



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

SEP -8 2005

Honorable Steve Shivers  
Commissioner  
Alabama Department of Rehabilitation Services  
2129 East South Boulevard  
Post Office Box 11586  
Montgomery, Alabama 36111-0586

Dear Commissioner Shivers:

The purpose of this letter is to respond to Alabama's March 28, 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<sup>1</sup>. 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 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. OSEP has set out its comments, analysis and determinations by cluster area.

### ***Background***

The conclusion of OSEP's October 14, 2004 FFY 2002 APR response letter required the Alabama Department of Rehabilitation Services, Division of Early Intervention (ADRS-DEI) to continue to report, in its FFY 2003 APR, on its progress in ensuring full compliance with the requirements regarding: (1) the provision of early intervention services listed on the individualized family service plan (IFSP), including initiation of services as soon as possible after IFSP development (34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1)), and individualization of IFSP services (34 CFR §303.344(d)); (2) the six-month and annual reviews of IFSPs (34 CFR §303.342(b) and (c)); and (3) timely transition conference planning (34 CFR §303.148(b)(2)(i)). OSEP also required the State to include specific monitoring data regarding the extent to which service coordinators are fulfilling their roles and responsibilities, pursuant to 34 CFR §303.23(a)(2) and (b).

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<sup>1</sup> Alabama uses its State Fiscal Year (SFY), October 1st through September 30th as its reporting period for APRs. Therefore, SFY 2004 is reported in the FFY 2003 APR.

## ***General Supervision***

### Identification and timely correction of noncompliance

On pages 7-12 of the General Supervision section in the FFY 2003 APR, ADRS-DEI included initial and follow-up Provider Appraisal Review (PAR)<sup>2</sup> data and analysis regarding its monitoring of local early intervention programs during the SFY 2002 through SFY 2004 reporting periods. The State indicated that most Part C compliance findings identified during SFY 2002 and SFY 2003 related to natural environments, procedural safeguards, IFSP services, and transition. Pages 8-9 of this cluster included a summary of follow-up PARs in SFY 2004 that found these local programs, with technical assistance and some new contract providers, remediated all the noncompliance identified in SFY 2002 and SFY 2003, with most corrective action plans being completed within six months. Pages 7-9 indicated that previously-identified noncompliance involving one local program was not corrected, but its State fiscal agent closed the program, and children were transferred to other early intervention programs. Pages 9-12 included SFY 2004 PAR data and analysis indicating that monitoring findings were identified in four local programs, out of 29 total local programs monitored during SFY 2004, related to documentation of evaluations and assessments, IFSP services or transition requirements. Pages 11-12 indicated that State staff recommended corrective actions and follow-up technical assistance, and monitoring visits later in 2004 or in 2005 reflected that the identified compliance issues were remediated, except in one program that received a one-year program certification requiring additional follow-up to verify correction of the identified noncompliance. In addition, page 8 of the APR stated that, “there was no repetition of local programs being out of compliance from year to year.”

On page 4 of the General Supervision section of its APR, the State described its monitoring process, which groups the program requirements or “indicators” into “components.” The State reported that it determined a component to be in compliance if it has a weighted total of 90-100%, and partial compliance if it has a weighted total of 80-89%. In the State Performance Plan (SPP), due December 2, 2005, the State must describe how the State ensures full (i.e., 100%) compliance with Part C requirements.

### Dispute resolution

In Attachment 1 and on page 13 of the General Supervision section in the FFY 2003 APR, the State indicated that it received no formal Part C administrative complaints or Part C requests for due process hearings or mediation during the reporting period. On pages 13-15, the State described a number of mechanisms that ADRS-DEI employed to gather parent and provider input for State decision-making, compliance and program improvement used to effect system change. OSEP appreciates the work of the State regarding performance and compliance in this area.

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<sup>2</sup> Provider Appraisal Review (PAR) monitoring is the on-site component of AEIS’s comprehensive systems of monitoring certified local programs and providers, as well as district early intervention staff. The State’s comprehensive general supervision monitoring systems also include data collection and review.

### Personnel

On pages 17-21 of the General Supervision section in the FFY 2003 APR, the State reported that the PARs consistently monitored the use of qualified personnel, and that programs and private vendors were required to comply with ADRS Personnel Standards, involving certification and licensure requirements approved by the State Interagency Coordinating Council (ICC). Pages 19 and 33-34 stated: (1) “All of the programs monitored during SFY 2003 and SFY 2004 were in compliance with the personnel standards”; and (2) “The number of temporary, provisional or emergency certifications for personnel who provide services to eligible infants and toddlers with disabilities were within the limits established by the State ICC via the Personnel Standards (Subcommittee).” OSEP appreciates the work of the State regarding performance in this area.

