Regulations Task Force
2/8/12

Minutes

Participants: Ginny Heuple, Mary Lou Hutton, Kyla Patterson, Mary Anne White, Rosalind Cutchins, Bev Crouse, Debra Holloway, Carol Burke, Phyllis Mondak, Sandra Church, Kendall Lee

Expected Outcomes:
- To establish a shared understanding of the task force's purpose and to establish a meeting schedule and a process for stakeholder/constituent input.
- To make a recommendation about the method by which local systems will notify the SEA (Department of Education), along with the LEA (local school division), when a child is exiting Part C and is potentially eligible for Part B.

Purpose of the Task Force:
- The new federal Part C regulations (implementing the 2004 IDEA statute) were released on September 28, 2011. States need to be ready to implement these new regulations on July 1, 2012.
- When we considered revising our Part C policies and procedures following the 2004 statute, the Office of the Attorney General stated that we needed to move away from policies and procedures and instead promulgate state regulations for implementation of Part C in Virginia. We've had to wait for the federal regulations in order to develop the state regulations.
- This task force will provide input to DBHDS during development of state regulations, including specifically how we will implement the new regulations (e.g., changes to Practice Manual, forms, etc.).
- After reading the new federal regulations, we feel we're in pretty good shape. When we implemented the system transformation in 2009, we were on the right track. Mostly, we'll have some tweaking to do to be sure all of our practices are fully in line with the new federal regulatory language.

Topics to be addressed by the task force:
- Based on Mary Anne's and Kyla's review of the new regulations, we have identified 3 main topics where we think we'll need to focus the bulk of our work:
  - System of Payments
  - Evaluation and Assessment
  - Transition
- Group members did not identify any additional topics, but we may find some other more specific areas we need to discuss as we work out the details associated with the 3 major topics identified above.
- Our first topic will be the system of payments since there are aspects of the new regulations in that area that we must be implementing as of the date we submit

our state application to OSEP (due April 16, 2012). We will begin working on that topic at our next meeting.

- After system of payments, we will address evaluation and assessment followed by transition.

Method for transition notification to SEA:
- There are several changes to the transition requirements that we will need to discuss. Today, we focused on one specific aspect of the new transition notification requirements because it will take some time to implement. We will come back to the other details of the transition changes later in the task force's work.
- Old Regulations: Notify the local educational agency for the area in which the child resides that the child will shortly reach the age of eligibility for preschool services under Part B of the Act, as determined in accordance with State law
- New Regulations: Unless the parent opts out … Not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under Part B of the Act, the lead agency notifies the SEA and the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part C of the Act, as determined in accordance with State law. (303.209(b)(i))
- Changes:
  o Previously no specific timeline for notification; now must be done no fewer than 90 days before third birthday.
  o Previously required notification only to LEA (local school division); now must provide notification to LEA and SEA (Virginia Department of Education).
- Phyllis Mondak from the Department of Education shared some options identified by DOE for the notification to the SEA:
  o Want to make it easy on everyone and want a mechanism that will allow DOE to actually do something with the information.
  o Need to think about how we make sure the information is transmitted in a secure way.
  o DOE has talked about using secure email; a single data system with Part C functioning like a separate school division; the single sign-on web server (SSWS), which would allow local systems to access a web file to enter the notification information (including what LEA you sent to, which would allow Phyllis to match numbers at the end of the year with what LEAs report); or the testing data base (same way school divisions do child count now)
- The group then discussed implementation details, asked questions and identified possible challenges associated with these options:
  o Notification now equals referral.
  o What are the costs associated with some of the options? Some costs with each option because will have to develop something we don't have (if we go web-based). Phyllis would like to rule-out just an email because it's too difficult to do anything with the information. DOE is already looking

at web-based mechanisms for reporting associated with the annual report so we could potentially tack this onto that project. There should not be a cost to local systems to access the web-based option, just the cost of training on how to get into system.
- o Mary Anne asked whether the SFTP (Secure File Transfer Protocol) that DBHDS has will help. Phyllis responded that it depends on what kind of file it is, don't want just an email. Mary Lou shared that an excel file can be sent via the SFTP. Phyllis would prefer a way that all local systems can enter data into one file because it will be easier to compile.
- o Who will be responsible at the local level (service coordinator, local system manager, other)? Phyllis said they would not need to limit the number of people who can access the web-based option. Carol stated that it would be helpful for them to be able to go in and double-check that the data entry is correct and to be able to go back and look at the data over time. Phyllis felt this should not be a problem, to go back and look any time you need to.
- *Group Recommendation*: Short-term: Web-based solution with ability to enter the data on an ongoing basis. Long-term: Adding data elements and functions to ITOTS that would enable local systems to enter the necessary info in ITOTS and click to have it sent to DOE.
- *Next Steps*:
  - o Phyllis will look into SSWS as a fairly quick thing to implement. If can't be ready for July 1, will have to look into email issues (security, for example). She will keep us up to date.
  - o Mary Anne will pursue ITOTS solution and will check with David about how/if SFTP can help us.

Meeting schedule:
- Twice a month, 1-1/2 hours
- February 27, 1:00 – 2:30 (System of Payments)
- March 13, 1:00 – 2:30
- March 28, 1:00
- April 11, 1:15 – 2:45
- April 25, 1:00
- May 9, 1:15
- May 23, 1:00
- June 12, 1:00
- June 27, 1:00 (Mary Lou)

Methods for regional stakeholder/constituent input:
- Regional meetings
- Emails
- Sending out drafts