



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

Mr. Michael J. Willden, Director
Department of Human Resources
505 East King Street, Room 600
Carson City, NV 89701-3708

OCT 27 2003

Dear Director Willden:

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 Nevada. 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 Nevada during the week of July 21, 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.

As part of the verification visit to the Nevada Department of Human Resources (NDHR), the State's Part C Lead Agency, OSEP staff met with Alex Haartz (Deputy Administrator in the Health Division), Janelle Mulvenon (Chief of the Bureau of Early Intervention Services and former Part C Coordinator), Wendy Whipple (current Part C IDEA Coordinator), and staff members of the Bureau of Early Intervention Services (BEIS) in the NDHR 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, Improvement Plan, Annual Performance Reports, Community Connections Program Monitoring Procedures,¹ and submissions of data under Section 618 of the IDEA, as well as other information and documents posted on the Community Connections website.² OSEP also conducted a conference call on July 11, 2003, with members of the Part C Steering Committee, to hear their perspectives on the strengths and weaknesses of the State's

¹ The early intervention system in Nevada was named Community Connections until July 1, 2003. The new name is Bureau of Early Intervention Services. For this letter, OSEP will use "BEIS" when referring to the early intervention program in Nevada.

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 systems.

systems for general supervision and data collection and reporting. Ms. Mulvenon and Melanie Whitney (Office Manager) assisted us by inviting the participants and distributing information for the steering committee call.

The information that Ms. Mulvenon 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 the NDHR systems for general supervision, and data collection and reporting, for the Nevada BEIS.

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.

BEIS is in the process of implementing the Improvement Plan that OSEP approved in a letter dated February 5, 2003. The State's Improvement Plan included strategies to address the following general supervision noncompliance issue (identified by the State in its Self-Assessment): a lack of effective procedures to ensure correction of identified noncompliance. OSEP's February 5, 2003 letter requested that the State provide documentation to OSEP by February 5, 2004 that the State has corrected each of its areas of noncompliance identified in OSEP's letter, including the State's lack of effective procedures to ensure correction of identified noncompliance. Based on OSEP's review of BEIS' monitoring system during the verification visit, OSEP believes that BEIS' revised systems for general supervision are reasonably calculated to identify noncompliance. However, OSEP cannot determine whether the State's procedures result in the correction of State-identified noncompliance. OSEP asks that BEIS continue to keep OSEP informed of the State's progress on this issue through its progress report to OSEP on its Improvement Plan.

OSEP learned through review of Nevada's documents and interviews with NDHR staff, that BEIS uses multiple strategies to monitor, on a cyclical basis, all of the local early intervention programs that provide service coordination and other early intervention services. The monitoring process includes pre-site, onsite, and post-site phases. Prior to the site visit, parent surveys are sent to 20% of randomly selected families (tallied and recorded by BEIS staff and ICC subcommittee members); programs videotape IFSP meetings and submit videos to the State office (all monitoring team members review the videos and complete observation forms for compliance with Part C requirements); local programs submit new program components that Part C staff will observe; and community partner surveys are distributed and collected by the State office. On-site, child records are reviewed, a fiscal review is completed, staff members are

interviewed, programs provide data on the objectives and indicators for the State-wide Self Improvement Plan; and a debriefing with program staff occurs. A written report is submitted within 30 days of the site visit; programs have 30 days from the receipt of the report to address State-wide and program-specific issues that are findings; and quarterly progress reports are required that demonstrate progress on any findings. The lead monitor from BEIS has a meeting with the local program staff to discuss the progress report. BEIS staff told OSEP that all programs are in a stage of the monitoring process at all times. The goal of the monitoring process is to ensure compliance with the Part C requirements and improved performance for infants and toddlers with disabilities and their families.

It was evident from interviews with the BEIS staff who implement the monitoring process that they are well-trained, understand Part C requirements, and work together closely to ensure inter-rater reliability and improve the monitoring process on an on-going basis. In developing and revising the monitoring process and procedures, State staff seeks input from other States, present and participate in conference sessions about its general supervision systems, utilize technical assistance from Federal partners, and communicate frequently with the OSEP project officer. Local monitoring reports and staff interviews demonstrate how the State uses the technical assistance it receives to impact systemic noncompliance. All interview participants were aware of the systemic noncompliance identified and targeted through the Self Assessment and Improvement Plan and an update of data was presented to OSEP during the verification visit.

