



**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

June 30, 2009

Debra Hannigan
State Director
Child Development Services
Piscataquis Advisory Board Chair
Maine Department of Education
146 State House Station
Augusta, Maine 04333

Dear Ms. Hannigan:

On July 9th and 10th, 2008 the Penobscot 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 July 9, 2007 and the letter of findings of April 17, 2008.

During the visit, a file review was completed on 20 Part B files and 13 Part C files. Files were chosen of children who have had an IFSP or IEP meeting since September of 2007 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 July of 2007, the Penobscot County site had 13 findings of non-compliance in Part C. In April of 2008, the Penobscot site was visited to monitor progress in correcting the areas of non-compliance identified in the July 2007 letter. The letter of findings of April 17, 2008 indicated the site had corrected 12 of the 13 areas of non-compliance. The site remained out of compliance in the following area:

- Completion of evaluations and the Initial Early Childhood Team meeting held to determine eligibility for services within 45 days from the receipt of referral to the site.

In addition to the one remaining area of non-compliance the April 17, 2008 letter identified two new areas of non-compliance.

- Transition from Part C Early intervention services to Part B special education services
- Timely provision of services for children in Part C

After the file review conducted in July 2008, a desk audit and focused monitoring conducted in June 2009; The Penobscot County CDS remains out of compliance in the following areas:

- Completion of evaluations and IFSP team meeting within 45 days from the receipt of referral.
- Transition from Part C Early intervention services to Part B services special education services
- Timely provision of services for children in Part C

Desk Audit

Natural Environment

During the file review of 13 Part C files, it was found that all of the files listed services provided in the natural environment.

In a desk audit of the Site's Part C profile data for the FFY 2007 APR submission, the site provided services to children birth to three in their natural environments at a rate of 85%. The site was found to be performing at 97% rate in FFY 2006. The state's FFY 2007 target for this performance requirement was 91.0%. The site has decreased its performance in this area and remains below the state target of 91.0% performance. The site must include a goal to increase its performance in this area in its corrective action plan.

Part C to Part B Transition

During the file review, there were 4 applicable files reviewed to determine compliance with this area. All of the files met 100% compliance. The transition process was well documented and met the required timelines.

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 60%.

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: 47% compliance

The site has decreased its compliance in conducting a transition conference at least 90 days before the child's 3rd birthday. The site must include a goal within their corrective action plan to increase compliance to 100% in conducting the transition conference within the required timeline. 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.

If the child was found eligible for Part B services, The IEP was developed as of the child's third birthday: 95% compliance

The site does meet the required 100% compliance in this area. The site will have one year to correct this area of non-compliance and a goal must be included within the site's corrective action plan to meet 100% compliance.

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 above the FFY 2007 state average in all areas. The site's percentage of compliance for the FFY 2007 is as follows:

Service Type	% Timely	State Average
Developmental Therapy / Special Instruction	99.4%	96.2%
Occupational Therapy	96.6%	91.4%
Physical Therapy	99.8%	96.6%
Speech Therapy	98.9%	95.8%
All Therapies	98.9%	94.5%

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

Service Type	% Timely	State Average
Developmental Therapy / Special Instruction	98.2%	97.7%
Occupational Therapy	94.3%	96.5%
Physical Therapy	99.0%	95.6%
Speech Therapy	95.5%	93.3%
All Therapies	97.2%	95.4%

The site has increased its performance in all areas of service delivery. Although the site is above the state average the site does not meet the required 100% compliance rate. 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 13 files, the site was found to be at 77% compliance in completing Part C child find requirements within the 45 day timeline. This is an increase in compliance from 75% documented in the letter of findings of July 2007.

A desk audit was completed through the CDS database to monitor compliance with the 45 day Part C timeline requirement. Nineteen children's files were viewed in the data base with referrals from September 2008. 15 of the 19 files met compliance. This is a 79% 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 90% and in FFY 2007 it is 98.3%. 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%.

