



**child
development
services**

State Intermediate Educational Unit-146 State House Station,
Augusta, ME 04333 Telephone (207) 624-6660-Fax (207) 624-
6661-TTY-1- 888-577-6690

May 29, 2009

Marcy Gray
Child Development Services Opportunities
Board of Directors Chairperson
MSAD 17 Suite 1
1570 Main Street
Oxford, ME 04270

Dear Ms. Gray:

On April 23, 2009 the Opportunities Child Development Services site was visited by a Monitoring Team from the State Child Development Services Intermediate Educational Unit. The purpose of the on-site monitoring visit was to determine the site's correction of non-compliance identified in the Letter of findings issued of June 23, 2008.

During the visit, a file review was completed on 15 Part B files and 8 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 Opportunities site had 12 findings of non-compliance in Part C.

1. Written Notice of the initial referral
2. Documentation of the Parents provided with a copy of their procedural safeguards
3. Receipt of consent for initial and any subsequent evaluation
4. The consistent use of the state required development evaluation tool as a part of the initial evaluation process
5. Parental notice of the IFSP meeting
6. Completion of evaluations and IFSP team meeting within 45 days from the receipt of referral.
7. 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.

8. Documentation of the IFSP being sent to the parent within 21 days of the IFSP team meeting.
9. Documentation of Section B, the Present Abilities, Strengths and Needs
10. Eligibility for Part C services for children identified with an established condition.
11. Early Intervention Services provided within the Natural Environment
12. Timely service delivery for children receiving Part C services.

After the file review, The Opportunities CDS has corrected 8 of the 12 areas of non-compliance in Part C since the letter of findings of June 2008. The site remains to be out of compliance in the following areas:

1. Completion of evaluations and IFSP team meeting within 45 days from the receipt of referral.
2. 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.
3. Early Intervention Services provided within the Natural Environment
4. Timely service delivery for children receiving Part C services.

Desk Audit

Natural Environment

During the file review of 8 Part C files, it was found that all of the services listed on the IFSPs were being provided within the child's natural environment.

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 56.0%. This is an increase from 47.6% in the FFY 2006 profile data. The state's target for this performance requirement is 91.0%. The site has made progress over the last year but has not met the state target. The site must include a goal within their corrective action plan to improve their performance in this area. The site may be advised to revise and focus the use of its funds to increase its compliance in this area.

Part C to Part B Transition

During the file review, there were 4 applicable files reviewed to determine compliance with this area. All three of the files met 100% compliance. A focused monitoring will be conducted in June of 2009 to determine the site's compliance rate with transition steps, services and conference requirements.

In a desk audit of the Site's Part C FFY 2007 data, the site was at 22.0% compliance with the requirements of including transition steps and services in the IFSP. The site is in 100% compliance in 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 11.1% compliance. A focused monitoring will be conducted in June of 2009 to determine the site's compliance rate. The site will need to include a goal within their corrective action plan to ensure continued compliance with steps and services and 100% compliance with transition conference

requirements. The site may be advised to revise and focus the use of its funds to increase its 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 state average in all areas. The site does not meet the required 100% compliance rate in any of the areas. The site's percentage of compliance for the FFY 2007 is as follows:

Service Type	% Timely	State Average
Developmental Therapy / Special Instruction	96.0%	96.2%
Occupational Therapy	83.9%	91.4%
Physical Therapy	95.6%	96.6%
Speech Therapy	95.1%	95.8%
All Therapies	90.6%	94.5%

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

Service Type	% Timely	State Average
Developmental Therapy / Special Instruction	99.3%	97.7%
Occupational Therapy	96.9%	96.5%
Physical Therapy	96.6%	95.6%
Speech Therapy	79.5%	93.3%
All Therapies	90.5%	95.4%

The site has decreased its compliance in providing timely services to children in Part C in developmental therapy / special instruction, occupational therapy, and physical therapy. The site increased its compliance in providing speech therapy in a timely manner. A goal to reach the 100% compliance rate must be included in the site's corrective action plan. The site may be advised to revise and focus the use of its funds to increase its compliance in this area.

Part C Child Find Timelines

During the file review, the site was found to be at 13% compliance in completing Part C child find requirements within the 45 day timeline. This is a decrease in compliance from 85% documented in the letter of findings of June 2008. The site was implementing the use of an interim IFSP for all children at the beginning stages of child find during year one of monitoring. This practice falsely increased their compliance rate by having plans with only case management listed as services until the evaluations were completed and the initial IFSP was developed. The site was informed to cease that practice and only use interim IFSPs when it is applicable by regulation. During the most recent monitoring visit, there were no interim IFSPs used as part of the initial referral process.

In addition to the on-site monitoring, a desk audit of child find timelines was conducted on 17 children in the CASE-E system. 2 of the 17 files were found to be in compliance with the 45 day requirement. This is a 12% compliance rate.

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

The site's compliance rate in FFY 2006 was 88% and in FFY 2007 was 95.3%. The State average is 91.1%. The required compliance target is 100%. The site is performing above the site average according to the data on their profile. However, in a review of the files during the on-site monitoring, there has been a significant decrease in compliance. Due to the decrease in compliance, the site must include a goal in their corrective action plan to bring their compliance in this area to 100%. The site may be advised to revise and focus the use of its funds to increase its compliance in this area.

