



**child  
development  
services**

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\* Ammended 3/11/08

March 4, 2008

Leslie Keith  
CDS Southern Kennebec County  
Board of Directors Chairperson  
HealthReach-WIC  
263 Water St., Ste 400  
Augusta, Maine, 04330

Dear Ms. Keith:

The Southern Kennebec County Child Development Services has recently undergone an on-site monitoring process including an internal record audit and an on-site record audit.

First I would like to express my sincere appreciation to the site director, the staff and providers for the effort that was extended to accommodate this process. The involvement of staff in this process is beneficial to all. Please express my gratitude to all of the staff for helping with the review, and answering our questions.

As I shared with the site director and staff during the on-site visit, this process is designed to promote continuous improvement in compliance and service provision to children in your service area.

### **1. The Process:**

During the week of October 24<sup>th</sup> through October 26<sup>th</sup>, 2007 program monitoring was conducted through an on-site visit to assess the Southern Kennebec County CDS site's current status in meeting regulatory requirements. This letter will outline the base line data gathered during this review.

The collection of base line data and information regarding the provision of special education services at the Southern Kennebec County CDS site was based on the following activities:

- Review of State Entitlement plan
- Review of last corrective action plan on file at the DOE

- Review of parent questionnaires
- Review of:
  - 11 Part C files
  - 23 Part B files
  - Review of Southern Kennebec County CDS self-review plan and Internal Audit

## **2. Interviews:**

As part of the monitoring process, staff, providers and members of the board of directors were given an opportunity to share their views on how the Southern Kennebec County Child Development site is performing. Interview questionnaires were sent to the site director via email as well as hard copy to share with the staff and providers. Since the state level CDS does not have the contact information for all employees and or providers for the Southern Kennebec CDS office, our attempts to have the input gathered went through the director and main office at the site. At the time of this report, after several requests for responses to the questionnaires, only three were returned to the CDS office at the Department of Education. Due to the limited response, the information is not included in the report.

## **4. Record Audit:**

An integral part of this process involved the participation of the Southern Kennebec County site staff in the auditing of children's records. Thank you for the effort and time extended to allow for this participation.

During our on site visit, the program monitoring team examined the following areas of both Part C and Part B:

- Referral, screening procedures and timelines;
- Parent notices and consents;
- Procedures involving evaluations and Individual Family Service Plan (IFSP Meetings);
- Individual Family Service Plans (IFSP) and Individual Education Plans (IEP);
- Communication with Parents

These areas were reviewed in a comprehensive audit of the children's records.

**Attached are the compiled results of the record audit. Any section not meeting compliance is identified as an area of concern and in Need of Corrective Action. Identified areas of concern on the record audit are followed by comments as to why the item did not meet the regulation standard.**

**In reviewing 11 files, the following areas in Part C met compliance:**

- Input from the IFSP team to determine evaluation needs
- Development of the initial IFSP/IEP at the Early Childhood meeting and attaining parental voluntary consent for initial placement and provision of services.
- Prior Written Notice upon eligibility determination at the meeting
- The IFSP meeting notices and membership by required staff
- Documentation that copies of the evaluation reports were provided to the parent within reasonable time prior to the IFSP/ IEP meeting at which the evaluation was discussed.
- The use of a variety of assessment tools and strategies during the evaluation and eligibility process
- Consideration of the concerns of the parents, most recent evaluations, academic developmental and functional needs, communication needs, during the development of the IFSP/IEP.
- The following areas of the IFSP met compliance:
  - Statement of present levels of development, communication, social emotional, adaptive, based on objective criteria and how the disability affects the child's participation in appropriate activities.
  - Statement of the early intervention services necessary to meet the unique needs of the child/family including:
    - Frequency, intensity and method of delivery
    - Natural Environment and justification of extent not in
    - Location
    - Payment arrangements
  - Projected dates for initiation of services(s) and anticipated duration

**The following areas did not meet compliance:**

- Initial referral forms completed and on-file in each child's record
- Documentation of providing Parents with Procedural Rights and Safeguards
- Evidence of completing initial screening
- Receipt of Consent for Initial Evaluation
- Evidence of input for the IFSP / IEP team to determine the evaluation needs of the child suspected of having a disability
- Documentation of the receipt of parental consent for initial evaluation
- Documentation of appropriate referrals for evaluations
- **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.**
- Prior written notice of the initial referral and if the IEP team proposes or refuses to initiate or change identification, evaluation, educational program and or placements was not documented

- Team meeting notices sent out to parents at least seven days prior to the meeting.
- Transition planning
  - For children entering Part B at least 90 days before the child's third birthday
  - Documenting steps to be taken to support transition to Part B or Kindergarten on the IFSP.
- Documentation of copies of the minutes and IFSP / IEP provided to the parent within 21 days of the meeting
- Documentation of appropriate consent forms for evaluations and input from the team to determine evaluation needs.
- The following areas of the IFSP not meet compliance:
  - Statement of family's resources, priorities, and concerns.
  - Statement of major outcomes to be achieved for the child and family( including criteria, procedures and timelines to determine progress)
  - Medical and other services not required under Part C and funding sources of steps to secure services from public or private sources
- **Utilization of the Bailey / Battelle assessment tool as part of the initial referral process (the site is inconsistently using the Bailey / Battelle assessment tools approved by the DOE for eligibility for Part C services. They utilize a screening process and then ordering specific domain assessments from evaluators.)**
- Consideration of assistive technology needs

