

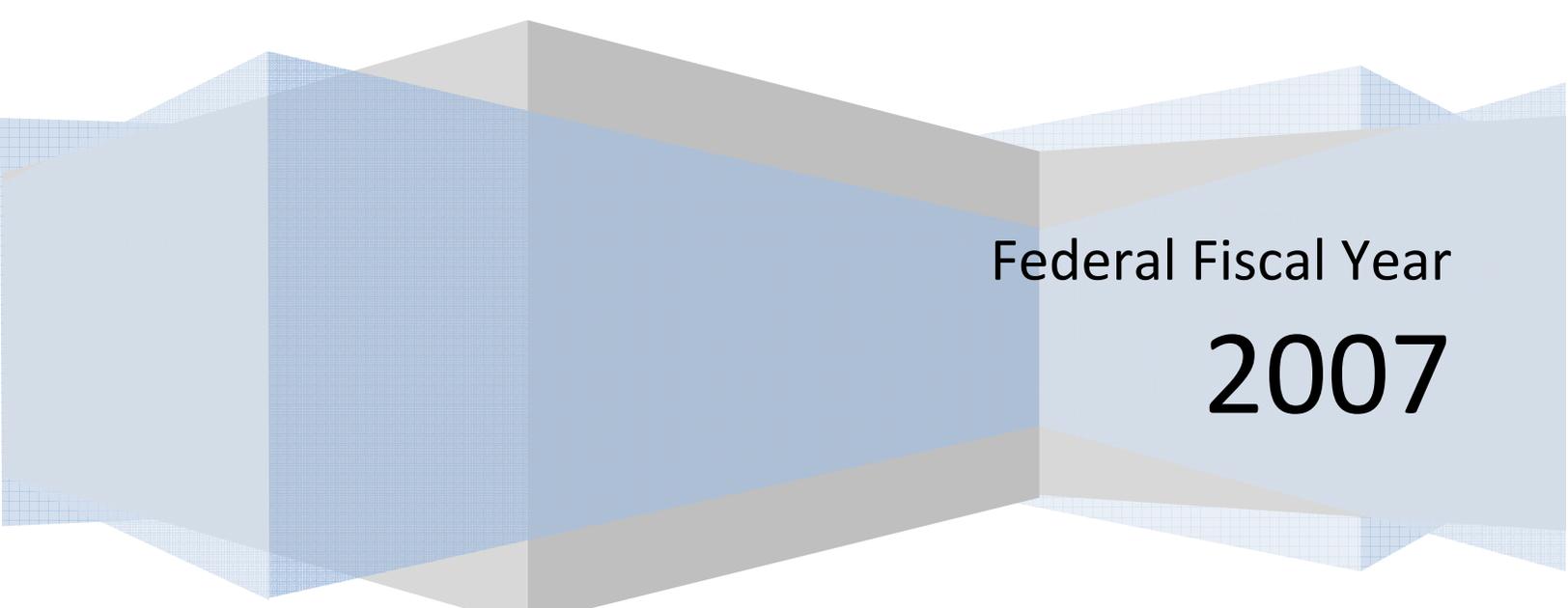
Maine Department of Education

Annual Performance Report - Part C

Fiscal Year July 1, 2007 through June 30, 2008

Resubmission April 7, 2009

(Original Submission February 3, 2009)



Federal Fiscal Year
2007

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development for Part C

This Annual Performance Report (APR) is the third report of the progress toward the targets established in the State Performance Plan (SPP) on December 2, 2005. This APR represents the third year of progress towards the Measureable and Rigorous Targets established in the SPP for all indicators. Child Development Services (CDS) provides data and analysis for all of the C indicators and some of the B indicators due to the symbiotic nature of our relationship with the department. Child Development Services is the governmental entity that serves as an Individual Educational Unit of the Department of Education. The commissioner of the Maine Department of Education “shall establish and supervise the state intermediate educational unit. The state intermediate educational unit is established as a body corporate and politic and as a public instrumentality of the State for the purpose of conducting child find activities as provided in 20 United States Code, Section 1412 (a) (3) for children from birth to under 6 years of age, ensuring the provision of early intervention services for eligible children from birth to under 3 years of age and ensuring a free, appropriate public education for eligible children at least 3 years of age and under 6 years of age.” MRSA 20-A~7209.1.E (3)

Stakeholder group activities

Maine Advisory Council on the Education of Children with Disabilities is the stakeholder group providing guidance and support to the Maine Department of Education in implementing the State Performance Plan (SPP). As a group of dedicated volunteers with the best interests of children with disabilities ages birth through 20 in mind, the committee started its year with a two day planning meeting. The Council began its work on the Annual Performance Report (APR) and the SPP. They were asked by the Maine Department of Education to look at the documents with a critical eye and assess what needed to be addressed in order to insure accurate and adequate service delivery to the children receiving Early Intervention and Special Education Services in the State of Maine.

An early task in the two-day planning meeting was the formation of four committees to concentrate on specific sub-sets of the indicators for the year: Due Process and Quality Assurance Monitoring (B-15 through B-20, C-9 through C-14) ; Early Transition (C-2 through C-8, B-6 and B-12); Student Performance (B-1 through B7, B-14); and Evaluation, Services and Treatment (C-1, C-7, B-8 through B-10). Along with Council Coordination (the steering committee) and the full Council, these committees meet once a month in Augusta. These committees assess data and make advisory recommendations to the Commissioner of Education on unmet needs in their respective subject areas. The recommendations are addressed and integrated into the operational execution of the Department and Child Development Services (program review, dispute resolution, funding, technical assistance, professional development, Case-e data system, monitoring, regional CDS site operations, and discretionary programs) to

improve support to children with disabilities statewide.

Child Development Services System Changes

Child Development Services has undergone significant structural, fiscal, and human resource changes as a result of legislative action in 2006, 2007, and 2008. A structural analysis of the changes was included in the APR submitted for FFY2006. This structure has been retained relatively unchanged for the past year which has supported stability in the system for the first time in 4 years. Stability, however, in no way intimates status quo for this system. The system has faced a number of challenges during the past year and has emerged as an entity with growing resiliency. During FFY2007 CDS was involved in the following initiatives:

- The centralization of the fiscal process for the system was completed.
- The Case-e data system has undergone significant improvements which support our continuing oversight of the interrelationship of the fiscal, data, and monitoring systems and supports data gathering for the APR.
- The State IEU successfully completed negotiations with a bargaining unit which supports employee stability.
- Job descriptions were developed to align with state certification and licensure
- The [CDS Website](#) has undergone significant change and serves as an emerging representation of the intricacies of our system.
- The web based system for the applications for local entitlement plans has been revised to reflect statutory and organizational changes as well as SPP/APR requirements.
- The CDS State IEU has initiated an Application Review Process to provide a status check in April 2009 and ongoing each year thereafter.
- A training committee comprised of regional representatives and CDS State IEU personnel was established to oversee the professional development needs of the system.
- The [Targeted Technical Assistance and Professional Development Calendar of Events](#) was established and is available on the website.
- Collaborations with other state agencies were supported by the State IEU to heighten our visibility as an early intervention entity within the greater State of Maine system of services to children B-5.
- The State Level Advisory Board continues to meet monthly regarding the conversion of functions from the regional sites to the CDS State IEU, the provision of services to children birth to 5 and the General Supervision System.
- The system transitioned to the use of state mandated forms for Part C.
- A Program Approval Process and review system was piloted and finalized.
- A policy team was organized to develop and guide the general supervision work of the system.
- Site monitoring was completed for Year 1 and is underway for Year 2 with a completion date of June 30, 2009.
- [Administrative](#) and [Informational](#) letters were developed to provide policy direction.

Public reporting

Data profile designs based on the 2006-2007 performance and compliance data were developed for each Early Intervention Services (EIS) site and Local Educational Agency (LEA) in the state. The profiles provide indicator specific performance and compliance data to the EIS/LEA and to the public for use in program improvement. District performance profiles were made public with [Informational Letter #51](#) and CDS [Informational Letter #2](#) .

The EIS/LEA profiles are used as the basis for determinations of EIS and LEA program performance. Each indicator is evaluated for level of determination to provide the local agency with measurement specific feedback on their implementation of IDEA with regard to the SPP indicators. The individual determinations are then used to develop an overall determination to the requirements of the State Performance Plan (SPP) in one of the four required categories: Meets Requirements; Needs Assistance; Needs Intervention; or Needs Substantial Intervention. These determinations set the level of support and intervention provided under the CDS General Supervision System which is discussed further in the section for Indicator C9.

During the FFY2007 year, all sixteen of the CDS sites received on-site monitoring and Letters of Findings were issued for areas of non-compliance. The [Letters of Findings](#) were made public and made available on the DOE CDS website.

Alignment with National Technical Assistance Resources

Maine contracts with technical assistance, professional development and dissemination resources throughout the state to provide scientifically based materials and instruction to educators, parents and interested parties. Contracts developed with contractors during FFY2007 included an objective requiring the Provider to serve as a liaison between the Department and national technical assistance centers that provide scientifically researched based resources that can be useful for Local Education Agencies (LEAs). All contractors providing technical assistance to LEAs in the state are aligned with and engaging the services of national technical assistance centers in order to provide the most current best practice available.

Additionally, Child Development Services has requested assistance in the areas of LRE for children 3-5, natural environment b-2, Expanding Opportunities (Inclusion), child outcomes (COSF), transition C to B and preschool to kindergarten, General Supervision System, APR assistance, and data analysis from the Northeast Regional Resource Center (NERRC), NECTAC, OSEP, ECO Center, ITCA, and WESTAT. CDS State IEU personnel participate in NECTAC and NERRC teleconferences as frequently as possible.

The CDS State IEU was represented at the Data Managers Conference in June 2008, the NERRC Part C Conference in Albany in June 2008, the Leadership Conference in Baltimore August 2008, The Part C and 619 Coordinators Conference in DC in

December 2008 and the WESTAT National Accountability Center Advisory Board meeting November 2008. (State Director is a member of this board)

Future Steps

The CDS State IEU is poised to continue its system conversion to support the equitable and efficient provision of services under IDEA to children birth to 5 in the State of Maine. The infrastructure developed at the State IEU provides a basis for our work. The majority of the pieces in place to move forward with a focus on increased regional understanding and support for the SPP Indicators and child outcomes. The CDS State IEU remains optimistically committed to children and families despite the significant economic and social challenges that IEU, along with the nation as a whole, are currently facing.

Part C State Annual Performance Report (APR) for 2007

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Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

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.

Percent = [(1,485 in early intervention) ÷ (1,571 with IFSPs)] times 100 = 94.5

FFY 2007	Measurable and Rigorous Target
	100% of infants and toddlers with IFSPs receive the early intervention services on their IFSPs in a timely manner.
FFY 2007	Actual Target Data for FFY 2006
	94.5 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 FFY 2007:

CDS utilizes the Case-e data system to collect and analyze data. Case-e is a statewide data system built upon an earlier system, ChildLink. It is very different in its current state from the original Childlink as it also captures fiscal data. All child data including IFSP/IEP data, demographics, system supports, referrals, screenings, evaluations, team meetings and, providers, is inputted at the site level. Initial planning for Case-e began in April of 2006, initial training was done in November of 2006 and the system was opened for use in January 2007 with data from Childlink brought into it. The system is a work in progress. The state level management team comprised of the human resources specialist, the business manager, the data manager, and the state director, review progress towards final development at weekly meetings. Included in discussions are ongoing training needs for the sites as the CDS State

IEU continues our work on the system. This training will result in the availability of more specific data to meet ongoing needs for reporting. The CDS State IEU data manager has conducted weekly "CASE-E SuperUser trainings" to train the staff at the sites on accurate data entry into Case-e since the fall of 2008.