### Collection and timely reporting of accurate data

On pages 36-37 of the General Supervision section in the FFY 2003 APR, the State described its new web-based data system and the procedures used to ensure data accuracy through two mechanisms: (1) during the PAR process, data are collected and compared against children’s records to determine the accuracy of the data in the database; and (2) the three State fiscal agencies develop reports from the database that are used to identify needed corrections. On page 36, Alabama reported that its fiscal agents did not identify any inaccurate data. OSEP appreciates the State’s efforts regarding performance and compliance in this area and looks forward to reviewing data and information in this area in the SPP, due December 2, 2005.

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

On pages 1-7 of the Child Find section in the FFY 2003 APR, the State reported: (1) PAR data reflecting 100% compliance in local programs monitored for public awareness, outreach and eligibility indicators; (2) there was an increase of 400 children referred to early intervention from 3,450 in SFY 2003 to 3,850 in SFY 2004; (3) 2,065 of the SFY 2004 referrals were determined to be Part C-eligible, in accordance with the State’s Part C eligibility criteria; (4) according to the annual child count submitted under section 618 of IDEA there was an increase of 102 children identified on the State’s December 1 Part C child count from 2,159 in December 2003 to 2,261 in December 2004; (5) there was a total increase of 189 children served during the SFY 2004 reporting period as compared to the number of children served in SFY 2003; (6) the child-count data indicated an increase in total referrals and in the State’s Part C child count, but the number of counties serving at or above 2% of the infant-toddler population actually decreased from ten counties in SFY 2003 to seven counties in SFY 2004; and (7) the total number of children served in the program under one year of age, as indicated in the State’s December 1, 2004 Part C child count, was 291, representing an increase of 76 infants served in the birth-to-one population, compared to 215 infants under one year of age identified in the State’s December 1, 2003 child count.

On pages 8-11, the State described specific outreach efforts undertaken during the SFY 2004 reporting period, such as the development and dissemination of early intervention materials and brochures to the medical community and the Hispanic community and other collaborative

initiatives with other programs and groups, to raise public awareness and increase referrals to the State's early intervention system. On page 9, the State reported that there was an increase in referrals of Hispanic children from 89 in SFY 2002 to 110 in SFY 2003 to 152 in SFY 2004, and, as reported in the State's December 1 child count, in the total number of Hispanic children served, from 44 in 2002 to 56 in 2003 to 79 in 2004. OSEP appreciates the State's efforts in this area and looks forward to reviewing updated data and information regarding performance in this area in the SPP.

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

On pages 1-4 of the Family Centered Services section in the FFY 2003 APR, the State included PAR data regarding compliance among local programs with regard to family involvement. The State also included PAR Family Survey results regarding parent involvement in evaluation/assessment and IFSP processes, as well as in family awareness of child and parent rights, reflecting parent satisfaction and involvement. On pages 4-7, the State enumerated ways it tries to increase the knowledge of diverse and multicultural families about programs, services and supports. OSEP appreciates the State's efforts in this area and looks forward to reviewing updated data and information in the SPP.

### ***Early Intervention Services in Natural Environments (EIS/NE)***

#### Service Coordination

On pages 2-6 of the EIS-NE section in the FFY 2003 APR, the State reported data and analysis regarding service coordination throughout the State. The State included PAR data compiled from the 29 programs monitored during SFY 2004 regarding the roles and responsibilities of service coordinators required under 34 CFR §303.23(a)(2) and (b). OSEP appreciates the State's efforts regarding service coordination.

#### Evaluation and identification of needs

On page 8 of the EIS-NE section of the FFY 2003 APR, the State reported that personnel conducting evaluations and interpreting results during the SFY 2004 reporting period were qualified and met the ADRS Personnel Standards, and that infants and toddlers referred to AEIS received evaluations in all five areas of development. On page 8, the State reported that the PAR process consistently monitored and implemented corrective actions, where indicated, regarding: (1) qualifications of personnel conducting and interpreting early intervention evaluations throughout the State; (2) the provision of evaluations in all five areas of development; and (3) the provision of evaluations in the native language or other mode of communication of the family. The State reported PAR data from the 29 local programs monitored during SFY 2004 regarding State evaluation and assessment indicators covering these three areas. OSEP appreciates the State's efforts in the evaluation and assessment area and looks forward to reviewing evaluation and assessment data and information in the SPP.

