



COMMONWEALTH of VIRGINIA

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

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JAMES S. REINHARD, M.D.
COMMISSIONER

August 24, 2005

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

Dear Mr. Justesen:

The purpose of this letter is to submit required procedures and plans as identified in your July 5, 2005 letter. Based on the information shared during the April verification visit from Larry Ringer and Barbara Route, and the findings discussed in the July 5, 2005 letter, Virginia has already begun taking steps to improve the Commonwealth's general supervision and data collection systems for the Part C program. Planning has focused not only on developing the procedures and strategies necessary to ensure compliance with the Part C requirements identified in the July 5 letter but also on broader improvements to Virginia's Part C monitoring and supervision system as a whole. The Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) submits the following plans and procedures:

1. Plan, including strategies, proposed evidence of change, targets and timelines designed to ensure correction of noncompliance with the requirements of 34 CFR §303.501, as soon as possible, within a reasonable period of time, not to exceed one year from the date OSEP accepts the plan.

TARGETS	STRATEGIES	TIMELINES	EVIDENCE OF CHANGE	PROGRESS
1. All monitoring reports resulting from any State monitoring activity (including, but not limited to, MIMS,	a. Communicate to local lead agencies and providers that monitoring reports will now explicitly identify any areas of	May 1, 2005	All monitoring reports sent to local lead agencies after June 15, 2005 specify any areas of noncompliance that the local	The April 2005 Part C Update, which is widely disseminated to State and local stakeholders, included information about OSEP's

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	provides the process, including criteria and timelines, for State approval of local plans of improvement.		official approval of the local POI.	
3. Effective sanctions are established by the State Lead Agency and used when necessary to correct local noncompliance that persists for more than one year.	<p>a. Establish a range of sanctions that will be supported by all levels of administration at the State Lead Agency, with input from local stakeholders.</p> <p>b. Communicate to local lead agencies and providers what sanctions are in place, including the circumstances under which sanctions may be imposed.</p> <p>c. Explore development and implementation of incentives for achieving and/or continuing compliance with Part C requirements.</p> <p>d. Include sanctions) and any incentives) in the SFY-07</p>	<p>April 1, 2006</p> <p>April 15, 2006</p> <p>April 1, 2006</p> <p>June 15, 2006</p>	Documentation in the Part C Office demonstrates use of appropriate sanctions when local noncompliance persists beyond one year.	

TARGETS	STRATEGIES	TIMELINES	EVIDENCE OF CHANGE	PROGRESS
	<p>Local Contract for Continuing Participation in Part C.</p> <p>e. Establish procedures for periodically evaluating the effectiveness of sanctions (and any incentives) used in correcting noncompliance by reviewing whether those sanctions result in intended correction within a timely period and whether there are unintended consequences.</p>	<p>September 1, 2006</p>		
<p>4. For every local lead agency with a plan of improvement, the Part C Office determines whether the local lead agency has corrected non-compliance no later than one year after that local plan of improvement was approved by the Part C Office.</p>	<p>a. Develop and implement procedures (including specific acceptable methods for sampling and otherwise establishing compliance) for State Part C staff to use in verifying correction of local noncompliance in accordance with the</p>	<p>August 15, 2006</p>	<p>Documentation in the Part C Office includes data demonstrating that local noncompliance has been corrected.</p>	

compare the data in the excel spreadsheet with the data in the child's record to confirm the accuracy and then submit corrections.

- Local system managers are required to review their 45-day timeline data quarterly with their State Technical Assistance Consultant and to submit copies of local documentation that confirms the reasons for instances in which the 45-day timeline was exceeded.
- The FFY 2004 Section 618 data (i.e., related to children served and primary service settings) that will be reported as baseline data in the SPP will reflect the most accurate data available. The SPP will include a statement noting that Virginia is unable to pinpoint the extent of inaccuracy in this data and that December 1, 2005 data will be used to amend the SPP baseline data for the effected indicators. Changes to the SPP baseline data will be made as soon as the December 2005 data is available, and the amended SPP will be re-submitted to OSEP.

The specific procedure(s) listed above that is used to confirm data accuracy will be identified for each indicator in the State Performance Plan that will be submitted by December 2, 2005.

The following procedures will be used to confirm the accuracy of the data the State will report in its next Section 618 data report (reflecting data for children in Virginia's Part C system on December 1, 2005):

- December 1 Part C Child Count (by age, race and ethnicity) – The SFY-06 Local Contract for Continuing Participation in Part C requires the local lead agency to review ITOTS data, update as needed and confirm by January 10, 2006. The State Lead Agency will add a requirement that the confirmation of data accuracy must be in writing and must include the signature of the authorized officer of the local lead agency. Data on 2-year-olds served through the public schools is provided to the State Lead Agency and confirmed by the Virginia Department of Education. Information from the Department of Education regarding confirmation of this data will be included in the SPP.
- Part C Program Settings – Please see #3 below
- Part C Exiting Data (by race and ethnicity) - The SFY-06 Local Contract for Continuing Participation in Part C requires the local lead agency to review ITOTS data, update as needed and confirm by January 10, 2006. The State Lead Agency will add a requirement that the confirmation of data accuracy must be in writing and must include the signature of the authorized officer of the local lead agency.
- Part C Services – Please see #3 below
- Part C Personnel – The SFY-06 Local Contract for Continuing Participation in Part C requires the local lead agency to submit federally required personnel data by September 15, 2005. The State Lead Agency will add a requirement that this submission must also include the signature of the authorized officer of the local lead agency confirming the accuracy of the data.

