



**State of Maine**

**Department of Education**

**Part C Annual Performance Report (APR) for 2005**

**February 1, 2007**

## Part C State Annual Performance Report (APR) for FFY 2005

### Overview of the Annual Performance Report Development:

This Annual Performance Report (APR) is the first report of the progress toward the targets established in the State Performance Plan (SPP) on December 2, 2005. The APR will present the first year of progress toward the Measurable and Rigorous Targets established in the SPP for all indicators that were not new last year. New indicators have seen data collected this year that provide baseline or entry data that is presented in the update to the SPP. This Annual Performance Report is companion to the updated submission of Maine's State Performance Plan update also submitted February 1, 2007.

Maine Advisory Council for the Education of Children with Disabilities (MACECD) was the stakeholder organization supporting the development of the SPP indicators and continues to review progress toward the targets. Development of indicator content and revision of indicators has been guided by the stakeholder group throughout the past 13 months. The stakeholder group regularly reviews data developed for each measurement, formulates and pursues hypotheses associated with the data, and builds recommendations for the Maine Department of Education to consider in legislation, rule making, procedures and reporting. The quality of Maine's SPP and its APR have benefited greatly from the advice and guidance of our stakeholder organization.

*The Office of Special Education Programs (OSEP) review of the SPP submission resulted in a response letter and issues tables (A and B) that presented opportunities for improvement in the SPP documentation and corrective actions that were required for the SPP update. Throughout this Annual Performance Report, the comments from the OSEP Tables will be included in the text at the point in the indicator where the issue is addressed. Those entries are marked (as is this paragraph) clearly with double-bar in both margins and this type font.*

<i>Page</i>	<i>Indicator</i>	<i>Source; issue addressed</i>
5	1	<i>OSEP Table B; non-compliance</i>
10	2	<i>OSEP Table B; data provided, no further action required</i>
21	6	<i>OSEP Table A; eligibility determination methodology</i>
24	7	<i>OSEP Table B; correction of non-compliance, measurements</i>
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31	9	<i>OSEP Table A; correction of non-compliance</i>
32	9	<i>OSEP Table A;</i>
38	14	<i>OSEP Table A; data and measurements</i>

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<i>Page</i>	<i>Indicator</i>	<i>Source; issue addressed</i>
39	14	OSEP Table B; correction of non-compliance

Governor Baldacci has forwarded a budget bill to the legislature decreasing 290 Local Education Agencies (LEAs) to 26 regional centers and the number of superintendents from 152 to 26 by June 2008. The 26 regional centers will include the 16 Child Development Service sites. Each regional center will have a board with one representative from each of the local school boards within its jurisdiction. The concept and timeframe is currently being discussed by the legislature and the public.

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**Monitoring Priority: Early Intervention Services In Natural Environments**

**Indicator 1:** Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:**

Percent = [(# of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner) divided by the (total # of infants and toddlers with IFSPs)] times 100.

Account for untimely receipt of services.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	<b>100%</b> of infants and toddlers with IFSPs receive the early intervention services on their IFSPs in a timely manner.
FFY	Actual Target Data
2005 (2005-2006)	91% of infants and toddlers with IFSPs received the early intervention services on their IFSPs in a timely manner.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

*OSEP Table B: "While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State." "OSEP looks forward to reviewing data in response to Indicator 1 in the APR, due Feb. 1, 2007, that demonstrates full compliance with these requirements."*

The original SPP specified these activities for year 1 (FFY 2005)

- Work with Site directors to remove any procedural impediments
- Develop policies that align the sites in service delivery practices
- State of Maine's Commissioner of the Department of Education has initiated a number of initiatives that focus attention on delivery of services. Though not originally focused on the indicators of the SPP some of the initiatives work toward the same goal, timely delivery of services
  - A sub-group of CDS Site directors and representatives of Maine's community of contracted providers meets regularly to help stay aligned with their combined task of providing services for Main's children in need. They will be looking for ways to assure the timely delivery of services

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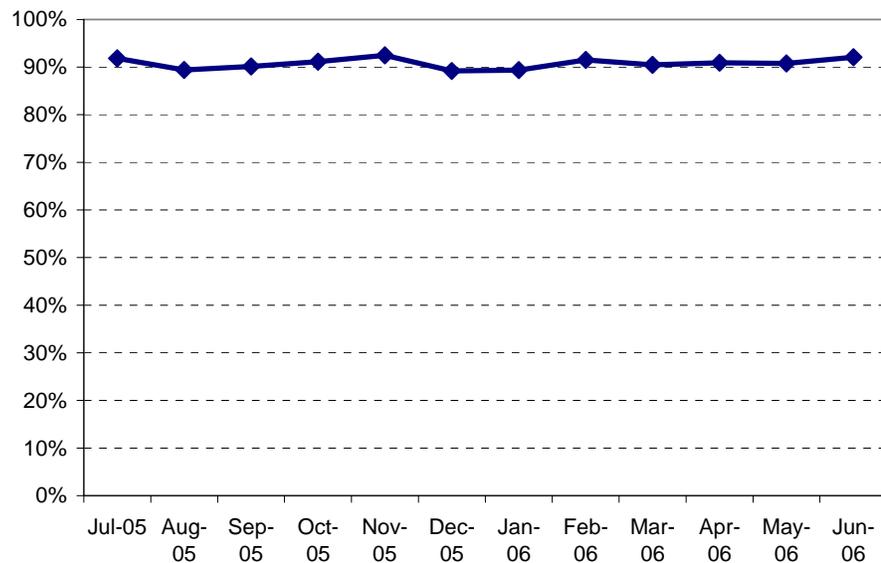
- During the development of the SPP one of the largest stakeholders in the process, the MACED (Maine Advisory Council on the Education of Children with Disabilities), has taken a strong interest in this indicator and will be focusing its resources on helping to develop an effective delivery system
- CDS has been working closely with the State’s MaineCare division to clarify and refine payment policies that impact children ages 0-2

These activities have been implemented and will continue. They will be refined and redefined as necessary to affect the 100% goal. A shortfall in achieving a target does not mean that the improvements instituted will not work. Changes to the system, its structure and the resultant turnover of personnel may have prevented some of the initiatives from being as effective as they could be.

This indicator is being monitored closely. Regional sites continue to report on the number of services not provided in a timely manner. These data are used to initiate formal or informal communications with the sites to determine causes and possible solutions.

Shortages of providers of services continue to be a problem for regional sites. Shortages are a recognized problem and have affected the efforts to direct training, certification and educational initiatives that will lead to an adequate supply of service providers.

