

California Part C On-Site Visit

June 13 – 15, 2017

DMS Area: Compliance

DMS Designation: Intensive

Background:

On October 31, 2016, OSEP issued California a Differentiated Monitoring and Support (DMS) document that specified engagement activities that OSEP would conduct with the State across five areas: results, compliance, State Systemic Improvement Plan (SSIP), child find, and fiscal. Under compliance, OSEP gave California a designation of intensive engagement for compliance due to longstanding noncompliance and California's Federal fiscal year (FFY) 2014 State Performance Plan/Annual Performance Report (SPP/APR) data for Indicator 1 (Timely Services), Indicator 7 (45 Day Timeline), and Indicator 8C (Timely Transition Conference).

California's FFY 2014 data for Indicator 1 (Timely Services) was 82.05% which denotes slippage from the State's FFY 2013 APR data of 85.04%; Indicator 7 (45 Day Timeline) data was 82.05% which represents slippage from the State's FFY 2013 APR data of 86.14%; and Indicator 8C (Timely Transition Conference) data was 86.2% which represents progress from the State's FFY 2013 APR data of 72.01%.

Subsequent to the issuance of OSEP's DMS Notice, the State submitted its FFY 2015 APR. California's FFY 2015 data for Indicator 1 (Timely Services) was 88.84% which denotes progress from the State's FFY 2014 APR data of 82.05%; Indicator 7 (45 Day Timeline) data was 85.54% which denotes progress from the State's FFY 2014 APR data of 82.05%; and Indicator 8C (Timely Transition Conference) data was 87.86% which denotes progress from the State's FFY 2014 APR data of 86.2%.

Visit Summary

OSEP met with representatives of the State to discuss Indicators 1, 7, and 8 as well as the longstanding noncompliance addressed in the DMS notice. OSEP engaged State personnel, which included staff from the California Department of Developmental Services (DDS), as well as staff from WestEd, a technical assistance (TA) provider that works closely with the State.

Topics Discussed

The compliance portion of OSEP's visit with California began with a review of the State's general structure for Part C service delivery and the State's monitoring system. The State discussed their procedures for addressing noncompliance at each regional center. California also highlighted that the data reported annually for Indicators 1, 7, and 8 is gathered through the on-site monitoring, which is the aggregate of all seven regional centers in a given cohort as well as data from the California Department of Education (CDE). The CDE provides early intervention (EI) services to children who have a visual impairment, hearing impairment, or severe orthopedic impairment or combination of those. These EI services are purchased and overseen by the Regional Center (RC), local educational agency (LEA) or both if the child has multiple disabilities and lives in an area where children can be dually served.

The discussion continued by reviewing their activities related to Indicator 1, timely service delivery, and Indicator 7, ensuring initial evaluations, assessments, and initial individualized family service plan (IFSP) meetings are conducted within the 45-day timeline. The discussion primarily focused on the

following:

1. Factors that are impacting the State's data;
2. Activities (technical assistance/training, corrective action, enforcement actions, etc.) the State has conducted to address the issues; and
3. Ways in which OSEP and/or OSEP-funded technical assistance resources can assist the State.

The discussion related to California's activities addressing transition from Part C to Part B (Indicator 8) across all regional centers focused on the following:

1. Transition Process: the State provided a description of the transition process, including the transition guide, which outlines the entire process for California;
2. Transition Data: factors that are impacting the State's data;
3. General Supervision: activities the State has conducted to monitor the transition process at the regional center and provider level, related to identification and correction of noncompliance; and
4. Personnel Development: TA and professional development offered by the State to ensure that the regional center staff and Early Intervention Service (EIS) providers: 1) understand transition requirements, and 2) implement the transition process and activities effectively.

Lastly, the State also provided OSEP with information related to their longstanding noncompliance. The State informed OSEP that all FFY 2012 and FFY 2014 findings are closed and were reported as such in the FFY 2015 APR. The State is continuing to take necessary steps to close the remaining FFY 2013 findings under Indicators 8A and 8C; however, OSEP reviewed information related to strategies in place for all identified noncompliance related to Indicators 1, 7, 8A, 8B and 8C.

Strategies implemented to resolve noncompliance identified for Indicators 1 and 7 included: increased recruiting activities; new intake procedures; new trainings to reinforce the importance of putting services in place quickly; Early Start Online training; technical assistance related to calendar tools; forms and high performing RC's; Early Childhood Technical Assistance Center General Supervision activities; and additional funding support for providers, reduced caseloads, family resource centers, and overall system supports.

Strategies implemented to resolve the noncompliance related to Indicator 8 include: trainings with service coordinators related to administrative steps and individualized steps; new documentation related to the transition forms; new procedures around service coordinators and the transition process; joint training provided by CDE and DDS; and various technical assistance activities. After the on-site visit, OSEP confirmed with California that the outstanding finding for 8A was verified as corrected. The State is continuing to work with the RC with the outstanding finding for 8C.

