



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

Honorable Michelle R. B. Saddler
Secretary
Illinois Department of Human Services
100 South Grand Avenue E.
Harris Bldg., 3rd Floor
Springfield, Illinois 62762

FEB 15 2011

Dear Secretary Saddler:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Illinois Department of Human Services (DHS) during the week of November 1, 2010. As indicated in our letter to you dated July 22, 2010, 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 Part C of the Individuals with Disabilities Education Act (IDEA).¹ Sections 616 and 642 of the IDEA require the Department to monitor States with a focus on: (1) improving early intervention and educational results and functional outcomes for infants, toddlers, children, and youth with disabilities; and (2) ensuring that States meet the program requirements, particularly those most closely related to improving early intervention and educational results for infants, toddlers, children, and youth with disabilities.

The purpose of the verification visit is to review the State's systems for general supervision, collection of State-reported data, and fiscal management, and the State's systems for improving child and family outcomes and protecting child and family rights. OSEP developed critical elements that it used to guide its evaluation of Illinois' general supervision, data, and fiscal systems. The Enclosure to this letter describes the scope of OSEP's review of the State's systems and briefly outlines relevant statutory and regulatory requirements for each critical element. Generally, the Enclosure to this letter does not include descriptions of the State's systems because this information is available on the State's Web site in the State's State Performance Plan. OSEP's analysis of each critical element and any required actions, if noncompliance was identified during the verification visit, are provided in the Enclosure to this letter. OSEP found noncompliance and has required corrective action in the following areas: (1) the State has made findings of noncompliance based on the percentage of children served by an early intervention service (EIS) program in natural environments, even if the State had not found that there was noncompliance with IDEA Part C requirements for serving children in natural environments; (2) the State's procedures for verifying the correction of noncompliance were not consistent with the guidance in OSEP Memorandum 09-02, Reporting on Correction of Noncompliance in the Annual Performance Report Required

¹ During the week of November 1, 2010, OSEP also conducted its Part B verification visit to the Illinois State Board of Education (ISBE). OSEP is sending the Part B verification letter and enclosure to ISBE under separate cover.

under Sections 616 and 642 of the Individuals with Disabilities Education Act, dated October 17, 2008; and (3) the State had not implemented procedures that were consistent with the resolution process requirements in 34 CFR §§300.510(a) and 303.420(a).

Over a period of several weeks prior to the verification visit, OSEP received calls and e-mail messages from a number of EIS providers in the State. In those communications, the providers expressed their concerns that there were significant delays in their receiving payment from DHS for the early intervention services that they provided to infants and toddlers with disabilities pursuant to their individualized family service plans (IFSPs). They indicated that at times they had waited for as much as three months to receive payment, and that these delays and the resulting financial strains were making it difficult for the providers to continue providing Part C services. Before and during the verification visit, the Lead Agency acknowledged that there were, in fact, delays in paying EIS providers. The State explained that State law required all Part C expenses to be paid from a designated Part C “revolving fund,” and that there had been delays in transfers of funds from the State’s General Revenue Fund to the revolving fund, due to shortfalls in expected State revenues. During the visit, the Lead Agency indicated that it had reduced the delays to less than two months.

During the verification visit, Lead Agency staff informed OSEP they were not aware of any denials of, or delays in, the provision of early intervention services to eligible children and their families, and that they had received no complaints from parents of such children alleging such delays or denials. However, in Indicator 1 of its FFY 2009 APR, submitted to OSEP on January 28, 2011, Illinois reported a statewide compliance rate of 93.96% for the timely initiation of Part C services, and indicated that one factor affecting service delays was “payment delays.” OSEP cautions Illinois to continue to carefully monitor the IFSP process and the timely provision of early intervention services in the State, to ensure that any delays in payment to EIS providers do not result in a failure to: (1) include in children’s IFSPs all of the early intervention services identified as needed by the IFSP team; and (2) provide such children and families the early intervention services listed on the IFSP in a timely manner.

OSEP would like to recognize improvement initiatives being implemented in the State that are designed to improve results for infants and toddlers with disabilities and their families. Illinois has implemented a number of strategies to ensure the effectiveness of its child find and referral processes, and to assist families in learning about child development and how to support their infants and toddlers with disabilities by providing a variety of resources and initiatives. To ensure parents and others are aware of the State’s child find/referral process, twice a year the State implements a statewide radio and television media public awareness campaign. Each of the State’s 25 Child and Family Connections (CFCs) works with its Local Interagency Coordinating Council (LICC), to target its public awareness and referral initiatives to local physicians, public agencies, and community organizations. DHS has used the Adverse Pregnancy Outcomes Reporting System (APORS), a registry of Illinois infants born with special needs, as part of its child find efforts, and facilitates the transmission of referrals from the registry. DHS has also participated in the Enhancing Developmentally Oriented Primary Care (EDOPC) initiative. This initiative has implemented strategies to promote developmental screening and referrals to early intervention and to provide training. As part of its public awareness

initiatives, DHS continues to assist families in communicating their needs by providing materials, that include “A Family’s Introduction to Early Intervention,” “Infant and Toddler and Family Rights Under IDEA for the Early Intervention System,” and “When I’m 3 Where Will I Be?”

DHS uses the State’s Early Intervention Clearinghouse to assist families in learning about child development and how to support their infants and toddlers with disabilities. This Web site is a resource for the more than 18,000 families of infants and toddlers with disabilities that receive Part C services. DHS reported that through the Clearinghouse, families have access to local resources, including a library of journals, manuals, newsletters, books, and videos, playgroups, and parent nights related to the development of infant and toddlers with special needs. Through the Clearinghouse, DHS also provides Web site links to other related organizations and projects within the State and nationally.

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the Family Matters Parent Training and Information Center and parents of infants and toddlers with disabilities 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 improve results for infants and toddlers with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Barbara Thomas, at 202-245-7386.

Sincerely,



Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosure

cc: Janet Gully
Part C Coordinator