% of Services Provided on time - Ages 0-2



	Jul-05	Aug-05	Sep-05	Oct-05	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06
◆ % of Services Provided on time	92%	89%	90%	91%	92%	89%	89%	92%	90%	91%	91%	92%
0-2 Population, Unduplicated	1801	1720	1690	1692	1699	1645	1665	1769	1687	1686	1670	1687
0-2 Children Awaiting Services	147	182	167	150	128	178	177	150	161	153	154	134

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Improvement Activities	Timelines						Resources
	FFY Year when activities will occur						
	05	06	07	08	09	10	
<p>The data collection system will be modified and specific guidelines for the reporting of the data will be created and CDS site staff trained. Other considerations include:</p>	X						
<ul style="list-style-type: none"> <li>Collection of data for all services</li> </ul>	X						
<ul style="list-style-type: none"> <li>The potential determination of a reasonable and enforceable numeric definition of timely within the full spectrum of our system</li> </ul>	X						
<ul style="list-style-type: none"> <li>Further evaluation of why services are interrupted and the need for supplemental codes</li> </ul>	X						
<ul style="list-style-type: none"> <li>Determination of the best format for feedback reports</li> </ul>	X						
<ul style="list-style-type: none"> <li>Training and support of the sites</li> </ul>	X						
<p>Notify CDS sites of the requirements and provide preliminary instruction related to the reporting of the data Work with Site directors to remove any procedural impediments.</p>	X						
<p>Develop ways to classify problems that affect service delivery.</p>	X						
<p>Develop policies for the CDS sites that standardize service delivery practices.</p>	X						
<p>State of Maine's Commissioner of the MDOE has authorized a number of initiatives that focus attention on delivery of services. Though not originally focused on the indicators of the SPP, some of the initiatives work toward the same goal, timely delivery of services A sub-group of CDS site directors and representatives of Maine's community of contracted providers meets regularly to help stay aligned with their combined task of providing services for Maine's children in need. They will continue to look for ways to assure the timely delivery of services.</p>	X						

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Improvement Activities	Timelines						Resources
	FFY Year when activities will occur						
	05	06	07	08	09	10	
During the development of the SPP, one of the largest stakeholders in the process, the Maine Advisory Council on the Education of Children with Disabilities (MACECD) has taken a strong interest in this indicator and will be focusing its resources to assist with the development of an effective delivery system.	X						
CDS Central Office staff has been working closely with the State's MaineCare division to clarify and refine payment policies that impact children ages 0-2. This work will continue.	X						
Modify and distribute the updated electronic data collection forms and train CDS site staff in their use.	X						
Collect and analyze submitted data.		X					
Review annual targets.		X					
Use the formula prescribed in "Measurement" above to calculate the actual percent of children who received services in a timely manner.		X					
Build on outcomes from the first year's interactions with site directors and providers to continue the development of policies and procedures to remove impediments to timely service.							
Continue ongoing data collection, evaluation and review of active IFSPs.			X				
Monitor compliance status through quarterly reports.			X				
Develop strategies to eliminate known reasons for delays in service delivery.			X				
Evaluate active IFSPs quarterly.			X				
Review the goals of this indicator and reevaluate all facets of data delivery and current practices to assure alignment.				X			
Modify the system as needed.				X			
Review targets.				X			

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Improvement Activities	Timelines						Resources
	FFY Year when activities will occur						
	05	06	07	08	09	10	
Utilize procedures developed and refined in the prior years for ongoing monitoring.					X	X	
Continue to provide strategies and assistance for meeting the 100% targets.					X	X	

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005

No Change required.

# Maine

## Part C State Annual Performance Report (APR) for FFY 2005

**Monitoring Priority: Early Intervention Services In Natural Environments**

**Indicator 2:** Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.<sup>1</sup>

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:** Percent = [(# of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children) divided by the (total # of infants and toddlers with IFSPs)] times 100.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	<b>90%</b> of infant and toddlers will be served in the home or programs for typically developing children.
FFY	Actual Target Data
2005 (2005-2006)	89 % of infant and toddlers will be served in the home or programs for typically developing children.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

*OSEP Table B: previously the state had been asked to submit data “as to the number of children who received early intervention services primarily in environments other than the home or program for typically developing children, and whether these children had appropriate justifications on their IFSPs.” “The State provided data regarding the percentage of children who receive EIS in environments other than the home or a program for typically developing children.” “No further action required.”*

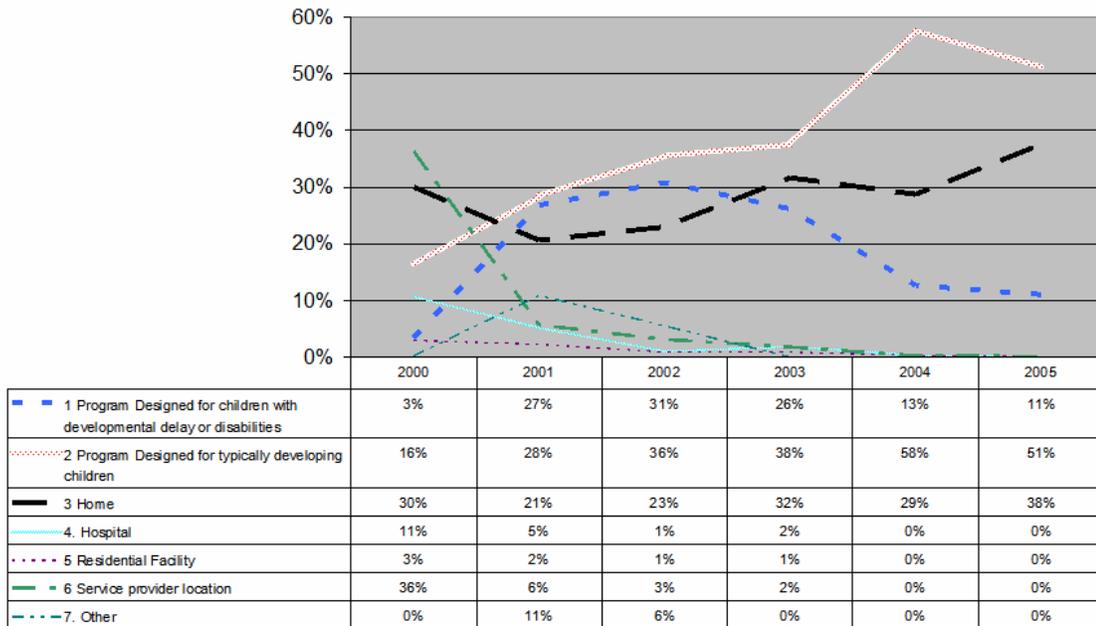
Service provision in the home or programs for typically developing children improved for the baseline of 87% to 89% this year. The increase in natural settings have come about partially because of a changed awareness of the definitions of the settings and partially due to a renewed effort to serve children in the environments that reinforce the service provided. Systemic changes will continue to focus on ways to serve children in the environment that best suit their needs. The CDS system staff, MDOE staff, and the Stakeholder Group maintain a list of improvement activities that are pursued actively in operational sessions and planning activities. The groups regularly analyze data, monitor

<sup>1</sup> At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

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legislation, review regulations, evaluate environmental factors, and discuss opportunities as they become apparent.

