseline, trend data, analysis, progress and activities that the State routinely carries out to maintain an acceptable level of performance.

### ***Early Intervention Services in Natural Environments***

OSEP identified one area of noncompliance in this cluster from the State's Self-Assessment and Improvement Plan: initial IFSP meetings are not held within 45 days of receipt of a referral as required by 34 CFR §303.321(e). In a letter dated December 2, 2002, OSEP approved the State's Improvement Plan and requested that DHW provide Progress Reports related to this area of noncompliance on March 28, 2003 and September 29, 2003. DHW was required to ensure full compliance in this area by December 2, 2003.

DHW included information regarding this area of noncompliance in its FFY 2001 APR. For purposes of continuity, OSEP is commenting on the APR, March 28, 2003, and September 29, 2003 Improvement Plan Progress Reports in this letter.

### ***45-Day Timeline***

DHW demonstrated in its APR, March 28, 2003, and September 29, 2003 Progress Reports that the State has made consistent improvement to ensure that within 45 days after it receives a referral, an initial IFSP meeting is held for all eligible children and families. OSEP appreciates the in-depth analysis DHW provided in both Progress Reports that includes trend data demonstrating a 15% improvement in meeting the 45-day timeline as well as an explanation of a variety of measures taken by DHW to ensure that noncompliance is corrected.

However, based on data provided in its APR and Progress Reports, DHW does not yet demonstrate full compliance in this area. As of September 29, 2003, the State reported that in all regions of the State, an average of only 72.4% of all eligible children had an initial IFSP meeting held within 45 days of referral. OSEP expects that DHW will provide results from its monitoring, technical assistance and corrective action plans that demonstrate full correction of this area of noncompliance by the next APR, due on March 31, 2004.

### ***Other Early Intervention Services Components***

DHW's APR reported that it has baseline data demonstrating that: (1) all children have a service coordinator; (2) all children have evaluations in all areas of development; (3) parents are highly satisfied with service coordination and involvement in all aspects of early intervention; and (4) the majority of services are provided in natural environments.

Based on DHW's APR and references to its Improvement Plan, OSEP cannot determine the status of DHW's compliance in this cluster. Except for trend data on parental satisfaction, reported in DHW's Improvement Plan dated October 2, 2002 and referenced in the APR, and trend data and activities to support services in natural environments (reported in the General Supervision cluster in the APR), DHW did not provide sufficient data, such as monitoring or other compliance data, for OSEP to determine compliance in

this cluster area. For example, in responding to the cluster component regarding service coordination or provision of services, OSEP expects DHW to provide data to demonstrate that all service coordinators are carrying out all duties in accordance with the Part C regulations and data regarding early intervention services that are provided in natural environments and justification of the extent, if any, to which services are not provided in a natural environment. In addition, the Part C FFY 2001 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)). The State indicated that it is investigating methods to collect data that children demonstrate improved and sustained functional abilities. Please provide to OSEP in the next APR (for FFY 2002) the results from its data collection or the State's plan on how it will collect this data (whether through sampling, monitoring, individual IFSP review, or other methods).

In the FFY 2002 APR, due on March 31, 2004, if DHW determined the existence of noncompliance from its monitoring during the 2001-2002 reporting period for this cluster area, it must address the noncompliance by submitting improvement planning strategies, timelines and evidence of change to ensure correction of the noncompliance within one year from OSEP's approval of the strategies to address the noncompliance. If DHW has not found any noncompliance, other than the 45-day timeline issue, then DHW should provide baseline, trend data, analysis, progress and activities that the State routinely carries out to maintain an acceptable level of performance.

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

The State's Self-Assessment and its Improvement Plan did not identify any areas of noncompliance in this cluster.

DHW provided general information about baseline, activities, and explanation of progress or slippage and future activities related to this cluster. OSEP cannot determine the status of DHW's early intervention system for this cluster based on information submitted in the APR and DHW's October 2, 2002 Improvement Plan.

OSEP expects the State to provide data in the March 31, 2004 APR that demonstrate the impact of performance and compliance with the "early childhood transition" cluster objective. Monitoring results that demonstrate that the 90-day transition meeting is occurring and that the IFSP contains a child transition plan are sources of data to demonstrate performance and compliance. For example, DHW's Improvement Plan contained charts showing "percent of IFSPs indicating steps to support transition" from the State's monitoring activities. Interpretation of these data is one method DHW could use to analyze its performance for the APR. DHW received a General Supervision Enhancement Grant that focused on early childhood transition during 2002. Results of activities supported under this grant are another way to demonstrate compliance and performance. The APR also could include analysis of trend data from the Section 618 Federal exiting table. DHW provided some data from the Federal exiting table in its

Improvement Plan, but for purposes of the APR, DHW would need to discuss how these data demonstrate compliance and performance.

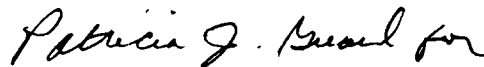
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***Conclusion***

In the FFY 2002 APR, due on March 31, 2004, OSEP expects DHW to make performance and compliance determinations about the status of its early intervention system. As noted above, the determinations must be based on analyses of monitoring results and results from any other relevant State data collections/activities. In addition, DHW must report, in the FFY 2002 APR, data that demonstrate full compliance with the requirement that initial IFSP meetings are held for each eligible child and family within 45 days of referral.

We appreciate your efforts in preparing the APR and look forward to collaborating with Idaho as you continue to improve results for infants and toddlers with disabilities and their families.

Sincerely,



Stephanie Smith Lee  
Director  
Office of Special Education Programs

cc: Mary Jones  
Part C Coordinator