- Weekly "super user" webinars have been in place since the fall of 2008. The webinars are interactive and allow for dialogs among State and site personnel on a regular basis.
- Timely delivery of services is stressed to personnel charged with monitoring data at the site level (super users).
- Super users are usually, but not necessarily, data coordinators at the site and there is often more than one super user at a site. The second super user is usually a case manager. Whether or not a super user is directly involved in the process that aligns children with providers they are important links in the communication process that enable other personnel at the site to understand the importance of their work in relation to children and the CDS system.
- Specific mention of the need for timely delivery of services occurs frequently in 1-on-1 conversations between the State data coordinator and site data super users.
- Data system reports allow the State to monitor service status periodically but the sites continue to be required to submit monthly reports on services that are not delivered within the proper timeframe. This practice helps to focus continued attention on the need to provide services as soon as possible and without lapse.
- Many sites supplement reports run from the data system with their own lists. The CDS State IEU considers this good practice because it involves sites in the process to a greater extent than just passing on a system report. It also means that there is interaction among site personnel involved in the data gathering and case management. The interaction reinforces the importance of moving children into services quickly and allows each group to inform the other about obstacles, needs and strategies for change.

Unmet needs are reported by all sites monthly to the state data analyst. They are also reflected in the board minutes for the regional sites and included in our monitoring file review data.

The numbers that are reported for Indicator 1 reflect site reported data for unmet needs. The data are collected at each site by their own methods. The data for children's unmet services are compared to services for all children who have services. The data include unmet needs related to family circumstances in both the numerator and the denominator; however it is not specifically identified in either. Four specific areas of need are isolated within the site reported data; physical, developmental, occupational, and speech therapy are identified and can be analyzed at the site level.

The CDS State IEU is concerned that performance in providing the early intervention services on their IFSPs in a timely manner decreased from 95.4% FFY06 to 94.5% in FFY2007. The policy team analyzed this data and submitted the findings below.

During the FFY2007 year on-site monitoring took place at all sixteen of the CDS sites. The findings of non-compliance for Indicator C1 are listed below in the table.

Correction of Non-Compliance for Indicator C1

[The CDS State IEU grouped individual instances of noncompliance by legal requirement and CDS site to make findings related to this indicator. To verify correction, subsequent data will be](#)

reviewed. In addition, The CDS State IEU required follow-up on each individual instance of noncompliance to ensure that services, when not provided timely, were in fact provided.					
Year of Findings	Total Findings of Non-Compliance with Indicator 1	Findings verified as Corrected within One Year	Findings Subsequently Verified as Corrected	Total Findings Corrected as of Submission	Findings of Non-Compliance Remaining
FFY 2007	12*				12*
FFY 2006	There were no findings of non-compliance issued for indicator C1 during the FFY 06 and FFY 05 years.				
FFY 2005					

*The one-year timeline for all of these findings has not yet expired.

Based upon the findings of the on-site monitoring and review of data submitted to the CDS State IEU, twelve of the sixteen sites received findings of non-compliance for Indicator 1 and four of the sites met 100% compliance. Corrective action plans are in place for timely correction by the sites within one year of the letter of findings.

The CDS State IEU has determined the increase in unmet needs for children B-2 is due to several changes that have occurred over the last two years:

- There has been a paradigm shift regarding service delivery for children Birth to 2.
- Since January of 2007 the 16 sites have undergone training in the Primary Service Provider (PSP) model.
- The Maine Unified Special Education Regulations (MUSER) Birth – 20 were adopted in August of 2007. Chapter 180, the regulations governing CDS B-5 up until August of 2007, were no longer valid. The differences between the two sets of regulations were significant and dramatically impacted CDS and how the sites were to determine services for children B-5. This brought confusion and resistance from the sites and the contracted providers delivering IFSP services.
- In 2007, The State issued state required forms including a new comprehensive IFSP, written notice and meeting notices. All sites received training on the new forms over the course of the FFY2007 year. The IFSP form included new requirements of justification for services not provided in the Natural Environment.
- On January 24 and 31, 2008, training with providers included a session on the PSP model. CDS regional staff attended training in January 2008 that focused on best practices to make this process work in each regional site given their inherent differences.
- Trainings for parents were held in March and April 2008 to discuss the PSP model and the changes in MUSER regarding services in the natural environment vs. clinical settings.
- During the FFY2007 year the sites received training on the responsibility of the IFSP team to provide services to children in their natural environment unless outcomes cannot be satisfactorily achieved in that setting. Only then, with justification, could the services be provided within an alternate clinic setting. This was a shift in a long standing service delivery model for CDS. Historically, services for children B-3 were provided primarily in clinic settings and not in the child’s natural environment. This shift again caused resistance from providers who preferred not to provide services in natural environments. Many providers would not provide services in the natural environment. This impacted the regional sites’ ability to meet the needs of children in a timely manner. The regional sites struggled to seek out new providers that were willing to travel to the homes of the families receiving Part

C services. In some cases sites have increased their numbers of employed providers to meet the needs of these children.

- Issues remain with the funding mechanisms to pay the providers for the provision of service in the natural environments. There is continuing discussion regarding how this model can be effectively funded. The Maine Care system is not set up to support the model in a way that allows private providers to successfully be partners in this endeavor. The state general fund monies have been level funded for three years. The CDS State IEU struggle with this and will initiate conversations to discuss this further at the state level.
- The State CDS IEU continue to utilize a web service for job openings on the central webpage so sites have access to statewide applicants which could increase the number of well trained personnel at each site. Additionally, the CDS State IEU has purchased a subscription to Jobsinme.com which is available to all of the regional sites.
- Regardless of available personnel, the monitoring process involves training for current site personnel in a number of areas and is fostering site personnel awareness regarding the need for timeliness in the delivery of services to children. The CDS State IEU is encouraged by the feedback received from the trainings and by the increased involvement and understanding on the part of current regional personnel.
- The CDS State IEU receives calls or emails on a regular basis from parents or providers who have concerns about the timeliness of service provision for children. CDS State IEU consultants have made response to these concerns a priority and include site personnel in any communication with parents. This open communication with a focus on providing solutions to issues results in ongoing modeling and individual staff development about this indicator and many other issues.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007:

No Revisions Needed

The Improvement Activities in the State Performance Plan have been reviewed

Improvement Activities	Timelines						Resources
	<i>FFY Year when activities will occur</i>						
	05	06	07	08	09	10	
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:	X						
• Collection of data for all services	X						
• The potential determination of a reasonable and enforceable numeric definition of timely within the full spectrum of our system	X						
• Further evaluation of why services are interrupted and the need for supplemental codes	X						
• Determination of the best format for feedback reports	X						
• Training and support of the sites	X						

Improvement Activities	Timelines						Resources
	<i>FFY Year when activities will occur</i>						
	05	06	07	08	09	10	
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.	X						
Develop ways to classify problems that affect service delivery.	X						
Develop policies for the CDS sites that standardize service delivery practices.	X						
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.	X						
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					

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

Responses to the OSEP opportunity for Clarifications or Corrections received 3/31/09

OSEP Comments "The State's FFY 2007 reported data for this indicator are 94.5%. OSEP could not determine whether the data for this indicator are valid and reliable for meeting the required measurement. The State reported that its calculation for this indicator included "1,485.2 in early intervention" divided by "1,571.5 with IFSPs." It is unclear if "in early intervention" means the number of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. In addition, the numerator and denominator are reported as numbers with decimals, when they should represent whole numbers of infants and toddlers. The measurement for this indicator requires the State to report by child, rather than services per child.

The FFY 2006 data were 95.4%.

The State did not meet its FFY 2007 target of 100%.

Although the State reported less than 100% compliance for this indicator for FFY 2006, the State reported that it did not make any FFY 2006 findings of noncompliance. “

Response:

The submission numbers are submitted with decimals consistent with previous years. The decimals are the result of averaging the number of children from the monthly summaries these data are drawn from. These data are consistent with the method of collection described in Maine’s original SPP submission.

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

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.

(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.

Percent = [(871 typically developing) ÷ (996 with IFSPs)] time 100 = 87

FFY	Measurable and Rigorous Target	<i>Actual Target Data for 2007</i>
2007	92%	87%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:

The State has increased compliance with Indicator C2 by 2% since the FFY2006 APR. The State has increased from 85% compliance to 87%.

The Case-e system has settings data from the 618 setting table for December 1, 2006 which is monitored to assure natural environment, i.e. home or community settings. DOE/CDS trainings occurred in the spring of 2007 for parents, providers, and staff and included clarification and discussion of natural environment settings for children as well as strategies to assure children are served in their home or community setting. Additionally, the Assistant Attorney General for Education initiated Lunch and Learn training opportunities for CDS regional site staff to discuss Part C, natural environment, and the strategies mentioned above. All sites receive training in Part C when their site is monitored. The CDS State Director was a member of the Department of Education IDEA Team which engaged in focused discussions with stakeholders as part of the development of Chapter 101. Additionally, CDS state personnel provide individual technical assistance to providers and site personnel regarding setting questions. Information from these activities is utilized as an integral part of the development of the case e system.

Data personnel in the reporting sites continue to receive regular professional development. There have been 31 webinars for Case-e data, as well as ongoing online discussions with users as modules of the program are created, piloted, and revised. The state director presents

informational updates to the state advisory board for B-20 (MACECD) at their monthly meetings. This supports the connection of the Case-e system to APR reporting and public awareness.

The CDS State IEU encouraged sites to recruit and retain qualified providers to assure services are available in all communities and rural regions. A review of site personnel indicated a need to encourage regional boards to focus on this. [Administrative Letter #7](#) was sent out in January of 2008 which ramps up the expectations of employed personnel with the ability to commit resources at the regional level.

[Maine's Unified Regulations Chapter 101](#), Section X specifically articulates the federal language about provision of services in natural environments. Representative site directors were included in the year of revision work leading to the Unified Regulations--this supported a consistent back and forth from the state to sites encompassing input from the sites and output from the regulation team explaining and supporting natural environment and the intent of IDEA 2004. As we developed the FAQ for the regulations, clarification was further provided on any CDS issues included in the FAQ.

Maine DOE/CDS personnel participated in statewide trainings for parents, providers, and personnel which included the federal intent of this language.

The CDS State IEU data systems analyst reviews the Case-e data on a continuing basis. This new statewide system allows the analyst to have current information from all programs, at all times, based on continuous and timely input provided at the site level regarding individual IFSP information. This information is shared with state level monitoring and finance personnel for use as they review files and fiscal documents. This allows the state director to have a current view of each site's progress in this area. We are continuing, through all of our systemic change, to work with sites and providers to ensure services and to understand the importance of service provision in the natural environment to the extent appropriate. As of December 2007, the child record audit form utilized for site monitoring was modified to allow a data point to check for service delivery in the natural environment as well as justification when it does not occur. Also, during site monitoring visits, the CDS State IEU Consultants review to ensure that IFSP teams are making individualized decisions regarding the settings in which infants and toddlers receive early intervention services, in accordance with Part C natural environment requirements. This form, with modifications, was sent to OSEP in December 2007.

During the on-site monitoring visits conducted in FFY2007 the following table indicates the areas of non-compliance and identified to be corrected within one year.

Correction of Non-Compliance for Indicator C2 The CDS State IEU grouped individual instances of noncompliance by legal requirement and CDS site to make findings related to this indicator. To verify correction, subsequent data will be reviewed. In addition, The CDS State IEU required follow-up on each individual instance of noncompliance to ensure that services, when not provided timely, were in fact provided.					
Year of Findings	Total Findings of Non-Compliance with Indicator 2	Findings verified as Corrected within One Year	Findings Subsequently Verified as Corrected	Total Findings Corrected as of Submission	Findings of Non-Compliance Remaining
FFY 2007	6*				6
FFY 2006	There were no findings of non-compliance issued for indicator C2 during the FFY 06 and FFY 05 years				
FFY 2005					

*The one-year timeline for all of these findings has not yet expired.

Progress in meeting 100% compliance will be reported in the FFY2008 APR due in February of 2009.