## Settings



Improvement Activities	Timelines						Resources
	FFY Year when activities will occur						
	05	06	07	08	09	10	
Settings data will be monitored to assure that children are served in the home or in community settings, the natural environments. For personnel who develop IFSP/IEPs, provide training on strategies to assure that children are served in a home or community setting.	X	X	X	X	X	X	
Data personnel in the reporting sites will continue to receive regular professional development to assure that the data sustains high accuracy regarding settings data definitions. Monitor and assess data collection method, data definitions, and reporting requirements to insure consistent and compatible criteria are applied for all children.	X	X	X	X	X	X	

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Sites will continue to recruit and retain qualified service providers throughout the state in order to assure availability of service in all communities and rural regions.	X	X	X	X	X	X	
Continue to evaluate service delivery mechanisms to assure that they focus on the natural environment.	X						During the development of the SPP, one of the largest stakeholders in the process, the Stakeholder Group, has taken a strong interest in this indicator and will be focusing its resources on helping to develop an effective delivery system.
Develop policies that align the sites in service delivery practices.	X						
For personnel who develop IFSP/IEPs, provide training on strategies to assure that children are served in a home or community setting.	X						
A sub-group of CDS site directors and representatives of Maine's community of contracted providers meets regularly to help stay aligned with their combined task of providing services for Maine's children in need. They will be looking for ways to ensure the delivery of services in the home or in community settings.	X						
Building on outcomes from the first year's interactions with site directors and providers, continue to develop policies and procedures that encourage the delivery of services in the home or in community settings.		X					
As changes continue in the CDS system, settings data will be monitored to ensure that children are served in the home or in community settings, the natural environments.		X					
Continue ongoing data collection and evaluation.			X				
Monitor settings' status through quarterly reports based on of active IFSPs.			X	X	X	X	
Review the goals of this indicator and reevaluate all facets of data delivery and current practices to assure alignment.				X			
Modify the system as needed.				X			

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Review targets.				X			
Continue ongoing monitoring using procedures developed and refined in the prior years.				X	X	X	

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005**  
*[If applicable]*

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## Maine

### Monitoring Priority: Early Intervention Services In Natural Environments

**Indicator 3:** Percent of infants and toddlers with IFSPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416(a)(3)(A) and 1442)

#### Measurement:

A. Positive social-emotional skills (including social relationships):

- a. Percent of infants and toddlers who did not improve functioning =  $[(\# \text{ of infants and toddlers who did not improve functioning}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it =  $[(\# \text{ of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .

If a + b + c + d + e does not sum to 100%, explain the difference.

- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):
  - a. Percent of infants and toddlers who did not improve functioning =  $[(\# \text{ of infants and toddlers who did not improve functioning}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
  - b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
  - c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged

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peers but did not reach it = [(# of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of infants and toddlers with IFSPs assessed)] times 100.

d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers = [(# of infants and toddlers who improved functioning to reach a level comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.

e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers = [(# of infants and toddlers who maintained functioning at a level comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.

If a + b + c + d + e does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

a. Percent of infants and toddlers who did not improve functioning = [(# of infants and toddlers who did not improve functioning) divided by (# of infants and toddlers with IFSPs assessed)] times 100.

b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by the (# of infants and toddlers with IFSPs assessed)] times 100.

c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of infants and toddlers with IFSPs assessed)] times 100.

d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers = [(# of infants and toddlers who improved functioning to reach a level comparable to same-aged peers) divided by the (# of infants and toddlers with IFSPs assessed)] times 100.

e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers = [(# of infants and toddlers who maintained functioning at a level comparable to same-aged peers) divided by the (# of infants and toddlers with IFSPs assessed)] times 100.

If a + b + c + d + e does not sum to 100%, explain the difference.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	<i>(Insert Measurable and Rigorous Target.)</i>
FFY	Actual Target Data
2005 (2005-2006)	This indicator will be completed as an update to the SPP

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**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

This indicator will be completed as an update to the SPP.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005**  
*[If applicable]*

Improvement Activities	Timelines						Resources
	FFY Year when activities will occur						
	05	06	07	08	09	10	

# Maine

## Part C State Annual Performance Report (APR) for FFY 2005

**Monitoring Priority: Early Intervention Services In Natural Environments**

**Indicator 4:** Percent of families participating in Part C who report that early intervention services have helped the family:

- A. Know their rights;
- B. Effectively communicate their children's needs; and
- C. Help their children develop and learn.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:**

- A. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family know their rights) divided by the (# of respondent families participating in Part C)] times 100.
- B. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family effectively communicate their children's needs) divided by the (# of respondent families participating in Part C)] times 100.
- C. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family help their children develop and learn) divided by the (# of respondent families participating in Part C)] times 100.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	<i>(Insert Measurable and Rigorous Target.)</i>
FFY	Actual Target Data
2005 (2005-2006)	This indicator will be completed as an update to the SPP

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

This indicator will be completed as an update to the SPP

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005**

*[If applicable]*

# Maine

## Part C State Annual Performance Report (APR) for FFY 2005

**Monitoring Priority: Effective General Supervision Part C / Child Find**

**Indicator 5:** Percent of infants and toddlers birth to 1 with IFSPs compared to:

- A. Other States with similar eligibility definitions; and
- B. National data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

- A. Percent = [(# of infants and toddlers birth to 1 with IFSPs) divided by the (population of infants and toddlers birth to 1)] times 100 compared to the same percent calculated for other States with similar (narrow, moderate or broad) eligibility definitions.
- B. Percent = [(# of infants and toddlers birth to 1 with IFSPs) divided by the (population of infants and toddlers birth to 1)] times 100 compared to National data.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	0.75 Percent of the 0 to 1 population.
FFY	Actual Target Data
2005 (2005-006)	0.65 Percent of the 0 to 1 population.

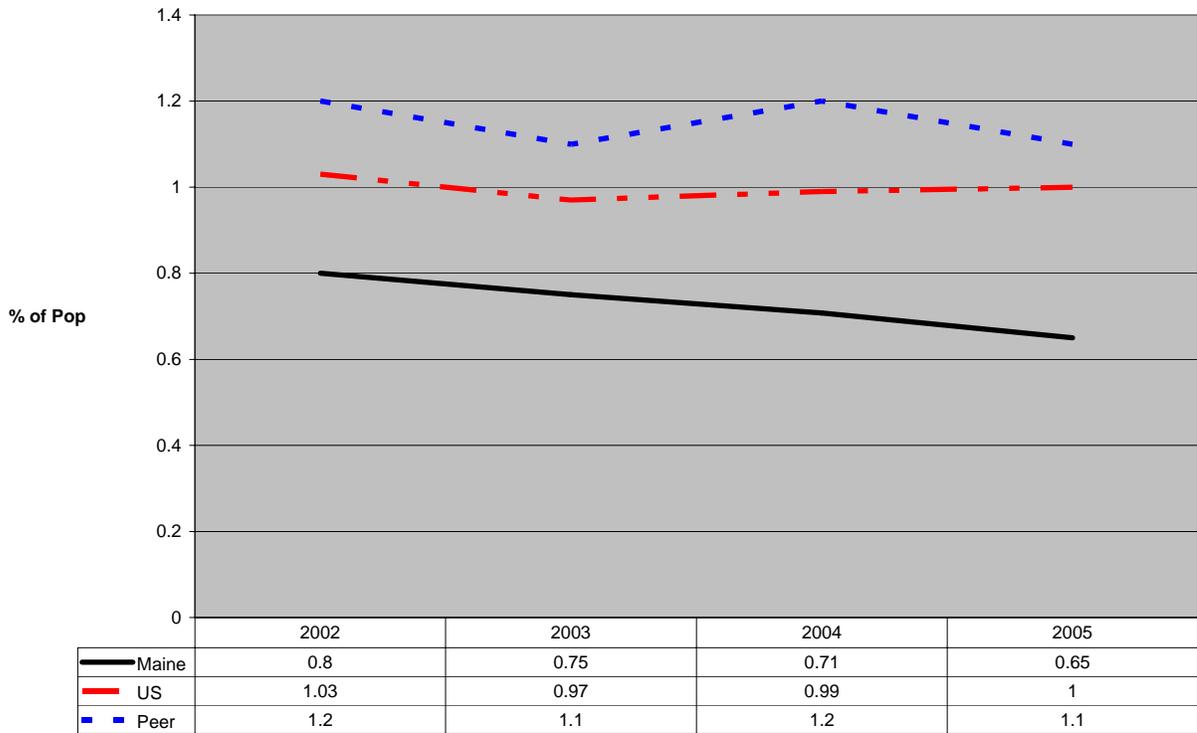
**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

Maine did not meet the target rate of .75% of children aged 0-1, but the rate for Maine mirrored the rate decline for our peers. Maine is going through a major restructure with increased emphasis on the identification of children of all ages. Communications with community health care providers, child welfare organizations and others has been an important part of the restructure. Despite these initiatives the number of infants that are identified continues to decline. We will continue with the current target because it is possible the current number of infants identified is the result of normal fluctuation and tightened eligibility requirements.