Data Reviewed

While on-site and prior to the visit, OSEP staff reviewed the State's previously submitted APRs, the State's application for funds under Part C of the Individuals with Disabilities Education Act (IDEA), and the State's website. Additional information was obtained through monthly calls with the Part C Coordinator and her staff, as well as technical assistance providers working with the State. During the on-site visit California presented OSEP with their Early Start Monitoring Binder. This binder included information related to the State's: overall State System; General Supervision practices; three-year monitoring cycle; Comprehensive System of Personnel Development (CSPD) courses and activities, and data from across the RCs on Indicators 1, 7, 8A, 8B, 8C which included information about the reasons for any identified noncompliance, and the strategies implemented to resolve the

noncompliance. Further the binder included timelines, specific tracking documents related to monitoring and organization maps and regional center information.

OSEP held a call with the State subsequent to the on-site visit to discuss California's FFY 2015 Determination under section 616 of the IDEA. The Department determined that California needs intervention (NI) in implementing the requirements of Part C of the IDEA. In making the determination we considered the totality of the information we have about a State, including information related to the CA's FFY 2015 APR Indicator 3 Child Outcomes data and other data reported in CA's FFY 2015 APR; information from monitoring and other publicly available information, and other issues related to CA's compliance with the IDEA. The Department identifies a State as needing intervention under IDEA Part C if its Results Driven Accountability (RDA) Percentage is less than 60%. California's RDA Percentage is 56.25%. The RDA percentage score is based on both a Compliance Score and a Results Score. One factor that led to the low compliance score was the longstanding noncompliance identified in FFY 2013 for Indicators 8A and 8C. Other factors included the SPP/APR data reported for Indicator 1 (88.84%), Indicator 7 (85.54%), Indicator 8A (80.36%), Indicator 8B (76.07%), Indicator 8C (87.86%) and Indicator 10 (60.0%).

Challenges and Barriers

California has taken steps to address the longstanding noncompliance as well as the State's overall compliance with Indicator 1 (Timely Services), Indicator 7 (45 Day Timeline), and Indicator 8C (Timely Transition Conference). CA's FFY 2015 APR data for these indicators showed progress in improving performance on these indicators, but also showed that improvements continue to be needed in these areas. Further, the State uses the on-site monitoring cycle as their primary source of information related to Indicators 1, 7 and 8C, rather than using a statewide database. In order to have a statewide picture of the data for each of these indicators, the State might benefit from having a statewide database to collect and analyze data for longstanding noncompliance for Indicator 1 (Timely Services), Indicator 7 (45 Day Timeline), and Indicator 8C (Timely Transition Conference).

Outcome of Engagement Activity

The State is interested in collecting information on "who is doing it right" in order to share this information with other RCs that may be struggling with similar issues. This would help the regional centers learn from each other. OSEP informed the State that, through the established monthly calls, we will: (1) continue to review and provide feedback on the development of the State's System of Payments; (2) provide specific feedback regarding compliance with the requirements of Part C of the IDEA; and (3) continue to assess whether the State may need further technical assistance strategies.

Use of Technical Assistance and Professional Development Resources:

Providers from the Early Childhood Technical Assistance Center (ECTA) and the State TA provider work regularly with the Part C program to support California's regional center professional development efforts. California also has participated in National Center for Systemic Improvement (NCSI)-hosted cross-state learning collaboratives.

Next Steps

During FFY 2017, OSEP will continue to be available for TA calls with California regarding the issues discussed on-site. While OSEP was on-site, the State described monitoring practices and procedures, which were not documented in written form. OSEP recommended that written procedures would benefit both the field and the State staff. The State agreed, and OSEP committed to providing ongoing TA in this area.

As noted above, California relies upon cyclical monitoring to collect the required APR data. As a result, when publically reporting on the performance of its EIS providers, the State reports data each year only for the providers who were monitored in that cycle. During the visit OSEP shared previously issued guidance related to States that utilize monitoring data for their EIS programs. For those indicators for which the Secretary permits States to collect data through monitoring, data must be collected for each EIS program at least once during the period of the SPP/APR. States are also required to report to the public annually on the performance of each EIS program in meeting the targets in the SPP/APR. In meeting this annual reporting requirement, if a State collects performance data through monitoring, the State must include the most recently available performance data on each EIS program as required under 34 CFR §303.702(b)(1)(B)(ii) and the date these data were obtained. The State appears to be meeting these requirements. However, in examining the public reporting, it is not clear how many and which EIS providers are included in reported data. Based upon OSEP's recommendations, California has agreed to provide clarification on which EIS providers were monitored during the particular monitoring cycle.

Further, the State informed OSEP that it would like to develop a comprehensive statewide data system for compliance monitoring. OSEP will share with California DDS any TA resources and materials available related to statewide data systems, specifically those related to compliance monitoring. OSEP also agreed to share examples of how other States are measuring and tracking assurances from local providers.

Conclusion

In conducting the compliance activities, OSEP's purpose was to examine more closely compliance areas that are contributing to California's NI determination. The purpose of this discussion was both to identify any additional noncompliance and to work collaboratively with the State to identify steps that can be taken to improve California's compliance levels and contribute to improved results for infants and toddlers with disabilities. OSEP did not identify any additional findings of noncompliance during its visit. However, the visit greatly improved OSEP's understanding of the State's systems and included productive discussions of actions the State can take and support that OSEP can provide.

OSEP appreciates the cooperation and assistance provided by California State staff and others in providing feedback and input on the State's systems for special education. We look forward to collaborating with all stakeholders and actively working with the State to continue to support the systems in place for infants and toddlers with disabilities and their families.