



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

Honorable Jim Martin  
Commissioner  
Department of Human Resources  
2 Peachtree Street, NE  
Atlanta, Georgia 30303-3186

OCT 28 2003

Dear Commissioner Martin:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) recent verification visit. 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 and improving performance with Parts B and C of the Individuals with Disabilities Education Act (IDEA). OSEP staff conducted a verification visit to Georgia during the week of July 21, 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 statewide 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 part of the verification visit to the Georgia Department of Human Resources (GDHR), the State's Part C Lead Agency, OSEP staff met with Stephanie Moss, the State's Part C Coordinator, and members of GDHR's Babies Can't Wait (BCW) 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.<sup>1</sup> OSEP also conducted a conference call on June 26, 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. Stephanie Moss also participated in the call and assisted us by inviting the participants.

The information that Ms. Moss 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

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<sup>1</sup> 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.

understanding of GDHR's general supervision systems and data collection and reporting systems it utilizes in carrying out its administrative and oversight responsibilities regarding the Georgia Early Intervention System, Babies Can't Wait Program.

***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.

OSEP believes that GDHR's systems for general supervision constitute a reasonable approach to the identification and correction of noncompliance; however, OSEP cannot, without also collecting data at the local level, determine whether they are fully effective in identifying and correcting noncompliance.

OSEP learned through review of GDHR's Quality Assurance Process Procedures and interviews with BCW staff, that GDHR uses its Quality Assurance Process to monitor, on a cyclical basis, all of the 19 District Boards of Health (Districts) that provide service coordination and other early intervention services. Therefore, each District is monitored every three years and the State is entering its third three-year monitoring cycle. Some service coordinators are employed by BCW, and others are employed on a contractual basis by the 19 Districts. All other early intervention services, including evaluation, assessment, and service coordination, are provided by individuals and agencies that contract with the Districts. Some service coordinators are employed by BCW, salaries paid for by District budgets. Each District is required, as part of its contract with the State, to provide to BCW all of the data regarding the services that the contractors provide, so that BCW can ensure that the contractors are providing those services in a manner that is consistent with Part C requirements. When BCW finds that a provider has not complied with Part C requirements, it includes that finding of noncompliance in the report for the District, and requires the District to ensure that the noncompliance is corrected.

BCW monitoring activities include pre-site and on-site record review, on-site interviews, review of the self-assessment completed by the District, baseline data from District Improvement Plans and data from District progress reports. BCW explained that the integration of all information and data collected ensures that no one measure is used to determine compliance. BCW reported, and its monitoring files confirmed, that BCW issues monitoring reports within 30 to 60 days after a visit. In addition to the findings, each report includes a written Compliance Plan, which summarizes the specific actions that the District must take to correct findings of noncompliance. For Districts that have persistent compliance issues, BCW also requires the District to work with BCW and Valdosta State University to develop a detailed Technical Assistance (TA) Plan that

specifies TA strategies that the District must implement to support effective implementation of the Compliance Plan. The required TA Plans evolved due to persistent non-compliance found during the second three-year monitoring cycle. At that time, the State allowed an 18-month period for correction. Currently, programs are expected to correct any findings of noncompliance no later than one year after the date of the Compliance Plan. Compliance Plans are due 60 days after the District's receipt of the State's written report. The State reported the following possible sanctions for failure to correct findings of noncompliance: (1) termination of funding; (2) reduction in funding; or (3) loss of certification. To date, the State has not utilized any of these sanctions.

BCW staff informed OSEP, and BCW's monitoring files confirmed, that each of the Districts has developed a Compliance Plan to improve both compliance and performance. On an on-going basis throughout the year, BCW monitors Districts to determine whether they are implementing their Compliance Plan and their progress toward improving compliance and performance. As reported by BCW staff and confirmed by BCW's monitoring files, BCW has been effective in ensuring correction of noncompliance in all but two of the Districts. As noted above, BCW has required those two Districts to develop and implement Technical Assistance Plans. While GDHR has not yet withheld funds from any District, the State has found that the threat of withholding has been sufficient to secure compliance in the remainder of the Districts. It appears that GDHR's procedures for ensuring correction of noncompliance are generally effective. However, OSEP asks that GDHR, through its progress and final reports on its Improvement Plan, keep OSEP informed concerning its progress in ensuring correction in these two Districts.