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## Part C State Annual Performance Report (APR) for FFY 2005

Infants as a % of Pop



The peer group was selected on the basis of similar demographic and eligibility criteria. However, the performance of the peer group relative to Maine performance is of no known significance.

Peer Eligibility Subgroup States	2005		
	Pop	Infants	% Serv ed
DELAWARE	11,107	109	0.98
<b>MAINE</b>	<b>13,632</b>	<b>89</b>	<b>0.65</b>
NEW HAMPSHIRE	15,099	193	1.28
SOUTH DAKOTA	10,685	91	0.85
VERMONT	6,320	70	1.11
WEST VIRGINIA	20,716	509	2.46
WYOMING	6,534	125	1.91

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Improvement Activities	Timelines						Resources
	FFY Year when activities will occur						
	05	06	07	08	09	10	
Review the results of our consultants' findings and begin to implement recommended changes, most of which are mentioned above.	X						
Continue to add to our Web presence and other broad media campaigns.	X						
Determine if the low rate of children with IFSPs is due to low identification rates or criteria for eligibility after they have entered the system in ChildFind.	X						
Develop and maintain communication with a selected group of states to compare methods and results.	X						
Continue to solicit input and assistance from stakeholders in the process, the Maine Advisory Council on the Education of Children with Disabilities (MACECD), provider groups, and health care agencies.	X						
Review and enhance the ChildLink data system codes to enable more detailed analysis of referral sources. Create periodic reports to provide summaries for analysis.	X						
Review the first year's data to compare referral sources and target low response agencies to determine the reasons for low response.		X					
Incorporate any changes to eligibility criteria into the analysis of the rate of children with IFSPs.		X					
Ongoing data collection, evaluation including the evaluation of low response referral sources.			X	X	X	X	
Review targets and compare them to peer groups and the US.			X	X	X	X	

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005**

No change required.

# Maine

## Part C State Annual Performance Report (APR) for FFY 2005

**Monitoring Priority: Effective General Supervision Part C / Child Find**

**Indicator 6:** Percent of infants and toddlers birth to 3 with IFSPs compared to:

- A. Other States with similar eligibility definitions; and
- B. National data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

- A. Percent = [(# of infants and toddlers birth to 3 with IFSPs) divided by the (population of infants and toddlers birth to 3)] times 100 compared to the same percent calculated for other States with similar (narrow, moderate or broad) eligibility definitions.
- B. Percent = [(# of infants and toddlers birth to 3 with IFSPs) divided by the (population of infants and toddlers birth to 3)] times 100 compared to National data.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	2.80% of the 0-2 population.
FFY	Actual Target Data
2005 (2005-2006)	2.89% of the 0-2 population.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

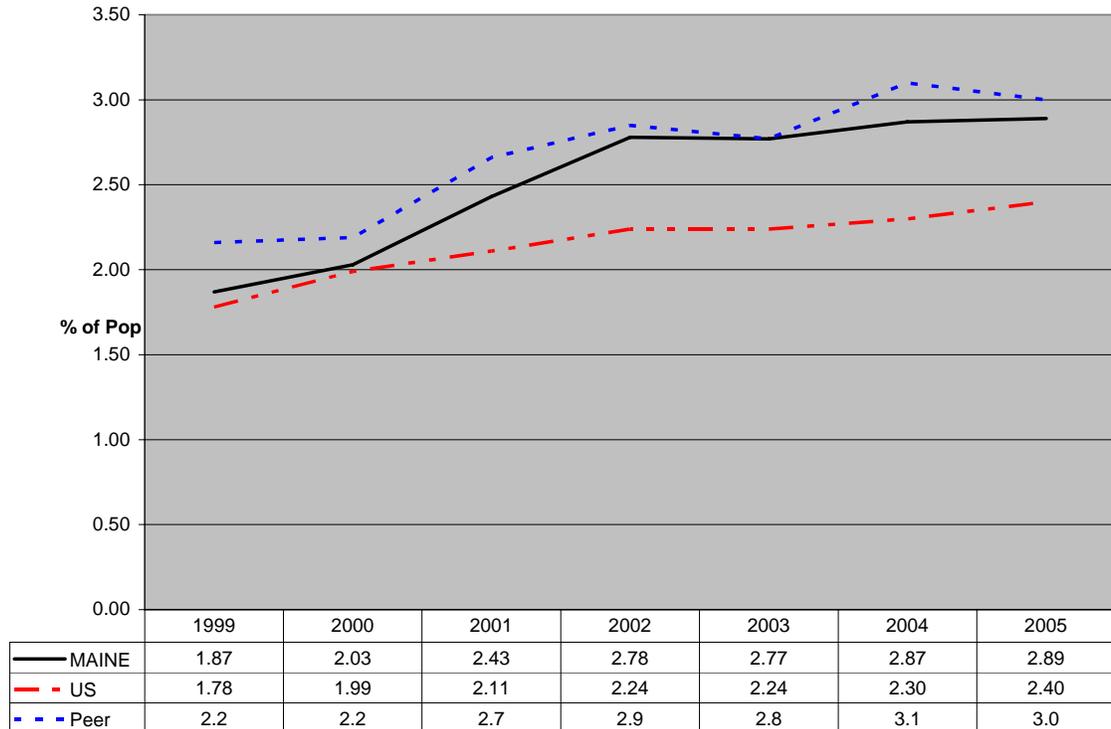
*OSEP Table A: "The state is considering revising its Part C eligibility criteria. If the State revises its eligibility criteria, then no further action is required prior to submission of the FFY 2005 APR. However, any proposed revised eligibility criteria must be submitted for OSEP's approval prior to implementation." AND "If the State does not revise its eligibility criteria, it must revise its targets to reflect improvement."*

Percentage of infant and toddlers in Maine with an IFSP increased to 2.89%. Improvement activities seem to have increased the numbers of referrals but the necessary tightening of the eligibility criteria have not been changed resulting in a temporary increase in the number of children birth to 2. Improvement activities may continue to improve our ability to find children but we will again point to the proposed changes to eligibility criteria to bring the number of children identified with disabilities down to the federal average.

# Part C State Annual Performance Report (APR) for FFY 2005

The Proposed Chapter 101 will specify "at least" when referring to the threshold values attached to deviation from a given norm. Chapter 180 specifies "approximately" which provides for a more liberal interpretation of standard scores. OSEP was notified when the proposed regulations were submitted. See Appendix for comparison of eligibility requirements.

