



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

Honorable Sandy Garrett
Superintendent of Public Instruction
Oklahoma State Department of Education
2500 North Lincoln Boulevard
Oklahoma City, OK 73105-4599

OCT - 4 2005

Dear Superintendent Garrett:

The purpose of this letter is to respond to the Oklahoma State Department of Education's (OSDE's) March 23, 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 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

The conclusion of OSEP's August 4, 2004 FFY 2002 APR response letter required the State to submit a plan with specific strategies, proposed evidence of change, targets, and timelines for correction to ensure that all infants and toddlers have periodic individualized family service plan (IFSP) reviews that include all components of 34 CFR §303.342(b). OSDE submitted a plan on October 7, 2004 and OSEP accepted the plan in a letter dated October 25, 2004. In the October 2004 letter, OSEP required that OSDE submit a final report, demonstrating compliance with this requirement by November 25, 2005.

OSEP's August 2004 letter also directed OSDE to submit: (1) documentation to demonstrate progress toward compliance with Part C's 45-day timeline requirement by revising the method of reporting data; (2) an updated Progress Report on the periodic IFSP review requirements; (3) data, or if the data indicate noncompliance, a plan, to demonstrate that all transition conferences for children potentially eligible for Part B occur at least 90 days but not more than six months¹ prior to the child's third birthday, pursuant to 34 CFR § 303.148(b)(2); and (4) early childhood outcome data that demonstrate what percentage of children demonstrate improvement in functional abilities

¹ Section 637(a)(9)(A)(ii)(II) of the IDEA Amendments of 2004 changed the transition conference timeline from "not more than 6 months" to "not more than 9 months" before the child is eligible for preschool services under Part B (i.e. before the child's third birthday).

in the Part C developmental areas. OSDE submitted data related to each of the four areas in the FFY 2003 APR. OSEP will respond to each area in the appropriate sections below.

OSEP's August 2004 letter required OSDE to submit a final Progress Report, demonstrating compliance with Part C's 45-day timeline requirement, by September 4, 2005. In the FFY 2003 APR, OSDE provided data demonstrating compliance with the 45-day timeline. The data submitted in the State's FFY 2003 APR served as the final Progress Report on this issue (see *Comprehensive Public Awareness and Child Find System* below).

General Supervision

Identification and timely correction of noncompliance

On pages 2 through 23 of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure compliance in this area. OSDE described multiple methods of identifying and correcting noncompliance, including (but not limited to): a local quality assurance process; record reviews; family surveys; technical assistance; corrective action plans; personnel training; and recognition for exemplary practices. OSDE listed areas of identified noncompliance, corrective action strategies, and corrective actions.

OSEP looks forward to reviewing the State's data about identification and correction of noncompliance in indicator #9 in the State Performance Plan (SPP), due December 2, 2005.

Dispute resolution

On pages 2, 3, and 21 through 23 of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure compliance in this area. There were no complaints, requests for mediation, or due process hearings during the reporting period. OSDE provided information about technical assistance provided to ensure stakeholder understanding of the complaint process. OSEP looks forward to reviewing the State's data related to dispute resolution in indicators #9C through #13 in the SPP, due December 2, 2005.

Personnel

On pages 24 through 29 of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure continued improvement in this area. OSDE included data about full time equivalent positions (vacant and filled); an analysis of retention of employees to positions; strategies used to ensure adequate personnel across multiple disciplines were available to provide services; family survey data about the impact of staffing on children and families; and personnel training methods. OSEP appreciates the State's efforts in this area.

Collection and timely reporting of accurate data

On pages 30 through 32, the State described its procedures to ensure collection and timely reporting of accurate data. OSDE provided a description of data collection that was generated by file reviews, a local self-assessment process, billing reports, and other documents to ensure implementation of early intervention requirements. All local early intervention sites in the State participated in data collection and reporting through general supervision methods and also a

statewide database. OSEP looks forward to reviewing the State's updated data related to reporting timely and accurate data in indicator #14 in the SPP, due December 2, 2005.