OSEP also reviewed GDHR's systems for the resolution of State complaints, due process hearings and mediation. The State has adopted State complaint, due process hearing and mediation procedures. To date there have been three complaints filed with the State, and the complainant in one of those complaints subsequently requested and received a due process hearing. OSEP reviewed BCW'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 GDHR's prior written notice documents, required by 34 CFR §303.403, to determine whether they include all of the required information regarding complaints and due process hearings, and whether any lack of required notice content might be a factor in the small number of complaints and due process hearing requests. OSEP cannot determine whether the lack of administrative complaints and or due process hearing requests is due to a high degree of family satisfaction with Part C services, or whether parents have not been sufficiently informed regarding the State's Part C dispute resolution procedures.

In order to provide families with the required procedural safeguard information as part of the prior written notice under 34 CFR §303.403(b), GDHR provides parents with a copy of a document entitled, "Notice of Infant/Toddler and Family Rights under Babies Can't Wait." The Part C regulations at 34 CFR §303.403(b) require that: "The notice must be in sufficient detail to inform the parents about—... (3) All procedural safeguards that are available under §§303.401-303.460 of this part; and (4) The State complaint procedures under §§303.510-303.512, including a description of how to file a complaint and the timelines under those procedures." As detailed in Enclosure A to this letter, OSEP found that GDHR's procedural safeguards notice document does not include all of the required content. GDHR must revise its prior written notice to ensure that it meets the requirements of 34 CFR §303.403(b). OSEP is available to

work with GDHR to ensure that the required information is included. Please submit the revised notice to OSEP within 60 days from the date of this letter.

***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.

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

Through BCW staff interviews and OSEP's visual review of the BCW Database, OSEP learned that the database has the capability to: (1) track referrals; (2) track a child's Individualized Family Service Plan (IFSP) information; and (3) track information about transition and exiting from BCW of a child. This is the third version of the BCW Database, with IFSP data available for all initial and annual IFSPs developed after June 30, 1999. All 19 BCW Districts are required to submit their data by the first of every month to the State. The data are collected and divided into three separate files: Child Information File, Outcomes File, and a Services File.

BCW staff informed OSEP that when a referral is made directly to the BCW office or to one of the 19 Districts, an Intake Coordinator enters the child into the BCW Data System. Each District is then responsible to input the data from the IFSP or from a data entry form. The Data Clerks, at the District level, receive training from the State Data Manager. GDHR also uses an ongoing mentoring system that emphasizes experienced data clerks training and providing technical assistance to the newer data clerks. Technical assistance is available on an on-going basis. BCW staff reports the TA can be provided onsite, through group meetings, via telephone and e-mail correspondence or via the Management Software Area Website. Mandatory statewide training occurs when changes are made to codes, lists, formats, etc. Every year, a two-day mandatory training is provided on IFSP development and 618 Data Requirements to all Family Service Coordinators.

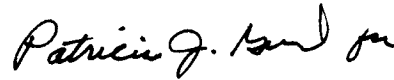
The data clerks in each BCW District are encouraged to review information/data prior to entry into the system. BCW staff reported that while they cannot ensure the complete absence of human error in the data-entry process, they believe they have minimized the risk of such error through the application of an edit system for the District level, which is similar to the edit system used at the State level, and that BCW continues to make changes to strengthen this system of edit checks. Each month, Districts access the Babies Can't Wait Data Management Software Support Area Website. Edit Reports are available for each District. Each Edit Report is divided into sections that check for one or more related data problems (missing, incorrect, or inconsistent). The Districts are responsible for following the Data Cleaning Instructions for "clean-up." BCW

staff informed OSEP that, through the Edit Reports, the Districts have a strong sense of pride and ownership at the local level, and are motivated by comparison of their performance on data reporting with that of other Districts.

On February 6, 2003, OSEP issued a letter to GDHR regarding State-reported data for Part C under section 618. GDHR had failed to submit accurate data reports; specifically, (1) the 2000 and 2001 race/ethnicity data did not match the 2000 and 2001 total child count data; and (2) the 2000 child count and settings totals were inaccurate in that the totals did not match. BCW staff indicated they have addressed the underlying causes of the misreported information. Specifically, regarding setting data, BCW staff informed OSEP that they have created a primary and secondary setting in the database that will be used for reporting purposes to OSEP. The State has included a review of definitions at all State-mandated trainings. In regard to race/ethnicity, OSEP was informed that the State has added to the data system the Ethnicity Population Indicator Program, provided by the Centers for Disease Control. This will assist the State in disaggregating the required data from the database. These efforts are expected to result in accurate data-reporting by GDHR for the 2003 required child count and other data required under the next 618 data submission by GDHR.

We look forward to collaborating with Georgia 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: Stephanie Moss