Procedures for ongoing confirmation of Section 618 data accuracy are discussed below.

The following procedures will be used for reviewing and requiring data accuracy by local lead agencies on an ongoing basis beginning in January 2006:

- On at least a quarterly basis each local lead agency will be required to generate the following new ITOTS reports for their local system: Children Active, Children Discharged , and Children Evaluated Eligible – Will Receive Ongoing Part C Services. The local lead agency will be required to review and confirm the accuracy of their data against IFSPs, make any needed corrections, and confirm in writing (and with signature of the local system manager) that the data is accurate. This quarterly confirmation of accuracy must be kept on file at the local lead agency and be available for review upon request of the State Lead Agency. On an annual basis, the local lead agency must submit to the State Lead Agency confirmation of data accuracy signed by the local system manager’s supervisor.
- Submission of data from all record reviews required by the State Lead Agency and conducted by the local system will be accompanied by a signed certification by the local system manager’s supervisor confirming the accuracy of the data.
- In June 2006, December 2006, and every December thereafter, State Lead Agency staff will conduct an annual on-site record review to confirm randomly selected data (e.g., Section 618 and other data collected through ITOTS and data from annual record reviews conducted by the local system).
 - Based on the SPP indicators and Section 618 data, randomly selected records from each local system are reviewed by State Lead Agency staff to confirm the accuracy of data submitted via ITOTS and record reviews. The specific percentage of records to be sampled will be determined based on the need to ensure statewide representation of the population served in Virginia’s Part C system.
 - If this review finds systemic data entry errors, then State Lead Agency staff conducts a more extensive review for that local system in order to ensure 100% data entry accuracy.
- Data on 2-year-olds served through the public schools is confirmed by the Department of Education, and a confirmation statement is provided to the State Lead Agency by the Department of Education.
- In order to confirm the accuracy of the MIMS local self-assessment in identifying local noncompliance, the State Review Team (SRT) will use the following procedures with each MIMS site:
 - The local system selects 5 records, which they feel represent their best work, for review by the SRT.
 - The SRT then randomly selects enough additional records to ensure that the records reviewed represent children from each age group, children from different eligibility categories (e.g., developmental delay and diagnosed condition), and children from at least 2 of the cultural groups that make up the local population.

2. Its plan for ensuring that the State's next submission of services and settings data consists of current accurate data for each child.

In order to collect and annually report current accurate services and settings data for each child, the ITOTS system will be enhanced to require that services and settings data for each child be updated at the time of each IFSP review and annual IFSP. ITOTS data fields that will be necessary for collection of services and settings data at the time of each IFSP review and annual IFSP have been identified and defined. The following next steps are planned prior to implementation of these ITOTS enhancements:

- Identify and define all desired new ITOTS fields that will assist the State Lead Agency in collecting and reporting required data under Section 618 and for the State's Annual Performance Reports to OSEP so that all changes can be made and implemented at the same time.
- Contract with a professional to conduct a detailed requirements analysis and develop a "master plan" for the technology solutions needed by the State Lead Agency to meet federal and State Part C reporting requirements. The following outcomes are expected as a result of this project:
 - Accurate data will be entered and the time and cost spent in verification of data will be reduced;
 - Data reports will be accessible at any time and will reflect current data of children in the system and those previously served;
 - Service utilization data will be available as well as the source and amount of dollars accessed in covering the cost of providing services; and
 - Longitudinal analysis and projections will be available with linkage of child data with family survey data as well as infant tracking data.

Funding for this project has already been budgeted and the process for contracting is being streamlined in order to begin this project quickly.

- Solicit stakeholder input on clarity of data fields and user instructions developed.
- Conduct training for all local ITOTS users.

Since the enhanced ITOTS system will not be operational in time, the following procedures will be used to ensure that the next submission of services and settings data will represent current and accurate data for each child:

- The State Lead Agency will develop a one-page form to be completed by each local system. The form will be used to report the following information for every child in the local system who has an IFSP as of December 1, 2005:
 - The child's ITOTS ID number;
 - The child's race/ethnicity;

- The entitled Part C services listed on the child's most recent IFSP (as of December 1, 2005); and
- The primary service setting in which the child is currently receiving services (as of December 1, 2005).

Each local system will be required to submit a signed statement from the local system manager's supervisor certifying the accuracy of the data submitted to the State Lead Agency on this form.

- All local lead agencies will be notified in writing by October 15, 2005 of the requirement to complete the services and settings data as described above. Prior to that, this requirement will be discussed at regional meetings of local system managers in September.
- State Technical Assistance Consultants will work with local system managers during October regional meetings to provide assistance in planning for a local process to complete this reporting requirement.
- All services and settings data forms will be due from local lead agencies to the State Lead Agency by approximately January 15, 2006 so that the data can be aggregated for timely reporting to OSEP (expected deadline February 1, 2006).

I look forward to continuing to collaborate with OSEP as Virginia works to improve outcomes for children and families through the Part C system and appreciate your support of those efforts.

Sincerely,

James S. Reinhard, M.D., Commissioner

JSR:mad

pc: Larry Ringer, OSEP
Barbara Route, OSEP
Shirley Ricks, Director, Child and Family Services
Mary Ann Discenza, Part C Coordinator