



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

Honorable John A. Stephen
Commissioner
Department of Health and Human Services
129 Pleasant Street
Concord, New Hampshire 03301-3857

SEP 29 2005

Dear Commissioner Stephen:

The purpose of this letter is to respond to New Hampshire's Department of Health and Human Services' (DHHS') April 1, 2005 and June 29, 2005 submissions 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 APR is a significant data source for OSEP in the Continuous Improvement and Focused Monitoring System (CIFMS).

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

OSEP's September 24, 2004 FFY 2002 APR response letter required the State to submit, in the FFY 2003 APR, data and analysis to support the correction of State-identified noncompliance: (1) family assessments (with parental consent) are recorded in individualized family service plans (IFSPs) as required by 34 CFR §303.344(c); (2) evaluations and assessments of vision and hearing are conducted as required by 34 CFR §303.322(c)(3)(ii); (3) the status of implementation of the State's plan to collect child outcome data (whether collected through sampling, monitoring, IFSP review, or other methods) and, if available, responsive data; and (4) the transition meeting requirements are met as required by 34 CFR §303.148(b)(2)(i).

General Supervision

Identification and timely correction of noncompliance

On pages 2-4 and 8-9 of the FFY 2003 APR, the State included data and analysis that demonstrated correction of noncompliance identified in OSEP's FFY 2002 APR response letter in the following area: correction of identified noncompliance in the local service delivery regions that were required to develop and implement corrective action plans (CAPs) to correct noncompliance as required by 34

CFR §303.501(a)(2) and (b). DHHS reported data as described in the Family Centered Services, Early Intervention Services in Natural Environments and Early Childhood Transition sections of this letter that indicated: (a) full compliance among the three regions regarding conducting a family assessment to identify families' concerns, priorities and resources; (b) full compliance among the two regions regarding conducting child evaluations in all developmental domains, including vision and hearing; (c) full compliance among the three regions regarding the provision of all services on the IFSP; and (d) full compliance among two regions in correcting noncompliance regarding holding the transition meeting within 90 days of the child's third birthday.

On pages 45-53 of the FFY 2003 APR, DHHS reported data demonstrating a systemic area of noncompliance in the remaining regions (other than the two regions named above) for holding the transition meeting within 90 days of the child's third birthday. In the State Performance Plan (SPP), due December 2, 2005, the State must include data and analysis demonstrating progress toward compliance in the State's newly-identified, systemic noncompliance described below in the Early Childhood Transition area and provide a report to OSEP, with data and analysis demonstrating compliance as soon as possible, but not later than 30 days following one year from the date of this letter.

Dispute resolution

On pages 5, 9-10, 26-28 and Attachment 1 of the FFY 2003 APR, the State included data and analysis regarding its compliance in ensuring that complaints, mediations and due process hearings were appropriately resolved as required by 34 CFR §§303.419-303.425 and §§303.510-303.512. The State's data indicated no formal written complaints were filed during the FFY 2003 reporting period. On pages 26-28 of the FFY 2003 APR, the State provided analyses from record reviews, telephone surveys and other general supervision data to demonstrate that the State monitored local programs to ensure procedural safeguards were being implemented. The State reported that family inquiries were typically resolved at the program or Area Agency level and the results of the statewide parent survey indicated that parents understood and received a copy of their rights. OSEP looks forward to reviewing the State's data in this area in the SPP, due December 2, 2005.

Personnel

On pages 6-7 and 9 of the FFY 2003 APR, the State presented an analysis of the services on the IFSP, in concert with staffing patterns in each of 12 service delivery regions. The analysis of the data indicated that sufficient personnel were available to meet the identified early intervention needs of eligible infants and toddlers and their families in all areas except speech therapy as described in the Early Intervention Services in Natural Environments section of this letter. OSEP appreciates the State's effort to improve performance in the area.

Collection and timely reporting of accurate data

On pages 7 and 9 of the FFY 2003 APR, the State included data and analysis regarding its performance and compliance to ensure the accuracy of its 618 data and other data collection procedures. DHHS reported that an analysis of the data from local monthly program reports, when compared to the data from the electronic data system, identified discrepancies in its child count data. A reconciliation

process was implemented to correct the discrepancies and to ensure the accuracy of the data. DHHS stated that data results were triangulated when the same indicator was present across various general supervision tools; i.e., the electronic system, record reviews, and statewide surveys. The State indicated that changes were made to the transition reporting form and training to clarify the changes that would be provided to ensure consistency with the new procedures. OSEP looks forward to reviewing the State's data in this area in the SPP due December 2, 2005.

