



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

Honorable Yvonne Gilchrist
Director
Department of Human Services
P.O. Box 54047
2700 Martin Luther King, Jr. Avenue, SE
Washington, DC 20032-0247

DEC 12 2003

Dear Director Gilchrist:

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 District of Columbia. 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 the District of Columbia during the week of September 1, 2003.

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 and improve performance.

As part of the verification visit to the District of Columbia Department of Human Services (DCDHS), the State's Part C Lead Agency, OSEP staff met with Barbara Ferguson Kamara (Executive Director, Office of Early Childhood Development); Joan Christopher (the Part C Coordinator with the District of Columbia Early Intervention Program (DCEIP)), and members of DCEIP's early intervention staff who are responsible for: (1) the 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 documents¹, including the following: (1) the District's Part C Application, Self-Assessment, and Improvement Plan; (2) OSEP's June 18, 2002 District of Columbia Monitoring Report; (3) the District's Provider Orientation Manual and Foundations Training Manual; (4) the District's Part C Annual Performance Report; (5) the 2003 Part C Data Profiles published by WESTAT; and (6) components of the District's revised monitoring process. Prior notice and procedural safeguard material was submitted to us for review on October 7, 2003.

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

OSEP also conducted a conference call on July 31, 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. Ms. Christopher and Ms. Margaret Lorber also participated in the call and assisted us by inviting the participants.

The information that Ms. Christopher 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 DCEIP's system for general supervision, and data collection and reporting.

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.

DCEIP is in the process of implementing the Improvement Plan that OSEP approved in a letter dated June 26, 2003. The State's Improvement Plan includes activities to address the finding in OSEP's June 18, 2002 District of Columbia Monitoring Report that DCEIP's supervision and monitoring procedures do not ensure the identification and correction of areas of noncompliance among participating programs and agencies in the Statewide Part C early intervention system. OSEP's June 26, 2003 letter requires that DCEIP provide documentation to OSEP by June 26, 2004 that it has corrected all of the findings of noncompliance identified in OSEP's June 18, 2002 monitoring report, including the finding regarding general supervision. OSEP cannot determine whether the State's revised procedures will result in the identification and correction of noncompliance. OSEP asks that DCEIP continue to keep OSEP informed of the State's progress in this area through its progress reports to OSEP on its Improvement Plan.

OSEP learned through interviews with DCEIP administrative and monitoring staff that, as a result of the OSEP 2002 Monitoring Report, and because they were not satisfied with the monitoring system in place during the March 2001 monitoring visit, DCEIP is revising their monitoring process. DCEIP has moved forward with revisions to its monitoring process effective March 2003 and anticipates completion of the process by January 2004. Service providers will receive training on the revised monitoring process. The training will inform service providers of DCEIP's procedures for the implementation of sanctions if noncompliance is not corrected within a timely manner. The revised monitoring process will involve a twelve-month monitoring cycle whereby all contracted vendors who provide direct services will be monitored. The monitoring team will be comprised of DCEIP staff and a parent. The revised process will include a desk audit conducted three months prior to the on-site visit. The desk audit will involve a review of service provider billing invoices, IFSPs, previous monitoring findings, corrective action plans, and any complaint

and due process information specific to the service provider. The on-site visit will consist of administrative and staff interviews, a review of child records, personnel records, financial records, program observation, and family interviews to determine parent satisfaction with the early intervention system. Service providers will receive a written report summarizing the monitoring findings. The report will include the identification of noncompliance, when applicable; a corrective action plan that the service provider must implement in order to correct findings of noncompliance; and a date for completing the corrective action plan. DCEIP will provide ongoing technical assistance to assist the service provider in correcting noncompliance and will submit a follow-up letter to the service provider advising them when noncompliance has been corrected, or the implementation of sanctions, if warranted. DCEIP has the authority to apply sanctions if noncompliance has not been corrected within a specified time period.

