



**child
development
services**

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* Ammended 3/11/08

November 5, 2007

Debra Hannigan
State Director
Child Development Services
Cumberland Board of Directors Chairperson
Maine Department of Education
146 State House Station
Augusta, Maine 04333

Dear Ms. Hannigan:

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

As I shared with the site director and staff at our exit interview on August 23, 2007, this process is designed to promote continuous improvement in compliance and service provision to children in your service area.

1. The Process:

Over a period from August 14th – August 16, 2007, a program monitoring team conducted an on-site visit to assess the Cumberland CDS site's current status in meeting regulatory requirements. This letter will outline the base line data gathered during this review.

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

- Interviews with staff, and providers
- Review of State Entitlement plan
- Review of last corrective action plan on file at the DOE
- Review of parent questionnaires
- Review of:
 - 22 Part C files
 - 55 Part B files
- Review of Cumberland self-review plan and Internal Audit of

- 51 Part C files
- 71 Part B files

2. Themes from Interviews:

A. Staff:

Concerns

Overall, the staff expressed concern with personnel matters. They are concerned with the rate of pay and salaries being stagnant for the last three years. They understand that there is a “dynamic status quo” in this area due to bargaining and negotiations with the state. They expressed concerns with the high turnover in staff and the high number of children on each of their caseloads. The average caseloads of children per case manager were reported as 50-75 children per case manager.

In addition the staff expressed concern with the availability of providers willing to travel to programs or the natural environment for children. This creates longer waitlists for children to receive services that have been determined as appropriate by the IEP teams.

The staff expressed a strong desire for professional development and training in eligibility and the use of the new state special education forms.*

** A day long training was provided by the Department of Education on September 7th on the new state forms, their requirements and the determination of Least Restrictive Environments for children.*

Leadership

The staff indicated during the interviews that the leadership of the site director has improved over the last year. They feel she is a strong leader, supportive and is improving communications skills. She is providing supervision and support in the implementation of the new state forms and Chapter 101 Maine State Special Education Regulations. She is actively seeking professional development opportunities for the staff to attend.

Professional Development

The staff expressed a strong desire for professional development and training in eligibility and the use of the new state special education forms. They also expressed a need for additional professional development on transition from Part C to Part B of IDEA. *

** A day long training was provided by the Department of Education on September 7th on the new state forms, their requirements and the determination of Least Restrictive Environments for children. The DOE held a joint conference with MADSEC Oct 28th – Oct 30th with a session on Transition from Part C to Part B as well as Transition to Kindergarten from preschool special education services. Several of the Cumberland CDS site staff attended.*

B. Community Providers:

Services and Programs

During the interviews it was consistently noted that there is a strong relationship between the contracted programs and providers and the case managers at the Cumberland Site. There is very good communication from site to the program and the providers feel as though there is generally collaborative discussion about the program and service needs for children.

There was concern noted regarding the waiting list for children requiring specific services especially in the area of speech and language. There is a desire from the field to work collaboratively with the site to come up with alternative service delivery models to meet the needs of the children and eliminate the wait list for services.

Barriers

The providers expressed that the biggest barrier and challenge for children served by the Cumberland site is transportation. They expressed that the only mode of transportation for most children if they are not transported by a family member is public transportation. This can be a very difficult decision to place a three year old on a bus to take them to a service / program a half hour away or more.

The providers also expressed a concern about being able to provide services to children B -2 years of age in the natural environment. They have not been allowed reimbursement for the travel time it takes to go to child's home or the natural environment, therefore they are not providing the services. This in turn is leading to a larger wait list for services for these children to receive services and creating a large amount of unmet needs for the children and families.

Through research about this issue, it was found that the decision to not reimbursement rate for the necessary travel time to provide services within the home was based upon allowable Mainecare reimbursement rates. This practice is currently under review by the Child Development Services State director and a decision will be forthcoming about reimbursement for travel to provide services to children within the natural and least restrictive environment.

