



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

Carol L. Adams, Ph.D.
Secretary
Department of Human Services
Harris Building, 3rd Floor
100 South Grand Avenue
Springfield, Illinois 62762

DEC - 1 2003

Dear Secretary Adams:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) recent verification visit to Illinois. As indicated in my letter to you of June 18, 2003, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under, Parts B and C of the Individuals with Disabilities Education Act (IDEA). OSEP staff conducted a verification visit to Illinois during the week of August 18, 2003.

The purpose of our verification reviews of States is to determine how they use their systems for general supervision, State-reported data collection, and State-wide assessment to assess and improve State performance, and to protect child and family rights. The purposes of the verification visits are to: (1) understand how these systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's general supervision systems are designed to identify and correct noncompliance and improve performance.

As detailed below on pages two through four of this letter, OSEP found in three previous monitoring reports (1998, 2000, and 2002), that the Illinois Department of Human Services (IDHS), the State's Part C Lead Agency, was failing to meet its general supervisory responsibility to identify and correct noncompliance under Part C of IDEA. OSEP is very concerned that, as documented in the recent verification visit and this letter, this noncompliance remains uncorrected, more than five years after OSEP's first findings regarding the serious inadequacy of IDHS's general supervision system.

As part of the verification visit to IDHS, OSEP staff met with Janet Gully, the State's Part C Coordinator, and members of IDHS's early intervention staff who are responsible for the State's general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings), and the collection and analysis of State-reported data. Prior to the visit, OSEP staff reviewed a number of documents, including the State's Part C Application, Self-Assessment, and Improvement Plan, and submissions of data under Section 618 of the

IDEA, as well as other information and documents.¹ OSEP also conducted a conference call on August 11, 2003, with members of the Part C Steering Committee, to hear their perspectives on the strengths and weaknesses of the State's systems for general supervision and data collection and reporting. Janet Gully also participated in the call and assisted us by inviting the participants.

The information that Ms. Gully and her staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of IDHS's general supervision systems and data collection and reporting systems it utilizes in carrying out its administrative and oversight responsibilities regarding the Illinois Early Intervention System.

General Supervision:

In looking at the State's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (2) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (3) utilizes guidance, technical assistance, follow-up, and-if necessary-sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

In monitoring reports issued on September 23, 1998, May 22, 2000, and December 31, 2002, OSEP made findings that IDHS was not meeting its general supervisory responsibility to identify and correct noncompliance under Part C of IDEA.² OSEP is very concerned that at the time of OSEP's August 2003 verification visit, IDHS was not implementing any monitoring procedures for identifying and correcting noncompliance. Based on the information provided during the verification visit, OSEP has concluded that the State continues to be out of compliance in the area of general supervision that OSEP identified in its previous monitoring reports.

As noted above, OSEP conducted a monitoring visit to Illinois during the week of April 22, 2002 for the purpose of assessing compliance in the implementation of IDEA and assisting Illinois in developing strategies to improve results for children with disabilities. As part of that review,

¹ Documents reviewed as part of the verification process were not reviewed for legal sufficiency but rather to inform OSEP's understanding of your State's systems.

² As set forth in OSEP's September 23, 1998 Illinois Part C monitoring report, OSEP found in March 1998 that IDHS was not meeting its monitoring responsibilities under Part C. During the week of September 27, 1999, OSEP conducted a follow-up monitoring review of IDHS to determine the extent to which the State had corrected the noncompliance documented in OSEP's 1998 report. OSEP found that the State had made progress in the area of supervision and monitoring since 1998 visit, but, as stated in May 2000 report, OSEP found in 1999 that IDHS's monitoring procedures did not include a mechanism to monitor the extent to which service coordinators and service providers were meeting their responsibilities under Part C, and failed to monitor all entities and individuals providing early intervention services.

OSEP collected data to determine the extent to which the State had corrected the noncompliance documented in OSEP's 1998 and 2000 reports, including the findings regarding IDHS's monitoring system. During OSEP's visit in April 2002, staff from the Bureau of Early Intervention and the Office of Technical Assistance and Monitoring reported that they had jointly conducted monitoring reviews of the 25 Child and Family Connections (CFCs) in May and June 2001. Staff also informed OSEP that they had only monitored CFCs, and had not monitored other agencies and individuals that provide early intervention services. In the December 31, 2002 monitoring report, OSEP found that the State's procedures for monitoring CFCs were not effective in identifying and ensuring the correction of all systemic noncompliance with the requirements of Part C of IDEA.³ During the April 2002 visit, IDHS informed OSEP that one-third of the 25 CFCs would receive on-site monitoring visits each year, with the first round of on-site monitoring visits beginning in October 2002. To date, this has not occurred.

