



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

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COMMISSIONER

November 4, 2005

Troy R. Justesen, Acting Director  
Office of Special Education Programs  
United States Department of Education  
400 Maryland Avenue, Southwest  
Washington, D.C. 20202

Dear Mr. Justesen:

As required in OSEP's October 7, 2004 response letter to Virginia's FFY 2002 Annual Performance Report (APR), Virginia is submitting a final progress report containing data and analysis related to the following:

1. The requirements for a comprehensive evaluation and assessment and IFSPs containing present levels of developmental functioning, as required by 34 CFR §303.322(c)(3)(ii) and 303.344(a), including correction data from the four sites identified in the FFY 2003 APR as being in noncompliance with these requirements; and
2. The early childhood transition planning requirements of 34 CFR §303.148(b)(2).

### Evaluation and Assessment:

In the FFY 2002 APR, Virginia reported that in chart reviews conducted with MIMS (State monitoring system) sites, 87% of children were evaluated in all areas of development and 66% of children's IFSPs documented levels of developmental functioning in all areas of development. Record reviews from four MIMS sites identified in the FFY 2003 APR indicated only 38% of children were evaluated in all areas of development. The FFY 2003 APR also reported statewide data indicating the percentage of children for whom each developmental area was evaluated (greater than 90% for all areas except vision and hearing, which were documented at 86% and 88%, respectively), based on the review of two records from each local system (for 35 of the 40 local systems) in January – February 2005. This statewide data, as presented in the APR, did not speak to the percentage of children who were evaluated in all areas of development and had IFSPs with present levels of developmental functioning. When the data is analyzed to calculate those percentages, it indicates that 76% of children were evaluated in all areas of development and 71% of children had IFSPs containing the required levels of developmental functioning. Throughout the period reported in the FFY 2002 and 2003 APRs, vision and hearing were the areas of development most often omitted from the comprehensive evaluation and/or the IFSP documentation of developmental levels.

In response to this observation, *Policy Clarification and Technical Assistance on the Implementation of Requirements for Vision and Hearing Components of the Part C Evaluation and Assessment* was developed by the Virginia Part C Office and disseminated to local Part C systems and participating agencies/service providers in October 2003. Follow-up training and technical assistance have been provided to all local systems through regional meetings. In addition, the following efforts have been made in order to improve compliance with Part C evaluation and assessment requirements:

- The Part C Update for January/February 2005, which is disseminated to all local Part C systems, included a written review of requirements related to the vision and hearing components of the Part C evaluation.
- The March 2005 Virginia Early Intervention Conference included concurrent sessions that addressed the vision and hearing screening components of Part C evaluation.
- The Virginia Department for the Blind and Vision Impaired (DBVI) has developed a web-based training “Virginia’s Part C Early Intervention Screening Process,” which is available on the DBVI website and at [www.infantva.org](http://www.infantva.org) as of April 2005.
- Technical assistance was targeted to one region of the State where the February 2005 record review data showed that adaptive development was not being consistently evaluated.
- A Policy Page was developed and disseminated in June 2005 to all local system managers clarifying the requirement to document use of Virginia’s Part C Hearing and Vision Screening tools on page 3 of the IFSP form.

In order to determine progress on compliance with Part C requirements for a comprehensive evaluation and assessment in all areas of development and IFSPs containing present levels of developmental functioning in all areas, Virginia conducted a new statewide record review in July - August 2005. Each local system was required to review records for children who had an initial IFSP developed on or after July 1, 2004, with the number of records reviewed to be determined for each local system as follows:

- 50 children: Select 50% of records (not less than 10 records)
- 50 – 99 children: Select 25% of records
- 100 – 199 children: Select 15% of records
- 200 – 499 children: Select 10% of records
- 500 or more children: Select not more than 60 records

In order to report progress since the FFY 2003 APR was developed and submitted, record review data from those records reflecting initial IFSPs developed between April 2005 and July 2005 is reported here. There were 206 records reviewed across all 40 local systems for this time period. Based on this record review data, 90% of children with IFSPs developed between April 2005 and July 2005 received an evaluation and assessment in all areas of development and 71% of these IFSPs included the child’s present level of developmental functioning in all areas of development. The following table provides an overview of progress in Virginia related to these requirements:

	<b>MIMS Sites in FFY 2002 APR</b>	<b>MIMS Sites in FFY 2003 APR (approx. 28 records)</b>	<b>Statewide Record Review Jan. – Feb. 2005 (70 records)</b>	<b>Statewide Record Review July – Aug. 2005 (206 records)</b>
<b>% of children evaluated in all areas</b>	87%	38%	76%	90%
<b>% of IFSPs with all levels of developmental functioning</b>	66%	N/A	71%	71%

