



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

Honorable Rita H. Inos
Commissioner of Education
CNMI Public School System
P.O. Box 50130 CK
Saipan, MP 96950

NOV 18 2005

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 the Commonwealth of the Northern Mariana Islands (CNMI). As indicated in my letter to you of January 28, 2005, 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). We conducted a verification visit to CNMI during the week of March 7, 2005.¹

The purpose of our verification reviews of States is to determine how they use their general supervision, State-reported data collection, and statewide assessment systems to assess and improve State performance; and to protect child and family rights. The purposes of the verification visits are to: (1) understand how the 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 systems are designed to identify and correct noncompliance.

As part of the verification visit to the CNMI Public School System (PSS), the State's Lead Agency for Part C of the IDEA (Part C), OSEP staff met with Ms. Suzanne Lizama (Part C Coordinator) and members of the CNMI-PSS/Early Intervention Service System (EISS) staff who are responsible for: (1) oversight of general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings); and (2) the collection and analysis of State-reported data. Prior to and during the visit, OSEP staff reviewed a number of documents,² including the State's Part C Application, Self-Assessment, 2001-2002 and 2002-2003 Annual Performance Reports, draft monitoring manual of January 12, 2005, and submissions of data under section 618 of the IDEA. OSEP also met with parents and members of the Part C State Interagency Coordinating Council, to hear their perspectives on the strengths and weaknesses of the State's systems for general supervision and data collection and reporting.

¹ OSEP also conducted onsite data collection activities during the week to assess compliance in the following areas: public awareness and child find, early intervention services in the natural environment, and early childhood transition. The results of the data collection activities will be reported in OSEP's letter on CNMI's FFY 2003 Annual Performance Report.

² 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 system.

The information that Ms. Lizama and her staff provided during the OSEP visit, along with information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of general supervision, and the collection and reporting of data within CNMI's PSS/EISS.

General Supervision

In looking at CNMI's general supervision system, OSEP collected information regarding a number of elements, including whether CNMI: (1) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede its 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.

Monitoring

CNMI began improving its monitoring system in 2002 when it identified in its Self-Assessment and FFY 2001 and FFY 2002 APRs that its monitoring system was not fully effective in meeting the general supervisory and monitoring requirements of 34 CFR §303.501. OSEP's letter of March 2005 directed CNMI to include, within 60 days of the date of the letter (i.e., May 7, 2005), strategies, evidence of change, and timelines for monitoring, including a date when CNMI would begin formal on-site compliance monitoring, when monitoring instruments and procedures would be developed and implemented, and a monitoring schedule developed, to ensure that: (1) monitoring is effective in identifying and correcting noncompliance in a timely manner to ensure compliance with Part C requirements; (2) enforcement actions are used when necessary to address persistent deficiencies; (3) the information collected through monitoring is used to effect systems change; and (4) a system is in place to collect data to verify and validate information collected through monitoring. OSEP received the requested information and incorporated it as appropriate, in the sections below.

PSS, through the EISS, conducts monitoring activities and coordinates with the Department of Public Health (DPH) to provide early intervention services. In addition to performing its lead agency responsibilities under Part C, PSS provides the full range of direct early intervention services and shares responsibility with DPH to provide health services, child find and public awareness activities, and service coordination. Provision and maintenance of the EISS office and equipment is shared by both agencies, each with specific responsibilities outlined in a current Memorandum of Understanding.

In an interview with the Part C Coordinator, OSEP learned that the lack of administrative personnel has been a barrier to implementing an effective general supervision system. At the time of OSEP's visit, the Part C coordinator was the only staff member available to develop and ensure the proper implementation of Part C monitoring procedures, train staff, manage monitoring and State-reported data, and submit required performance reports, data reports, and the annual grant application to

OSEP. PSS has contracted with the National Center for Special Education Accountability Monitoring and Guam's Center for Excellence in Developmental Disabilities Education, Research and Service for technical assistance in developing and evaluating their proposed EISS Monitoring System. PSS has identified the need for staff training on the proposed monitoring system. At the time of OSEP's visit, the Part C Coordinator was unsure about how CNMI would address the need for administrative staff and training.