Part B

File Review:

In the Letter of findings of July 2007, the Penobscot County site had 15 findings of non-compliance in Part B. In April of 2008, the Penobscot site was visited to monitor progress in correcting the areas of non-compliance identified in the July 2007 letter. The letter of findings of April 17, 2008 indicated the site had corrected 12 of the 15 areas of non-compliance. The site remained out of compliance in the following area:

- Meeting the 60 day time line from the receipt of consent to evaluate to a meeting being held to determine eligibility for special education services.
- Written Notice if the IEU proposes or refuses to initiate or change identification, evaluation, educational program or placement.
- Required documentation on the Advanced written notice of the IEP meeting

After the file review conducted in July 2008, a desk audit and focused monitoring conducted in June 2009; The Penobscot County CDS remains out of compliance in the following areas:

- Completion of evaluations and IEP team meeting to determine eligibility within 45 school days (previously 60 calendar days) from the receipt of consent to evaluate.
- Written Notice if the IEU proposes or refuses to initiate or change identification, evaluation, educational program or placement.
- Required documentation on the Advanced written notice of the IEP meeting

Desk Audit:

Least Restrictive Environment

In a review of the site's FFY 2007 profile data, the site was performing at a 30.1% rate in providing preschool special education services to children ages 3-5 in settings with typically developing peers. 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 is required to include a goal on its corrective action plan to improve performance in this area.

Part B Child Find Timeline

During the on-site file review of 20 Part B files, the site was found to be at 40% compliance in completing Part B child find requirements within the 45 school day timeline. This is an increase from 34% compliance indicated within the letter of findings of July 2007.

A desk audit was completed through the CDS database to monitor compliance with the 45 school day Part B timeline requirement. Thirty files were viewed in the data base with referrals from September 2008. 10 out of the 30 files met compliance. This is a 34% compliance rate.

The site has not made any progress in increasing its compliance with the 45 school day requirement.

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

The site's compliance rate in FFY 2006 was 97.1% and in FFY 2007 it was 98.3%. The FFY 2007 state average was 93.4%. The site has increased compliance in this area and is above 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%. Although the site has made a small increase in compliance based upon the profile data, the results of the on-site monitoring indicate continued non-compliance in meeting the required timelines. The site may have conditions imposed on its funds to increase compliance in this area.

Section II.

General Supervision

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

During the summer of 2008, the CDS state IEU became significantly involved with the Penobscot CDS site. The CDS State director imposed sanctions by making changes in the administrative structure and leadership personnel. An independent team of 6

experienced special education administrators reviewed all 180 Part B files. They provided mentoring and training for the case managers in all Part B regulations and paperwork requirements over the summer. The CDS State IEU approved continued consultation from two special education administrators to continue to provide support to the site to ensure compliance and performance. The CDS State Director and the site director have worked closely together over the last year to increase the site's compliance and performance in both Part C and Part B.

At this time, Penobscot County Child Development Services satisfactorily complies with requests for Human Resource, Fiscal and Data information to the CDS State IEU in a timely manner.

SECTION III.

Summary:

As determined in the July 2007 letter of findings, the Penobscot 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 April 2008 and July 2008, the site has corrected 12 of 15 findings of non-compliance in Part C and in Part B within the required one year timeframe.

The Penobscot County Child Development site has received their public profile reporting their performance in meeting compliance with federal indicators. Based upon the Penobscot 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 Audit (on identified indicators)
- One day Site Review
- Be advised by the State CDS Office of the Available Resources and Technical Assistance
- The Site may be identified as a High Risk Grantee
- Require a Corrective Action Plan
- The State CDS office may require the Site to revise the use of their 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 Penobscot 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.**

- a. **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. **Timely service provision of Part C services**
 - iii. **Services provided in the Natural Environment for Part c**
 - iv. **Services provided within the Least Restrictive Environment for Part B**
 - v. **The use of the State Required Forms**
 1. **Written Notice**
 2. **Advanced Written Notice of the IEP team meeting**
2. **The site must contact the CDS State IEU no later than July 20, 2009 to schedule an on-site visit to occur at the site to monitor any outstanding areas of non-compliance identified in the letter of findings of July 2007. The visit must occur before August 31, 2009.**
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 474-7424 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
Cindy Brown, Penobscot County, Two Rivers CDS Site Director