



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

Honorable Robin Arnold-Williams
Secretary
Department of Social and Health Service
P.O. Box 45010
Olympia, Washington 98504-5010

JUN 13 2005

Dear Secretary Arnold-Williams:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP) verification visit to Washington. As indicated in my letter to you of January 30, 2004, 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). We conducted a Part C verification visit to Washington during the week of March 21, 2005.

The purpose of our verification reviews of States is to determine how States use their general supervision, State-reported data collection, and State-wide 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 Department of Social and Health Services (DSHS), the State's Part C Lead Agency, OSEP staff met with Ms. Linda Rolfe, Director of the Division of Developmental Disabilities, Ms. Sandy Loerch-Morris, the Part C Coordinator, and members of DSHS's early intervention staff who are responsible for: (1) 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 documents, including, the State's Part C Grant Application, Federal Fiscal Year (FFY) 2002 Annual Performance Report (APR), OSEP's 1999 Monitoring Report, Improvement Plan (IP), local monitoring reports, corrective action plans (CAP); submission of data under section 618 of the IDEA, and other information and documents posted on the DSHS website.¹ OSEP also conducted conference calls on March 15 and 17, 2005, with members of the State Interagency Coordinating Council (SICC) and families to hear their perspectives on the strengths and weaknesses of the State's systems for general supervision and data collection and reporting. Ms. Loerch-Morris also participated in the calls and assisted OSEP by inviting the participants.

¹ Documents reviewed a part of the verification process were not reviewed for legal sufficiency but rather to inform OSEP's understanding of your State's system.

The information that Ms. Loerch-Morris 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 DSHS's general supervision systems and data collection and reporting systems in carrying out the State's administrative and oversight responsibilities regarding the State's Early Intervention 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 systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (2) 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; (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.

Based on OSEP's review of DSHS's monitoring system and interviews with DSHS administrative and monitoring staff during the verification visit, OSEP believes that the State'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 the systems are fully effective in identifying and correcting noncompliance.

Within DSHS, the Division of Developmental Disabilities (DDD) is responsible for implementing early intervention services under Part C. The Infant and Toddler Early Intervention Program (ITEIP) contracts with 34 County Interagency Coordination Councils (CICCs) covering 39 counties. Four other State agencies that work in partnership with DSHS through an Interagency Agreement are: (1) Department of Community, Trade and Economic Development; (2) Department of Health (DOH); (3) Department of Services of the Blind; and (4) Office of Superintendent of Public Instruction (OSPI). DSHS reported that in Washington, 50 percent of the local school districts provide early intervention services according to an individualized family service plan (IFSP) to approximately one third of the eligible children. The DDD also serves approximately one third of eligible children. The Interagency Agreement that is reviewed annually identifies roles for providing or paying for the following Part C components: child find, family resources coordination, early intervention services, and transition at age three.

OSEP confirmed through interviews with DSHS staff and a review of Washington's monitoring documents, that DSHS has established the necessary components of a coordinated statewide general supervision system including: (1) a detailed contracting process with local contractors that requires a bi-annual data submission, periodic on-site monitoring visits and action plans based on self-assessments, to ensure local compliance with Part C requirements; (2) on-site monitoring conducted by State contractors on a three-year cycle or more frequently as warranted; (3) standardized monitoring protocols based on Part C requirements; (4) a comprehensive

statewide web-based data management system, implemented in January 2001, that provides compliance monitoring at the State level and a management tool for staffing, timelines and compliance at the local level; (5) parent satisfaction measures; (6) ongoing statewide data collection, analysis and integration of data for monitoring Part C requirements, improvement planning, verification of change, and submission of section 618 data; (7) ongoing technical assistance provided by ITEIP staff; (8) an active SICC data committee involved in Part C system initiatives, including monitoring and performance reporting; (9) an operational State Interagency Agreement; and (10) local interagency agreements in effect to ensure the full implementation of Part C requirements.

The State also maintains a comprehensive web site that provides the public with current information on ITEIP's program administration (e.g., authorizing legislation, referral information, contractor lists, research publications, and child care), program publications (e.g., public awareness materials, early intervention fact sheet, natural environment guidelines, developmental milestones charts, and parent rights brochures), and program resources/policies (FFY 2004 application for Federal funds, State Interagency Coordinating Council, program eligibility, family leadership, monitoring protocols and record checklists).