OSEP also learned through a review of documents and interviews with EISS staff, that due to the small size of the program and the strong cultural tradition of verbal communication in CNMI, PSS central office staff was reviewing the EISS program without the use of complete, written monitoring procedures to ensure that all Part C requirements were met. At the time of OSEP's visit, PSS was still refining its January 2005 monitoring procedures manual. In response to meeting the requirements in OSEP's March 2005 APR letter, CNMI included in its submission of May 7, 2005, its new manual dated April 2005, EISS Monitoring System: Procedures for Monitoring the Effectiveness of Supports and Services for Infants and Toddlers with Disabilities and their Families. The April 2005 monitoring manual, along with the January 2005 version that was used as a source during OSEP's visit, will be referred to in this letter as the EISS monitoring procedures.

Based on the EISS monitoring procedures and confirmed in interviews with EISS staff, CNMI's new monitoring system is organized into two areas: System Components; and System Supports and Sanctions. The System Components "provide the means for assessing the effectiveness of early intervention services and supports for improving results for young children with disabilities and their families," and include three processes: (1) continuous improvement; (2) verification; and (3) focused intervention. These processes were developed to address the identification and correction of noncompliance with Part C requirements.

System Components Area

The continuous improvement process is a collaborative effort between PSS and CNMI's Interagency Coordinating Council (ICC) in which they conduct an annual self-assessment of compliance and performance in the OSEP cluster areas, and an improvement planning review. PSS reports its findings and strategies for improvement from the internal and external reviews to the ICC and OSEP in its Annual Performance Report.

In the verification process, CNMI plans to implement an internal and external review. The internal review will continue to include a monthly review of service provider reports, and add an annual peer review of individual child records and service coordinator notes that will assess compliance and performance according to the procedural requirements and quality indicators under each component in the *Part C Child Record Review Checklist*. Checklist components include: (1) intake; (2) initial evaluation; (3) initial Individualized Family Service Plan (IFSP); (4) transition; (5) IFSP review at six months; (6) IFSP review at 12 months; and (7) exit. Topic areas under each component address specific Part C requirements. For example, under the component "Initial Contact/Intake Information," topics include referral procedures, release of information and access to records. The checklist includes questions for each topic area to determine compliance as well as to measure outcomes using quality indicators, for example, the relationship of child outcomes and short-term goals to family priorities and activities that are important to the family. A separate set of questions in the instrument entitled, "Utilization Review of the Child Record," directs the monitor

through an inquiry and review process to determine if children and families are receiving early intervention services in the IFSP. PSS also proposes to include a parent feedback/interview component to assess compliance with requirements for identification, referral, evaluation, provision of early intervention services, and transition planning at the six-month review. The Part C Coordinator and other staff members, as appropriate, will conduct the verification process beginning with family input in July 2005 and child record reviews in August 2005.

PSS also plans to include an external review beginning in November 2005, to be conducted every three years by a person or entity outside the EISS, such as the PSS Federal monitor or a contracted consultant. The purpose of the external review will be to verify and validate information collected on compliance and performance identified in the internal review. The external review process will include a review of: (1) fifty percent of the child records of children being referred or receiving services selected through a random process; (2) family feedback summaries; and (3) the PSS dispute resolution system. Focus group interviews will be conducted with EISS service coordinators, providers and families, as well as an interview with the Part C Coordinator. The focused intervention process uses data from the continuous improvement and verification processes and State-reported data under section 618 to identify priority areas for focused intervention that will address persistent noncompliance and low performance, and effect systems change. The ICC will serve as the stakeholder group for the selection of priority areas and be involved in meeting identified targets. Progress will be incorporated into the overall system review process and reported in CNMI's APR. Based on written documentation and confirmed in interviews with PSS officials, implementation of the focused intervention component will begin in October 2005, during CNMI's annual ICC meeting.

