



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

Honorable William J. Moloney  
Commissioner  
Department of Education  
201 Colfax Avenue  
Denver, Colorado 80203-1799

OCT - 5 2005

Dear Commissioner Moloney:

The purpose of this letter is to respond to the Colorado Department of Education's (CDE) April 1, 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 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 CDE's plan to correct noncompliance in the transition area, submitted to OSEP on December 7, 2004. OSEP has listed its comments by cluster area.

### ***Background***

OSEP's September 17, 2004 FFY 2002 APR response letter directed the State to take the following actions:

- a. Submit correction data regarding transition conferences;
- b. Provide data, analysis and information regarding initial IFSP meetings and evaluations and assessments conducted in all five required developmental areas; and
- c. Provide status of data collection for early childhood outcomes.

### ***General Supervision***

#### Identification and timely correction of noncompliance

On pages 21 and 22 of the FFY 2003 APR, the State included data and analysis that demonstrated progress towards correction of noncompliance as follows: (1) all LICCs monitored notified the local education agency of upcoming transitions at least six months prior to the child's third birthday and notified them of the transition conference in time to schedule their participation; and (2) all LICCs identified as noncompliant with transition conference timelines, submitted corrective action plans by January 2005. On page 22 of the APR, CDE reported future

activities to ensure compliance as follows: (1) the provision of policy clarification on transition planning and timelines; (2) the implementation of technical assistance meetings targeted to local school district special education directors, early intervention coordinators and directors, and child find coordinators; and (3) the inclusion of transition planning and timelines in service coordination core training activities.

#### Dispute resolution

On page 2 of the FFY 2003 APR, the State included data and analysis for this area. One complaint and one mediation request were filed with the lead agency for the reporting period. The complaint was timely resolved. No due process hearings were requested. To ensure that families were aware of their rights under Part C of IDEA, CDE focused on family procedural safeguards within service coordination and Individualized Family Service Plan (IFSP) training activities. On page 4 of the FFY 2003 APR, the State reported that it has implemented multiple data system components in order to investigate and focus on compliance requirements such as informing parents regarding their child's procedural safeguards. OSEP looks forward to reviewing the State's data regarding complaints, mediations and due process hearings in the State Performance Plan (SPP), due December 2, 2005.

#### Personnel

On pages 2 and 4 of the FFY 2003 APR, the State included data and analysis for this area. Colorado reported that its personnel data system reports indicated sufficient numbers of designated administrators, child find coordinators and service providers, to meet the identified early intervention needs of infants, toddlers and their families. The State reported that it has continued to address the need for accurate identification of total FTEs which is a challenge in the State's decentralized, contracted system of personnel.

#### Collection and timely reporting of accurate data

On pages 4 and 5 of the FFY 2003 APR, the State included data and analysis regarding its compliance and performance in this area. CDE reported compliance with the requirement for all local early intervention providers to submit the required data sets, including the section 618 data under IDEA in a timely manner, consistent with the State's contract provisions. Examples of CDE's completed activities for the reporting period included: (1) partnering with Part B/section 619 staff to develop and submit an evaluation plan for OSEP's General Supervision Enhancement Grant (GSEG); and (2) ranking community data points in time to focus monitoring activities at the local level on statewide issues. The GSEG enabled CDE to significantly further its efforts for an interagency, web-based data management system. OSEP looks forward to reviewing the State's response to the indicator regarding its reported data (618 and State Performance Plan and Annual Performance Report) that are timely and accurate in the SPP.

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

On pages 7-11 of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure compliance and improve performance in this area. CDE provided data on the results of the State's public awareness and child find activities as required by 34 CFR §§303.320-303.323. Colorado reported that the number of eligible children birth to three served in FFY 2003 was 1.7 percent in FFY 2003 of the birth-to-three population. On page 9 of the FFY 2003 APR, the State reported that its outreach efforts to the medical community were sufficient but that outreach to specific populations could be improved. CDE stated that it intends to focus its efforts in the next year on improving its outreach to the general public, particularly targeting those communities that have lower referral and identification rates than the State average. OSEP looks forward to reviewing the State's data in the SPP regarding the percent of infants and toddlers birth to one and birth to three with IFSPs compared to: (a) other states with similar eligibility definitions; and (b) National data.

#### Family Centered Services

On pages 12-14 of the FFY 2003 APR, the State included data and analysis regarding its performance in this area. CDE provided data from a family survey that was implemented during the State's 2003-2004 monitoring cycle indicating that more than 90 percent of families perceive the early intervention services they receive help support them to enhance their child's development. The State reported that it was unable to fully utilize the family survey in monitoring child and family outcomes. However, CDE reported that it would continue to explore strategies such as the GSEG to measure the impact of early intervention services on child and family outcomes. OSEP appreciates the State's efforts to improve performance in this area. OSEP looks forward to the State's response to the family outcome indicator (#4), in the SPP.

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

#### Service coordination

On page 16 of the FFY 2003 APR, the State included data and analysis regarding performance and compliance in this area. CDE reported data indicating that 99.6 percent of eligible children had a service coordinator that carried out their roles and responsibilities as required by 34 CFR §303.23. On page 12 of the FFY 2003 APR, Colorado reported the results of family surveys as follows: 64 percent of the families indicated that their service coordinator helped them "a lot" in making good decisions about resources, supports and services; and 30 percent of the families indicated that their service coordinator helped them "some" in making good decisions. OSEP appreciates the State's efforts in this area.

