



**child
development
services**

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June 30, 2009

Mary Guerrette
Board Chairperson
Aroostook County Child Development Services
SAD #1
Special Education Department
PO Box 1118
Presque Isle, Maine 04769

Dear Ms. Guerrette:

On March 27, 2009 and June 5, 2009 the Aroostook County Child Development Services site was visited to monitor the site's progress on correcting areas of non-compliance identified in the letter of findings of June 25, 2008.

During the two visits, a file review was completed on 29 Part B files and 14 Part C files. Files were chosen of children who have had an IFSP or IEP meeting since September of 2008 demonstrating the use of the state required special education forms. In addition a desk audit of the site's profile data was conducted.

Section I.

Part C:

File Review

In the Letter of findings of June 2008, the Aroostook County site had 6 findings of non-compliance in Part C:

- Completion of evaluations and IFSP team meeting within 45 days from the receipt of referral.
- Transition planning and a Transition conference for children transitioning from Part C to Part B services must be held no later than 90 days before the child's third birthday.
- Copy of the IFSP provided to the parent within 21 days of the meeting
- Early intervention Services provided within the child's natural environment and Justification documentation
- Listing the specific setting for the supports and services to take place for the family and children
- Timely service provision to children and families receiving Part C services

After the file review, The Aroostook County CDS has corrected 2 of the 6 areas of non-compliance in Part C within one year of the letter of findings of June 2008. The site remains to be out of compliance in the following areas:

- Completion of evaluations and IFSP team meeting within 45 days from the receipt of referral.
- Transition planning and conference for children transitioning from Part C to Part B services must be held no later than 90 days before the child's third birthday.
- Early intervention Services provided within the child's natural environment and Justification documentation
- Timely provision of services for children in Part C

Desk Audit

Natural Environment

During the file review of 14 Part C files, it was found that 7 of the files listed services provided in the natural environment. This is a 50% performance rate.

In a desk audit of the Site's Part C profile data for the FFY 2007 APR submission, the site provides services to children birth to three in their natural environments at a rate of 72.7%. The site was found to be performing at 31.0% rate in FFY 2006. The state's FFY 2007 target for this performance requirement was 91.0%. The site has significantly increased its performance in this area but is performing below the state target of 91.0% performance. The site must include a goal to increase its performance in this area on its corrective action plan.

Part C to Part B Transition

In a desk audit of the Site's Part C FFY 2007 data, the site was in 100% compliance with the requirements of including transition steps and services in the IFSP and providing notification to the Part B agency of children potentially eligible for services. The site's compliance rate with holding a transition conference within 90 days of the child's 3rd birthday was at 100%.

Further data collection and verification of compliance occurred through a focused monitoring that was conducted in June of 2009 to determine the site's compliance with transition steps, services and conference requirements. The site completed an internal review of 20% of their Part C files from a list compiled by the CDS state office. The results were as follows:

IFSP included transition steps and services: 100% compliance

Transition conference conducted: 100% compliance

Transition conference held at least 90 days before the child's third birthday: 50% compliance

The site has significantly decreased compliance in conducting the transition conference within the required timeline. The site must include a goal within their corrective action plan to increase compliance to 100% in meeting transition conference requirements. The site must submit a written plan of how it intends to supervise and track transition requirements no later than July 30, 2009 to the CDS State IEU. The site may have conditions placed upon its Part C funds and may require technical assistance in order to bring the site into compliance.

Additional data collection occurred during the focused monitoring to determine compliance in ensuring an IEP was developed, as of the child's 3rd birthday, for children who are found eligible for Part B services during the transition process. The results were as follows:

If the child was found eligible for Part B services, The IEP was developed as of the child's third birthday: 100% compliance

The site meets the required 100% compliance in this area. The site is encouraged to establish an internal monitoring system to ensure continued compliance in this area.

Timely Services for Part C

In a desk audit of the Site's Part C data regarding the timely provision of services to children in Part C, the site is performing below the FFY 2007 state average in all areas except Developmental Therapy / Special Instruction. The site is in 100% compliance in the provision of special instruction services. The site's percentage of compliance for the FFY 2007 is as follows:

Service Type	% Timely	State Average
Developmental Therapy / Special Instruction	100%	96.2%
Occupational Therapy	87.7%	91.4%
Physical Therapy	83.8%	96.6%
Speech Therapy	94.9%	95.8%
All Therapies	91.2%	94.5%

The site's percentage of compliance for the FFY 2006 was as follows:

Service Type	% Timely	State Average
Developmental Therapy / Special Instruction	100%	97.7%
Occupational Therapy	100%	96.5%
Physical Therapy	100%	95.6%
Speech Therapy	100%	93.3%
All Therapies	100%	95.4%

The site has significantly decreased its performance in providing all Part C services, except developmental therapy/ special instruction within a timely manner. The site needs to include a goal to increase the timely provision of Part C services to meet 100% compliance within its corrective action plan.