System Support and Sanctions Area

The System Support and Sanctions Area provides for the "reinforcement and consequences" necessary to ensure that compliance requirements are met and corrections are made in a timely manner, through a system of incentives, technical assistance and enforcement strategies. CNMI has not implemented the full range of reinforcement incentives, technical assistance, and enforcement strategies.

The CNMI PSS Personnel regulations and the MOU between PSS and DPH for dispute resolutions provide the authority for specific "enforcement actions." According to monitoring procedures and confirmed in interviews with EISS staff, System Supports and Sanctions will be directly related to compliance with Part C requirements based on results of the verification process. Four actions comprise this system: (1) individual and system incentives that may include a letter of commendation from agency directors, program recognition in the local newspaper, and personalized incentives; (2) technical assistance on the program level triggered by either a "concern notice" (given to an employee when conflicts occur with scheduling meetings or communications with families), "notice of noncompliance" (given to an employee for practices inconsistent with Part C compliance), and/or "deficiency notice" (given to an employee for incomplete and untimely submission of paperwork), that may result in the development of an Individual Professional Plan; (3) technical assistance at the systems level that results in a system implementation plan to revise procedures and/or regulations to address the delivery of early intervention services according to Part C requirements; and (4) letter of reprimand from the PSS Commissioner or Part C Coordinator for employees who have not met agreed upon timelines specified in their Individual Performance Plans.

At the time of OSEP's visit, CNMI implemented its procedures for providing deficiency notices and scheduled an evaluation of effectiveness of this process for June 2005. Because the monitoring system was not implemented at the time of OSEP's visit, OSEP was unable to determine that it is reasonably designed to ensure timely correction of noncompliance with IDEA requirements; however, it appears reasonably designed to identify noncompliance.

According to documentation provided to OSEP during the visit and confirmation provided in an interview with the Part C Coordinator, noncompliance identified through the internal review process was corrected *immediately*. The Part C Coordinator clarified that immediate correction is possible due to daily contact with service coordinators and service providers. However, in the EISS monitoring procedures, timelines for correction of noncompliance identified in the internal review were not specific. Page 12 of the procedures provides that, after being notified by the PSS Commissioner of noncompliance with a Part C requirement, the recipient must "provide . . . a written response to the external (monitoring) report finding of noncompliance to include a plan for correction of identified noncompliance areas within 1 year from the time of the written response." However, noncompliance must be corrected within one year of identification by CNMI, not within one year of the response to the PSS Commissioner. CNMI must revise its monitoring procedures to clarify that all identified noncompliance is corrected within one year of identification by CNMI, and submit the revised procedures as part of its plan to ensure timely correction of noncompliance with the SPP.

Dispute Resolution

OSEP also reviewed CNMI's system for the resolution of State complaints, due process hearings, and mediations. EISS has adopted for its Part C early intervention system, its Part B due process hearing procedures under 34 CFR §303.420. At the time of OSEP's visit, three complaints had been filed over a two-year period and resolved within the 60-day timeline. In one case, the decision was made in favor of the complainant and compensatory services were ordered for speech services. No requests for mediation or due process hearings were filed. OSEP could not determine if the lack of due process hearing and mediation requests was due to parent satisfaction or to lack of information to parents regarding the availability of such procedures.

During OSEP's March 2005 verification visit, OSEP interviewed parents and EISS service coordinators and providers and learned that not all parents were aware of the right to file a complaint or the complaint procedures. Based on this information, CNMI submitted on May 7, 2005 a revised prior written notice under 34 CFR §303.403(b) that CNMI indicated it had revised to include the Part C complaint procedures in 34 CFR §§303.510 through 303.512. OSEP has reviewed this May 7, 2005 notice to determine whether it describes the complaint procedures in 34 CFR §§303.510-303.512 and determined that the revised prior written notice does not describe the required corrective actions under 34 CFR §303.510(b) and the time limitations under 34 CFR §303.511(b). Therefore, CNMI must revise its prior written notice to include the requirements of 34 CFR §303.510(b) and 303.511(b). With the SPP, due December 2, 2005, CNMI must submit a written assurance that its prior written notice has been revised to include this required content.³