OSEP learned through interviews with DCEIP administrative and monitoring staff, that the following strategies are in place to ensure that DCEIP does not become ineffective during the phase-in of the new monitoring process: (1) a requirement that service providers submit monthly reports of their activities; (2) a review of service provider billing invoices by DCEIP staff (payment is contingent upon receipt of all necessary documentation to support billing); (3) bi-monthly or quarterly meetings with service providers; (4) drop-in visits by DCEIP staff to service providers triggered by data analysis or compliance deficiencies; (5) quarterly child find meetings with contractors; (6) monthly transition meetings with transition coordinators; (7) regular monthly parent training on transition and bi-monthly transition training for service providers; (8) monthly in-service for parents and service providers; (9) the Annual Early Intervention Institute; (10) provider orientation; (11) foundations training three times annually; and (12) monthly parent support dinner and meeting.

OSEP learned through interviews with DCEIP staff that child find and evaluation contractors are not included in the revised monitoring process. DCEIP must review its revised monitoring process to ensure that all programs and activities used by the State to carry out Part C of IDEA are monitored, including the contractors that carry out public awareness, child find, and evaluation activities. Given that Part C identification is an ongoing concern for the District of Columbia² and OSEP's finding in the June 2002 report that DCEIP's child find and public awareness activities are not sufficient to ensure that all eligible infants and toddlers with disabilities are identified, located and evaluated, it is particularly important that DCEIP monitor the entities carrying out these activities to ensure that they comply with all of the requirements set forth in 34 CFR §§303.320-303.323. In addition, DCEIP must ensure that its record review instrument addresses all of the necessary Part C of IDEA requirements; including the requirements regarding individualized family service plans (IFSPs) set forth in 34 CFR §§303.340-303.346.

OSEP reviewed DCEIP's systems for the resolution of State complaints, due process hearings and mediation. OSEP learned through interviews with DCEIP administrative staff that: (1) DCEIP adopts Part B due process procedures; (2) DCEIP has an agreement with the District of Columbia Public Schools (DCPS) hearing office to handle Part C due process requests; (3) mediation is

² The District of Columbia's Part C early intervention system was identified on the Part C Child Count Data Chart as one of the State Part C systems with a low ranking in the percentage of the birth to three population that it serves in comparison to other States, with 1.45 percent of the birth through two population served based upon the December 1, 2001 child count.

handled through a grant with Georgetown University; (4) the Part C coordinator trains the hearing officers; (5) DCEIP administers the complaint process; (6) families are informed of complaint procedures verbally and in writing and can call anyone to file a complaint; (7) ensuring that families know what to do about complaints is incorporated into the revised monitoring process via family interview questions; and (8) the monitoring of complaint procedures are not included in the revised monitoring process. Although DCEIP has adopted State complaint, due process, and mediation procedures, DCEIP's Part C Annual Performance Report for FY01 indicated that no signed, written complaints were filed and no due process hearings were requested; however, a mediation was reported for that period. Although DCEIP received no signed, written complaints or other written expressions of concern, DCEIP does receive telephone calls from parents, and has worked with these individuals to resolve their concerns informally. 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 District's Part C dispute resolution procedures.

As part of its evaluation of the District's dispute resolution system, OSEP was informed by DCEIP that service providers are responsible for developing their own prior notice letter to send to parents and that DCEIP does not review the letters to ensure that the notice includes the required content. DCEIP provided OSEP with a sample of prior notice letters used by service providers. A review of the sample letters indicated that they did not include the required content in 34 CFR §303.403(b). Under 34 CFR §303.403(b), "the notice must be in sufficient detail to inform the parents about--(1) The action that is being proposed or refused; (2) The reasons for taking the action; (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". DCEIP must develop procedures to ensure that the prior written notice provided to parents meets these requirements. One method of doing this would be to develop a model notice that includes the required content. OSEP is available to work with DCEIP to ensure that the required information is included. Please develop and submit to OSEP within 60 days from the date of this letter procedures to ensure that service providers provide prior written notice that includes the content required in 34 CFR §303.403(b).

