

Enclosure C

Focused Monitoring: Early Childhood Transition

OSEP selected early childhood transition as an area of concern for focused monitoring in the District. OSSE is the lead agency that is responsible for administering both Part C and Part B of the IDEA in the District of Columbia. Although OSSE reported high levels of compliance in its FFY 2007 APR for Indicators C-8B and C-8C (LEA Notification and Timely Transition Conferences), it reported data that reflect noncompliance with the requirements of SPP/APR Indicator B-12, which measures whether children referred by Part C prior to age 3, who are found eligible for Part B, have an individualized education program (IEP) developed and implemented by their third birthdays as required by IDEA section 612(a)(9) and 34 CFR §300.124(b). In FFY 2006, Part B reported a compliance rate of 41% for this indicator. Although there was improvement for FFY 2007, the rate of compliance was only 62%. OSEP will respond separately to early childhood transition data in the District's IDEA Part B and Part C FFY 2008 APRs, which were submitted on February 1, 2010.

<u>SPP/APR Indicator-Transition Requirement</u>	FFY 2006 APR	FFY 2007 APR
C-8B – LEA Notification	100%	100%
C-8C – Timely Transition Conferences	73%	96%
B-12 - IEP in place by 3 rd birthday (for children exiting Part C)	41%	62%

OSSE must ensure 100% compliance with the requirements of SPP/APR Indicators C-8B, C-8C and B-12. Indicator C-8B requires the District to report on whether the lead agency or early intervention service program notify the local educational agency that, for a Part C toddler who is potentially eligible for Part B preschool services, the child will shortly reach the age of eligibility for preschool services (three years of age) under Part B. Indicator C-8C requires reporting on the Part C requirement in IDEA section 637(a)(9)(A)(ii)(II) (this modifies the timeline in 34 CFR §303.148(b)(2)(i)) which requires that with the approval of the family of the child, a conference is convened among the lead agency, the family, and the local educational agency at least 90 days, and at the discretion of all such parties, not more than nine months before the child is eligible for the preschool services, to discuss any such services that the child may receive. Indicator B-12 requires the District to report on the requirement in IDEA section 612(a)(9) and 34 CFR §300.124(b), which require that children served in Part C and referred to Part B prior to age 3, who are found eligible for Part B, must have an IEP developed and implemented by their third birthdays.

Focused Monitoring Visit Details and Analysis:

OSEP visited two early intervention service (EIS) provider sites contracted to provide service coordination services under IDEA Part C for OSSE and visited the OSSE central office that maintains all service files for children receiving Part C services. OSEP staff also visited the Early Stages Center, the District of Columbia Public Schools' (DCPS) program that evaluates

children ages 3 through 5 suspected of having a developmental delay. The Early Stages Center was officially opened on October 1, 2009 with a new staff and management team. OSEP's review of 30 children's records included: the child's IFSP, prior written notice for the transition conference and initial evaluation, the document OSSE uses to invite the LEA representative to attend the transition conference, and the child's initial IEP.

OSEP staff interviewed service coordinators at the two EIS providers' sites and service coordinators who are DC OSSE staff within the DC EIP office. OSEP staff also interviewed case workers and family care coordinators at the Early Stages Center. OSSE staff attended the interviews as observers.

The 30 folders reviewed at the DCPS Early Stages Center contained records of children referred from DC EIP and found eligible for IDEA Part B services in DCPS. OSEP requested that the Early Stages Center pre-select 15 folders for children who transitioned from Part C to Part B in FFY 2007 and 15 folders for children who transitioned from Part C to Part B in FFY 2008. Of the 15 folders selected for each year, OSEP requested ten records representing children who did not have an IEP developed and implemented by the child's third birthday and five records representing children who had an IEP developed and implemented by their third birthday.

OSEP found that all 30 of the IEPs documented that DCPS personnel participated in the transition planning conferences arranged by DC EIP as required by 34 CFR §300.124(c). All 30 folders contained documentation that parental consent was provided before the initial evaluation was conducted as required by 34 CFR §300.300(a).

In four of the 30 folders OSEP reviewed, there was no documentation that DCPS gave parents prior written notice of the initial evaluation, as required by 34 CFR §300.503(a). The Part B regulations in 34 CFR §300.503 require that prior written notice be provided to parents of a child with a disability a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education (FAPE).

Indicator B-12 requires the State to report on the number of children for whom parental refusal to provide consent caused delays in evaluation or initial services. In its FFY 2007 APR, the State reported that parental refusal to provide consent caused delays in evaluation or initial services for 137 of the 186 children served in Part C and referred to Part B. Twenty of the 30 files reviewed by OSEP were for children who did not have an IEP developed and implemented by their third birthdays. None of the 20 files contained documentation that parental refusal to provide consent caused delays in the evaluation or initial services or documentation of any other reason for the delay. The Early Stages Center management indicated that as of October 1, 2009, these data are captured by the DCPS Easy IEP program and would not be included in the child's service folder.