4. Record Audit:

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

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

- Referral, screening procedures and timelines;
- Parent notices and consents;
- Procedures involving evaluations and Early Childhood Team (ECT) Meetings;
- Individual Family Service Plans (IFSP) and Individual Education Plans (IEP);

- Extended School Year Services
- Communication with Parents

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

Attached are the compiled results of the record audit. Any section receiving a "Needs Corrective Action" rate of compliance is identified as an area of concern. Identified areas of concern on the record audit form are followed by comments as to why the item did not meet the regulation standard.

In reviewing 22 files on-site and 51 files internally, the following areas in Part C met compliance:

- Initial referral forms completed and on-file in each child's record
- Documentation of providing Parents with Procedural Rights and Safeguards
- Evidence of completing initial screening
- Receipt of Consent for Initial Evaluation
- Documentation of appropriate referrals for evaluations
- Attaining parental voluntary consent for initial placement and provision of services.
- Prior Written Notice upon eligibility determination at the meeting
- The ECT meeting notices and membership by required staff and sent out to parents at least seven days prior to the meeting.
- Documentation that copies of the evaluation reports were provided to the parent within reasonable time prior to the IFSP/ IEP meeting at which the evaluation was discussed.
- The use of a variety of assessment tools and strategies during the evaluation and eligibility process
- Utilization of the Bailey / Battelle assessment tool as part of the initial referral process
- Consideration of the child's strengths, concerns of the parents, most recent evaluations, academic developmental and functional needs, communication needs, during the development of the IFSP/IEP.
- **All aspects of the IFSP met compliance.**

The following areas did not meet compliance:

- Prior written notice of the initial referral for evaluation was not documented
- Evidence of input for the IFSP / IEP team to determine the evaluation needs of the child suspected of having a disability
- Documentation of the receipt of parental consent for initial evaluation
- Completion of evaluations and ECT meetings held to review to determine eligibility within 45 days from the regional site board's receipt of referral.
- Development of the initial IFSP/IEP at the Early Childhood meeting
- Transition planning

- For children entering Part B at least 90 days before the child's third birthday
- Documenting steps to be taken to support transition to Part B or Kindergarten on the IFSP.
- Transition meetings held in the spring for Kindergarten eligible children
- Documentation of copies of the minutes and IFSP / IEP provided to the parent within 21 days of the meeting
- Prior Written Notice sent to parents when a change in the child's program was proposed
- Documentation of appropriate consent forms for evaluations and input from the team to determine evaluation needs.
- Documentation of medical and other services not required under part C

In reviewing 55 files on-site and 71 files internally, the following areas in Part B met compliance:

- Initial referral form documentation
- Documentation of providing Parents with Procedural Rights and Safeguards
- Evidence of completing initial screening
- Evidence of input for the IFSP / IEP team to determine the evaluation needs of the child suspected of having a disability
- Receipt of Consent for Initial Evaluation
- Documentation of Appropriate Referrals for evaluations
- Development of the initial IFSP/IEP at the Early Childhood meeting attaining parental voluntary consent for initial placement and provision of services.
- The ECT meeting notices and membership by required staff and sent out to parents at least seven days prior to the meeting.
- Prior Written Notice sent to parents when a change in the child's program was proposed
- All areas of evaluation met compliance for Part B
- All areas of the IFSP / IEP team meetings and procedures met compliance
- All areas of the IFSP / IEP met compliance in completion of the forms developed by the site. (Areas missing from the forms were discussed with the director and changes in the forms are being implemented.)

The following areas did not meet compliance:

- Prior Written notice of Initial referral for evaluations
- Meeting the 60 day time line from the receipt of consent to evaluate to a meeting being held to determine eligibility for special education services.
- Prior Written Notice sent to the parents documenting the determinations of eligibility meeting.
- Conducting transition meetings in conjunction with the public school in the spring of the year the child is eligible.
- Documentation of evaluations provided to parents within a reasonable time prior to the IFSP / IEP.