Improvement Activities:

- The State CDS IEU has provided compliance training and on-site training addressing the Maine Unified Special Education Regulations and OSEP Performance and Compliance Indicators, to all 16 sites. During the training, the CDS State IEU consultant reviews the regulations and works with the staff from the regional sites towards achieving compliance. Specific training focuses on the use of the written notice, timeline compliance, service settings including the natural environment and the least restrictive environment and timely delivery of services to the children and families being served by the site. All Sites receive a minimum of three hours of training as part of the Year One and Year Two On-Site Monitoring process to start the site's internal audit and self-assessment.
- Additional Compliance training occurs upon identification of areas needing corrective action for non-compliance. Any site whose monitoring visit indicated a lack of programming in the natural environment and a predilection for services in special purpose private schools or in clinic settings, were provided focused training on the need for services in the natural environment.
- The Maine Advisory Council on the Education of Children with Disabilities (MACECD) in a November 24, 2008 letter to the Commissioner of Education recommended that DOE support and encourage the "Primary Service Provider Model" in the delivery of services to 0-3 children. Expected impact of recommendation: Reduction of non-compliance in service delivery." Inherent in this recommendation and a part of the discussions leading up to this recommendation was conversation about, and support for, delivery in the home or programs for typically developing children, i.e. the natural environment.
- PSP Training was held December 17 and 18 for Part C teams from each site. M'Lisa Sheldon and D'athan Rush presented the two days of training and continue to work with The CDS State IEU to support the four sites that are using the model consistently to assure fidelity of practice and also with the remaining sites that are in varying degrees of initiation and

utilization. The CDS State IEU contract with the [Center for Community Inclusion and Disability Studies](#) to assist us with this.

- Child Development Services has joined with the Department of Health and Human Services to work on an initiative from NECTAC, Expanding Opportunities. The focus of this very important work is to increase the number of settings for children that are in programs for typically developing children. The work of this Maine collaborative can be reviewed at <http://www.umaine.edu/ExpandInclusiveOpp/default.htm>.
- The State CDS IEU provided training for contracted providers January 24 and 31, 2008. Over 400 private providers attended.
[Provider Training Agenda](#)
[Provider Training Handouts](#)

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2007:

Responses to the OSEP opportunity for Clarifications or Corrections received 3/31/09

OSEP comment: "The State's FFY 2007 reported data are 87%. However, the State's FFY 2007 data under IDEA section 618 for this indicator are 97%. The State's 618 data reflect a high level of performance for this indicator.

The State met its FFY 2007 target of 92%."

Response:

The 618 data was found to be inaccurate. It has been modified and resubmitted.

Reported data (87%) are accurate.

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

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:

Percent of infants and toddlers with IFSPs who demonstrate improved:

A. Positive social-emotional skills (including social relationships).		
	Number	Percentage
a: Children who did not improve functioning	18	31%
b: Children who improved functioning but not sufficient to move nearer to functioning comparable to same age peers	14	24%
c: Children who improved functioning to a level nearer to same-aged peers but did not reach it	9	16%
d: Children who improved functioning to reach a level comparable to same-aged peers	8	14%
e: Children who maintained functioning at a level comparable to same-aged peers	9	16%
Total	58	100%

B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy).		
	Number	Percentage
a: Children who did not improve functioning	18	31%
b: Children who improved functioning but not sufficient to move nearer to functioning comparable to same age peers	17	29%
c: Children who improved functioning to a level nearer to same-aged peers but did not reach it	14	24%
d: Children who improved functioning to reach a level comparable to same-aged peers	2	3%
e: Children who maintained functioning at a level comparable to same-aged peers	8	14%
Total	59	100%

C. Use of appropriate behaviors to meet their needs.	Number	Percentage
a: Children who did not improve functioning	10	18%
b: Children who improved functioning but not sufficient to move nearer to functioning comparable to same age peers	13	23%
c: Children who improved functioning to a level nearer to same-aged peers but did not reach it	9	16%
d: Children who improved functioning to reach a level comparable to same-aged peers	9	16%
e: Children who maintained functioning at a level comparable to same-aged peers	15	27%
Total	56	100%

Overview of Issue/Description of System or Process:

CDS has been involved in the use of the Child Outcomes Summary Form (COSF) since 2005. Three pilot sites were involved in the initial use of the COSF. This group decided that the State would adopt the use of the ECO Center's COSF. Training occurred for all sites by representatives from ECO and NECTAC in January of 2007. Effective April 1, 2007, Administrative Letter #2 required all sites to use the approved COSF. For FFY2006 data was compiled on 13 children primary from the 3 pilot sites. In FFY2007, 59 children were assessed.

The CDS State IEU provided training to all sites in November 2008 as follow up to the January 2007 training. Sites went away from the training with an increased knowledge of the COSF and the rating scale. Personnel have a clear understanding of how to rate children on whether progress was made or not made. Along with the training the CDS State IEU, with assistance from the CDS field and representative from ECO and NECTAC, has updated the COSF form and has replaced Administrative Letter #2 with Administrative Letter #14. The guidelines provided to sites with Letter #2 have also been updated. Information from this training will be developed into a training module and will be placed on the CDS website for all sites to use with their staff. To ensure the COSF is completed correctly, forms will be reviewed and returned to sites directors and/or service coordinators for correction if information is missing. In addition to this monitoring the new COSF has been formatted for electronic submission which will allow for better accuracy as the Office Assistant will not have to transcribe all COSFs being entered. The B-5 Consultant for Intervention, Programming, and Staff Development will ensure that this process continues on its path of growth.

The outcome measure system for Maine includes:

- A. Policies and procedures to guide outcome assessment and measurement practices,
- B. Provision of training and technical assistance supports to administrators and service providers in outcome data collection, reporting, and use,
- C. Quality assurance and monitoring procedures to ensure the accuracy and completeness of the outcome data
- D. Data system elements for outcome data input and maintenance, and outcome data analysis functions,
- E. Measurement strategies used to collect data,
- F. The criteria used to determine whether a child's functioning was "comparable to same aged peers".

Each of these elements is described below:

A. Policies and procedures to guide outcome assessment and measurement practices:

Maine's Child Development Services (CDS) is a birth-5 system. The population of children for whom outcome data is collected includes all children with IFSPs/IEPs ages birth-5.

A full and individualized evaluation of a child's present level of functioning must be conducted to determine eligibility prior to entry into the CDS system. In 2005, work was initiated to clarify the eligibility criteria for Part C. Through site, regional and state wide training the differences in eligibility for Part C and 619 are continuously discussed.

Multiple sources of data must be used to determine the eligibility of children. Evaluation and assessment of each child age B-2 referred must include a review of records related to the current health status and medical history of the child, a multidisciplinary assessment of the child's strengths and needs and the appropriate services to meet their needs, a family directed assessment of the resources, priorities and concerns and the identification of the supports and services needed for the family to meet the developmental needs of their child. The evaluation and assessment must be one of the two state approved instruments. A team may use clinical opinion when discussing the eligibility of the child if the child does not meet eligibility through the required standard deviations in State regulations. For a team to use informed clinical opinion they must document why the evaluation produced invalid findings, what objective data was included in determining the child has a developmental delay and indicate an agreement of the team. It is highly suggested that children be observed in their natural environments to document their areas of strength and concerns. This is the setting within the community where infants and toddlers without disabilities are usually found (e.g., home, child care, play groups). [Maine Unified Special Education Regulation, VII (2)(a)(b)(c)]

The service coordinator is responsible for collecting enough information to determine the early childhood outcomes rating for the child (on a scale of 1-7 on the child outcomes summary form) and the IFSP team will review the existing data on the child at the IFSP meeting. The information gathered at the IFSP includes evaluations and assessments, information provided by the parents of the child, and observations by caregivers and other service providers. Initial levels of performance in the three outcome areas of this indicator will serve as the first data point. CDS sites will also assess all children annually, prior to the renewal of the IFSP or to transition from Part C to Part B 619. Assessments will also be administered to all children exiting the system who have received services for at least six months.

B. Provision of training and technical assistance supports to administrators and service providers in outcome data collection, reporting, and use:

On November 17 and 18, 2008 training with Early Childhood Outcomes Center (ECO) and the National Early Childhood Technical Assistance Center (NECTAC) was held centrally for all 16 CDS Sites. This training was held in follow up to COSF training that was held in January 2007 with the same presenters. As part of the 2008 training each of the 16 CDS Sites sent a team of staff to day one of the training for intensive work on child outcomes and how progress/ ratings are determined. Day one focused on reviewing why we collect data outcomes, understanding implementation issues and strategies, reviewing the use of the 7- point rating scale, understanding quality indicators for implementation and understanding of how data will be reported and used. Attendance on day two consisted of CDS site directors and at least one veteran representative from each site. Training on the second day focused on understanding how to look at outcomes data, making inferences and strategizing actions, understanding the

importance of data quality, understanding strategies for assuring data quality and devising action steps for helping programs improve child outcomes data quality. The afternoon was spent on discussing what currently occurred at each site, what questions were still unanswered and how to make the process work more efficiently and productively throughout the state. A committee was developed to review the current COSF form used by Maine and the guidance provided to all sites. As a result of this committee CDS State IEU has issued Administrative Letter #14 (replacement for Administrative Letter #2: CDS Procedures for Measuring Child Outcomes, issued on March 15, 2007). Included with Administrative Letter #14 is the revised CDS State IEU developed COSF form and guidelines. Recommendations from the field of CDS Staff and support of the ECO/NECTAC representatives were included in all revisions. Included in the guidelines is a document on childhood developmental milestones and the ECO decision tree. This document was developed to assist teams while in meetings to determine an accurate rating. As the two day training on November 17 and 18 concluded the presenters from ECO/NECTAC (who previously provided training and technical assistance to the state) commented on the noticeable change in the regional site staff attitude and willingness to learn and adopt new ideas and change.

Continued technical assistance will occur through monitoring, training resources available on CDS website as well as information and resources provided by ECO. The B-5 Consultant for Intervention, Programming, and Staff Development will continue conversations with site directors and staff regarding the needs, barriers and success to the updated process required by Letter #14. The Office Assistant will review all COSFs as they are entered into the data base and inform the B-5 Consultant regularly on the status of the incoming COSFs and the common concerns and best practices gathered to ensure sites receive continuous technical assistance.

Models of best practice will be determined and disseminated to sites for assistance and guidance.

C. Quality assurance and monitoring procedures to ensure the accuracy and completeness of the outcome data:

The CDS State IEU monitoring process of each site includes a review of outcome information in the files. Information is also reviewed by Office Assistant when entered into the data base. Error checks are built into the State data system.

A small group of site directors have created an internal monitoring and review process of all COSF's prior to being sent to CDS State IEU for entry into the state data base.

D. Data system elements for outcome data input and maintenance, and outcome data analysis functions:

Data continues to be collected, entered and analyzed by the CDS State IEU. The Office Assistant enters COSF forms submitted to the central office into a central database. At the latest training sites were encouraged to submit via e-mail COSF forms completed in a standardized MS Word form. These forms can be exported to a file and then imported into the central database. It saves time and helps eliminate some of the human error that occurs when data are redone by hand. This is an interim method being used while a web based system is developed. The entire CDS Case-e data system continues to evolve and will one day include the COSF.

The Time 1 and Time 2 ratings for the indicator have always come from the data system. Reports based on the data can be produced for other purposes by site or by child and or site.

E. Measurement strategies used to collect data:

All children with IFSPs/IEPs throughout each of the 16 sites are included in this measurement.

Maine is using the Battelle Developmental Inventory (BDI) or the Bayley to assist in gathering information necessary to report on the three child outcomes reported on. The BDI and the Bayley are being used to help determine eligibility as well as to measure progress. These assessments are conducted by CDS Site personnel and by contracted providers who are trained in administration of the BDI and/or the Bayley.

Information from a variety of sources is used to rate the three outcome areas. This information is obtained from the family, informed clinical judgment, approved assessments, and observations of the child in their natural environment. Administrative Letter #2 required COSF commencing April 2007, Administrative Letter # 14 replaces Administrative Letter #2 and requires use of updated form approved by CDS State IEU. The case manager will be responsible for collecting the information necessary, completing the COSF form and submitting the form to the State CDS IEU Office Assistant for entry into the data base. At the November 2008 training for Site Staff Teams it was discussed that the form should be completed at the child's IFSP/IEP meeting with the IFSP/IEP team or directly following the meeting. The rating will be based on information that is available at that meeting.