Comprehensive Public Awareness and Child Find System

On pages 13-22 of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure performance and compliance in this area. The State identified various activities to ensure a coordinated child find system as required by 34 CFR §§303.320-303.323, including the implementation of interagency agreements and participation on State level system change groups. DHHS presented trend data from FFY 1999 to FFY 2003, for each of the 12 service delivery regions that indicated a steady increase in the number of infants and toddlers served, due in part to the statewide coordinated child find and public awareness efforts. The State reported that the greatest number of referrals came from physicians, followed by referrals from families and infants and toddlers with hearing loss who were being referred at an earlier age. DHHS stated that the number of infants and toddlers served, birth to three, in Part C exceeded the national average for both the number of infants and toddlers birth to three, 2.61% and those under one year of age, 1.05%.

The number of infants and toddlers with established conditions increased from 166 in FFY 1999 to 300 in FFY 2003 while the number of infants and toddlers with developmental delays increased in FFY 1999 from 387 to 829 in FFY 2003. The number of at-risk children reflected the smallest number of infants and toddlers with disabilities served. This increase in referrals was evident even though the State implemented a more restricted eligibility criterion in February 2003, from 25% delay in one area to 33% delay in one area. OSEP looks forward to reviewing the State's data in response to the child count indicators in the SPP, due December 2, 2005.

Family Centered Services

On pages 4, 23-25, and 28-31 of the FFY 2003 APR, the State included data and information demonstrating correction of noncompliance in three regions that were not conducting a family-directed assessment (with the consent of the family) under 34 CFR §303.322(d) and including in the content of an IFSP family resources, priorities and concerns when an assessment had been conducted under 34 CFR §303.344. DHSS stated that a model IFSP form was developed to ensure that service delivery regions conduct and record the results of family assessments.

On pages 28-29 of the FFY 2003 APR, the State included data and information demonstrating performance. DHHS reported the results from the statewide parent survey that indicated 100% of families in three regions and 80%-83% of families in the remaining regions reported they received the information and help they needed to enhance their child's development. There was consensus among service providers and community providers in four of the six regions with the responses from families. DHSS stated that further analysis would be conducted to determine the reason for the discrepancy in the two regions. DHHS reported that the State was exploring a process to collect quantitative data in this area by applying for a General Supervision Enhancement Grant. OSEP appreciates the State's

efforts to improve performance in this area and looks forward to the State's response to the family outcome indicator (#4), in the SPP.

Early Intervention Services in Natural Environments

Service coordination

On pages 34-35 and 38-39 of the FFY 2003 APR, the State included data and analysis demonstrating continued performance and compliance in this area. DHHS reported that monitoring demonstrated that each family had a service coordinator and the results of the surveys conducted in the five-service delivery regions indicated 100% of the families knew their child's service coordinator and how to contact him/her. Service coordination training was ongoing and was provided throughout the year at various State-sponsored meetings. OSEP appreciates the State's work in this area.

Evaluation and identification of needs

On pages 4, 25 and 31 of the FFY 2003 APR, the State included data and analysis demonstrating correction of the requirement to ensure that evaluations and assessments were conducted in all developmental domains, including vision and hearing, as required by 34 CFR §303.322(c)(3)(ii). The State reported that qualified personnel conducted multidisciplinary evaluations and both formal and informal evaluation measures were used from multiple sources. The State reported that results of its statewide service provider survey validated that 100% of service providers reported that the child's level of functioning was identified in all developmental domains, including vision and hearing, through the individualized evaluation process. OSEP appreciates the State's work in this area.

Individualized family service plans (IFSPs)

On pages 4, 35, 36, and 38 of the FFY 2003 APR, the State included data and analysis that demonstrated progress in ensuring that all early intervention services listed on IFSPs were provided as required by 34 CFR §§303.12(a)(1), 303.340(c), 303.342(c), and 303.344. DHHS reported that two of the three regions previously identified with noncompliance completed the strategies in their corrective action plans to demonstrate full compliance in this area. The results of the family survey from the five service delivery regions indicated that 87% to 98% of the families agreed that all services were received as documented on the IFSP. OSEP looks forward to reviewing the State's updated data regarding the percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner, in the SPP, due December 2, 2005.