During OSEP's August 2003 verification visit, IDHS staff reported to OSEP that, to address this area of noncompliance, IDHS developed the Early Intervention Services System Continuous Improvement Monitoring Process. This process was designed to monitor CFCs, as well as other agencies and individuals that provide early intervention services. IDHS staff informed OSEP that it implemented this new process with one provider agency and then discontinued any further implementation. IDHS reported to OSEP that it does not have the resources available to implement the process, as it was developed. IDHS further reported to OSEP that, aside from its ongoing review of data from each of the CFCs (regarding timelines for completion of evaluation, assessment, and the development of the initial individualized family service plan (IFSP); service coordinator caseloads, etc.⁴), it has conducted no monitoring of the CFCs since OSEP's April 2002 visit. Nor has it conducted any monitoring of other agencies and individuals that provide early intervention services, with the exception of the one provider agency monitored. In addition, IDHS informed OSEP that it has taken no action since OSEP's 2002 visit to ensure that CFCs corrected noncompliance that IDHS identified under the monitoring system that was in effect at the time of that OSEP visit.

During the verification visit, OSEP provided technical assistance and made suggestions to help the State correct its longstanding failure to implement effective monitoring procedures. OSEP

³ OSEP reviewed the IDHS reports for the 6 CFCs that OSEP visited. Although OSEP found significant systemic noncompliance with Part C's service coordination requirements in 4 of the 6 CFCs that it visited, IDHS did not find any noncompliance with those requirements when it monitored those same CFCs in May and June 2001.

Each CFC provided a written response during the summer of 2001 to IDHS's findings regarding other requirements, in which the CFC explained the steps that it would take to correct the identified issues. With the exception of one CFC, IDHS had neither provided any written responses to the submissions from the CFCs, nor collected any data or documentation regarding whether each CFC had corrected the noncompliance. Noncompliance that IDHS found in 5 of the 6 CFCs visited (and OSEP found in 6 of the 6 CFCs) in the area of the 45 day timeline for completing evaluations and assessments and holding IFSP meetings had not been corrected at the time of OSEP's 2002 visit. In addition, OSEP found in both 1998 and 1999 that the State was failing to meet service coordination requirements and OSEP found such noncompliance in 4 of the 6 CFCs it visited.

⁴ DHS explained that when these data show that a CFC is not complying with the 45-day timeline for completing initial evaluations and assessments and convening a meeting to develop the initial IFSP IDHS staff communicate informally with the CFC to determine the reasons for the delays and to press the CFC to correct the problem.

has encouraged the State to include the data and information obtained through its database system and Performance Contracting for monitoring purposes. IDHS informed OSEP that it is working to revise its monitoring procedures so that they can be effectively implemented.

IDHS is responsible for the general administration and supervision of programs and activities receiving assistance under Part C and for the monitoring of programs and activities used by the State to carry out Part C. (34 CFR §303.501(a) and (b)(1)-(4)). Based on information provided during the verification visit, IDHS is not meeting its responsibility. To meet the above requirements, IDHS must adopt and use proper methods of administering each program, including: (1) monitoring agencies, institutions, and organizations used by the State to carry out Part C, whether or not they receive Part C funds; (2) enforcing any obligations imposed on those agencies under Part C; (3) providing technical assistance if necessary for those agencies; and (4) correcting deficiencies that are identified through monitoring.

In the December 31, 2002 monitoring report and in a letter dated February 4, 2003, OSEP requested that the State submit a revised Improvement Plan that addresses all of the areas of noncompliance identified in the monitoring report, including the findings regarding general supervision. During a January 23, 2003 conference call, OSEP informed IDHS that the Strategic Plan being submitted to the Governor would be an acceptable Improvement Plan document, so long as it included all the necessary components. The February 4, 2003 letter stated that the revised Improvement Plan must include timelines and benchmarks, and show how the State will complete the correction process and demonstrate its effectiveness with measurable evidence of change for each OSEP finding.

OSEP received the Early Intervention Strategic Plan on February 28, 2003, and in a conference call during March 2003, OSEP informed IDHS that the Plan was not acceptable. The Early Intervention Strategic Plan includes goals for improving the State's early intervention system but does not address the findings of noncompliance identified in the monitoring report. The Response to the Findings, which IDHS submitted as part of the Strategic Plan, includes activities the State is taking to address the findings of noncompliance identified in the December 31, 2002, monitoring report. It does not, however, include any benchmarks, timelines or evidence of change to demonstrate that the noncompliance will be corrected within one year of OSEP's acceptance of the Improvement Plan. IDHS informed OSEP that it would use the Annual Performance Report (APR) being submitted on July 1, 2003 to provide all of the necessary Improvement Plan components. OSEP received the State's APR on November 21, 2003. The State has informed OSEP of its intent that the improvement planning content of the APR supplement the Strategic Plan, and that the two documents together constitute the State's plan for correcting the noncompliance identified in OSEP's 2002 monitoring report. OSEP is reviewing the APR, and will inform the State, as soon as possible, as to whether the APR and Strategic Plan provide an acceptable plan for correcting that noncompliance.