The outcome ratings from entry data will be matched to exit outcome ratings for individual children. At the CDS site and CDS State IEU, analysis of matched scores will yield for each of the three outcomes:

- a) Percent of children who did not improve functioning;
- b) Percent of children who improved functioning but not sufficiently to move nearer to functioning comparable to same age peers;
- c) Percent of children who improved functioning to a level nearer to same aged peers but did not reach it;
- d) Percent of children who improved functioning to reach a level comparable to same age peers; and
- e) Percent of children who maintained functioning at a level comparable to same aged peers.

CDS State IEU will analyze the entry status of children, exit status, and the percentages of children who increased ratings from entry data to exit data (moved nearer to typical development) by site as well as by state.

F. The criteria used to determine whether a child's functioning was "comparable to same aged peers".

Since Maine is using the COSF, the criteria for defining "comparable to same-aged peers" is a rating of 6 or 7 on the scale. In addition sites use information gathered through the BDI or Bayley assessment to determine child's functioning. Sites have also received guidance and resources on childhood developmental milestones to assist and help lead conversations during child's IFSP/ IEP meetings with Administrative Letter # 14.

Baseline Data:

This is NOT baseline data, as targets are not due for this indicator until February 2010. Progress data for FFY07 are reported below.

Progress Data FFY2007:

Progress Data for Infants and Toddlers Exiting 2007-2008

FFY 2007	Progress Data for FFY 2007		
	A. Positive social-emotional skills (including social relationships):	B. Acquisition and use of knowledge and skills:	C. Use of appropriate behaviors to meet their needs:
a. did not improve functioning	31%	31%	18%
b. improved functioning but not nearer	24%	29%	23%
c. improved functioning to a level nearer	16%	24%	16%
d. improved functioning to comparable	14%	3%	16%
e. maintained functioning	16%	14%	27%

This indicator is part of the Annual approval agreement.

In December 2007 the monitoring procedure document was revised to ensure sites were using the state approved COSF. In FFY2008 the COSF forms and data will be reviewed regularly through desk audit at the CDS State IEU.

Discussion of Baseline Data:

Progress data reported in 2010 will be considered baseline data. All 16 CDS Sites are collecting outcomes data. 3 pilot sites began data collecting in 2005. In January 2007 all sites were directed to begin collecting data per Administrative Letter #2. COSF materials have been adapted to reflect the needs of the field. All new materials were put into effect on January 30, 2009 per Administrative Letter #14.

Measurable and rigorous Target:

Targets will be set in 2010.

Improvement Activities/Timelines/Resources:

Improvement Activities	Timelines						Resource s	Status
	<i>FFY Year when activities will occur</i>							
	05	06	07	08	09	10		
The Battelle II was piloted at three sites (Waterville, Bangor, and Androscoggin)	X						Completed	
ECT procedures and policies will be reviewed across CDS sites for consistency.		X						
January 2007 on Child Outcomes Summary Form							Completed	
All sites will use the COSF		X	X	X	X	X	Completed	
Current data systems will be modified to capture, aggregate, and report the data by site.		X					Completed	
A training and professional development system related to the child outcome assessment system will be developed and implemented.		X	X				Continued	
Continuing assessment of the data collection system			X	X	X	X	Continued	
Continuing training and professional development			X	X	X	X	Continued	
Quality checks will be performed as COSF data is entered into database				X	X			
All COSFs will be submitted electronically				X	X	X		
Activities of best practice will be distributed to all sites				X	X	X		
Outcome ratings will be monitored				X				

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

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.	192 know rights ÷ 225 families times 100 = 85%
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.	166 communicate effectively ÷ 211 families times 100 = 79%
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.	176 services helped ÷ 206 families times 100 = 85%

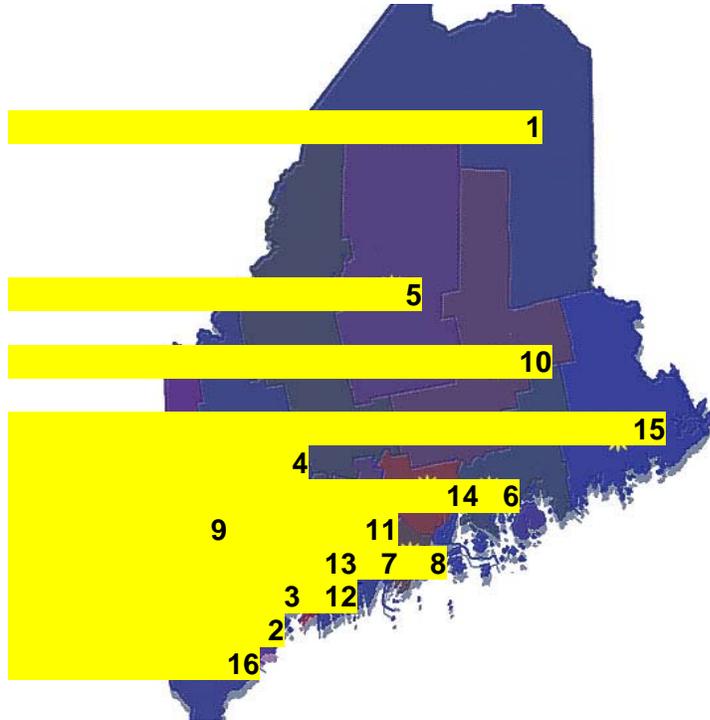
FFY	Measurable and Rigorous Target	Actual Target Data for 2007
4 A. Know their rights		
2007	87%	85%
4B. Effectively communicate their children's needs		
2007	87%	79%
4C. Help their children develop and learn		
2007	87%	85%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:

All parents of children receiving services through Child Developmental Services (Part C and 619) received a parent survey. 1451 surveys were sent throughout the State and 225 were returned, yielding a return rate of 16%. In review of the data, the CDS State IEU has determined the response data is representative of the CDS System.

Site	Surveys		
	Sent	Rec'd	%
State	1451	225	16
1	21	2	10
2	285	44	15
3	169	17	10
4	38	7	18
5	35	4	11
6	61	10	16
7	19	3	16
8	48	8	17
9	95	10	11
10	62	12	19
11	94	9	10
12	74	14	19
13	150	23	15
14	38	9	24
15	35	9	26
16	227	44	19

A map of all the Child Development Services locations can be found at <http://www.maine.gov/education/speced/cds/index.html>. Most of the Child Development Service areas are considered to be rural. Sites 2 and 3 are Maine's largest sites that could be considered urban in looking at the populations.



Sites	
Site#	SITENAME
1	Aroostook
2	Cumberland
3	Androscoggin
4	Franklin
5	Piscataquis (Two Rivers)
6	Hancock
7	Lincoln
8	Knox
9	Opportunities
10	Penobscot
11	Project PEDS
12	Search
13	Southern Kennebec
14	Waldo
15	Washington
16	York

FFY2007 data shows a slippage in actual target data from FFY2006. Over FFY2007 the regulations for Part C changed drastically from what site staff and parents were familiar with. The new unified regulations for children birth to 20 provided site personnel and parents with a new arrangement of the regulations and inclusion of the Part C relevant areas within sections with the Part B regulations. The new regulations created the need for a paradigm shift that was uncomfortable for parents, providers, educators and other stakeholders.

- One of the major changes is that families do not automatically receive a copy of their parental rights at every meeting. Rather, they are required to be provided with a copy of the procedural safeguards once a year or unless requested.
- Changes in the Part C portion of the regulations resulted in clear regulatory language where previous language had been somewhat permissive.
- Some case managers and site directors have had a difficult time accepting and supporting this change which in turn may be reflected in the attitude and language provided to some parents.
- Recommendation from the state wide eligibility committee as included in the regulations require teams to consider the disability category under Part B rather than automatically continuing the Part C developmental disability category when the child transitions to Part B.

Recent feedback is increasingly positive as stakeholders comprehend the positive created by the unified approach.

The CDS State IEU has the expectation that all CDS Personnel will be educated and follow the regulations. Several opportunities have been provided to parents, providers and CDS staff to receive support and education regarding the new regulations.

CDS Staff have been provided the following:

- A [Special Education Law](#) course provided by the Assistant Attorney General-Spring/Summer 2008, designed just for CDS with a focus on Part C and Part B
- Lunch and Learns facilitated by the Assistant Attorney General were originally all focused on Part C to assist the personnel who worked in this area to increase their understanding of the changes
- On site training opportunities provided by the State CDS Director and CDS Consultants.
- The state has increased its capacity to respond to daily email and telephone requests from the sites.
- Sites 5 and 10 were provided the following trainings from September 2008 to November 2008:

September 17, 2008	IEP Meetings and Form
September 24, 2008	Written Notice
October 22, 2008	Referral Process
November 5, 2008	Evaluations
November 12, 2008	Eligibility
November 24 and 25	Mock IEP Meeting
- The consultants providing sites 5 and 10 with the trainings were able to support the staff in their work with parents by modeling appropriate communication with families, facilitating staff communication with families, and providing feedback. The staffs in these two sites have shown tremendous progress regarding their ability to communicate with families to ensure the families are honored as active participants and understand their rights and the importance of their participation.
- On 12/05/07 correspondence from the Commissioner to Site 16's Board of Directors articulated chronic issues that were reported by DOE/CDS. The issues highlights in the letter reflected concern that had been building on the part of the DOE/CDS relative to the consistency of site personnel regarding support for Maine Unified Special Education Regulations as well as concern regarding the sites conduct in relation to the CDS State IEU.
- The concerns created an atmosphere in the Site 16 region that was not- conducive to a positive working relationship between Site 16 and the CDS State IEU relative to the conversion of fiscal, data, human resources and many policy decisions from the region to the CDS State IEU. Details of this are articulated in the FFY2006 Part C Annual Performance Report (C9).
- The CDS State IEU collaborated with the Maine Parent Federation and presented trains to parents in April May of 2008. ([Parent Training Agenda](#))
- The CDS State IEU continues to communicate with families who have questions, comments or concerns in relation to the regulations. Efforts are made to provide answers to the parents and facilitate closure to their issues by connecting the parents directly with the site directors or board chairs at the regional site that serves their child.
- The CDS State Director and the B-5 Intervention, Programming and Staff Development Consultant have been involved in a work group with the Disabilities Council of Maine that is tasked with assessing what supports and resources are available throughout the state for families of children with and without special needs.

The analysis of the survey results and our review of the issues from complaints support our determination that working with families will continue to be an area the CDS State IEU will focus on statewide and regionally.

Site Specific Target Date for 2007

Indicator Data

Site	Surveys			(A) %	(B) %	(C) %
	Sent	Rec'd	%			
State	1451	225	16	85	79	85
1	21	2	10	100	88	100
2	285	44	15	86	76	83
3	169	17	10	94	88	100
4	38	7	18	83	67	83
5	35	4	11	100	100	100
6	61	10	16	100	90	100
7	19	3	16	67	100	100
8	48	8	17	88	100	86
9	95	10	11	100	80	80
10	62	12	19	92	36	55
11	94	9	10	100	100	100
12	74	14	19	92	92	100
13	150	23	15	83	71	86
14	38	9	24	89	89	89
15	35	9	26	78	89	89
16	227	44	19	83	68	75

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

Race/ Ethnicity Data

Site	Total Surveys			White	African-American	Hispanic	Asian or Pacific Islander	American Indian/ Alaskan Native	No Answer
	Sent	Rec'd	%						
State	1451	225	16	199	3	4	2	1	16
1	21	2	10	2	0	0	0	0	0
2	285	44	15	36	1	0	0	1	6
3	169	17	10	17	0	0	0	0	0
4	38	7	18	7	0	0	0	0	0
5	35	4	11	4	0	0	0	0	0
6	61	10	16	9	0	0	0	0	1
7	19	3	16	3	0	0	0	0	0
8	48	8	17	8	0	0	0	0	0
9	95	10	11	9	1	0	0	0	0
10	62	12	19	9	1	1	0	0	1
11	94	9	10	9	0	0	0	0	0
12	74	14	19	13	0	0	0	0	1
13	150	23	15	21	0	0	1	0	1

14	38	9	24	9	0	0	0	0	0
15	35	9	26	7	0	2	0	0	0
16	227	44	19	36	0	1	1	0	6

Gender Data

Site	Male	Female	No Reply	Total
State	134	85	6	225
State %	60%	38%	3%	100%
1	2	0	0	2
2	27	15	2	44
3	7	10	0	17
4	5	2	0	7
5	3	1	0	4
6	6	4	0	10
7	2	1	0	3
8	8	0	0	8
9	6	4	0	10
10	7	5	0	12
11	5	4	0	9
12	8	6	0	14
13	12	9	2	23
14	6	3	0	9
15	7	2	0	9
16	23	19	2	44

Gender Data

Site	Male	Female	No Reply	Total
State	134	85	6	225
State %	60%	38%	3%	100%
1	2	0	0	2
2	27	15	2	44
3	7	10	0	17
4	5	2	0	7
5	3	1	0	4
6	6	4	0	10
7	2	1	0	3
8	8	0	0	8
9	6	4	0	10
10	7	5	0	12
11	5	4	0	9
12	8	6	0	14
13	12	9	2	23
14	6	3	0	9
15	7	2	0	9
16	23	19	2	44

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2007:

Responses to the OSEP opportunity for **Clarifications or Corrections received 3/31/09**

OSEP comment: “ In its description of its FFY 2007 data, the State did not address whether the response group was representative of the population.”