Part C Child Find Timelines

During the file review of 14 files, the site was found to be at 65% compliance in completing Part C child find requirements within the 45 day timeline. This is a decrease in compliance from 80% documented in the letter of findings of June 2008.

A desk audit was completed through the CDS database to monitor compliance with the 45 day Part C timeline requirement. Fifteen files were viewed in the data base with referrals from September 2008 through May 8, 2009. 6 of the 15 files met compliance. This is a 40% compliance rate.

In a review of the site's profile data, the site is performing above the FFY 2007 state average but does not meet the required 100% compliance rate.

The site's compliance rate in FFY 2006 was 84% and in FFY 2007 it is 68.4%. The FFY 2007 State average was 91.1%. The site must include a goal in their corrective action plan to bring their compliance in this area to 100%. The site may have conditions placed upon its funds to address the non-compliance in this area.

Part B

File Review:

In the Letter of findings of June 2008, the Aroostook County site had 5 findings of non-compliance in Part B:

- Documentation of the receipt of consent for initial evaluation and subsequent evaluations.
- Completion of evaluations and IEP team meeting to determine eligibility within 60 days from the receipt of consent to evaluate.
- Use of an observation process during the initial evaluation process
- Listing the specific setting for the supports and services to take place for the family and children
- Completion of Section 8 of the IEP, Supplementary Aides and services

After the file review of 29 Part B files, The Aroostook County CDS has corrected none of the 5 areas of non-compliance in Part B within one year of the letter of findings of June 2008. The site remains to be out of compliance in the following areas:

- Documentation of the receipt of consent for initial evaluation and subsequent evaluations.
- Completion of evaluations and IEP team meeting to determine eligibility within 60 days from the receipt of consent to evaluate.
- Use of an observation process during the initial evaluation process
- Listing the specific setting for the supports and services to take place for the family and children
- Completion of Section 8 of the IEP, Supplementary Aides and services

In addition the site was found to be out of compliance with the Maine Unified Special Education Regulations in the following areas:

- The use of a Written Notice upon the initial referral, eligibility determination, proposed change of program, and evaluation determinations
- Required documentation on the State required written notice forms, advanced written notice of the IEP team meeting and the consent to evaluate form.
- Advanced written notice of the IEP team meeting sent at least seven days in advance of the meeting
- Transition to Kindergarten documentation
- Informed written consent to release information must include:
 - List of records to be released and to whom
- The use of the State required speech and language eligibility forms and an observation as part of the initial referral process.
- Required members present at IEP team meetings
- Completion of the Special Factors section of the IEP
- Documentation of the Least Restrictive Environment statement on the IEP

Compliance with the State required Written Notice, Consent to Evaluate form, and the Advanced Written Notice of an IEP meeting was inconsistent in the files. Compliance varied amongst the case managers. The forms were either missing from the files or were missing required documentation on the forms.

The review of the Part B files resulted in an isolated deficiency letter being sent to the site on June 11, 2009. The site is required to submit documentation of the 8 files identified as being out of significant compliance no later than July 27, 2009. The site is also required to report on an additional 13 files that were referred between February 1, 2009 and March 30, 2009. This report is also due no later than July 27, 2009.

The site has significantly decreased its performance in Part B since one year ago. The site and the board of directors are directed to establish an internal monitoring system to monitor compliance and performance of the case managers to ensure the Maine State Special Education Regulations are being followed.

The site will have one year from the date of this letter to demonstrate correction of the 9 new findings of non-compliance. The remaining areas of non-compliance identified in the June 2008 letters will be addressed through the General Supervision System and may result in conditions placed on the site's use of its funds.

Desk Audit:

Least Restrictive Environment

In a review of the site's FFY 2007 profile data, the site was performing at a 41.4% rate in providing preschool special education services to children ages 3-5 in settings with typically developing peers. The site was performing at a 46% performance rate in FFY 2006. The FFY 2007 state average was 61.4%. The site is performing significantly below the state average and does not meet the FFY 2007 target of 83%. The site has decreased its performance in this area. The site needs to include a goal in their corrective

action plan to improve their performance to meet or exceed the state target for this performance area.