**Birth - 2 as a % of Pop**



<b>Improvement Activities</b>	<b>Timelines</b>						<b>Resources</b>
	FFY Year when activities will occur						
	05	06	07	08	09	10	
Review the results of our consultants' findings and begin to implement recommended changes, most of which are mentioned above.	X						
Continue to add to our Web presence and other broad media campaigns.	X						
Determine if the low rate of children with IFSPs is due to low identification rates or criteria for eligibility after they have entered the CDS System through ChildFind.	X						

Part C State Annual Performance Report (APR) for FFY 2005

Improvement Activities	Timelines						Resources
	FFY Year when activities will occur						
	05	06	07	08	09	10	
Develop and maintain communication with a selected group of states to compare methods and results.	X						
Continue to solicit input and assistance from stakeholders in the process: MACECD (Maine Advisory Council on the Education of Children with Disabilities), provider groups, and health care agencies.	X						
Review and enhance the ChildLink data system codes to enable more detailed analysis of referral sources. Create periodic reports to provide summaries for analysis.	X						
Review the first year's data to compare referral sources and target low response agencies to determine the reasons for low response.		X					
Incorporate any changes to eligibility criteria into the analysis of the rate of children with IFSPs.		X					
Ongoing data collection, evaluation including the evaluation of low response referral sources.			X	X	X	X	
Review targets and compare them to peer groups and the US.			X	X	X	X	

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005**

*[If applicable]*

No modification required.

# Maine

## Part C State Annual Performance Report (APR) for FFY 2005

**Monitoring Priority: Effective General Supervision Part C / Child Find**

**Indicator 7:** Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent = [(# of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting was conducted within Part C's 45-day timeline) divided by the (# of eligible infants and toddlers evaluated and assessed)] times 100.

Account for untimely evaluations.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of eligible infants receive evaluations, assessments and initial IFSP meeting on time.
FFY	Actual Target Data
2005 (2005-2006)	94.4% of eligible infants received evaluations, assessments and initial IFSP meeting on time.

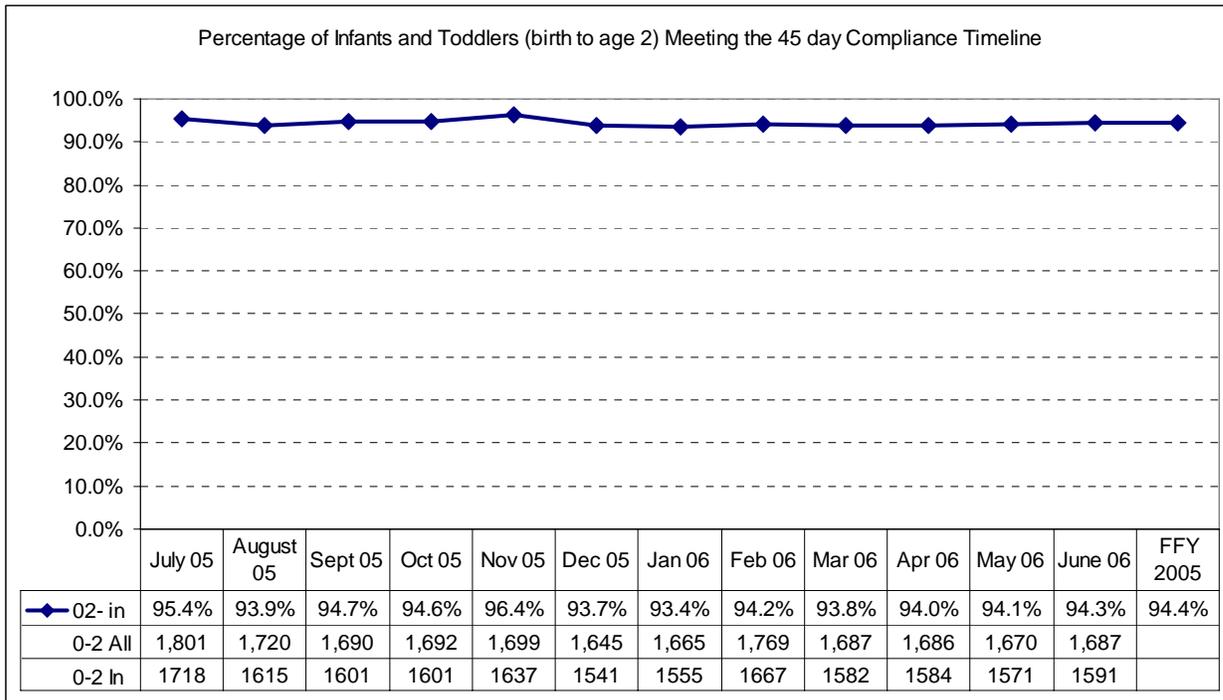
**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

*OSEP Table B: "The State's most recent data for October 2004 reflect a 93.85% compliance rate. While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement." "OSEP looks forward to reviewing data in response to Indicator 1 in the APR, due Feb. 1, 2007, that demonstrates full compliance with this requirement. The State is not required to submit a separate report regarding this area of noncompliance."*

Sites are adopting a team approach to streamline the screening and evaluation process. Education and certification procedures are being reviewed. Implementation of a multidisciplinary model of evaluation has begun. Teams have been created and trained at each site. Evaluations have always been a bottleneck so the teams will help streamline the evaluation process and provide more timely evaluations. Work continues with other providers of services to emphasize the need for timely evaluations and to understand the needs of all concerned to make the most efficient use of the existing resources. Changes to the CDS structure have disrupted every phase of

# Part C State Annual Performance Report (APR) for FFY 2005

operations. Structural changes in the relationship between the MDOE and CDS and the "centralization" of many of the administrative tasks created an environment of uncertainty and have led to abnormally high employee turnover. The turnover has impeded efficient case management and been a contributing factor in compliance issues. These changes are now mostly in place so some gains can be expected from a more stable work environment. CDS central office continues to evaluate time line and service delivery levels monthly.



*OSEP Table B: "The state should not include in the calculation children for whom the state has identified the cause for the delay as exceptional child or family circumstances documented in the child's record. The state must continue to include in its discussion of data, the number it used to determine its calculation under this indicator and report separately the number of documented delays attributable to child or family circumstances."*

The data used to calculate the percentage of eligible children with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline DO NOT include children for whom the state has identified the cause for the delay as exceptional child or family circumstances.

Part C State Annual Performance Report (APR) for FFY 2005

Improvement Activities	Timelines						Resources
	FFY Year when activities will occur						
	05	06	07	08	09	10	
The Professional Development Committee for CDS will develop and implement training in general assessment principles, the use of the Battelle II in determining eligibility, and transdisciplinary teaming will be provided to CDS employees and providers.	X						
Since redefining the data codes, implementing system wide training on the new codes, and beginning to pilot some of the recommendations of the Assessment Committee, sites have already seen reductions in children birth through two whose initial IFSP is not written within the 45 day timeline.	X						It is anticipated that by continuing with the implementation of the Assessment Committee's recommendations, Maine will satisfy the required targets for this indicator.
Ongoing monitoring of the rates of compliance at all 16 CDS sites will inform the necessary training and technical assistance or data management adjustments that are required at the site level to maintain acceptable compliance.		X	X	X	X	X	

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005**  
*[If applicable]*

No change required.