DSHS informed OSEP that it provides supervision to local providers through a continuous improvement process that includes the identification and correction of noncompliance through multiple monitoring activities and technical assistance. DSHS uses a number of strategies and mechanisms to ensure compliance with the Part C monitoring requirements such as: (1) a full-time data manager to oversee the implementation of the State's data management system; (2) a data management system that provides live analysis of statewide data in order to identify potential noncompliance; (3) an electronic statewide IFSP form (full implementation in October 2005); (4) ongoing tracking of compliance issues provided by program liaisons who are assigned geographic areas to ensure the correction of noncompliance; (5) a statewide family satisfaction survey; (6) risk assessments completed for all contractors to identify which contractors will be monitored each year; (7) timely issuance of State monitoring reports, and the development of corrective action plans (the final report and letter requesting a corrective action plan, if needed, is issued within 30 days of the visit); and (8) verification visits conducted by program liaisons to ensure compliance before the corrective action plan is closed.

DSHS further informed OSEP that local corrective action plans are submitted to the Lead Agency for approval within six to eight weeks of the identification of noncompliance. Implementation of the corrective action plan or improvement plan, as appropriate, is monitored by the ITEIP program liaison through reviews of the following: (1) provider applications for funding; (2) local data submissions, including section 618 data; and (3) local action plans based on contractor self-assessments conducted every three years. Ongoing technical assistance and training activities are included in the local action plans and offer additional opportunities for documenting progress. DSHS confirmed in interviews with OSEP that they require correction of all noncompliance within one year of identification.

DSHS stated that its training and technical assistance is based on the results of County Interagency Coordinating Councils' (CICC) self-assessments, annual family satisfaction surveys, on-site monitoring visits, and issues identified in provider corrective action plans.

The State has included sanctions in its contracting process that may be imposed if a provider fails to take the requisite actions, including the authority to: (1) reorganize local contractors; (2) withhold State and Federal funds until the corrective action is taken to ensure compliance; and (3) cancel providers' early intervention contracts. The staff stated that although DSHS has the authority to impose sanctions, they are more likely to employ other strategies to ensure correction of noncompliance such as increased technical assistance and/or local provider participation in the development of State policies and procedures.

OSEP reviewed DSHS's system for the resolution of State complaints, due process hearings and mediations, and prior written notice documents pursuant to 34 CFR §303.401. DSHS reported to OSEP that from 2003 to the time of the visit in March 2005, there was one request for mediation, one agency complaint filed, and no requests for a due process hearing. However, even though DSHS had received no written requests for a due process hearing, DSHS had received telephone calls and emails from parents, and worked with these individuals to resolve their concerns, informally.

DSHS reported that they use the complaint system to identify patterns in regions of the State or statewide that may require further investigation. OSEP cannot determine if the lack of requests for due process hearings is due to parent satisfaction or due to lack of parental awareness of procedural safeguards. OSEP received the State's prior written notice and found that it provided information on due process hearing requests.

DSHS staff reported to OSEP that the family resource coordinator is the primary contact for informing parents of the dispute resolution procedures. Furthermore, DSHS informed OSEP that the data management system requires confirmation that parent rights have been explained and that parent consent has been obtained in order to complete the IFSP. The data management system will not allow a user to continue data entry if consent is not confirmed. The State's Family Satisfaction Survey also includes questions on the implementation of procedural safeguards.

OSEP concludes that the State's monitoring and dispute resolution systems are reasonably designed to ensure the State's ability to exercise general supervision of its early intervention system in accordance with Part C requirements.

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 level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported and correcting any inaccuracies;

and (4) has identified any barriers (e.g., limitations on authority, sufficient staff or other resources, etc.), that impede the State's ability to accurately, reliably and validly collect and report data under section 618 of IDEA.

OSEP believes that DSHS's system for collecting and reporting data from the State's early intervention contracted providers is reasonably calculated to ensure the accuracy of the data that DSHS reports to OSEP under section 618 of IDEA.

The State's data manager is responsible for collecting and reporting the data at the State level. The data manager also provides regional training for Part C personnel in the implementation of the system. DSHS staff reported to OSEP that the data manager travels to regions in the State and conducts local training on the system for the family resource coordinators and the local lead agencies. The training consists of software usage, data collection procedures and data entry. DSHS reported that it disseminates the annual OSEP data collection packet and a template on a diskette to CICC's with guidance on how to collect and report all required data consistent with Federal reporting requirements. DSHS provides a comprehensive data management system training manual and a tutorial on the State's website. The tutorial consists of frequently asked questions related to Part C and State level issues. The questions are reviewed by ITEIP staff that then compile a response. A monthly newsletter is posted on the website and gives updates on the data management system to the Part C personnel.