Comprehensive Public Awareness and Child Find System

OSEP's August 2004 letter required OSDE to submit documentation to demonstrate progress toward compliance with Part C's 45-day timeline requirement by revising the method of reporting data. On pages 15, 16, 56, and 57 of the FFY 2003 APR, OSDE provided monitoring data related to initial IFSP meetings that were held within 45 days of referral and an analysis of reasons for missing the timeline (e.g., illness, family cancellation, hospitalization). OSEP appreciates OSDE's modifications to data reporting to demonstrate compliance. During the reporting period, OSDE reported that of the 464 randomly selected records, 86% demonstrated compliance with the 45-day timeline. After removing files where delays occurred beyond the control of the lead agency (e.g., child illness), OSDE reported 96% compliance. OSDE documented the impact of a pilot project to ensure compliance with the requirement and provided strategies to ensure improvement and compliance with the requirements. OSDE also identified geographical areas where compliance was less than 100% and modified the quality assurance methods to ensure correction of noncompliance. The data submitted served as the final Progress Report requested by OSEP in its August 2004 letter. OSEP appreciates the State's efforts in this area. Updated data and analysis about the 45-day timeline should be included in indicator #7 of the SPP, due December 2, 2005.

On pages 33 through 43 of the FFY 2003 APR, OSDE provided data and analysis regarding the public awareness and child find system. OSDE reported it served 2.24% of the birth to three population and 1.29% of the State's birth to one population on December 1, 2003, with Oklahoma serving a higher percentage of infants and toddlers in early intervention than the national averages for the same reporting period. OSDE also reported data and information about its public awareness strategies; population changes; multi-agency and statewide collaborative initiatives to identify eligible children; general supervision procedures to ensure statewide implementation of child identification strategies; and future plans to target children involved in foster care services. OSEP looks forward to reviewing the State's updated data about child identification in indicators #5 and #6 in the SPP, due December 2, 2005.

Family Centered Services

On pages 44 through 51 of the FFY 2003 APR, OSDE provided data and information about implementation of family centered services that would increase family capacity to enhance outcomes for infants and toddlers. OSDE provided a description of advocacy strategies supported by the early intervention program; mentoring efforts to match families new to the early intervention system with experienced families; data collected from family groups about service coordination; and family survey data about the family perspective on evaluation and assessments, receiving supports, services, and resources. Family focus group data and survey data presented by OSDE demonstrated a high level of satisfaction with the program impact (supports, services, and resources) on family and child 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. Since indicator #4 is a new data requirement, the SPP must include a description of how data will be collected so that the State will be able to report baseline data and targets in the FFY 2005 APR, due February 1, 2007.

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

Service coordination

OSDE provided information about service coordination activities on pages 53 through 62 of the FFY 2003 APR. OSDE provided a description of general supervision strategies to ensure the service coordinator facilitated ongoing, timely early intervention services in the natural environment, including: randomly sampling files for compliance reviews; performance standards in the review process; family surveys data to identify the impact service coordinators had on the child and family outcomes; and data tracking methods that ensured correction of any noncompliance identified in program monitoring that was related to service coordination. OSEP appreciates OSDE's efforts in this area.

Evaluation and identification of needs

On pages 63 through 71, OSDE included data and analysis about identification of child and family needs through assessments and evaluations, identification of needs on the IFSP, and services that were planned, based on identified needs. OSDE used record reviews and family surveys data to document implementation of evaluation and assessment requirements. OSDE reported that children were assessed across developmental domains, by multi-disciplinary teams, in natural environments, and in a timely manner. As discussed in the *Comprehensive Public Awareness and Child Find System* section above, OSDE has been working to ensure compliance with the 45-day timeline requirements for evaluation, assessment, and initial IFSP meetings. OSEP looks forward to reviewing the State's updated data about children who had an evaluation and assessments within the 45-day timeline requirement in indicator #7 in the SPP, due December 2, 2005.

Individualized family service plans (IFSPs)

OSEP's August 2004 letter required OSDE to submit a plan with specific strategies, proposed evidence of change, targets, and timelines for correction to ensure that all infants and toddlers had periodic IFSP reviews that included all components of 34 CFR §303.342(b). OSDE submitted a plan on October 7, 2004 and OSEP accepted the plan in a response letter dated October 25, 2004. OSDE provided updated data on the periodic IFSP review requirements on pages 53 through 61 of the FFY 2003 APR. OSDE included data and information about the method of identifying whether periodic reviews were timely. OSDE identified a data system error: reviews were only counted if the review date was exactly six months after the initial IFSP meeting date. IFSPs that were reviewed more frequently than six months after the initial IFSP (such as five months past the IFSP) were not captured by the data system. With corrected data collection, OSDE reported that 84% of records contained documentation that the IFSP was reviewed at least every six months. OSEP looks forward to the final Progress Report, due November 25, 2005, demonstrating full compliance with requirements for periodic reviews.