Response:

Maine provided a breakdown of the data submitted to indicate the representation of the response group.

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

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.

Percent = $99 \div 13585 * 100 = 0.71$ where similar states are at .91

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.

Percent = $99 \div 13585 * 100 = 0.71$ where National data are at 1.01

FFY	Measurable and Rigorous Target	Actual Target Data for 2007
5 A. Other States with similar eligibility definitions		
2007	0.85%	0.71%
5B. National data		
2007	0.85%	0.71%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:

This years data .71% represents increased identification of children in the birth to 1 year age group. It is in a range consistent with previous years percentages and the trend suggests that this may be within a range that may be "normal" for Maine. This indicator has been focused on (see the comments that follow) for the last two years. This year's percent of children served is the highest since 2003 and expected it to increase again next year. Though eligibility requirements have not changed, some of the lower percentages of the previous periods may be

attributable to intangibles introduced through the uncertainty that has accompanied our internal reorganization.

Table C.5.1
Percent of Age Population Served In Maine Compared To
The Narrow Eligibility Peer Group and the US
2007

State	Child Count Age <1	<1 %of Pop
N Dakota	178	2.12
Idaho	465	1.91
Oklahoma	649	1.17
Montana	121	0.98
S Carolina	585	0.97
Connecticut	392	0.94
Nevada	372	0.91
Nebraska	208	0.78
Missouri	617	0.76
Maine	99	0.71
Tennessee	590	0.71
Utah	339	0.64
Oregon	299	0.61
Arizona	606	0.58
Georgia	689	0.46
District of Columbia	22	0.28
Narrow Eligibility (N=16)		0.91
50 states and D.C.	44974	1.01

Source: Table 8-1. Infants and toddlers receiving early intervention services under IDEA, Part C, by age and state: Fall 2007

Note: Maine changed the peer group last year to be aligned with states that have a narrow eligibility definition.

Improvement Activities:

- Consistency of eligibility and standards of practice statewide are supported by weekly call in Lunch and Learns open to all employees
- Web page total redesign with explanation of services for Part C and Part B with regional contact information completed and updates are made at least weekly.
- CDS pamphlet developed indicating the nature and type of services with regional contact information printed and disseminated
- Public Service announcement developed and shown frequently via the television stations that serve the upper half of the state
- Display at the Infant Toddler Awareness Day in the State House
- Connections with other agencies to continue the discussions about centralized referrals-the conversations have not yielded fruition yet but critical connections have been made and MDOE/CDS is now invited to join interdepartmental planning groups and committees as well as Grant recipients for major initiatives.
- More connections noted above mean that more people hear that we are an available stable entity in regions.
- Addition of the B-5 Consultant for intervention, Programming, and Staff Development has allowed CDS State IEU personnel to be represented on more statewide initiatives

- CDS State IEU has supported the inclusion of regional staff participation on statewide committees and have been well represented
- Inclusion of CDS representatives in all MDOE regional or statewide trainings (MADSEC Fall Conference, State Forms Training) heightens awareness on the part of all state educators about the roles and responsibility of the CDS system
- CDS sponsored regional parent training
- CDS sponsored regional provider training
- State job descriptions and rubrics have been developed to articulate the standards expected for employment with CDS and are posted on the CDS website
 - [Case Manager B-2 job description](#)
 - [Experience Rubric for Case Manager B-2](#)
 - [Site Director Job description](#)

The higher standards assure us that the individuals hired to work in Part C have the required background and training to better understand and facilitate Part C referrals.

- Follow up with sites during their site reviews regarding this indicator
- Identification of referral sources that were not referring in various regions and outreach by the regional sites to the sources (Physicians, Day Cares, etc)
- Timeline data indicates referrals are more efficiently managed which encourages more referrals from sources
- Perception by the stakeholders is slowly improving regarding the CDS system
- The CDS State IEU have now completed two years without major legislative intervention to our system which has reduced the negativity which had been the norm previously due to the upheaval of the conversion of facets of the system from the regional sites to the CDS State IEU
- Establishment of quarterly meetings with the Newborn Hearing Program

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2007:

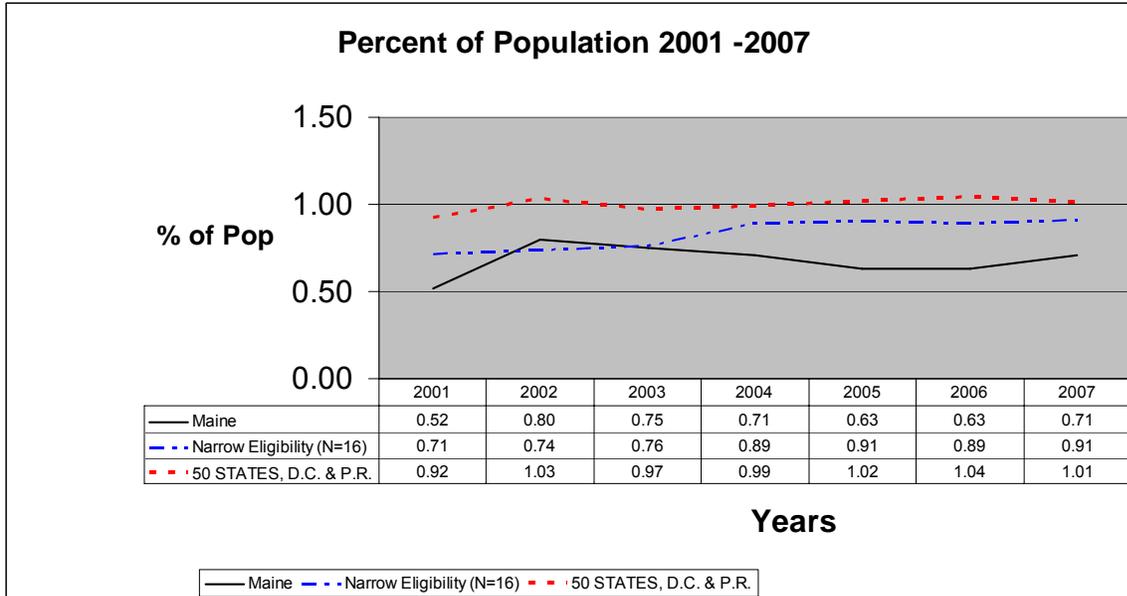
Counts of children less than age one with IFSPs are from the annual Child Counts. They are the population from which the data for the calculation of the base year was drawn. The initial targets were created based on those data and estimates of expected change in the system. Looking at the National average Maine set targets with a goal of increased identification to bring the state closer to the National average.

Peer group comparisons may prove to be useful at some point but because of the diversity among programs and the sizes of the populations that are being compared, it is difficult to know whether the trend of the peer group is important for setting targets or in use as comparison data. We will continue to watch the trends in this group but will continue to use the National average as a goal.

Data currently shows a slight increase toward our goal after several years decline, but it may be that Maine's identified percent of the less than age one population could stay below the National average for some time to come so a change in targets is required.

Figure C.5.1

Percent of Age 0 Population Served In Maine Compared To The Narrow Eligibility Peer Group And The US 2001 - 2007



All data in the chart except the “Narrow Eligibility” peer group are from published Federal tables. That data are averages based on data in published Federal from Federal tables

Regardless of which group Maine is compared to and the targets set, the data suggest that identification of children under the age of 1 has been fairly consistent in the past 5 years. The trend indicated in the peer group with narrow eligibility criteria is relatively flat. With tightening budgetary considerations maintaining that trend may be difficult, especially for a group that has narrow eligibility criteria. Though increasing, Maine’s identified population of children in the 0-1 population is well below the US average and still below the peer group average.

As was mentioned above in the section addresses progress and other factors, it has been mentioned that the current level of identification may be within “normal” for Maine. Maine has not reached the point where we can rule out further gains in the rate of identification for children in the less than one year age group but the state does not expect large increases.

Maine therefore respectfully requests that the targets for FFY 2008 - FFY 2010 be modified to the levels included in the following table.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	0.75 Percent of the 0 to 1 population.
2009 (2009-2010)	0.77 Percent of the 0 to 1 population.

FFY	Measurable and Rigorous Target
2010 (2010-2011)	.82 Percent of the 0 to 1 population.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2007:

Responses to the OSEP opportunity for Clarifications or Corrections received 3/31/09

OSEP comment: "The State revised the FFY 2008-2010 targets for this indicator. OSEP cannot accept the proposed FFY 2008-2010 targets, because targets expressed as ranges are not acceptable for this indicator."

Response:

Maine acknowledges that target ranges cannot be accepted for this indicator and respectfully requests that OSEP accept the revised targets included in the table above.

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

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.

Percent = $996 \div 41,848 * 100 = 2.38$ where similar states are at 2.0

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.

Percent = $996 \div 41,848 * 100 = 2.38$ where National data are at 2.52

FFY	Measurable and Rigorous Target	Actual Target Data for 2007
6 A. Other States with similar eligibility definitions		
2007	2.43%	2.38%
6 B. National data		
2007	2.43%	2.38%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:

The current percentage, 2.38%, is progress for Maine. Though it is above the average of the peer group it is well within the groups overall range and it is close to the Federal average.

Initially, Maine’s identification of children 0-2 was considered to be too high. Climbing numbers peaked for Maine in FFY2005 when the state reached 2.89 % which was higher than the national average and Maine’s peer group, states from the broad eligibility group.

The original targets were set anticipating efforts to reduce the number of children identified so that Maine’s percent of children identified would be more closely aligned with the overall percent of children identified for the 50 states and D.C. and more importantly within the ability of the state’s economic climate to adequately serve the children identified.

For the last two years the percentages have dropped considerably to the current level of 2.38%. This is lower than the Federal average but higher than the percent calculated for the narrow eligibility peer group which is between 1.8% and 2.0%. It is felt that Maine is at a point where the level of identification will climb slightly over the next few years but that the number of children being served is close to a point that represents a good balance of the states ability to support the program and the programs ability to support children identified.

Table C.6.1
Percent of Age Population Served In Maine Compared To
The Narrow Eligibility Peer Group And The US
2007

States With Narrow Eligibility	12/1/2007 Child Count	Percent of Population
Connecticut	4,182	3.35
North Dakota	811	3.29
Idaho	1,938	2.69
Maine	996	2.38
South Carolina	3,848	2.14
Utah	2,989	1.92
Oklahoma	3,065	1.90
Arizona	5,510	1.81
Tennessee	4,461	1.80
Oregon	2,553	1.78
Montana	633	1.76
Nebraska	1,361	1.74
Nevada	1,986	1.67
Missouri	3,450	1.45
Georgia	5,383	1.20
District of Columbia	271	1.19
50 states and D.C.	316,730	2.52
Narrow Eligibility (N=16)		2.0

Source: Table 8-1. Infants and toddlers receiving early intervention services under IDEA, Part C, by age and state: Fall 2007

Note: Maine changed the peer group last year to be aligned with states that have a narrow eligibility definition.