OSEP also reviewed IDHS's systems for the resolution of State complaints, due process hearings and mediation. Since OSEP's visit in April 2002, IDHS has received eight complaints under Part C. This represents a reduction in complaints. IDHS explained that it believes that this reduction is due to IDHS's revision of its regulations to require that the participants in an IFSP meeting, consistent with the requirements of 34 CFR §§ 303.340-303.344, determine the content of the

IFSP, including the type, amount, duration, and frequency of early intervention services to be provided, for each infant and toddler with a disability and family receiving Part C services. The complainant in one of eight complaints subsequently requested and received a due process hearing. OSEP reviewed IDHS's files for those complaints and that hearing, and determined that they were resolved within the timelines required by Part C. As part of its evaluation of the State's dispute resolution system, OSEP reviewed IDHS's prior written notice documents, required pursuant to 34 CFR §303.403, to determine whether they include all of the required information regarding complaints and due process hearings. OSEP found that IDHS is in compliance with §303.403.

Data Collection under Section 618 of the IDEA:

In looking at the State's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has identified any barriers, (e.g., limitations on authority, sufficient staff or other resources, etc.) that impede the State's ability to accurately, reliably and validly collect and report data under section 618.

OSEP believes that IDHS's system for collecting and reporting data is a reasonable approach to ensuring the accuracy of the data that IDHS reports to OSEP under section 618.

Through IDHS staff interviews and OSEP's visual review of the Cornerstone Database System, OSEP learned that the database is a State-wide data management information system developed to facilitate the integration of community maternal and child health services, provided to the Illinois Primary Health Care Association in over 300 sites across Illinois. The Early Intervention Program component of Cornerstone involves several processes over a period of time. During the course of these processes, several screens in the system are utilized, at different times, in order to complete the Early Intervention process, as required by the State Early Intervention system and WESTAT. The screen flow in Cornerstone is structured to follow the Early Intervention procedures: (1) Referral Activities; (2) Home Visit; (3) Evaluation/Eligibility Determination /IFSP Development; (4) Day 1 In-State Transfer; (5) Day 2 In-State Transfer; (6) 6 Month Update/12 Month Annual Review; and (7) Case Closure. Data Clerks and Service Coordinators from all 25 CFCs are required to enter information into the system on a daily basis with their laptops. They then have 8 days to download the data into the Cornerstone Data System.

IDHS staff informed OSEP that when a referral is made directly to a CFC office, a data clerk enters the child directly into the Cornerstone Data System. IDHS staff explained that this minimizes any human error in transferring data from an intake form into the data system. They further reported that, in order to build capacity to support the accurate collection and reporting of Part C data: (1) data clerks receive a formal one-time training on the Cornerstone Data System; (2) IDHS has provided a data dictionary to the CFCs, to assist them in understanding the

indicators on which they collect data; (3) IDHS encourages the use of an ongoing informal mentoring system, that emphasizes the provision of training and technical assistance by experienced data clerks to the newer data clerks; and (4) IDHS's Early Intervention office makes technical assistance available to CFCs on an on-going daily basis (technical assistance can be provided onsite, or through group meetings, telephone calls, or e-mail correspondence).

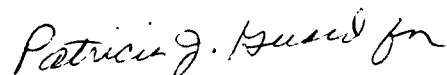
IDHS told OSEP that data clerks and service coordinators in each CFC office are encouraged to review information/data prior to entry into the system. IDHS staff reported that while they cannot ensure the complete absence of human error in the data-entry process, they believe they have minimized the risk of such error through the application of mechanisms that will indicate "red flags" needing follow-up. Much of the data that CFCs enter are dependent on previous entries. It appears to be impossible for people to be able to manipulate numbers or make changes to make the data appear better than they actually are. IDHS further informed OSEP that each month, CFC offices receive a report indicating their performance, along with any related data problems (missing, incorrect, or inconsistent data). IDHS indicated that CFCs have a strong sense of pride and ownership at the local level, and understand the importance of data collection for improvement purposes and performance comparison with other CFCs. IDHS told OSEP that on July 1, 2003, it began implementing Performance Contracting, which allows IDHS to rank order the CFCs on a number of variables and use incentives and penalties on the amount of funding each CFC receives based on its performance on the key variables.

Conclusion

As noted in the introduction to this letter, OSEP is gravely concerned about the serious noncompliance that has persisted in the State for more than five years, as documented in three separate OSEP monitoring reports and our recent verification visit. OSEP is especially concerned about the continuing failure of the State to implement a system to identify and correct noncompliance. This long-standing noncompliance raises serious questions regarding the State's continuing eligibility under Part C. As noted above, OSEP will inform the State, as soon as possible, as to whether the APR (which OSEP received from the State on November 21, 2003) and the State's Early Intervention Strategic Plan provide an acceptable plan for correcting the noncompliance identified in OSEP's 2002 monitoring report.

We appreciate the cooperation and assistance provided by your staff during our visit. We look forward to collaborating with Illinois as you continue to work to improve results for children with disabilities and their families.

Sincerely,



Stephanie Smith Lee
Director
Office of Special Education Programs

cc: Janet Gully