³ OSEP did not review the May 7, 2005 prior written notice to determine whether all content requirements of 34 CFR §303.403(b) were included; however, a cursory review confirmed that the notice also did not include a description of: (1) the Part C due process hearing requirements that CNMI has adopted under 34 CFR §303.420, including specifically 34 CFR §300.507(c), 300.508, 300.509(d), 300.510(a) and 300.511; and (2) the revised due process hearing and

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

Based on interviews, OSEP learned that the Part C Coordinator serves as the data manager for the EISS program. At the time of OSEP's visit, CNMI was using an EXCEL database system to maintain, compile and track data, including section 618 data. The system is password-protected so that only the data clerk and the Part C Coordinator have access. OSEP learned through document review and interviews with EISS staff, that data from complaints, mediation and due process hearings are maintained at the PSS central office in a separate data system. Based on interviews with EISS staff, and the review of the data collection form, and data reports, OSEP learned that CNMI has an effective way to collect data, enter data, and use the data to make corrections and improvements to the system. Following CNMI's standard operating procedures, service coordinators collect data from service providers, and compile it into a data tracking form that they provide to the data clerk. The data clerk verifies the accuracy of the data with the service providers and service coordinators, and enters it into the database. It appears that CNMI uses its data to make informed program decisions that impact services for eligible infants, toddlers, and their families. For example, the service coordinator collects data on sustained functional abilities from the IFSP, enters the number of outcomes achieved by an individual child on the data tracking form, and provides it to the data clerk who verifies the accuracy of the data through cross checks with the child's folder. EISS monitors the number and percentage of outcomes achieved on an annual basis, and uses the data to make systemic improvements.

The Part C Coordinator provides in-service training to service coordinators at staff meetings to ensure that the correct data is entered into the data tracking forms. On at least a monthly basis, the data clerk and Part C Coordinator review information in the system including all data fields. The data system has a mechanism in place to catch input errors such as birthdates and timelines and can provide a printout of the timelines for reviews and transition planning conferences for each month of the year. The Part C Coordinator receives guidance through OSEP at data managers meetings and reviews data requirements with the data clerk to ensure data accuracy and consistent reporting for each of the items in the section 618 data Tables I through V.

mediation provisions in section 615, such as dispute resolution procedures, that are contained in the IDEA 2004 Amendments. CNMI indicated in Section II of its FFY 2005 Part C Application that it would revise its procedural safeguards (including its prior written notice) to comply with IDEA 2004 Amendments by June 30, 2006. CNMI must correct its prior written notice as part of its assurance provided with its FFY 2006 Part C Application.

The Part C Coordinator described the system for collecting child count data as follows: a referral comes in and is forwarded to the service coordinator who manually records the referral on the referral form, checks if the child has an established condition, and if not, refers the child for developmental screening. During the initial IFSP meeting, the service coordinator checks the setting in which early intervention services will be provided on the data tracking form that goes to the data clerk. On December 1, the EISS Data System sorts the fields from the Early Intervention Rosters. Personnel data is collected through a head count since the program is so small, and WESTAT provides guidance on how to calculate the FTEs. The Part C Coordinator spot-checks the Early Intervention Roster for inconsistencies.

Staff discussed challenges regarding the data system, stating that the biggest challenge is ensuring an unduplicated child count. Since the system is not automated, it does not produce "red flags" when errors are made, and requires the Part C Coordinator and the data clerk to go back through the data and manually insert numbers into the WESTAT-generated forms. The Part C Coordinator explained that since EISS is a small program, PSS is able to ensure data reliability and accuracy by cross-checking the data with each child's folder. OSEP encourages PSS to update its system to include automatic edit checks to increase efficiency and improve ability to identify anomalies and correct any inaccuracies. This will be especially important as the program grows.


Conclusion

CNMI must revise its monitoring procedures to clarify that all identified noncompliance is corrected within one year of identification by CNMI, and submit the revised procedures as part of its plan to ensure timely correction of noncompliance with the SPP.

With the SPP, due December 2, 2005, CNMI must submit a written assurance that its prior written notice has been revised to include the required content.

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

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Suzanne Lizama