#### Evaluation and identification of needs

OSEP's September 2004 letter directed the State to take the following action: determination of compliance or noncompliance evaluations and assessments conducted in all five developmental areas required at 34 CFR §303.322(c)(2)(ii). On pages 16-18 of the FFY 2003 APR, the State included data and analysis demonstrating compliance and performance in this area. CDE's data

indicated that 98.3 percent of services listed as needed on IFSPs were provided. CDE reported that 90.3 percent of children received a multi-disciplinary evaluation and assessment in all five developmental areas in the initial evaluation. CDE reported that its monitoring data, as of March 31, 2005, indicated that 95 percent of initial evaluations were completed in all required areas in a timely manner in all 11 LICCs monitored during this reporting period. CDE reported the following strategies to ensure continued compliance in this area: (1) the implementation of a family survey during monitoring visits to document demonstrated improvement in a child's functional abilities. (2) the establishment of baseline information for a family survey specific to meeting the child's unique needs; (3) the implementation of statewide trainings on the IFSP process; (4) collaboration with Colorado's community-centered boards on local contract revisions that reflect compliance with Part C requirements; and (5) the provision of statewide training on "Routines-based Interviewing and Intervention." OSEP appreciates the State's efforts in this area and looks forward to updated data in its response to the service provision indicator in the SPP.

#### Individualized family service plans (IFSPs)

OSEP's September 2004 letter directed the State to: make a determination of compliance or noncompliance regarding initial IFSP meetings held within 45 days of receipt of an initial referral as required at 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a). On page 16 of the FFY 2003 APR, the State included data and analysis regarding noncompliance in this area. CDE reported that 83 percent of *initial IFSP meetings* were held within 45 days of referral as of December 2004. In a data note dated March 31, 2005, CDE stated that *the completion* of the IFSP process in Colorado often includes a sequence of meetings on all strategies and services across differing service delivery systems i.e., the local education agency is responsible for determining Part C eligibility and the Part C system is responsible for early intervention service provision. By this letter, OSEP accepts the State's plan to ensure compliance with Part C's 45-day timeline requirement and requests that the State provide an updated progress report in response to indicator # 7 of the SPP and a final progress report due thirty days following one year from the date of this letter.

#### Natural environments

On page 16 of the FFY 2003 APR, the State included data and analysis regarding its performance in this area. CDE reported the following data from its statewide data system: (1) 84 percent of *all* early intervention services on IFSPs are provided in the child's natural environment; and (2) 96.8 percent of *some* early intervention services on IFSPs are provided in the child's home, community-based setting, or program for typically developing peers. OSEP looks forward to reviewing the State's data in the SPP regarding the percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.

### Early childhood outcomes

OSEP's September 17, 2004 FFY 2002 APR response letter directed the State to: provide its plan and/or responsive data (whether collected through sampling, monitoring, individual IFSP review, or other methods) on the percentage of children participating in the Part C program who demonstrate improved and sustained functional abilities in Part C's five developmental areas. On page 18 of the FFY 2003 APR, CDE reported that Part C and Part B/section 619 staff were awarded a GSEG in October 2004 to address early childhood outcomes. CDE reported that the State has adopted the Early Childhood Outcomes Center's child outcomes statements. Under the State's GSEG, Colorado has implemented activities such as: stakeholder meetings on outcomes for children birth to five in early intervention and preschool special education, and the investigation of indicator development and measurement systems. The SPP instructions establish a new indicator in this area, for which States must provide entry data in the FFY 2005 APR due February 1, 2007. Absence of this information at that time will be considered in OSEP's annual determination on the status of the State's performance and compliance required under section 616(d) of the IDEA. The State should carefully review the instructions to the SPP in developing its plans for this collection. OSEP looks forward to reviewing the State's plan for collecting this data, in the SPP.

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

OSEP's September 2004 letter required the State to provide within 90 days from the date of the letter, the correction data that transition conferences were held as required by 34 CFR §303.148(b)(1)(2)(i). Colorado submitted to OSEP on December 7, 2004, a written plan, including strategies, timelines, and evidence of change. On pages 21 and 22 of the FFY 2003 APR, the State included data and analysis demonstrating *progress toward compliance* as follows: (1) CDE acknowledged that it had incorrectly calculated the percentage of timely transition plans in the FFY 2002 APR, using initiation dates instead of transition plan completion dates; (2) all LICCs and local school districts not in compliance with transition plan timelines submitted a transition plan, as part of its corrective action plan to CDE by January 2005; and (3) all 11 LICCs monitored during this reporting period notified the local education agency at least six months prior to the child's third birthday. In an email to OSEP, dated July 29, 2005, CDE reported June 1, 2005 data and analysis of transition data that further verified the correction of noncompliance in this area as follows: (1) 22 of the 25 LICCs under compliance plans were in 100 percent compliance with the 90-day timeline for convening the transition conference; and (2) three of the 25 LICCs had improvement plans focused on entering accurate data in this area. CDE identified personnel turnover as a contributing factor to the data issues and stated that it is providing intensive technical assistance and training support in Part C requirements to ensure compliance. By this letter, OSEP accepts the State's plan to ensure timely transition conferences. The State must submit a progress report in the SPP and a final progress report no later than thirty days following one year from the date of this letter that the three LICCs have corrected this area of noncompliance.

### ***Conclusion***

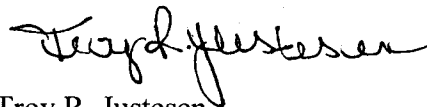
In the State's Performance Plan, due December 2, 2005, Colorado must submit to OSEP a report regarding its progress in ensuring compliance with: (1) Part C's 45-day timeline requirements at

34 CFR §§ 303.321(e)(2), 303.322(e)(4) and 303.342(a); and (2) the transition planning timelines at 34 CFR §303.148(b)(2)(i), and a final progress report no later than 30 days following one year from the date of this letter, demonstrating compliance with both requirements.

IDEA 2004, §616, requires each State to submit a State Performance Plan (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: Susan Smith  
Part C Coordinator