Data Collection under Section 618 of the IDEA:

In looking at the State's system for data collection and reporting, OSEP collected data 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 DCEIP's system does not appear to have the elements for collecting and reporting data to reasonably ensure the accuracy of the data that DCEIP reports to OSEP under section 618, especially in the area of personnel and exit data.

OSEP learned through interviews with DCEIP staff that data collection efforts are hampered at the State level because the automated system is not fully functional. DCEIP conducted a demonstration of the current automated data system during the verification visit. DCEIP began development of the automated data system in 1996 or 1997 and has not been successful in completing the entire process. After several unsuccessful attempts to develop an automated system, DCEIP is now utilizing an in-house group through the DCDHS' Management Information System (MIS) to "scrub" their system and move it to 100% reliability. When fully functional, the automated data system will be able to produce the 618 data tables required by OSEP. The goal of the automated system is to inform DCEIP which children are in the early intervention system and to enable forecasting to determine the cost of service provision and the identification of other funding sources utilized to pay for early intervention services. It will also inform DCEIP if they have allocated sufficient Part C funds to each direct service provider to pay for early intervention services. Local service providers will not be required to interface with the automated data system; they will continue to send data reports to the DCEIP office for data input. DCEIP continues to enter data into the automated system, but, in the interim, DCEIP utilizes manual data collection to meet 618 data reporting requirements and will continue to do so until they are confident that the automated data system is 100% reliable.

OSEP learned through interviews with DCEIP staff that DCEIP uses a manual chronological intake log to track each child referred to the early intervention system (DCEIP is the single point of entry into the early intervention system). The referrals are added to the manual tracking system and assigned a unique identifier. Referrals are concurrently added to the automated data system using the same unique identifier. Once determined eligible, the automated data system is updated by DCEIP staff to indicate the child's eligibility. The automated data system is also updated to reflect children who are referred, but not determined eligible. Since the automated data system is less than 100% reliable, DCEIP intake staff also maintains a manual log of all children who receive services throughout the year. The manual log is used to validate the December 1 child count. A designated DCEIP staff person is responsible for validating data that is submitted from service providers for the December 1 child count. The Part C coordinator serves as backup for data validation prior to data submission to OSEP. The DCEIP designated staff person assigned data responsibility identifies anomalies in data submitted by service providers, and is responsible for correcting any inaccuracies.

Through interviews with DCEIP administrative staff, OSEP learned that data-reporting requirements are included in each service provider's contract. The provider orientation training includes information on data reporting requirements, and providers also receive copies of the 618 data tables (the instructions for completing each table is typed in bold face at the bottom of the page). The DCEIP designated staff person assigned data responsibility answers any data questions and provides technical assistance to service providers regarding the requirements for data submission.

OSEP learned through interviews with DCEIP administrative staff that DCEIP checks for reliability of data only if the data looks "out of the ordinary." DCEIP staff further reported that they are not confident about the personnel and exit data reported to OSEP because service providers are not trained on how to calculate the Full Time Equivalence (FTE) on personnel who provide early intervention services to Part C eligible infants and toddlers. DCEIP staff said that providers are also confused about how to report exit data. DCEIP reported that they do not check to ensure the

accuracy of data against the child's record (they take the word of the service provider) because they do not monitor data collection at the local level. OSEP suggests that DCEIP develop and implement strategies to ensure the accuracy and reliability of its personnel and exit data and requests that DCEIP submit those strategies as part of its next progress report on the Improvement Plan. OSEP also encourages DCEIP to use their data collection system to inform its monitoring and decision-making process.

We appreciate the cooperation and assistance provided by your staff during our visit. As noted above, DCEIP must submit to OSEP, no later than 60 days from the date of this letter, procedures to ensure that the prior written notice meets the content requirements in 34 CFR §303.403(b). In addition, DCEIP must keep us informed of its progress in ensuring the identification and correction of noncompliance in all programs and activities that carry out Part C of IDEA and in ensuring the accuracy and reliability of personnel and exit data in progress reports submitted on the Improvement Plan. We look forward to collaborating with the District of Columbia 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: Joan Christopher