Improvement Activities:

Part C State Annual Performance Report for (FFY2007)
(OMB NO: 1820-0578 / Expiration Date: 12/31/2009)
[Use this document for the April 7, 2009 Resubmission]
Original Submission February 2, 2009]

- Consistency of eligibility and standards of practice statewide are supported by weekly call in Lunch and Learns open to all employees
- Web page total redesign with explanation of services for Part C and Part B with regional contact information completed and updates are made at least weekly.
- CDS pamphlet developed indicating the nature and type of services with regional contact information printed and disseminated
- Public Service announcement developed and shown frequently via the television stations that serve the upper half of the state
- Display at the Infant Toddler Awareness Day in the State House
- Connections with other agencies to continue the discussions about centralized referrals-the conversations have not yielded fruition yet but critical connections have been made and MDOE/CDS is now invited to join interdepartmental planning groups and committees as well as Grant recipients for major initiatives.
- More connections noted above mean that more people hear that CDS is an available stable entity in all regions.
- Addition of the B-5 Consultant for intervention, Programming, and Staff Development has allowed CDS State IEU personnel to be represented on more statewide initiatives
- CDS State IEU has supported the inclusion of regional staff participation on statewide committees and have been well represented
- Inclusion of CDS representatives in all MDOE regional or statewide trainings (MADSEC Fall Conference, State Forms Training) heightens awareness on the part of all state educators about the roles and responsibility of the CDS system
- CDS sponsored regional parent training
- CDS sponsored regional provider training
- State job descriptions and rubrics have been developed to articulate the standards expected for employment with CDS and are posted on the CDS website

[Case Manager B-2 job description](#)

[Experience Rubric for Case Manager B-2](#)

[Site Director job description](#)

The higher standards assure that the individuals hired to work in Part C have the required background and training to better understand and facilitate Part C referrals.

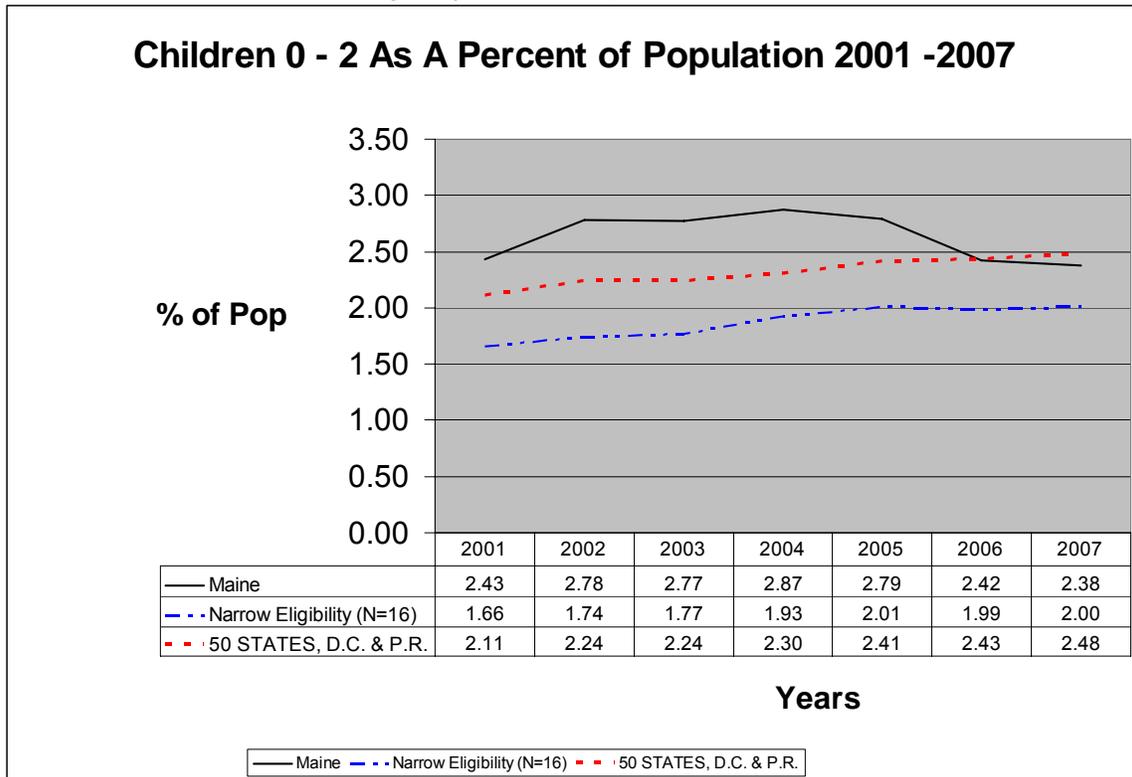
- Follow up with sites during their site reviews regarding this indicator
- Identification of referral sources that were not referring in various regions and outreach by the regional sites to the sources (Physicians, Day Cares, etc)
- Timeline data indicates referrals are more efficiently managed which encourages more referrals from sources
- Perception by the stakeholders is slowly improving regarding the CDS system
- The CDS State IEU has now completed two years without major legislative intervention to our system which has reduced the negativity which had been the norm previously due to the upheaval of the conversion of facets of the system from the regional sites to the CDS State IEU
- Establishment of quarterly meetings with the Newborn Hearing Program

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2007:

Figure C.6.1

Percent of Age 0–2 Population Served In Maine Compared To

The Narrow Eligibility Peer Group And The US 2001 - 2007



In FFY2006 Maine respectfully requested that the targets for FFY2007 be changed to 2.43%. Maine’s targets for this indicator were to reflect the requested changes but due to a miscommunication, the wrong indicators were submitted. **We respectfully request that Maine’s target for FFY2007 be honored and that targets for FFY2008 - FFY2010 be changed to those included in the following table.**

FFY	Measurable and Rigorous Target
2007 (2007-2008)	2.43% of the 0-2 population.
2008 (2008-2009)	2.55 % of the 0-2 population.
2009 (2009-2010)	2.67 % of the 0-2 population.
2010 (2010-2011)	2.81 % of the 0-2 population.

Responses to the OSEP opportunity for Clarifications or Corrections received 3/31/09

OSEP comment: *"The State revised the FFY 2007 target for this indicator and OSEP accepts that revision. The State did not indicate whether stakeholders provided an opportunity to comment on the revised target. The revised target is less rigorous than the previously-established FFY 2007 target.*

The State also revised the FFY 2008-2010 targets for this indicator. OSEP cannot accept the State's revised FFY 2010 target of 2.4% to 2.5% because it does not reflect improvement over the State's baseline data of 2.8%. Further, OSEP cannot accept the proposed FFY 2008-2010 targets, because targets expressed as ranges are not acceptable for this indicator.

The FFY 2007 APR indicates that "Maine's identification of children 0-2 was considered to be too high." In addition, the State reported that "the original targets were set anticipating efforts to reduce the number of children identified so that Maine's percent of children identified would be more closely aligned with the overall percent of children identified for the 50 states and D.C. and more importantly within the ability of the state's economic climate to adequately serve the children identified." The State must ensure the identification of all eligible children, as required by 20 U.S.C. 1434 and 34 CFR §§303.321 and 303.322."

Response: Maine appreciates OSEP acceptance of the request to change its target for this indicator for FFY 2007. Maine acknowledges that target ranges cannot be accepted for this indicator and respectfully requests that OSEP accept the revised targets included in the table above. The request to change targets submitted in the FFY 2007 APR was reviewed and approved by Maine's stakeholder group the Maine Advisory Council (MACECD).

**05-071 Chapter 101, Maine Unified Special Education Regulation
Section VII. ELIGIBILITY CRITERIA AND PROCEDURES FOR DETERMINATION**

Maine is identifying every child that is referred and meets legislatively approved eligibility criteria.

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

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.

Percent = [(1456 eligible) / (1599 assessed)] times 100 = 91

FFY	Measurable and Rigorous Target	<i>Actual Target Data for 2007</i>
2007	100%	91.1%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:

The data for the FFY2007 APR indicates a small increase in compliance for indicator C7. Maine reported 91% compliance in FFY2006 and for the FFY2007 submission we are at 91.1% compliance.

The state continues to struggle with the complexities of the historical practice of contracting with private providers to complete initial evaluations for children referred to CDS. When sites contract with providers to complete initial evaluations they have limited control over the providers' schedules and their ability to complete the evaluation within the 45 day time limit. When sites employ their own providers and create multi disciplinary evaluation teams within their sites, compliance is achieved because the site has direct supervision of the evaluators. Data was presented to MACECD in December of 2008 comparing sites that hire their own providers to complete the initial evaluations versus the sites that use contracted providers. This data was then compared to the sites overall compliance with Indicator C7. The Data was reviewed by the Advisory Board and it led to the Advisory Board recommending in December of

2008 that “The CDS sites employ providers rather than contract services for the purposes of evaluation. Expected impact of implementation of recommendations: All CDS sites will be in compliance for evaluations.”

Over the course of the FFY2007 year, On-site Monitoring was completed. The CDS State IEU will address the areas of non-compliance for Indicator C7 from 2005 in the FFY2007 APR Indicator C9 section.

Correction of Non-Compliance for Indicator C7					
The CDS State IEU grouped individual instances of noncompliance by legal requirement and CDS site to make findings related to this indicator. To verify correction, subsequent data will be reviewed. In addition, The CDS State IEU required follow-up on each individual instance of noncompliance to ensure that evaluations, eligibility determinations and initial IFPS meetings, when appropriate, when not provided timely, were in fact provided.					
Year of Findings	Total Findings of Non-Compliance with Indicator 7	Findings verified as Corrected within One Year	Findings Subsequently Verified as Corrected	Total Findings Corrected as of Submission	Findings of Non-Compliance Remaining
FFY 2007	13*				13*
FFY 2006	There were no findings of non-compliance issued for indicator C7 during the FFY 06 year.				
FFY 2005	14		1		13

*The one-year timeline for all of these findings has not yet expired.

The thirteen sites issued findings of non-compliance in FFY2007 will be reviewed for their second year of monitoring during the FFY2008 year to measure progress in correcting non-compliance identified in FFY2005 and FFY2007.

Improvement Activities:

- Weekly “super user” webinars have been in place since the fall of 2008. The webinars are interactive and allow for dialogs among State and site personnel on a regular basis.
- Compliance timelines are stressed to personnel charged with monitoring data at the site level (super users).
- Super users are usually, but not necessarily, data coordinators at the site and there is often more than one super user at a site. The second super user is usually a case manager. Whether or not a super user is directly involved in the process that aligns children with providers they are important links in the communication process that enable other personnel at the site to understand the importance of their work in relation to children and our system.
- Specific mention of the need for compliance with existing timelines occurs frequently in 1-on-1 conversations between the State data coordinator and site data super users.
- As was mentioned in comments in Indicator C1, State data system reports allow the State to monitor service status periodically he system also has reports that focus on timeline compliance. Again, the sites continue to be required to submit monthly compliance reports.
- Many sites supplement reports run from the data system with their own lists. This is good practice because it involves the site in the process to a greater extent than just passing on a system report. It also means that there is interaction among site personnel involved in the data gathering and case management. The interaction reinforces the importance of timeline

compliance and allows each group to inform the other about obstacles, needs and strategies for change.

- The State CDS IEU has provided compliance training which is on-site training which addresses the Maine Unified Special Education Regulations and OSEP Performance and Compliance Indicators, to all of our sites. During the training, the CDS State IEU consultant reviews the regulations and works with the staff from the regional sites towards achieving compliance. Specific training focuses on the use of Written Notice, Timeline compliance, service settings including the Natural Environment and the Least Restrictive Environment and timely Delivery of services to the children and families being served by the site. All Sites receive a minimum of three hours training as part of the Year One and Year Two On-Site Monitoring process to start the site's internal audit and self-assessment.
- The State CDS IEU Lunch and Learns have been a successful method of relaying information to the sites. As mentioned in other indicators, they are utilized to provide clarifying information on a variety of issues that have been noted through monitoring as well as part of the State CDS IEU's clarification of the part C federal regulations and the state regulations.
- "Oh Those State Required Forms" – MDOE and CDS regional trainings were held in September and October of 2008. These trainings were held for SAU personnel B-20 on changes in the state required special education forms.