In the most recent record reviews, vision and hearing continue to be the areas most often neglected in terms of IFSP documentation. The clarifying policy page (June 2005) is expected to lead to correction of this area of noncompliance, though it is not possible to measure its effectiveness yet due to its recent dissemination. Additional improvement activities based on record review data will include the following:

- Letters will be sent to all local systems notifying them of their level of compliance with the requirements to evaluate in all areas of development and report levels of developmental functioning on the IFSP, based on the full year's data from the July – August 2005 record review. Those local systems that are out of compliance for either requirement will develop a plan of improvement designed to correct the noncompliance within one year. (Letters to be sent October 2005)
- Record review data will be further analyzed to determine, for each local system, the percentage of children for whom each area of development was evaluated (i.e., percentage evaluated in cognitive development) and for whom the levels of developmental functioning were documented on the IFSP for each area of development. This local data will be shared with the local system manager to assist in development of effective plans of improvement and will be used in the provision of technical assistance to support local improvement efforts. (November 2005)
- Technical assistance will be provided at the local and regional levels based on local plans of improvement and regional trend data. (Ongoing)
- Enhancements to the State Part C data system, ITOTS, are expected to include local reporting of evaluation results, a process that will (1) help remind local systems to evaluate in all areas of development and document developmental status on IFSPs and (2) allow for ongoing, timely monitoring of compliance with these requirements at both the State and local levels. (Re-design of ITOTS began October 2005)

The July-August 2005 record review indicated that the status of the 4 MIMS sites identified in the FFY 2003 APR as out of compliance with the evaluation requirements is as follows:

- Local System 1: 100% of children evaluated in all areas  
75% of IFSPs document developmental levels in all areas
- Local System 2: 100% of children evaluated in all areas  
100% of IFSPs document developmental levels in all areas
- Local System 3: 83% of children evaluated in all areas

- 78% of IFSPs document developmental levels in all areas
- Local System 4:
  - 67% of children evaluated in all areas
  - 67% of IFSPs document developmental levels in all areas

These 4 MIMS sites have not yet had one year to correct the noncompliance.

Transition:

Data reported in the FFY 2003 APR (submitted in March 2005) indicated that, based on record reviews conducted as part of MIMS on-site visits with 13 local systems in the 2001-2003 MIMS cohort, only 20% of children received a 90-day transition conference in accordance with Part C requirements. Based on anecdotal data indicating that this low percentage of compliance was due largely to misinterpretation of the Part C requirements associated with the 90-day transition conference, the State Lead Agency provided written clarification as well as technical assistance and training at the local, regional, and State levels.

Record reviews with the 4 MIMS sites in the 2003-2005 MIMS cohort indicated that 52% of children received the 90-day transition conference in accordance with Part C requirements. Based on this data, the State Lead Agency continued to provide technical assistance at the local and regional levels and required any MIMS site not providing a transition planning conference in accordance with Part C requirements to address this issue in its local plan of improvement. In addition, State Part B staff provided information related to transition, including requirements for Part B participation in the transition planning conference, to all local special education directors through regional forums in 2005.

In July – August 2005 Virginia conducted a statewide record review related to transition in order to gather baseline data for the State Performance Plan due December 2, 2005. All 40 local systems were required to participate in the record review, and each local Part C system followed the same method for selecting records for the review, as follows:

- The number of records to be reviewed was based on the number of children who had exited or would exit the local Part C system between September 1, 2004 and September 30, 2005:
  - 50 children, select 50% of records (not less than 10 records)
  - 50 – 99 children, select 25% of records
  - 100 – 199 children, select 15% of records
  - 200 – 499 children, select 10% of records
  - 500 or more children, select not more than 60 records
- Once the number of records was determined, the exact records to be reviewed were selected based on a random number chart.