# Maine

## Part C State Annual Performance Report (APR) for FFY 2005

**Monitoring Priority: Effective General Supervision Part C / Effective Transition**

**Indicator 8:** Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

- A. IFSPs with transition steps and services;
- B. Notification to LEA, if child potentially eligible for Part B; and
- C. Transition conference, if child potentially eligible for Part B.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

- A. Percent = [(# of children exiting Part C who have an IFSP with transition steps and services) divided by the (# of children exiting Part C)] times 100.
- B. Percent = [(# of children exiting Part C and potentially eligible for Part B where notification to the LEA occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.
- C. Percent = [(# of children exiting Part C and potentially eligible for Part B where the transition conference occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.

FFY	Measurable and Rigorous Target		
2005 (2005-2006)	100% of all children exiting Part C received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday.		
FFY	Actual Target Data		
	IFSPs with transition steps and services	Notification to LEA, if child potentially eligible for Part B	Transition conference, if child potentially eligible for Part B
2005 (2005-2006)	March 2007	100%	March 2007

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

# Part C State Annual Performance Report (APR) for FFY 2005

## Maine

*OSEP Table A: "The State did not provide baseline data in the SPP in response to Indicators 8A, 8B, and 8C." The State must include that data in the FFY 2005 APR.*

*OSEP Table A: "The State indicated that the current data system does not record transition data other than eligibility criteria." The State must include data to address this.*

### A. IFSPs with transition steps and services

Starting in February of 2007, Child Development Services (CDS) will be using a new IFSP form, which includes pages specifically designed to correlate with the Transition Meeting from Part C to Part B 619 (Appendix: ME IFSP p. 6-6a). These pages detail both the transition planning process and discussion during the meeting.

During a statewide CDS training in January 2007, Part C employees were trained to use these new forms.

In the ME Guidance Document, there are specific instructions regarding transition meetings: "During the IFSP Meeting, the team must have a conversation with the parent/caregiver regarding **transition planning** when early intervention services are no longer available for or needed by their child. An explanation regarding eligibility and age guidelines should be provided to help frame the discussions and determine potential transition planning activities for the initial IFSP." (Appendix: ME Guidance Document, p. 30)

The committee that created the document started the process in the fall of 2004 but the actual product was not available until the fall of 2006. One site began using the form in September as a de facto pilot site in order to field test the IFSP.

A new data system is being developed and will capture information required to provide data for this indicator. Data collection from the forms is expected to begin on March of 2007.

- B. **Notification to LEA**, if child potentially eligible for Part B; and  
The LEAs for children transitioning from Part C to Part B in Maine are the regional CDS sites. So notification to the LEA a child is transferring is automatic 100% of the time.
- C. **Transition conference**, if child potentially eligible for Part B.

The Maine State Department of Education (MDOE) has proposed Chapter 101: Maine Unified Special Education Regulation, which states, "The regional CDS Site Board is responsible for ensuring that all children age 2 who have been identified through the child find process as meeting the eligibility criteria for early intervention services have an IFSP Team meeting, at least ninety (90) days prior to the child's third birthday with parental consent, for the purpose of developing an IFSP/IEP for implementation, at no cost to the family, when the child turns age 3" (Proposed Chapter 101: IV(2)(C)(1)). The new regulations clearly state the requirement for a transitional meeting from Part C to Part C619.

MDOE hired Glenwood Research in 2005 to examine the strengths and weaknesses of transitions in the Child Development Services system. Their findings from two pilot sites (Cumberland and Hancock County) indicated that sites were generally not conducting *official* transition meetings from Part C to Part C619. These sites were instead conducting an IFSP meeting at the correct time, but with a lack of emphasis on the child's transition (General Supervision Enhancement Grant). This was due in part to the fluidity between Part C and Part B, which instigated less emphasis on an official transition between the two systems.

Part C State Annual Performance Report (APR) for FFY 2005

The new IFSP format will provide the means to document the specifics for transfer to the CDS database for use in this indicator. See A. above.

Improvement Activities	Timelines						Resources
	FFY Year when activities will occur						
	05	06	07	08	09	10	
Providing additional training to sites related to the transition process including the following protocols:	X						
<ul style="list-style-type: none"> <li>Notify the parent that transition will occur in the next 3 to 6 months.</li> </ul>	X						
<ul style="list-style-type: none"> <li>Notify the local education agency (school district) that there will be an Early Childhood Team (ECT) meeting to address transition steps.*</li> </ul>	X						
<ul style="list-style-type: none"> <li>Coordinate meeting date with family and school district.</li> </ul>	X						
<ul style="list-style-type: none"> <li>Send information to the family about special education eligibility at age 3.</li> </ul>	X						
<ul style="list-style-type: none"> <li>Proceed with steps to prepare the toddler and family for changes in service delivery.</li> </ul>	X						
<ul style="list-style-type: none"> <li>Provide information about community resources.</li> </ul>	X						
<ul style="list-style-type: none"> <li>Review the IFSP to document transition outcomes by age 3.</li> </ul>	X	X	X	X	X	X	
<ul style="list-style-type: none"> <li>For a child whose first eligibility meeting is held after age 2 years, 6 months, the IFSP developed must include transition information.</li> </ul>	X	X	X	X	X	X	
Monitor sites for compliance and verify data and data entry.		X	X	X	X	X	Based on findings, continue to provide ongoing professional development and trainings to enhance understanding and compliance.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005**  
*[If applicable]*

**Maine**

**Part C State Annual Performance Report (APR) for FFY 2005**

No change required.

# Maine

## Part C State Annual Performance Report (APR) for FFY 2005

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 9:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

FFY	Measurable and Rigorous Target		
	Noncompliance related to monitoring priority areas and indicators	Noncompliance related to areas not included in the above monitoring priority areas and indicators	Noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.)
2005 (2005-2006)	100%	100%	100%
FFY	Actual Target Data		
	Noncompliance related to monitoring priority areas and indicators	Noncompliance related to areas not included in the above monitoring priority areas and indicators	Noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.)
2005 (2005-2006)	##%	##%	##%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

*OSEP Table A: "The State did not provide adequate baseline data in the SPP in response to this indicator. Although the State indicated that it is 100% compliant, it provided no data related to the nature of the findings made in the 16 CDS monitoring visits during the summer of 2005. The Stat must include, in the FFY 2005 APR, due Feb 1, 2007, the required baseline data for this indicator."*

# Maine Part C State Annual Performance Report (APR) for FFY 2005

*OSEP Table A: "The State must include, in the FFY 2005 APR, due Feb. 1, 2007, the required baseline data, including whether or not identified noncompliance was corrected within one year."*

## **Monitoring:**

The monitoring visits during the summer of 2006 were to understand what technical assistance and training would be necessary to accomplish the changes and now, with the fall trainings, those changes will be in place. Needs have been addressed within one year.

Further monitoring of each site to check progress related to any Part C changes or other practices as well as general special education "process" (meeting notice, written prior notice, meeting notes, IFSP/IEP completeness, evaluation documentation, eligibility determination documentation etc).

Though not initiated by CDS, the Subcommittee to study Early Childhood Special Education<sup>2</sup> performed "monitoring activities" one of the goals. The task force was formed to evaluate the efficiency the CDS system. Their final report is available on the Maine Department of Education website at <http://www.state.me.us/education/speced/cds/committee/finalreport.doc>

## **Dispute Resolutions:**

No dispute resolutions were initiated through the Due Process Office for infants and toddlers birth through age 2.

## **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005** *[If applicable]*

No change is required.

