



**child
development
services**

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June 29, 2009

Paul Austin
Child Development Services Search
Board of Directors Chairperson
35 Union Street
Brunswick, ME 04011

Dear Mr. Austin:

On February 12, 2009 and June 15, 2009 the Search 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 24, 2008.

During the two visits, a file review was completed on 27 Part B files and 10 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 Search site had 9 findings of non-compliance in Part C:

- Receipt of consent for initial and any subsequent evaluation
- Parental notice of the IFSP meeting with appropriate documentation of dates and names of invited participants
- 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.
- Documentation of the IFSP being sent to the parent within 21 days of the IFSP team meeting.
- Documentation of the Child Outcome Summary forms in the files
- Documentation of Transition planning and conference on the IFSP

- Documenting specific area of specialty of the provider responsible to deliver services
- Timely service provision to children and families receiving Part C services

After the file review, The Search CDS has corrected 6 of the 9 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.
- Timely provision of services for children in Part C

Desk Audit

Natural Environment

During the file review of 10 Part C files, it was found that 6 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 provides services to children birth to three in their natural environments at a rate of 81.8%. The site was found to be performing at 94.6% 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 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

During the file review, there were no applicable files were reviewed to determine compliance with this area.

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 66.7%.

Further data collection and verification of compliance a focused monitoring was conducted in June of 2009 to determine the site's compliance with transition steps, services and conference requirements. The site was required to complete 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: 20% compliance

Transition conference conducted: 25% compliance

Transition conference held at least 90 days before the child's third birthday: 0% compliance

The site has significantly decreased compliance in this area. The site must include a goal within their corrective action plan to increase compliance to 100% in providing transition steps and services to Part C children and families and 100% compliance with 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: 50% 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 except Speech and Language. 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	93.2%	91.4%
Physical Therapy	97.1%	96.6%
Speech Therapy	92.5%	95.8%
All Therapies	95.5%	94.5%

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

Service Type	% Timely	State Average
Developmental Therapy / Special Instruction	95.3%	97.7%
Occupational Therapy	98.7%	96.5%
Physical Therapy	100%	95.6%
Speech Therapy	96.4%	93.3%
All Therapies	97.2%	95.4%

The site has increased its performance in providing developmental therapy/ special instruction. The site has decreased its performance in speech therapy, occupational therapy and physical therapy. 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 ten files, the site was found to be at 30% compliance in completing Part C child find requirements within the 45 day timeline. This is an increase in compliance from 0% documented in the letter of findings of June 2008. Although this compliance rate represents an increase, the site remains significantly out of compliance in meeting the required child find timelines.

A desk audit was attempted through the CDS database to monitor compliance with the 45 day Part C timeline requirement. Due to inconsistent data entry into the data system within a timely manner, a compliance rate could not be established. The site was made aware of the concerns with the data in the system and will be required to establish a weekly and monthly tracking system to ensure timely entrance of data into the system.

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 94% and in FFY 2007 it is 98.5%. 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 Search site had 13 findings of non-compliance in Part B:

- Documentation of the Parents being provided with their procedural safeguards
- Written Notice of the initial referral, eligibility determinations, parental consent and proposed actions to be taken for the child's program.
- Receipt of Initial consent for evaluation and subsequent evaluations
- Completion of evaluations and IEP team meeting to determine eligibility within 60 days from the receipt of consent to evaluate.
- Parental written notice of the IEP team meeting
- Documentation that a copy of the evaluations report was provided to the parent in a reasonable time prior to the IEP team meeting
- Documentation of a copy of the IEP provided to the parent within 21 days of the meeting.
- Statement of the child's present level of functioning and performance including how the disability affects the child's participation in appropriate activities

- A statement of measurable, annual goals on the IEP
- Statement of how the child's parents will be regularly informed of their child's progress in meeting their annual goals.
- Dates of the initiation and duration of services to not exceed one year
- Supplemental aides and services section of the IEP
- Special Education Transportation services

After the file review, The Search CDS has corrected 9 of the 13 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:

- 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 of the initial referral, eligibility determinations, parental consent and proposed actions to be taken for the child's program.
- Receipt of Initial consent for evaluation and subsequent evaluations
- Parental written notice of the IEP team meeting

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.

Desk Audit:

Least Restrictive Environment

In a review of the site's FFY 2007 profile data, the site was performing at a 41.0% rate in providing preschool special education services to children ages 3-5 in settings with typically developing peers. The site was performing at a 71% 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 27 Part B files, the site was found to be at 49% compliance in completing Part B child find requirements within the 45 school day timeline. This is a decrease from 63% 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 was made aware of the concerns with the data in the system and will be required 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 above the FFY 2007 state average but does not meet the required 100% compliance rate.

The site's compliance rate in FFY 2006 was 98% and in FFY 2007 it was 99%. 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%. 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 Search Child Development Services site's compliance with requirements determined for the Human Resources, Fiscal, and Data Management departments.

In the June 2008 letter of findings, the Search site was required to meet with the CDS State Director and the CDS state business manager to review concerns with transportation costs at the site. The site was found to have transportation costs higher than sites of the same size and catchment area. Their costs were commensurate with one of the largest CDS sites in the state.

The site complied with the required meeting and has since decreased their overall transportation costs to an acceptable level. The site has complied with all requests from the business department.

During the February 2009 visit, it was brought the attention of the site director that data in the CASE-E data system was not being entered in a timely manner. During a desk audit, it was found that many children did not have the necessary information entered into the system to determine compliance with child find timelines. Upon a review of the same files on site, the children had gone through the child find process but the data had not been entered into the system. The site needs to include a goal within their corrective action plan to enter data into the system within a timely manner to ensure timely payment to providers and accurate data collection.

During the on-site visits in February and June, it was noted that the documentation and compliance within the files varied amongst the case managers. The site director was

directed to set up an internal review of the files in Part B by case manager to monitor compliance and establish action plans if necessary for the case managers. It was recommended to the site director that training occur in the fall for the site's Part B case managers on the referral process including the use of the required state forms, documentation and eligibility requirements.

The site was directed by the CDS State IEU in the spring of 2009 to analyze the amount of Extended School Services that were ordered for children and determine the appropriate level of staff that would be needed to deliver and supervise the ESY services. The site director provided a copy of the analysis during the on-site visit. The analysis was in-depth and indicated the need for a reduction in staff over the summer based upon the amount of ESY services determined during the IEP process. The site utilized the CDS state required ESY forms and the documentation was clear and well documented. The site is commended for the work they did on the analysis and is in compliance with ESY requirements.

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 Search 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 6 of 9 findings of non-compliance in Part C and 9 of 13 findings of non-compliance in Part B within the required one year timeframe.

The Search Child Development site has received their public profile reporting their performance in meeting compliance with federal indicators. Based upon the Search 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 Search CDS was required to attend the GSST training on May 11, 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.****
- 3. The site must contact the CDS state office no later than August 1, 2009 to find out about available technical assistance resources that may be available for training for the site's case managers in the fall.**
- 4. 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
Id Goscinski, Search CDS Site Director