### IFSPs

OSEP's October 2004 letter required the State to report, in its FFY 2003 APR, its progress in ensuring full compliance with the Part C requirements regarding: (1) the provision of early intervention services listed on IFSPs, including initiation of services as soon as possible after IFSP development (34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1)); (2) individualization of IFSP services (34 CFR §303.344(d)); and (3) the six-month and annual reviews of IFSPs (34 CFR §303.342(b) and (c)). On page 12 of the EIS-NE section in the FFY 2003 APR, the State reported: (1) during SFY 2004, AEIS provided early intervention services in a timely manner to eligible infants and toddlers and their families that were linked to "identified concerns;" (2) ADRS-DEI consistently monitored the timely provision of on-going IFSP reviews and implemented corrective actions where indicated; and (3) PAR data from the 29 local programs monitored during SFY 2004 regarding PAR indicators concerning: (a) IFSP development to meet the unique needs of the child and family, with no generalized patterns of service delivery evident; (b) initiation of early intervention services as soon as possible after the development of the IFSP; and (c) IFSP six-month and annual reviews. OSEP looks forward to reviewing the State's data as requested in the SPP.

### Natural Environments

On pages 13-14 of the EIS-NE section in the FFY 2003 APR, the State included data from December 1, 2003 indicating that AEIS was serving approximately 90% of eligible infants and toddlers (1,959 out of 2,159 children served) in the home (82% or 1,780 children) or in programs with typically developing children (8% or 179 children). The State also included family satisfaction survey data on pages 14-15 indicating that 97-98% of respondents rated their service coordinator as "good" to "excellent" in assisting them in receiving services and supports in natural environments. OSEP appreciates the State's efforts in the area of the provision of early intervention services in natural environments and looks forward to reviewing updated data and information in the SPP.

### Early Childhood Outcomes

Under the Government Performance and Results Act of 1993, 31 U.S.C. 1116, the effectiveness of the Part C program is measured based on the extent to which children receiving Part C services demonstrate improved and sustained functional abilities in the cognitive, physical, communication, social or emotional and adaptive developmental areas. The Part C FFY 2001, 2002 and 2003 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). On pages 16-17 of this cluster, the State provided the following information: (1) in 2003, 239 children or 21% of the total number of children exiting Part C completed their IFSP prior to reaching the maximum age for Part C, and 25% in 2004; and (2) the State is developing a new IFSP rating system to more accurately evaluate the family's satisfaction with their child's sustained and/or functional abilities; however, the new IFSP rating system was not available during the SFY 2004 reporting period. In preparation for submission of the SPP on December 2, 2005, the State

should carefully consider data and information collected for the APRs, along with OSEP's responses, against the requirements related to this indicator in the SPP packet.

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

Based on the data the State reported in its Improvement Plan, OSEP's December 2002 letter identified noncompliance with the transition conference requirements at 34 CFR §303.148(b)(2)(i). In its October 2004 letter, OSEP required the State to continue to report, in its FFY 2003 APR, on its progress in ensuring full compliance with those requirements. On pages 2-5 of the Early Childhood Transition section in the FFY 2003 APR, the State included PAR data showing that in the 29 programs monitored during SFY 2004, ADRS-DEI found that: (1) of 170 records reviewed of children who were entering the transition process, 160 records (94%) had documented transition plans regarding a timely transition planning conference; and (2) the ten children's records that did not have documentation of a timely transition planning conference were in three local programs. ADRS-DEI personnel provided technical assistance and developed action plans that required mandatory transition training and targeted technical assistance to bring these programs into compliance. On page 2 of the Early Childhood Transition section of the FFY 2003 APR, the State reported that those three local programs reached full compliance by August 2004.

ADRS included information regarding extensive lead agency and district training around transition issues for service coordinators and other providers, families and school district personnel, as well as family survey data indicating that families rated their transition experience at a 93 to 95% rate of satisfaction. The State revised its monitoring procedures to measure the participation of local education agencies' representatives in transition meetings.

OSEP appreciates the State's efforts to remediate the noncompliance issues regarding transition conferences. OSEP has not identified any further concerns regarding this issue.

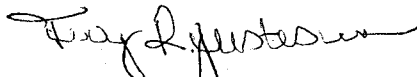
### ***Conclusion***

In the SPP, due December 2, 2005, the State must describe how the State ensures full (i.e., 100%) compliance with Part C requirements.

IDEA 2004, Section 616, requires each State to submit an 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 Part C work in Alabama, 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 your OSEP Part C State Contact, Rhonda Spence, at (202) 245-7382.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy R. Justesen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Troy R. Justesen  
Acting Director  
Office of Special Education Programs

cc: Elizabeth D. Prince  
Part C Coordinator