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<sup>2</sup> [http://www.maine.gov/education/speced/cds/cds\\_subcomm.html](http://www.maine.gov/education/speced/cds/cds_subcomm.html)

Subcommittee to Study Early Childhood Special Education

The Subcommittee To Study Early Childhood Special Education was established pursuant to public law 662, signed into law on May 30, 2006, to study early childhood special education programs and services provided for infants and young children from birth to age 8. The subcommittee shall function as a subcommittee of the Task Force on Early Childhood, an initiative of the Children's Cabinet established pursuant to Maine Revised Statutes Annotated, Title 5, chapter 439, which proposes to implement a state plan for comprehensive early childhood systems. The subcommittee began meeting on July 11, 2006 and will conclude meetings on December 7, 2006 in order to report to the Joint Committee on Education in January 2007.

**Maine**

**Part C State Annual Performance Report (APR) for FFY 2005**

<i>Improvement Activities</i>	<i>Timelines</i>						<i>Resources</i>
	FFY Year when activities will occur						
	<b>05</b>	<b>06</b>	<b>07</b>	<b>08</b>	<b>09</b>	<b>10</b>	
Training and professional development opportunities will be planned to answer needs identified through the site file reviews.	X	X					
The focused monitoring plan for the Child Development Services System will be developed and will be implemented starting in the Autumn of 2006. This includes:	X	X					
The transition between Part C and Part B (619)	X	X					
Documentation and the process in regard to ESY determinations that are not consistent from site to site	X	X					
Use of Prior Written Notice	X	X					
Consistency of IFSP / IEP writing	X	X					
Tracking dates of service and current service providers	X	X					

# Maine

## Part C State Annual Performance Report (APR) for FFY 2005

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 10:** Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of signed written complaints with reports issued were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
FFY	Actual Target Data
2005 (2005-2006)	No complaints filed concerning Part C.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005**  
*[If applicable]*

No change required.

# Maine

## Part C State Annual Performance Report (APR) for FFY 2005

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 11:** Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of fully adjudicated due process hearing requests will be fully adjudicated within the applicable timeline.
FFY	Actual Target Data
2005 (2005-2006)	No hearings concerning Part C.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005**  
*[If applicable]*

No change required.

# Maine

## Part C State Annual Performance Report (APR) for FFY 2005

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 12:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = (3.1(a) divided by 3.1) times 100.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	<i>(Insert Measurable and Rigorous Target.)</i>
FFY	Actual Target Data
2005 (2005-2006)	<i>New indicator, no target was established.</i>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

See 2005 State Performance Plan update for discussion of baseline data.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005**

*[If applicable]*

No change required.

# Maine

## Part C State Annual Performance Report (APR) for FFY 2005

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 13:** Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	76% of mediations held that resulted in mediation agreements.
FFY	Actual Target Data
2005 (2005-2006)	No mediations filed concerning Part C.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005**

*[If applicable]*

No change required.

# Maine

## Part C State Annual Performance Report (APR) for FFY 2005

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 14:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B) and 1442)

- Measurement:** State reported data, including 618 data, State performance plan, and annual performance reports, are:
- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, settings and November 1 for exiting, personnel, dispute resolution); and
  - b. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of data are timely and accurate.
FFY	Actual Target Data
2005 (2005-2006)	100% of data was submitted on time and the data were accurate.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2005:**

*OSEP Table A: "Although the State reported current and sustained performance of 100% for this indicator, the baseline data only references timeliness of the State-reported data. There is no reference to accuracy of the data."*

Items listed in this indicator are reports submitted to OSEP so there should be no problem verifying that the 100% timely is accurate.

The data reports themselves are based on data submitted by CDS regional sites and combined into a central database. The regional sites are required to enter data relevant to the reports and maintain its accuracy. Key data elements related to the reports are reviewed as the data are compiled to assure the accuracy of reports run from the data. Training and on site monitoring are focused to assure that the data input is properly interpreted and consistent among the regional sites and in sync with the current state and federal mandates.

The production of a metric enumerating accuracy will be addressed as part of the site monitoring program and will be established on a scale of 0 to 100.

# Part C State Annual Performance Report (APR) for FFY 2005

Lacking an established system to provide such a metric at this time we will not attempt to assign a level of accuracy to the data currently available.

Data requirement	Content	Due Data	Actual Date
Table 1	Child Count	February 1, 2006	1/25/06
Table 2	Settings	November 1, 2005	10/27/05
Table 3	Exiting	November 1, 2005	10/27/05
Table 4	Services	November 1, 2005	10/27/05
Table 5	Personnel	November 1, 2005	10/27/05

Improvement Activities	Timelines						Resources
	FFY Year when activities will occur						
	05	06	07	08	09	10	
Maine will continue to track required report deadlines and ensure completion on time.	X	X	X	X	X	X	
Child count data are being provided in-part using an electronic upload to the OSEP EDEN database.	X	X	X	X	X	X	
Additional data elements and other improvement will continue as they are defined.	X	X	X	X	X	X	

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2005**

*[If applicable]*

*OSEP Table A: "The State must revise the targets in the APR, due Feb. 1, 2007, to clarify that it is the State's intent to reach 100% timeliness AND 100% accuracy regarding data reported, in the SPP and in the APRs, as well as under section 618."*

Targets were revised to state the data submissions will be timely and accurate.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of data submitted will be on time and accurate.
2006	100% of data submitted will be on time and accurate.

**Maine**

**Part C State Annual Performance Report (APR) for FFY 2005**

FFY	Measurable and Rigorous Target
(2006-2007)	
<b>2007</b> (2007-2008)	<b>100% of data submitted will be on time and accurate.</b>
<b>2008</b> (2008-2009)	<b>100% of data submitted will be on time and accurate.</b>
<b>2009</b> (2009-2010)	<b>100% of data submitted will be on time and accurate.</b>
<b>2010</b> (2010-2011)	<b>100% of data submitted will be on time and accurate.</b>

# Maine

## Part C State Annual Performance Report (APR) for FFY 2005

U.S. DEPARTMENT OF  
EDUCATION

### TABLE 4

PAGE 1 OF 1

OFFICE OF SPECIAL EDUCATION  
AND REHABILITATIVE SERVICES

**REPORT OF DISPUTE RESOLUTION UNDER PART C, OF  
THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT  
2005-06**

OMB NO.: 1820-0678

OFFICE OF SPECIAL EDUCATION  
PROGRAMS

FORM EXPIRES:  
11/30/2009

STATE: Maine

SECTION A: Written, signed complaints	
(1) Written, signed complaints total	0
(1.1) Complaints with reports issued	0
(a) Reports with findings	0
(b) Reports within timeline	0
(c) Reports within extended timelines	0
(1.2) Complaints withdrawn or dismissed	0
(1.3) Complaints pending	0
(a) Complaints pending a due process hearing	0
SECTION B: Mediation requests	
(2) Mediation requests total	0
(2.1) Mediations	
(a) Mediations related to due process	0
(i) Mediation agreements	0
(b) Mediations not related to due process	0
(i) Mediation agreements	0
(2.2) Mediations not held (including pending)	0
SECTION C: Hearing requests	
(3) Hearing requests total	0
(3.1) Resolution meetings (For States adopted Part B Procedures)	0
(a) Settlement agreements	0
(3.2) Hearings (fully adjudicated) (For all states)	0
(a) Decisions within timeline SELECT timeline used {30 day Part C, 30 day Part B, or 45 day Part B}	0
(b) Decisions within extended timeline (only applicable if using Part B due process hearing procedures).	0
(3.3) Resolved without a hearing	0

**Maine**  
**Part C State Annual Performance Report (APR) for FFY 2005**

**Appendix**

**Eligibility - Side By Side Comparison of Existing Chapter 180 and Proposed Chapter 101**

The Table below provides a side by side comparison of the eligibility requirements in Maine’s current guidelines related to Child Development Services and the proposed replacement for those guidelines.  
 Existing: Chapter 180.  
 Proposed: Proposed Chapter 101

Note: The Proposed Chapter 101 Section VII is presented as it is in its proposed format. Chapter 180 has been parsed and its sections altered to align with Proposed Chapter 101. If there are questions about the wording or intent in the Chapter 180 column , the complete Chapter 180 should be referred to for clarification.