- Documentation of copies of the minutes and IFSP / IEP provided to the parent within 21 days of the meeting
- IFSP /IEP did not include consideration of special factors (behavior, blind / visual impairment needs, and limited English proficiency), statement of how parents will be regularly informed of their child's progress toward goals,
- Team considerations in developing the IFSP/ IEP did not include a statement of assistive technology needs.

During the exit summary held with the staff on August 23, 2007, I recommended attention be brought to the following areas that are not compliance issues.

- Please list the CDS representative under the members of the meeting, not just as the person sending the invitation.
- There is an organizational format for the files, yet it is not always followed making it hard to follow the file.
 - The staff indicated they will review the format with new staff and implement a consistent organization of the files
- Many of the coordination notes were hard to read due to poor handwriting and acronyms.
 - Work will begin on a list of common acronyms that are used and a key will be added to the top of the coordination notes.
- Some of the notes seemed out of order and were not easy to follow chronologically.
 - The service coordinator notes will now be done on a separate colored paper
- Services for all children entering public school should end September 1 instead of September 30 on the services page
- For children remaining in the CDS system after they are school age eligible under Chapter 676, please make sure that the parent form electing that the child continue in the CDS system is in the correspondence section of the file. A copy should go to Sarah Fraser so she can send a copy to the DOE in order to process payments correctly. PWN needs to be sent regarding the parents choice to remain in the CDS system for another year.
- Least Restrictive Environment / Natural Environment Justification statements. Though the staff has been following a template provided by the DOE, we have not customized these statements based on the specific child.
- Prior Written Notice needs to be filled out with more detail.
- When completing release of information forms for multiple people that is not are not contracted providers, such as a physician or preschool program, use a separate release form for each person.
- Discontinue the practice of obtaining consent to evaluate forms for evaluations "to be completed over the next 12 months". Once consent is signed, the site has 60 days to complete the assessments.
 - This practice was only found in a couple of files

5. Corrective Action Plan Development:

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

In summary:

- 1.) **The Site will have one year from the date of this report to correct all areas of non-compliance that indicated “Needs Corrective Action” during the record audit which were noted in Section 4. A corrective action plan must be submitted to the Department of Education, Child Development Services Department within 45 days of the receipt of this report.**
- 2.) **It is recommended that the Cumberland CDS site implement the new required state special education forms as soon as possible to remedy some, if not all of the compliance issues noted in this report.**
- 3.) **A training session has been scheduled for the site staff on September 7, 2007 to provide professional development in the areas of Written Notice and Least Restrictive Environment statements. ***

*Since the time of the on-site audit professional development training was held at the site on September 7th, the site director has implemented activities to improve in areas of non-compliance and provided significant documentation of improved compliance. Ms. Whittemore and her staff should be commended on the hard work they have done in a very short amount of time to improve compliance.

The Site Director has submitted goals on the Site’s self review plan that can be incorporated into the corrective action plan with additional goals for the concerns and deficiencies noted within this report. The information you included is extremely helpful in increasing our awareness of concerns and issues within your site so we can provide necessary technical assistance to you and your staff.

The Department of Education conducted a survey of parents of children with disabilities within your region. The results of this survey are attached. As CDS sites continue to improve services for all children, parent input is critical. These results can serve as additional information to be used in the planning and evaluation of services and programs for children and are used during the annual State Performance Plan to the federal government.

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

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

Sincerely,

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

Copies sent to:

Susan A Gendron, Commissioner
David Noble Stockford, Policy and Team Leader
Lori Whittemore, Cumberland County Child Development Services Director

Enclosures:

Part C Child Record Audit Form Summary
Part B Child Record Audit Form Summary
CDS Cumberland Part Survey Results

Ammended 3/11/08* The Cumberland County Child Development Services letter of findings was amended to reflect OSEP reporting requirements removing a threshold percentage in measuring compliance under the record audit section. The previous report dated November 5, 2007 used 80% accuracy as a measure of meeting compliance standards. We must now use 100%.