**In reviewing 23 files on-site, the following areas in Part B met compliance:**

- Development of the initial IEP at the Early Childhood meeting attaining parental voluntary consent for initial placement and provision of services.
- Prior Written Notice sent to the parents documenting the determinations of eligibility meeting.
- The ECT meeting notices and membership by required staff and sent out to parents at least seven days prior to the meeting.
- All areas of the IEP team meetings and procedures met compliance
- The following areas of the IEP met compliance:
  - Consideration of the child's strengths, concerns if the parents, results of the most recent evaluations, and the academic, developmental and functional needs of the child.
  - A statement of measurable annual goals,
  - Measurable short-term instructional objectives or benchmarks
  - Position of person responsible for service delivery and location of service delivery
  - 
  - Documentation of eligibility for Extended School Year Services

**The following areas did not meet compliance:**

- Initial referral form documentation
- Documentation of providing Parents with Procedural Rights and Safeguards
- Evidence of completing initial screening
- Evidence of input for the IFSP / IEP team to determine the evaluation needs of the child suspected of having a disability
- Receipt of Consent for Initial Evaluation
- Documentation of Appropriate Referrals for evaluations
- **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.**
- Prior Written notice of Initial referral for evaluations
- Documentation of copies of the minutes and IEP provided to the parent within 21 days of the meeting
- Transition services for children entering Part B including a transition meeting held at least 90 days prior to the child's third birthday with the explanation of Part B and the parents informed decision of using an IFSP instead of an IEP
- The following team considerations in developing the IEP did not include:
  - The communication needs of the child
  - consideration of special factors (behavior, blind / visual impairment needs, and limited English proficiency)
  - statement of assistive technology needs
- The following areas of the IEP did not meet compliance. Once new state form is implemented consistently, these areas should improve and meet compliance.
  - Statement of the child's present level of functioning and performance, including how the disability affect the child's participation in appropriate activities
  - How progress toward the annual goals will be measured and a statement of how the child's parents will be regularly informed of their child's progress toward their annual goals
  - Specific special education services and supportive services including the frequency, person responsible for the services, and location of the services\*
  - Separation of related services from direct services on the services page.
  - The date of initiation / duration of services listed exceeded one year by one additional day
  - An explanation of the extent, if any, to which the child will not participate with non-disabled children in a educational program
  - There was no section on the IEP for supplemental aids and services and modifications or supports to the educational environment

\* During the on-site monitoring visit eligibility procedures and the frequency and intensity of services were highlighted as an area of concern. A meeting was held with the site director to review and research this area in the specific files reviewed. The concern

was documentation of the eligibility process during meetings and how the children were being found eligible. The site director agreed after reviewing the files that there was not sufficient documentation in the minutes of the meetings or in the prior written notice sent out after the meetings to support eligibility determinations made by the team. In reviewing the existing documentation there was sufficient evidence of the children's eligibility for services imbedded within the evaluation reports. The site director agreed that she would work with the staff on improving documentation and rationale for eligibility. This was an area that should be included within the site's corrective action plan and an area for professional development.

The concern with the frequency and intensity of services for the children receiving services through the Southern Kennebec County CDS site was that there is a significantly higher level of services as compared to other CDS sites across the state. In discussion with the site director, this is an area that is not regulatory within Chapter 101, Maine Special Education Regulations and she feels the level of service delivery is appropriate and based upon the children's needs. She agreed to monitor her budget and discuss with other CDS site directors about the average frequency and intensity of services especially in the area of speech and language services. This should be an area included within the site's corrective action plan.

## **5. Corrective Action Plan Development:**

The Southern Kennebec County Child development services Self-review plan has been reviewed and it is apparent that the director and staff have recognized through the internal audit similar concerns found by the on-site monitoring team.

### **In summary:**

- 1.) **The Site will have one year from the date of this report to correct all areas of non-compliance that did not meet compliance during the record audit which were noted in Section 4. A corrective action plan must be submitted to the Department of Education, Child Development Services Department within 45 days of the receipt of this report.**
- 2.) **The Southern Kennebec County CDS site must adhere to Administrative Letter #1 regarding the use of state approved assessment tools for children Birth – two years of age immediately. This finding must be included in the site's corrective action plan as an area needing improvement.**
- 3.) **It is recommended that the Southern Kennebec County CDS site implement the new required state special education forms as soon as possible to remedy some, if not all of the compliance issues noted in this report.**

**The Site Director has submitted goals on the Site's self review plan that can be incorporated into the corrective action plan with additional goals for the concerns and deficiencies noted within this report. The information you included is extremely**

helpful in increasing our awareness of concerns and issues within your site so we can provide necessary technical assistance to you and your staff.

In accordance with the Freedom of Access Act, all letters related to the Special Education Program Monitoring are public record and shall be made available to parents and other members of the public upon request.

On behalf of the CDS monitoring team, I would like to thank you, the site Director, the staff and all other persons that took part in this review, for the thoughtful courtesy extended to my team and the flexibility and cooperation afforded us during the visit.

Sincerely,

Erica Thompson, Distinguished Educator  
Child Development Services Program Monitoring and Technical Assistance

Copies sent to:

Susan A Gendron, Commissioner

David Noble Stockford, Policy and Team Leader

Debbie Dunn, Southern Kennebec County Child Development Services Director

Enclosures:

Part C Child Record Audit Form Summary

Part B Child Record Audit Form Summary

\* The Southern Kennebec County Child Development Services letter of findings was amended to reflect OSEP reporting requirements removing a threshold percentage in measuring compliance under the record audit section. The previous report dated March 4, 2008 used 95% accuracy as a measure of meeting compliance standards. We must now use 100%.