OSEP staff also reviewed 48 IFSPs. OSEP found that in all cases, parents received prior notice as required by 34 CFR §303.403(a), and that the transition conference was convened with the family and DCPS personnel within the timeline required in IDEA section 637(a)(9)(A)(ii)(1). The IDEA Part C requirement in 34 CFR §303.344(h) requires that the IFSP include the steps to be taken to support the transition of the child to preschool services. However, OSEP found that 11 of 48 files reviewed did not conform with the regulation in 34 CFR §303.344(h), which requires the IFSP to include documentation of discussions with, and training of, parents regarding future placements and other matters related to the child's transition. In 28 of 48 IFSPs

reviewed there was no documentation of steps to be taken to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting.

Barriers and Practices

In interviews conducted during the verification visit, Early Stages staff and DC EIP service coordinators identified a number of barriers that impeded the smooth transition of children from DC EIP to DCPS including a lack of training, low levels of parent involvement and the lack of clear guidance from both Part C and Part B SEA and lead agency staff. Specifically, both DC EIP and Early Stages staff reported that there is a need for ongoing, joint Part C and Part B training to focus on the IDEA transition requirements, and a need for a transition policy that specifically addresses the roles and responsibilities of the DC EIP and Early Stages staff and ultimately promotes improved parent participation.

With regard to parent involvement, DC EIP service coordinators indicated that families have reported that the DCPS eligibility determination process is “cumbersome and does not consider the time and effort required of families.” Staff reported that to begin the DCPS eligibility process, parents must register the child at the Early Stages Center. Parents are not provided the opportunity to schedule the appointment during the DC EIP transition conference. DC EIP service coordinators further indicated that if the parent does not register the child at the Early Stages Center, the eligibility process does not begin and DCPS does not begin the process of providing prior written notice and attempting to obtain parental consent for the evaluation. Service coordinators also indicated that parents have reported that the eligibility process takes two and sometimes three appointments and parents often do not come to all of the appointments required to complete the DCPS Part B eligibility determination.

OSSE submitted its early childhood transition policy to OSEP for review. On December 9, 2009, OSEP responded with an analysis of OSSE’s policy and identified, by relevant early childhood transition requirement, areas that would require revision in order to be consistent with the requirements under Part C of the IDEA. OSSE was directed to submit its revised early childhood transition policy under IDEA to address all of the issues identified by OSEP by February 9, 2010. OSSE resubmitted its early childhood policy on March 2, 2010. OSEP will respond separately under the IDEA Part C grant application to OSSE’s submission of its early childhood transition policy.

OSEP Conclusions

As noted earlier, OSSE became the lead agency for DC EIP in April 2008. The Early Stages program, DCPS’ office responsible for determining the child’s eligibility for Part B services, officially opened in October 2009 with a new management and assessment staff that did not participate in the transition activities reflected in the FFY 2007 and FFY 2008 files reviewed by OSEP during the verification visit. OSSE reported that as of October 1, 2009, DCPS collects the APR Indicator B-12 data through the Easy IEP program. Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP has determined that the State did not, during FFY 2007 and FFY 2008, have policies and procedures for ensuring that children served in Part C and referred to Part B prior to age 3, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays, as required by IDEA section 612(a)(9) and 34 CFR §300.124(b). Because OSSE is in the process of revising its transition policies and procedures, OSEP cannot determine whether the revised early childhood transition

policies and procedures will result in a process that ensures the timely transition of children from DC EIP to Part B services.

Required Actions/Next Steps

1. OSSE must submit, within 60 days of the date of this letter, a plan that describes the actions the State will take to ensure that for children served in Part C and referred to Part B, the LEA initiates the evaluation process by providing the parent prior written notice consistent with the requirement at 34 CFR §300.503 and attempting to obtain informed parental consent, consistent with 34 CFR §300.300, in a manner that enables the State to meet its obligation to ensure, for those children found eligible for Part B, an IEP is developed and implemented by the child's third birthday.
2. OSSE must submit, within 60 days of the date of this letter, a description of how the State ensures that noncompliance with the early childhood transition requirements is identified and corrected in a timely manner. This includes: (1) an explanation of how the State is monitoring LEA compliance with the requirements in section 612(a)(9) and 34 CFR §300.124(b); (2) a report of any findings the State has issued in FFY 2009 to an LEA found out of compliance with the requirements; and (3) a description of steps OSSE has taken in FFY 2009 to improve the District's compliance with the early childhood transition requirements, such as conducting a review of updated data, professional development and training for State and local-level Part B and Part C personnel, policy development, etc.
3. OSSE must take steps to ensure that the data the State will collect and report in its FFY 2009 APR for Indicator B-12 are valid and reliable. The Verification Visit Enclosure for the District's Part B program details the specific corrective action required to address the State's noncompliance with B-12 data reporting requirements (Critical Element DS-1).