Natural environments

On pages 36-38 of the FFY 2003 APR, the State included data and analysis regarding its performance and compliance in this area. DHHS reported that 100% of the eligible children were served in natural environments. The State reported data that indicated 96% of the eligible children received services primarily in the home, 4.18% were served in programs for typically developing children, and .16% were seen in multiple settings. Results of the statewide survey indicated that parents and service providers concurred with the monitoring data regarding natural environments. OSEP looks forward to reviewing the State's data in this area in the SPP, due December 2, 2005.

Early childhood outcomes

On pages 29 and 40 of the FFY 2003 APR, the State included data and analysis indicating the need to implement an accountability system to collect data in this area. DHHS reported that Part C collaborated with the New Hampshire Department of Education and was awarded a General Supervision Enhancement Grant (GSEG) to collect data in this area. DHSS stated that the following activities have been undertaken or have been planned to collect the data: (a) convened a stakeholders group; (b) identified child and family outcome measures; (c) developed evidence statements and measurements; (d) modified the existing data system to collect and house the data; (e) provided training and technical assistance; and (f) collected and analyzed the data. DHHS reported the data collection process would begin during the fall of FFY 2005. OSEP looks forward to reviewing the State's data in this area in the SPP, due December 2, 2005. The SPP instructions establish a new indicator in this area, for which States must provide baseline data in the FFY 2005 APR due February 1, 2007. Absence of this data 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 submitting its plans for this collection in the SPP.

Early Childhood Transition

On pages 4 and 45-53 of the FFY 2003 APR, the State included data and analysis that demonstrated progress in correcting the noncompliance identified in OSEP's September 2004 letter for the two regions previously identified in the following area: hold the transition meeting, with concurrence of the family, at least 90-days prior to the child's birthday, as required by 34 CFR §303.148(b)(2)(i). DHSS reported that these two regions demonstrated 100% compliance at the time DHSS followed up on compliance in these regions.

DHSS also conducted a random review of 10% of records for all children determined eligible for transition during this performance period. Based on the results from these record reviews (127 children), DHSS determined that holding transition meetings at least 90-days prior to the child's birthday, as required by 34 CFR §303.148(b)(2)(i), was a systemic issue. Of the 127 children referred to Part B, 32% had a transition meeting at least 90 days before their third birthday. On page 52 of the FFY 2003 APR, the State also included strategies, proposed evidence of change, targets, and timelines designed to ensure compliance as soon as possible. DHSS reported that it would continue to monitor regional data to ensure compliance, provide training to all regions regarding the early childhood transition requirements, and collaborate with the New Hampshire Department of Education in addressing this systemic issue. OSEP has reviewed and accepts this plan. In the SPP, the State must also include data and analysis demonstrating progress toward compliance and provide a report to OSEP, with data and analysis demonstrating compliance as soon as possible, but not later than 30 days following one year from the date of this letter. OSEP looks forward to reviewing the State's data in this area in the SPP, December 2, 2005.

On page 50 of the FFY 2003 APR, the State included data and analysis that demonstrated 100% compliance with the requirement to ensure that the State notifies the local educational agency of those children potentially eligible for Part B preschool as required by 34 CFR §303.148(b)(1). DHSS reported that 77% of the children potentially eligible for Part B were referred to the local regional

programs before 33 months of age and the remaining 23% of the children were referred after 33 months. The State reported that referrals of children to Part B after 33 months of age reflected those children who were referred to Part C after 31 months of age. OSEP looks forward to reviewing the State's data in this area in the SPP, due December 2, 2005.

On page 51 of the FFY 2003 APR, the State included data and analysis that demonstrated 100% compliance with the requirement that the IFSP included steps to support the transition of the child and family to Part B or other early intervention services as required by 34 CFR§303.344(h). DHHS reported that the results of record reviews for 127 children sampled, who were eligible to transition from Part C to Part B or other community programs showed that 100% of the IFSPs had transition plans. OSEP looks forward to reviewing the State's data in this area in the SPP, due December 2, 2005.

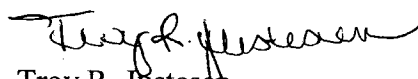
Conclusion

In the SPP, due December 2, 2005, DHHS must submit data and information to fully demonstrate compliance or progress in correcting the following newly-identified area of noncompliance and a final Progress Report not later than 30 days from one-year of the date of this letter: ensure that a transition meeting is held 90 days prior to a child's third birthday as required by 34 CFR §303.148(b)(2)(i).

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 Sheryl Parkhurst at (202) 245-7472.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Carolyn Stiles
Part C Coordinator