OSEP recognizes DSHS's capacity to collect and compile data, build reports from the data, look at trends in the data, and use the data to meet its general supervision responsibilities. In interviews with DSHS staff, OSEP learned that DSHS collects timely data under section 618 from thirty-four CICC's in order to meet OSEP's submission timelines. Data are collected locally by county or regionally-based agencies that include DSHS, DOH, and OSPI, and are submitted electronically twice a year. The data is organized in the system to reflect OSEP's data charts so that the data do not need to be redefined. Section 618 data are collected continuously in a data-based, real-time system. Because the system is live, the State has built in the capacity to freeze data in a separate system so that accurate trend data can be easily available. Timely reporting of Federal data is required in contracts with local providers. The State sends out alerts in early December to remind the CICC's to submit the data. The State's funding formula is based on child count which provides an incentive for the CICC's to submit the data promptly.

DSHS informed OSEP that local data managers or family resource coordinators make ongoing data entries and send them to the State's data manager, to aggregate into one statewide database and generate State-level reports. The database can disaggregate the data submissions using a field that indicates specific CICC's. Examples of data fields in the system include the following: intake page, 45-day timelines, consent to evaluate, developmental levels of functioning for evaluations and assessments, medical information, eligibility, funding sources per service, IFSP checklist, early intervention services and transition. The data management system also includes a child's calendar that records every event that happens during the child's enrollment in early intervention services. Furthermore, OSEP learned that the data system generates administrative and "ad hoc" reports specific to timelines and compliance monitoring.

OSEP learned that all data are centrally located within a database at DSHS and that they cannot be accessed through the Internet. The system is web-based with multiple firewalls. The actual data are encrypted as they are sent from the family resource coordinator's computer to the State database. Only the ITEIP system administrator at DSHS's central office has direct access to the database. The administrator backs up the data and ensures the security of the server. Family information on the IFSP cannot be viewed by ITEIP, or others at the State level. DSHS informed OSEP that IFSPs and early intervention records are available at the local level for general supervision and monitoring purposes by ITEIP/DSHS or authorized designees.

The State data manager runs queries for data that are outside of expected parameters and on specified fields to check for accuracy. The data management system is "password protected" on local computers where data are entered into the system, and uses a unique identifier at the State-level DSHS website. Data reports are also "password protected." During interviews, the data manager provided OSEP with a demonstration of the data system's capacity to identify the status of various Part C requirements such as the 45-day timeline, multidisciplinary evaluations and assessments, assignment of family resource coordinators, and performance indicators such as referral sources.

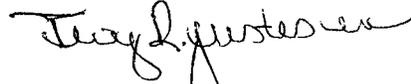
The State also ensures validity of data using a variety of mechanisms, such as: (1) conducting queries and edit checks at the local level including checks on items that are outside of a set or expected parameters; (2) comparing data to the previous six months, the annual application for funds, year end reports, and monitoring data, if applicable; (3) checking data sources such as child files, IFSPs, etc., for any data that may be outside expected parameters; (4) clarifying data entry instructions and definitions during conference calls, and providing a tutorial on the provider's computer at the local site; (5) disseminating an on-line manual of the entire database; and (6) providing State-wide access to a data managers' list serve.

DSHS stated that any existing challenges in data collection at the local level are related to the need to ensure a reliable and valid unduplicated count for the migratory population of infants, toddlers and their families. The State reported that with the full implementation of the statewide IFSP in October, there would be a name history that would ensure the data are accurate. The State will be using an intake form that will check on the duplication of the child's name, date of birth and zip code. The family service coordinator will be able to download the IFSP and fill it out with the family on a laptop, and add it to the database on the web system. DSHS staff expressed overall confidence in the 618 data that they report to OSEP.

OSEP recognizes the State's ongoing support and training have resulted in a data management system designed to report accurate 618 data to meet the Federal requirements.

We appreciate the cooperation and assistance provided by your staff during our visit. We look forward to collaborating with Washington as it continues to work to improve results for children with disabilities and their families.

Sincerely,

A handwritten signature in black ink that reads "Troy R. Justesen". The signature is written in a cursive style with a large, looping initial "T".

Troy R. Justesen
Acting Director
Office of Special Education
Programs

cc: Sandy-Loerch Morris
Part C Coordinator