In the statewide record review, the records of 374 children who were potentially eligible for Part B were reviewed. Of these 374 children, there were 164 whose parents consented to the transition conference. The records of these 164 children indicated that for 84 of the children the transition conference was held in a timely manner and with all required participants (i.e., family, Part C representative, Part B representative). Therefore, Virginia was in compliance with Part C requirements for the 90-day transition conference for 51% of the children. The 49% of children exiting Part C and potentially eligible for Part B, whose parents gave permission for the

transition conference but who did not receive a transition conference in accordance with Part C requirements, are accounted for as follows:

- Record review forms from 11 of 40 local systems included no children who were potentially eligible for Part B whose parents gave permission for the transition conference.
- Of the remaining 19 local systems, only 2 were 100% in compliance with this indicator. Local compliance for the other 17 systems ranged from 0% to 83%.
- Of the 80 children statewide whose parents gave consent for the 90-day transition conference but the conference was not held in compliance with Part C requirements, 17 children (21%) received a transition planning conference that was held outside of the required timelines due to either Part C or Part B staff scheduling difficulties. Records for thirty-three of the 80 children (41%) indicated that a transition planning conference was held but did not include documentation that all required participants were present.

To better measure progress since the FFY 2003 APR was submitted in March 2005, the record review data described above was narrowed down to analyze statewide status based on children whose most recent IFSPs were developed on or after January 1, 2005 (i.e., those children who have transitioned more recently). There were 200 transition records reviewed that fit into this timeline. Of those 200 records, 114 were for children transitioning to Part B. Thirty-eight (38) parents gave consent for the transition conference, and records indicated that 27 of those children and families received a 90-day transition planning conference that met Part C requirements. Therefore, the review of records for children who transitioned more recently shows that 71% of those who consented to a transition conference received one. Although the sample size is smaller, these record review results suggest continued progress toward compliance with the transition planning conference requirements.

In order to ensure continued progress, the following improvement activities will be implemented in order to address noncompliance with the 90-day transition conference requirement:

- All local systems will receive written notification of their status with regard to the 90-day transition conference, based on the full year's data from the July – August record review. Local system managers also will be notified of planned activities (below) designed to achieve statewide compliance with the transition conference requirement and of their expected role in these statewide improvement activities. (October 2005)
- During planning for the re-design of the State's Part C data system, ITOTS, the Part C Office will explore inclusion of data elements and functions that will (1) remind local systems about required timelines and participants for the 90-day transition conference, and (2) allow for ongoing, timely monitoring of compliance with this requirements at the State and local levels. (Started October 2005)
- State Part C Technical Assistance Consultants will gather information from local system managers during regional meetings about how transition is done in each local system and any barriers to meeting Part C requirements related to transition. (December 2005)

- State Part C staff will conduct meetings with service coordinators to get their perspective on how transition is done in the local system and any barriers to meeting Part C requirements related to transition. (January 2006)
- The information gathered in the 2 previous activities will be used to determine additional activities that can be implemented to address barriers from the Part C side of transition and to share with State Part B staff any issues identified that need to be addressed collaboratively or directly from the Department of Education to LEAs. (February 2006)
- The statewide IFSP form transition page and other sections of the IFSP form will be revised, as needed, to prompt consistent inclusion of desired information and to support the service coordinator in meeting timelines. IFSP instructions and sample IFSPs will be revised accordingly. (June 2006)
- The Part C Office will conduct a careful review of Virginia's Policies and Procedures for transition and revise as needed to address new language in IDEA 2004 and to facilitate compliance with Part C transition requirements. (June 2006)
- The annual record review protocol used to collect data on transition will be revised in order to clarify definitions of terms and ensure that items on the protocol match the data required for reporting in the APR. (Fall 2006)
- The Transition Technical Assistance Document (*Early Childhood Transition from Part C Early Intervention to Part B Special Education and Other Services for Young Children with Disabilities*) will be revised to reflect the new IDEA statute, enhance discussion of transition to settings other than Part B, include sample oversight forms for use by local systems, and provide additional technical assistance information on issues where Virginia is not yet in full compliance. (September 2006)
- The Part C Integrated Training Collaborative will review the transition component of Kaleidoscope (K-II) service coordinator training and revise or expand as needed to address issues related to compliance with Part C transition requirements. (September 2006)
- The Part C Integrated Training Collaborative will explore development of web-based training on transition that would be accessible to all Part C service providers. (December 2006)

Data accuracy:

The following steps were taken to ensure the accuracy of data reported in the July – August record reviews related to evaluation and transition and used in this progress report:

- All local system managers were required to provide a signed statement confirming the accuracy of the record review data submitted to the State Lead Agency;
- All record review forms were numbered at the State Lead Agency to allow for confirmation of correct data entry;
- Following data entry, one of the two individuals who entered data compared every entry against the original record review form and made needed corrections; and
- Finally, a Part C staff member conducted a random check of entered data against the original record review forms and found no errors.

Virginia is committed to continuing to improve compliance with Part C evaluation and transition requirements and welcomes the continued assistance of OSEP in this effort.

Sincerely,

James S. Reinhard, M.D.

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