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

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.	(107 plans with transition steps and services divided by 128 exiting) * 100 = 83.5
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 who were potentially eligible for Part B)] times 100.	(128 with notification divided by 128 potentially eligible) * 100= 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.	(77 with conferences that met the required timeline for transition conference divided by 128 potentially eligible) * 100 = 60% **

****The FFY 06 data for indicator C8C cannot be compared to the FFY 07 data due to a difference in how the data was collected and reported. In June of FFY06 a focused monitoring was conducted and during the monitoring data was collected on whether or not a transition conference was held for children transitioning from Part C to Part B. Data was not collected on whether or not the conference was conducted within the 90 day period before the child’s birthday. In June of FFY 07 focused monitoring was again**

conducted but included data collection on the 90 day requirement. Further explanation is below under indicator C8C section.

FFY	Measurable and Rigorous Target	Actual Target Data for 2007
8A. IFSPs with transition steps and services		
2007	100%	83.5%
8B. Notification to LEA, if child potentially eligible for Part B		
2007	100%	100%
8C. Transition conference, if child potentially eligible for Part B		
2007	100%	60%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:

A. IFSPs with transition steps and services;

In FFY2006, the state reported compliance with indicator 8A at 69%. The data reported in FFY2006 was based upon focused monitoring of 12 out of 16 of the state Child Development Services sites. The data for the 4 sites was not reported due to the validity of the data collected during the focused monitoring and or the data was not submitted to the CDS State IEU.

The data reflected in the table below represents progress at each site in reaching the target of 100% compliance for 8A.

SITE	FY 06 % of compliance	FY 07 % of compliance
4	0%	100%
6	43%	100%
11	86%	100%
10	60%	100%
5	94%	100%
1	67%	100%
7	0%	100%
15	40%	100%
12	40%	100%
8	100%	100%
2	78%	100%
9	57%	22%
13	Data not reported	67%
3	Data not reported	30%
16	Data not reported	75%
14	Data not reported	100%

Correction of Non-Compliance for Indicator C8A

The CDS State IEU grouped individual instances of noncompliance by legal requirement and CDS site to make findings related to this indicator. To verify correction, subsequent data will be reviewed. In addition, the CDS State IEU required follow-up on each individual instance of noncompliance to ensure correction for all children who are still under the jurisdiction of Part C in Maine.

Year of Findings	Total Findings of Non-Compliance with Indicator 8a	Findings verified as Corrected within One Year	Findings Subsequently Verified as Corrected	Total Findings Corrected as of Submission	Findings of Non-Compliance Remaining
FFY 2007	10*		10	10	0
FFY 2006	There were no findings of non-compliance issued for indicator C8a during the FFY 06 and FFY 05 years				
FFY 2005					

*The one-year timeline for all of these findings has not yet expired.

Eleven of the twelve sites that were included in the FFY2006 data have reached the target of 100% of their IFSPs including transition steps and or services. Site 9 decreased in compliance. One of the additional four sites met the target (site 14). Three sites did not meet the target of 100% compliance. In FFY2007, Site 9 and 3 underwent a change in site administration which impacted the site's compliance with this indicator and the site staff's understanding the requirements of Indicator 8A.

In April 2007, the IFSP was included in [Informational Letter #92](#) along with all State Required Special Education forms which mandated implementation of September 1, 2007. The required IFSP includes two pages of Transition Planning and Transition Conference requirements. All sites were required to utilize the form for children receiving early intervention services under Part C of IDEA. The implementation of the state required form varied greatly from site to site and impacted the site compliance with having transition steps and services at a 100% compliance rate.

Since July 2007, all 16 sites have undergone an on-site monitoring visit which resulted in Letters of Findings for areas of non-compliance. Indicator 8 was a finding of non-compliance for all of the 16 sites and a focus for state wide technical assistance and training.

- Training occurred during each individual site during the on-site monitoring visits.
- State wide training was held in October of 2007 at the Maine Administrators of Special Education (MADSEC) Fall Conference utilizing a PowerPoint presentation ([Part C to B Transition Presentation](#)) and group discussions. The CDS site directors and staff were able

to share ideas and or processes for implementation to track and meet the Transition requirements of Indicator 8A.

- In January of 2008, two trainings were provided by the CDS State IEU for state wide service providers on the requirements of MUSER (Maine Unified Special Education Regulations), Chapter 101 including the requirements of Indicator 8.
- In April 2008, two trainings were provided by the CDS State IEU and Maine Parent Federation for parents of children receiving services by the Child Development Services sites across the state on MUSER, Chapter 101 including the transition requirements of Indicator 8.
- Over the course of the FFY2007 year, weekly “Lunch and Learn” telephone conference calls were conducted by the State CDS Director, the Assistant Attorney General for Education and CDS consultants addressing all areas of compliance with state and federal regulations.

All sites will have one year from their FFY2007 letter of findings to correct non-compliance with Indicator 8. Additional monitoring and training has been ongoing during the FFY2008 year. One site has been verified to have met compliance with Indicator 8 in less than the required one year. The results of progress in meeting the target of 100% compliance for Indicator 8 will be reported in the FFY2008 APR due for submission in February 2010.

B. Notification to LEA, if child potentially eligible for Part B

Child Development Services providing Part C and Part B services Birth – 5 in Maine continues to meet compliance for this indicator at 100% compliance as the children are served by one agency as they transition from early intervention services to special education services.

C. Transition conference, if child potentially eligible for Part B

The FFY 06 data for indicator C8C cannot be compared to the FFY 07 data due to a difference in how the data was collected and reported. In June of FFY06 a focused monitoring was conducted and during the monitoring data was collected on whether or not a transition conference was held for children transitioning from Part C to Part B. Data was not collected on whether or not the conference was conducted within the 90 day period before the child’s birthday. In June of FFY 07 focused monitoring was again conducted but included data collection on the 90 day requirement.

Table 1.

Table 1 represents a comparison of the data collected in FFY 06 and FFY07 of whether a conference was held (this does not include the 90 day requirement)

Transition Conference Held for children potentially eligible for Part B services: 85% compliance rate

SITE	FY 06 % of compliance	FY 07 % of compliance
4	100%	100%
6	86%	100%
11	89%	100%
10	100%	100%

5	94%	100%
1	100%	100%
7	100%	100%
15	40%	100%
12	40%	100%
8	100%	100%
2	78%	100%
9	100%	22%
13	Data not reported	80%
3	Data not reported	50%
16	Data not reported	38%
14	Data not reported	100%

Table 2.

Table 2 represents data collected during the focused monitoring of FFY07 including the 90 day required timeline.

Transition Conference Held within 90 days of the child’s third birthday (data not reported in the FFY 06 APR): 60% compliance rate

SITE	FY 07 % of compliance
4	100%
6	75%
11	100%
10	60%
5	80%
1	100%
7	100%
15	57%
12	67%
8	80%
2	64%
9	11%
13	33%
3	10%
16	38%
14	75%

Correction of Non-Compliance for Indicator C8C

The CDS State IEU grouped individual instances of noncompliance by legal requirement and CDS site to make findings related to this indicator. To verify correction, subsequent data will be reviewed. In addition, the CDS State IEU required follow-up on each individual instance of noncompliance to ensure that transition conferences, when not provided timely, were in fact provided for children who are still under the jurisdiction of Part C in Maine.

Year of Findings	Total Findings of Non-Compliance with Indicator 1	Findings verified as Corrected within One Year	Findings Subsequently Verified as Corrected	Total Findings Corrected as of Submission	Findings of Non-Compliance Remaining
FFY 2007	14*		3	3	11*
FFY 2006	There were no findings of non-compliance issued for indicator C8c during the FFY 06 and FFY 05 years				
FFY 2005					

*The one-year timeline for all of these findings has not yet expired.

As indicated in the narrative under Indicator Section 8A, substantial technical assistance and training has occurred at all sites to increase compliance to meet the 100% target. Since the trainings, eleven of the twelve sites that were included in the FFY2006 data have reached the target of 100% conducting a Transition Conference for children potentially eligible for Part B services table 1). Only one of the additional four sites met the target. In FFY2007, Site 9 and 3 underwent a change in site administration which impacted the site’s compliance with this indicator and the site’s staff understanding the requirements of Indicator 8C.

The 85% compliance rate indicated in the table representing “Transition Conference held for children potentially eligible for Part B services” as compared to the FFY2006 APR submission reflects a slippage in our compliance rate. The compliance percentage was significantly impacted by the four sites that were not included in last year’s data.

Further analysis of the data collected during the focused monitoring for this indicator is represented in table 2. While the sites have improved in their compliance in conducting a transition conference for children potentially eligible for Part B, they are only at a 60% compliance rate for holding the meeting within 90 days of the child’s third birthday. The data collected indicated that some of the meetings were held one or two days after the required timeline.

While the percentage of compliance is lower than the state had hoped for at this time for the 90 day requirement, the State CDS IEU recognizes that Maine’s CDS system is a B-5 system with the responsibility to make sure children who are transitioning from Part C to Part B 619 within the same regional IEU have a plan in place upon their third birthday. The CDS State IEU consistently stresses the importance of the timeline requirement and has been working with the sites to clarify their need to adhere to the timeline and to make sure indicator 8C is met regionally with 100% compliance. As mentioned earlier, the CDS State IEU has included the transition of children from Part C to Part B within each training PowerPoint developed and consistently articulate the timelines and the requirements. This will be a continuing focus in presentations to the State Level Advisory Board and the Directors Council.

The FFY2007 data included in Table 2 represents an accurate reflection of the sites compliance with C8C. Over the FFY2007 year data collection improved and the requirements for the transition conference to be held 90 days prior to the child's third birthday was clarified.

Maine has established a timeline for sites to follow to help achieve compliance for the Transition from Part C to Part B of IDEA. The timeline is outlined as follows:

Between the ages of 2.3 years to 2.6 years of a child receiving Part C services:

Begin Transition Planning with the Family

- Document planning steps and services offered to the family on IFSP
- Discuss with parents what "transition" from early intervention to Part B Preschool Special Education services means. Including eligibility and age guidelines for Preschool Special Education
- The differences between Early Intervention and Preschool Special Education (Free and Appropriate Public Education)
- The difference between an IFSP and an IEP
- Services provided in the natural environment vs. in the least restrictive environment
- Review child's present level of functioning and most recent evaluations. Determine what, if any evaluations need to be completed to determine eligibility for Preschool Special Education services
- With parental consent, pass on information (including evaluation and assessments and the IFSP) to Part B personnel.
- Discuss with parents possible program options that may be available when their child is no longer eligible for early intervention services
- Provide opportunity for parents to meet and receive information from pre-school or other community program representatives as appropriate.
- Schedule the transition conference and invite participants.

No later than 2.9 years old:

Transition Conference

- Must be held no later than 90 days, but no sooner than 9 months, before the child's third birthday
- Team must determine if the child is eligible to receive Part B services
- IEP may be developed at the transition conference but must be developed no later than 15 days before the child's third birthday.
- If the child is eligible for Part B services, Consent for placement is signed by the parent
- Determination of the Least Restrictive Preschool Placement for the child

Between the ages of 2.9 years and 3 yrs old:

If the child is found eligible for Part B services:

- If the IEP was not developed at the Transition Conference, schedule an IEP Team meeting to develop the child's IEP no later than 15 days before the child turns 3.
- The site must determine the location in which the child's special education services will be provided in order to provide a FAPE
- Provide transition services and opportunities for the child and family to visit the program

If the child was not found eligible for Part B services:

- Early Intervention Services as outlined in the child's IFSP will continue until the child turns 3.
- Provide information about programs or services that may be available to them once their Part C services end.

Child's 3rd Birthday:

Upon the child's third birthday the site must ensure that:

- The child has an IEP outlining his/her Part B Preschool Special Education services
- Early Intervention services have ended
- Determine if a post transition IEP team meeting needs to be held to evaluate the process with families.

Where CDS is a B-5 system serving children under both Part C and Part B, progress in meeting compliance with this indicator is achievable within the next FFY APR. Training and technical assistance is ongoing and will remain a focus during the FFY2008 year.