OSEP learned through interviews with BEIS staff, and review of the local monitoring files, that BEIS has designed and implemented a systematic, data based process to build a body of information regarding program results to inform the BEIS' decisions. BEIS has the capacity to use its monitoring process to collect data from multiple sources and to use these data to focus its monitoring of each program. BEIS staff report and demonstrate a commitment to strengthening data systems and reporting procedures and are using the data to guide ongoing technical assistance to assist the program in correcting cited areas of noncompliance. The State recently implemented extensive revisions to its database to support tracking across all areas of IDEA and to strengthen the BEIS oversight capacity of the early intervention system.

BEIS staff reported during the verification visit that former enforcement options were not effective in impacting change. BEIS staff, with members of the State ICC, developed a hierarchy of enforcement options that are going out for public comment in November 2003, with planned implementation in February 2004. The enforcement strategies drafted include: positive staff incentives; public report cards; onsite consultation that will be escalated if the program is not making significant progress; and, if necessary, financial consequences such as a delay in funding.

Nevada was unable to demonstrate that BEIS's systems for general supervision currently lead to the timely correction of all identified noncompliance. During the verification visit, NDHR and BEIS staff presented information that demonstrates that the State is making significant and thoughtful efforts to establish a system that will both identify and ensure correction of noncompliance through a system of continuous, comprehensive monitoring and improvement planning. The State identified the following barriers that impede its ability to correct noncompliance: lack of enforcement options; a State hiring freeze; data system limitations; lack of therapists; and reimbursement contracts that did not support services in natural environments.

NDHR reorganized the early intervention system and its management during 2003 to address these barriers and BEIS staff anticipates correction of identified noncompliance as a result of its reorganization. OSEP requests that NDHR keep us informed of its progress in establishing a system that ensures all noncompliance is corrected in a timely manner.

OSEP also reviewed BEIS' systems for the resolution of State complaints, due process hearings and mediation. NDHR adopted the Part B system for due process and shared mediation. No complaints, mediation, or due process hearings were recorded in the Annual Performance Report for FY 2002. BEIS staff told OSEP during the verification visit that the family rights booklet was recently modified and the State initiated increased training to ensure both service providers and families understand the rights. BEIS staff reported that families are beginning to make formal complaints. BEIS staff also said complaints will be recorded as part of local program corrective action plans. 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.

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

BEIS staff informed OSEP that when BEIS receives a referral, the service coordinator fills out a data form and the data manager enters the information into the Tracking Resources And Children (TRAC) system. Training to fill out documents varies by programs. Training is mandatory and all service coordinators get the data guidance manual. Data is monitored during site visits by checking data entered with child files. The same form is used in every location to monitor data entry for reliability and validity. The TRAC system has been revised as part of the Improvement Plan process to correct inconsistencies in data reporting. Anticipated implementation of the new TRAC system is fall of 2003. New, required fields include how much service a child receives, the provider, location of services, and percentage of services that are provided in the natural environment. Challenges in strengthening the data system include programmer turnover and having to replace 40 computers in local programs to be compatible with the system in the NDHR and TRAC.

Review of the TRAC III booklet shows that TRAC definitions for 618 data match the Federal definitions. BEIS staff explained how Nevada is unique in the settings data because (1) NDHR is

the only State agency that provides early intervention services to infants and toddlers with disabilities, (2) no children are placed in residential settings, and (3) data inconsistencies have been corrected in past years so data are now more reliable. When monitoring revealed data inconsistencies, BEIS provided memos with specific areas to train and review (e.g. policy clarification or coding clarification). For example, BEIS identified in the Self Assessment process that documents reviewed indicated the settings and exit data were not reported consistently across programs. Strategies developed by BEIS staff and the steering committee include using State-wide, standardized forms and making settings a mandatory field in the revised TRAC system. BEIS staff report that guidance is always communicated to local programs in writing.

During general supervision monitoring, individual child data are checked and the State is aware of programs that have historically been less accurate in data entry. To strengthen the BEIS information of data in each program, the quarterly data reports are reviewed by BEIS staff and discussed publicly in ICC meetings. BEIS staff told OSEP that public discussion of data appeared effective in compelling programs to correct data problems. BEIS staff expressed overall confidence in the 618 data that they report to OSEP and said it will be even more confident with TRAC III, which will be used to submit data for the December 1, 2004 child count.

We appreciate the cooperation and assistance provided by your staff during our visit and in ongoing communication with the OSEP project officer. We look forward to collaborating with Nevada 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: Janelle Mulvenon, Chief
Wendy Whipple, Part C Coordinator