Natural environments

On pages 72 and 73, OSDE provided data about the provision of early intervention services in natural environments. OSDE reported that over 90% of children received services primarily in the natural environment, that justifications were identified on the IFSP if services were not in the natural environment, and that interagency efforts are in place to encourage communities to build the

capacity for natural environment locations for services. OSEP looks forward to reviewing OSDE's updated data about the percent of children who primarily receive early intervention services in the home or programs for typically developing children in indicator #2 in the SPP, due December 2, 2005.

Early childhood outcomes

In the August 2004 letter, OSEP requested that OSDE submit early childhood outcome data, including the percentage of children who demonstrate improvement in functional abilities in the Part C developmental areas. On pages 74 through 77, OSDE provided child outcome data that was sorted by developmental domains and included data gathered from randomly selected records of children and described selection criteria that included a minimum time in the program. Data in the FFY 2003 APR indicated that 53% of children demonstrated improved and sustained functional abilities in each developmental domain and that 93% of records contained documentation of progress toward achieving IFSP goals. Ninety-seven percent of families who were surveyed reported that the program improved their ability to enhance their child's development.

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. The State should carefully review the instructions to the SPP in developing its plans for this collection or in ensuring that its current system meets all the requirements in the SPP for domain-specific data. OSEP appreciates OSDE's efforts in this area and looks forward to reviewing OSDE's plan to collect data in response to indicator #3 of the SPP, due December 2, 2005.

Early Childhood Transition

OSEP's August 2004 letter required OSDE to submit data and, if the data indicated noncompliance, a plan, to demonstrate that all transition conferences for children who might be eligible for Part B occurred at least 90 days but not more than six months (effective, July 1, 2005, not more than 9 months – see footnote 1) prior to the child's third birthday. On pages 78 through 86, OSDE provided data and analysis about timeliness of early childhood transition meetings. OSDE documented that 60% of children leaving the early intervention program needed transition services. Data submitted by OSDE showed that 100% of children who were transitioning to local community partner programs had timely transition planning conferences, but that only 18 of 35, or 51%, of children who were transitioning to Part B had timely transition planning conferences. OSDE stated, "Reasonable efforts were documented to convene a conference among the SoonerStart program, the family, and Part B. When taking into consideration the reasons for the TPC [transition planning conference] delay, Oklahoma County early intervention site data reflects 100% compliance...The records reflected that the resource coordinator attempted to initiate TPCs with the family, LEA, and community programs in a timely manner. This process clearly documents implementation of transition specific performance and compliance requirements" (page 80). Although OSDE determined 100% compliance with performance and compliance requirements for transition planning conferences, it is not clear to OSEP why half the transition planning conferences for children transitioning to Part B were not timely. In the SPP, due December 2, 2005, OSDE must submit justifications used by the State to determine that reasons for the delay met compliance requirements in IDEA (i.e. child illness, family cancellation of appointment).

Indicator #8 in the SPP, due December 2, 2005, requires OSDE to provide data about the percentage of children who were potentially eligible for Part B who had a transition planning meeting at least 90 days or up to nine months prior to the third birthday. If less than 100% compliance is identified for children who are potentially eligible for Part B, OSDE must account for the children who did not receive the transition planning meeting and also submit a plan, including strategies, proposed evidence of change, and timelines, to ensure correction of noncompliance within one year of identification. As stated above, if transition conferences were not timely, OSDE must submit justifications used by the State to determine that reasons for the delay were beyond the control of the lead agency and met compliance requirements in IDEA (i.e. child illness; family cancellation of appointment).

Conclusion

As noted above, OSDE must submit to OSEP a final Progress Report, demonstrating full compliance with requirements for periodic IFSP reviews under 34 CFR § 303.342(b), by November 25, 2005.

In the SPP, OSDE must submit specific information about early childhood transition planning meetings. As noted above, in *Early Childhood Transition*, OSDE must submit justifications used by the State to determine that late transition planning conferences for children who are potentially eligible for Part B still meet compliance requirements in IDEA.

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 Kelly Worthington at (202) 245-7581.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Mark Sharp, Part C Coordinator