<p>Chapter 180 VIII. ELIGIBILITY FOR SERVICES</p>	<p>Proposed Chapter 101 VII. ELIGIBILITY CRITERIA AND PROCEDURES FOR DETERMINATION</p>
<p>1. ELIGIBILITY</p> <p>As used in this document, children B-5 with disabilities means:                      . for children B-2:</p> <p>A DEVELOPMENTAL DELAY</p> <p>Children age B-2 with a developmental delay have: (a) developmental delays, as measured by both diagnostic instruments that are criterion-based or norm-referenced and appropriate procedures, in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; or adaptive development, with the delay being such that the child needs early intervention services; or (b) a diagnosed physical or mental condition that has a high probability of resulting in developmental delay, with the condition being such that the child needs early intervention services.</p> <p>The reference to appropriate procedures, above, is to procedures conducted in accordance with evaluation protocol.</p>	<p>1. Eligibility Criteria For Children B-2</p> <p>A. Developmental Delay</p> <p>(1) Definition. An infant or toddler with a disability means an individual under three years of age who needs early intervention services because the individual is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay. [20 USC 1432(5)(A)]</p> <p><i>For children B-2 with diagnosed physical or mental condition each child’s diagnostic evaluation must include demonstration that the child has a high probability to have a developmental delay resulting from that condition. The diagnostic evaluation will demonstrate the severity and chronicity of the condition which can then be discussed by the team to determine its impact on eligibility. The level of developmental delay required for eligibility will be defined as any of the following (unless the measures used, such as hearing and vision tests, have different criteria for</i></p>

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<p>When determining eligibility for children B-2 with diagnosed physical or mental conditions, each child's diagnostic evaluation must include a demonstration that the child is much more likely than not to have a developmental delay as described ... with the condition being such that the child needs early intervention services.</p> <p>a diagnosed physical or mental condition that has a high probability of resulting in developmental delay, with the condition being such that the child needs early intervention services; and</p> <p>A delay of approximately 2.0 or more standard deviations below the mean in at least one of the above areas of development; or</p> <p>i. A delay of approximately 1.5 standard deviations below the mean in at least two of the above areas of development.</p> <p>When evaluating children age B-2 for developmental delay by means of criterion-based instruments, a delay of approximately 2.0 standard deviations below the mean, as referenced in (i), above, should be replaced by a delay of 25% or more below chronological age, and a delay of approximately 1.5 standard deviations below the mean, as referenced in (ii) above, should be replaced by a delay of 15% below chronological age.</p>	<p><i>establishing abnormal development):</i></p> <p><i>A delay of at least 2.0 or more standard deviation below the mean in at least one of the five areas of development listed above; or</i></p> <p><i>(b) A delay of at least 1.5 standard deviations below the mean in at least two of the five areas of development listed in 1(A)(1), above.[Authority 20 USC 1435(a)(1)]</i></p> <p>(2) Procedures for Determination</p> <p>(a) Evaluation and assessment of each child age B-2 referred must include:</p> <p>(i) Health: A review of pertinent records related to the child's current health status and medical history.[34 CFR 303.322(c)(3)(i)] ;</p> <p>(ii) Multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs. [20 USC 1436(a)(1)]</p> <p><i>The evaluation and assessment team must administer one of the Department approved instruments for determining eligibility; and</i></p> <p>(iii) Family: a family directed assessment of the resources, priorities and concerns of the family and identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler. [20 USC 1436(a)(2)]</p> <p>The procedures for these assessments are previously articulated in IV.1.C of this rule.</p>

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<p>The standard deviation criterion shall be used only as a guideline to assist in the identification of developmental delay and must be considered in conjunction with the other assessment methods described in this subsection.</p> <p>When determining eligibility for children B-2 with diagnosed physical or mental conditions, each child's diagnostic evaluation must include a demonstration that the child is much more likely than not to have a developmental delay as described in A(i) or (ii), above with the condition being such that the child needs early intervention services.</p> <p>c. One or more standardized assessment measures (criterion-based or norm-referenced for children B-2</p> <p style="padding-left: 40px;">One or more standardized assessment measures (criterion-based or norm-referenced for children B-2; norm-referenced for children 3-5).</p> <p style="padding-left: 80px;">ii. When using standardized measures as one of the three components of multiple measures of assessment in determining a developmental delay, an indication of developmental delay will be defined as any of the following (unless the measures used, such as hearing and vision tests, have different criteria for establishing abnormal development):</p>	<p><i>(b) The level of developmental delay required for eligibility will be defined as any of the following (unless the measures used, such as hearing and vision tests, have different criteria for establishing abnormal development):</i></p> <p><i>(i) A delay of at least 2.0 or more standard deviations below the mean in at least one of the five areas of development listed above; or</i></p> <p><i>(ii) A delay of at least 1.5 standard deviations below the mean in at least two of the five areas of development listed in 1(A)(1), above. [Developed pursuant to 20 USC 1435(a)(1)]</i></p> <p><i>(c) Informed Clinical Opinion</i>  <i>An IFSP team always utilizes informed clinical opinion in the administration and interpretation of each of the tools approved by the Department. Informed Clinical Opinion (ICO) means the consensus of an early intervention team consisting of the parents(s) of the child and at least two early childhood professionals who are appropriately certified in their area of expertise, who together, after a comprehensive assessment process utilizing qualitative and quantitative, formal and informal sources of information, reach an "informed" conclusion about a child's abilities and needs within his/her natural environment. Informed clinical opinion must be included in evaluation and assessment procedures for children B-2 as a safeguard against eligibility determination based upon isolated information or test scores alone. When determining eligibility through the informed clinical opinion of an IFSP Team, the Team must document the following:</i></p> <p><i>(i) Explain why the evaluation standards and procedures, that are used with the majority of children resulted in invalid findings for this child.</i></p> <p><i>(ii) Indicate what objective data was used to conclude that the child has a developmental</i></p>

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<p>A delay of approximately 2.0 or more standard deviations below the mean in at least one of the above areas of development; or</p> <p>A delay of approximately 1.5 standard deviations below the mean in at least two of the above areas of development.</p> <p>i. Informed clinical judgment by a qualified professional, including the use of interviews and observations; and</p>	<p><i>delay. Data may include test scores; parent input; childcare provider comments; observations of the child in his/her daily routine; use of behavior checklists or criteria referenced measures; and other developmental data including current health status and medical history.</i></p> <p><i>(iii) Indicate which data had the greatest relative importance for the eligibility decision.</i></p> <p><i>(iv) The IFSP Team must document agreement of the use of informed clinical opinion. If one or more team members disagree with the decision, the dissenting team members will develop a written statement of the areas of disagreement, signed by those members.</i></p>