Part B

File Review:

In the Letter of findings of March 2008, the Opportunities site had 9 findings of non-compliance in Part B:

1. Consistent documentation of the completion of screening or existing screening information that led to the referral to CDS.
2. Written Notice of the initial referral, eligibility determinations, parental consent and proposed actions to be taken for the child's program.
3. Documentation of the IEP team's input into the determinations made at the IEP team meetings.
4. Receipt of Initial consent for evaluation
5. Completion of evaluations and IEP team meeting to determine eligibility within 60 days from the receipt of consent to evaluate.
 - a. The files reviewed at the Mexico branch of CDS Opportunities was found to be 100% compliant in meeting the required timeline.
6. The use of a variety of assessment tools and strategies, including the use of observation and the state required speech and language forms, as part of the initial evaluation process.
7. A statement of measurable, annual goals on the IEP
8. Statement of how the child's parents will be regularly informed of their child's progress in meeting their annual goals.
9. The documentation of Extended School Year Services on the IEP services table and the need for ESY services within the child's educational record.

After the file review, The Opportunities CDS has corrected 7 of the 9 areas of non-compliance in Part B since March of 2008. The site remains to be out of compliance in the following 2 areas:

1. Completion of evaluations and IEP team meeting to determine eligibility within 45 school days from the receipt of consent to evaluate.
2. The use of a variety of assessment tools and strategies, including the use of observation and the state required speech and language forms, as part of the initial evaluation process.

In addition to the 2 outstanding areas of non-compliance from 2008, the Year two monitoring visit identified 1 new finding of non-compliance:

1. Services provided within the Least Restrictive Environment for children ages 3-5.

Desk Audit:

Least Restrictive Environment

In a review of the site's profile FFY 2007 data, the site was performing at a 24.1% rate in providing preschool special education services to children ages 3-5 in settings with typically developing peers. In FFY 2006 the site was performing at a 71% performance rate. The State average is 61.4%. The site is performing significantly below the State average and does not meet the performance target of 83%. It has significantly decreased its performance in this area. The site must include a goal within the site's corrective action plan to increase performance in this area. The site may be advised to revise and focus the use of its funds to increase its compliance in this area.

Part B Child Find Timeline

During the on-site file review of Part B files, the site was found to be at 50% compliance in completing Part B child find requirements within the 45 school day timeline. This is a decrease from 75% compliance indicated within the letter of findings of June of 2008.

In addition to the on-site monitoring, a desk audit was attempted through the CASE-E data system. It was found that the site has not been consistently entering the date consent to evaluate was received from the parent. Therefore, the 45 school day timeline could not be monitored for compliance through a desk audit. The site director was notified through email on May 20, 2009 to immediately require this data be entered into the system for every child referred to Opportunities CDS.

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

The site's compliance rate in FFY 2006 was 98.4% and in FFY 2007 it is 96.6%. The State average is 97.6%. The site has decreased its performance since FFY 2006 and is below the state average. 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%.

During the on-site monitoring of both Part C and Part B files, the site demonstrated a significant increase in the quality of the documentation recorded on state required forms and the organization of their files. The site director and staff have worked hard over the last year to bring increased compliance with the Maine Unified Special Education Regulations.

SECTION II.

General Supervision

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

Fiscal

In a review of the site's fiscal performance, a concern was raised in the amount of invoices that are sent back to the site for site review. At the time of this letter, the site has 132 invoices at the site level for review. The site's rate of invoices in site review is significantly higher than all other CDS sites. The site should designate additional personnel or distribute the responsibility of invoice reviews to current personnel. Delays in attention to these invoices directly impact the CDS State IEU's ability to pay providers and programs in a timely manner.

David Lane, site director for Opportunities has been notified of this issue by the state director and has indicated it will receive his immediate attention.

In all other areas, Opportunities Child Development Services is regarded as a responsive site to requests made by the CDS State IEU. Their responses and submission of requested data and reports are timely. The site's director works professionally with all state IEU personnel on all matters. This is greatly appreciated.

SECTION III.

Summary:

As determined in the June 2008 letter of findings, the Opportunities CDS site had one year to correct the findings of non-compliance for both Part C and Part B. Based upon the monitoring of April 2009, the site has corrected 8 of 12 findings of non-compliance in Part C and 7 of 9 findings of non-compliance in Part B within the required one year timeframe. There were 2 new findings of non-compliance in Part B. The site will have one year from receipt of this letter to correct the newly identified areas of non-compliance.

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

- Self Assessment
- Require Partial Verification Audit (on identified indicators)
- Multiple day site review
- Require use of identified resources and Technical Assistance
- Require proof of utilization of Technical Assistance on identified outcomes
- Identify as high risk grantee
- Revised Corrective Action Plan
- 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 Opportunities 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 site director attended the training as scheduled. The information provided during the training will guide the site through the process and activities that will be required by the site. A due date for the completion of a corrective action plan was provided during the training.**
 - a. In addition to the requirements outlined in the Self-Assessment, the Corrective Action Plan must include goals for correcting non-compliance in:**
 - i. Timely service delivery for children in Part C**
 - ii. Part C and Part B Child Find Timelines**
 - iii. Part C services within the Natural Environment**
 - iv. Part C to Part B Transition requirements**
 - v. Part B services within the Least Restrictive Environment**

If you have any questions regarding this matter, please do not hesitate to contact me at 624-6660 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
David Lane, Opportunities CDS Site Director