Part B Child Find Timeline

During the on-site file review of 29 Part B files, the site was found to be at 11% compliance in completing Part B child find requirements within the 45 school day timeline. This is a decrease from 60% compliance indicated within the letter of findings of June 2008. The findings of non-compliance varied amongst case managers. Some of the case managers were in 100% compliance while others were at 0% compliance in meeting the required timelines. The site director was made aware of the discrepancies in performance and compliance based on case managers. The site director was directed to establish an internal review of the Part B files to establish an action plan for each of the case managers based on timeline compliance.

A desk audit was attempted through the CDS database to monitor compliance with the 45 school day Part B timeline requirement. Due to inconsistent data entry into the data system within a timely manner, a compliance rate could not be established. The site is directed to establish a weekly and monthly tracking system to ensure timely entrance of data into the system. The site must enter the date in which the site receives parental consent from the parents within the CDS tab in the CASE-E data system in order to establish a compliance date.

In a review of the site's profile data, the site is performing below the FFY 2007 state average and does not meet the required 100% compliance rate.

The site's compliance rate in FFY 2006 was 93.5% and in FFY 2007 it was 91.9%. The site has decreased compliance in this area and is below the state average of 97.6%. The required compliance target is 100%.

The site must include a goal in their corrective action plan to bring their compliance in this area to 100%. The site may have conditions placed upon the use of its funds during the FFY 08 year to increase compliance in this area.

Section II.

General Supervision

A review was conducted by the State CDS Office to determine Aroostook County Child Development Services site's compliance with requirements determined for the Human Resources, Fiscal, and Data Management departments.

In June 2009, the CDS State IEU arranged for technical assistance and consultation from an experienced special education director to provide training and mentoring to the site on the requirements of the Maine State Special Education Regulations. The training and mentoring will begin in the summer of 2009 and continue into the fall.

The site needs to establish a process for timely data entry into the CASE-E data system to ensure accurate data for desk audits and fiscal accountability. The site has complied with requests for data from the CDS State IEU in a timely manner.

There were no concerns noted from the Human Resources Department. The site complies with requests within a timely manner.

SECTION III.

Summary:

As determined in the June 2008 letter of findings, the Aroostook County CDS site had one year to correct the findings of non-compliance for both Part C and Part B. Based upon the monitoring of May 2009, the site has corrected 2 of the 6 findings of non-compliance in Part C and none of the findings of non-compliance in Part B within the required one year timeframe.

The site was found to be out of compliance in 9 new areas of the Maine Unified Special Education Regulations. The site will have one year from the date of this letter to correct these areas of non-compliance.

The Aroostook County Child Development site has received their public profile reporting their performance in meeting compliance with federal indicators. Based upon the Aroostook County Development Services Site FFY 2007 performance, the site may be required to complete the following to address the areas of non-compliance:

- Complete a Focused Self-Assessment
- Require a Partial Verification Desk Audit (on identified indicators)
- Be advised by the State CDS Office of the Available Resources and Technical Assistance
- Require a Corrective Action Plan
- Report of Promising Practices
- May require a site visit
- May impose conditions on use of funds

As part of the State CDS General Supervision System (GSST), the site must comply with the requirements outlined in the GSST which can be found at http://www.maine.gov/education/speced/cds/supervision/gsst_109.ppt

Corrective Action:

- 1. The Aroostook County CDS was required to attend the GSST training on May 19, 2009 as outlined in the April 28, 2009 letter from the State Director of Child Development Services. The information provided during the training will guide you through the process and activities that will be required by you and the site. A due date for the completion of a corrective action plan was provided during the training.**

- 2. In addition to the requirements outlined in the Self-Assessment, the Corrective Action Plan must include goals for correcting non-compliance in:
 - i. Part C and Part B Child Find Timelines**
 - ii. Part C to Part B Transition requirements**
 - iii. Timely service provision of Part C services**
 - iv. Services provided within the Natural Environment for Part C and the Least Restrictive Environment for Part B**
 - v. Timely data entry into the CASE-E Data system.**
 - vi. Compliance with the Maine Unified Special Education Regulations.****
- 3. The site must submit a written plan to the CDS State IEU of how it intends to supervise and track transition requirements no later than July 30, 2009 to the CDS State IEU.**

If you have any questions regarding this matter, please do not hesitate to contact me at 624-6660 or 474-9508 or via email at erica.thompson@maine.gov.

Sincerely,

Erica Thompson
Distinguished Educator
Child Development Services
Monitoring and Technical Assistance

Enclosed: Part C and Part B Child Record Audit Summary Forms

Copies sent to: Susan Gendron, Commissioner
David Stockford, Policy and Team Leader
Debra Hannigan, State Director Child Development Services
Holly Preston, Aroostook County CDS Site Director