Data collection for this indicator was collected through a focused monitoring completed at each of the 16 sites. Data collection through the use of the state wide data management system was not able to be established due to complicated issues with the vendor of the system. The system was working through continued structuring to meet the requirements of the required state forms and the link with the fiscal system imbedded within the entire system. An extra part time contractor has been hired to expedite this process and the connection with the providers. During the FFY2008 year, the CDS State IEU and the vendor have been establishing data collection points that will be in place for the FFY2008 APR.

In spring of 2009, the State will issue an administrative letter with guidance clarifying the requirements of the transition indicator with timelines for sites to use to ensure compliance.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2007:

Responses to the OSEP opportunity for Clarifications or Corrections received 3/31/09

Clarification was requested by OSEP during the 3/31/09 teleconference to include a statement clarifying that the data submitted in FFY2007 APR cannot be compared to the data submitted in FFY2006. A statement and explanation have been included in the APR Indicator 8 section.

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

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.

FFY	Measurable and Rigorous Target	<i>Actual Target Data for 2007</i>
<i>2007</i>	100%	<i>0%*</i>

* There were no findings for FFY2006

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:

Maine’s Child Development Services is in its third year of significant restructuring. As with all change, pieces start to fall into place as the year’s progress. The conversion of many facets of the system from the 16 Regional Sites to the CDS State IEU are completed or significantly

underway. New personnel have been added at the CDS State IEU and there is now a management team in place to address fiscal, data, HR and policy issues and a separate policy team to address the SPP. The CDS State IEU policy team consists of the Data Specialist, the B-5 Consultant for Monitoring and Technical Assistance, and the B-5 Consultant for Intervention, Programming, and Staff Development, and the State Director (Part C /Section 619 Coordinator). The Policy team focused this past year on the performance of the regional sites on the Part C SPP indicators and the structure of the support we can offer them through a general supervision system. The team met frequently and studied the sources of information and data that are available to describe the performance of the system and what those sources were indicating.

The CDS State IEU, with technical assistance from NERRC, a General Supervision System (GSST) that references the general supervision system "Big 8" developed by OSEP. The system includes a monitoring component. In the FFY2006 APR the State IEU indicated a Monitoring Manual would be developed for completion by June of 2008. Since the FFY2006 APR it became clear to the State IEU Director that the General Supervision System needed to be established with all aspects of monitoring the work of the 16 regional sites included within the structure of the overall system. The CDS State IEU is now in the process of developing, organizing, and piloting the system components and all accompanying documents for utilization by regional teams as of July 1, 2009. The CDS State IEU has shared this system with the CDS State Level Advisory Board on a monthly basis since September through presentations by the State Director, the assistant Attorney General for Education and Larry Ringer from OSEP. Additionally, the State Director presented to the Maine Advisory Council (MACECD), all site directors, and staff representatives who attended the Child Outcomes Summary Form Training Session. [Informational Letter #2](#) was sent out including power point presentation as a hyperlink. Additional information has been provided at the weekly Lunch and Learns hosted by the assistant attorney general for education. The CDS State IEU has worked closely with the MDOE 5-20 system to assure that there is consistency in the B-20 determination responses.

The CDS State IEU has monitored each of the 16 regional sites annually the past two years which has prepared the CDS State IEU to be well positioned to start the response to determination portion of the GSST system July 1, 2009. The CDS state level Advisory Board has made a decision to focus on one SPP indicator at each meeting. This will provide assurance that there is knowledge at the management level to support each site in their efforts to reach targets. The CDS State IEU has made it clear to the regional sites that noncompliance is not acceptable. There is a growing acknowledgement at the staff, site director, and board management level that this is a serious undertaking and profile indicators of 2, 3, or 4 will be addressed through the response to determination portion of the [CDS GSST](#). This will involve self assessment, internal monitoring, and increasing levels of interaction between the site and the CDS State IEU (<http://www.maine.gov/education/speced/spp/index.html>).

2007 Monitoring

In April of 2007, the CDS State IEU hired a new Monitoring and Technical Assistance Consultant to design and implement an on-site monitoring process for CDS. The Consultant worked with the Part B 5-20 Program Review team to establish a seamless consistent monitoring process that mirrored the 5-20 process. This process was outlined in the FFY2006 APR. From May 2007 until June of 2008, all sixteen of the regional CDS sites received an on-site monitoring visit which resulted in a formal Letter of Findings. Fifteen of the sixteen sites were required to submit a corrective action for Part C in a timely manner to the CDS State IEU for correction of non-compliance to be achieved within one year from the letter of findings. Site 11 met compliance in all areas of Part C during the on-site monitoring visit. The [Letters of Findings](#) are public and can be found on the Maine Department of Education website.

OSEP’s June 6, 2008 response table required The CDS State IEU to report on:

• The correction of any findings identified in FFY2006 and corrected in FFY2007;

- The CDS State IEU did not issue any findings of noncompliance during FFY2006. However, in accordance with OSEP’s February 19, 2008 verification letter Maine removed any specific percentage threshold for identification and correction of Part C and Part B noncompliance in CDS sites and informed all CDS sites in the State of the revocation of its threshold and that information was accepted by OSEP. In addition The CDS State IEU has reviewed its improvement activities for this indicator and revised them, when appropriate, to ensure they will enable the State to provide correction data for findings made in FFY 2007.
- OSEP reviewed documentation received from Maine on April 3, 2008 and concluded that Maine had provided the required assurance. All Letters of Findings and areas of non-compliance that were written before the notification and request for removal of the percentage thresholds were amended and Amended letters were sent to the sites. All Letters of Findings for the sites after the February 19, 2008 letter from OSEP reflected the removal of the threshold and measurement of non-compliance to 100% compliance.

• The correction of the previously identified noncompliance that it followed up on in its September 2007 letters; and

- Correction on those findings is reported in the following table.

Correction of Non-Compliance Identified Prior to September 2007				
Total Findings of Non-Compliance	Findings verified as Corrected within One Year	Findings Subsequently Verified as Corrected	Total Findings Corrected as of Submission	Findings of Non-Compliance Remaining
14		1		13

• The correction of noncompliance identified in the monitoring reports The CDS State IEU issued to CDS sites on July 9, 2007, November 15, 2007 and December 7, 2007.

Narrative Report on correction of Non-Compliance identified in the monitoring reports of CDS Sites:

July 9, 2007 Letter of Findings – from here on referred to as Site 10

November 5, 2007 Letter of Findings – from here on referred to as Site 2

November 15, 2007 Letter of Findings - from here on referred to as Site 4

December 7, 2007 Letter of Findings – from here on referred to as Site 16

March 4, 2008 Letter of Findings – from here on referred to as Site 13

March 7, 2008 Letter of Findings – from here on referred to as Site 11

Sites 10, 2 and 4 were visited for a second on-site monitoring visit in April of 2008 to monitor progress in meeting compliance with their corrective action plan.

- **Site 10** had twelve findings of non-compliance for Part C in their letter of findings of July 9, 2007. Upon the second visit they were found to have corrected eleven areas of non-compliance in less than one year. They had 1 remaining area of non-compliance that would be reviewed in the FFY2008 year as part of their second year of monitoring.
- **Site 2** had thirteen findings of non-compliance for Part C in their letter of findings of November 5, 2007. Upon the second visit they were found to have corrected eleven areas of non-compliance in less than one year. They had two remaining areas of non-compliance that would be reviewed in the FFY2008 year as part of their second year of monitoring.
- **Site 4** had five findings of non-compliance for Part C in their letter of findings of November 17, 2007. Upon the second visit they were found to have corrected three areas of non-compliance in less than one year. They had two remaining areas of non-compliance that would be reviewed in the FFY2008 year as part of their second year of monitoring.

Follow up letters were sent to Sites 2, 4 and 10 informing the Site of their progress in correcting the areas of non-compliance in the original letters of findings. These letters can be found on the Maine Department of Education website listed above. The data collected during these visits will be reflected in the FFY2008 APR. These sites along with the remaining thirteen sites are scheduled to receive their second year monitoring visit to ensure correction of non-compliance within one year from the findings.

In September of 2008, Sites 13 and 16 were visited for a second on-site monitoring visit to monitor progress in meeting compliance with their corrective action plan.

- **Site 16** had ten findings of non-compliance for Part C in their letter of findings of December 4, 2007. Upon the second visit they were found to have corrected seven areas of non-compliance in less than one year. They had three remaining areas of non-compliance that would be reviewed in the FFY2008 year as part of their second year of monitoring. Site 16's second year monitoring visit is scheduled for February of 2009 to monitor progress in correcting non-compliance within one year of the original letter of findings. The visit was originally scheduled for December and January but due to inclement weather had to be rescheduled.
- **Site 13** had seventeen findings of non-compliance for Part C in their letter of findings of March 4, 2008. Upon the second visit they were found to have corrected four areas of non-compliance in less than one year. They had seven remaining areas of non-compliance that would be reviewed in the FFY2008 year as part of their second year of monitoring.

On November 24, 2008 a second on-site monitoring visit was conducted at site 11. As stated above, Site 11 met all compliance standards and was not issued any findings of non-compliance for Part C. The visit focused on two areas on non-compliance with two Part B MUSER regulation requirements. During the visit, Part C files were reviewed again to ensure continued compliance as determined in the site's March 7, 2008 Letter of Findings. Again the site was found to be in 100% compliance for Part C services. It was also determined the site had met compliance for the two outstanding Part B areas of non-compliance. A letter outlining the site's compliance with correcting the areas of non-compliance and continued compliance with Part C

will be made public and sent the site's Board of Directors in February 2009. The data collected during this visit will be reflected in the FFY2008 APR.

- o **The correction of noncompliance identified in FFY2007 The CDS State IEU monitoring reports is reported on in the following table. Correction data for these findings will be reported, as required, as actual target data in the FFY2008 APR, due February 1, 2010. The one year timeline for all of these findings has not yet expired.**

Correction of Findings Identified in FFY 2007						
Indicator/ Indicator Clusters	General Supervision System Components	# of CDS Sites Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification	# of Findings of Noncompliance for which correction was subsequently verified	# of Findings of Noncompliance for which correction has not yet been verified
1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	12	12			12
	Dispute Resolution: Complaints, Hearings	0				
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	6	6			6
	Dispute Resolution: Complaints, Hearings	0				

Correction of Findings Identified in FFY 2007						
Indicator/ Indicator Clusters	General Supervision System Components	# of CDS Sites Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification	# of Findings of Noncompliance for which correction was subsequently verified	# of Findings of Noncompliance for which correction has not yet been verified
3. Percent of infants and toddlers with IFSPs who demonstrate improved outcomes	Monitoring Activities: Self- Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0				
	Dispute Resolution: Complaints, Hearings	0				
4. Percent of families participating in Part C who report that early intervention services have helped the family	Monitoring Activities: Self- Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0				
	Dispute Resolution: Complaints, Hearings	0				
5. Percent of infants and toddlers birth to 1 with IFSPs	Monitoring Activities: Self- Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0				
6. Percent of infants and toddlers birth	Monitoring Activities: Self- Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0				

Correction of Findings Identified in FFY 2007						
Indicator/ Indicator Clusters	General Supervision System Components	# of CDS Sites Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification	# of Findings of Noncompliance for which correction was subsequently verified	# of Findings of Noncompliance for which correction has not yet been verified
to 3 with IFSPs	Dispute Resolution: Complaints, Hearings	0				
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.	Monitoring Activities: Self- Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	13	13			13
	Dispute Resolution: Complaints, Hearings	0				
8. Percent of all children exiting Part C who received timely transition planning to support the child's	Monitoring Activities: Self- Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	10	10	10		

Correction of Findings Identified in FFY 2007						
Indicator/ Indicator Clusters	General Supervision System Components	# of CDS Sites Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification	# of Findings of Noncompliance for which correction was subsequently verified	# of Findings of Noncompliance for which correction has not yet been verified
transition to preschool and other appropriate community services by their third birthday including: C. IFSPs with transition steps and services;	Dispute Resolution: Complaints, Hearings	0				
8. Percent of all children exiting Part C who received timely transition planning to support the child's	Monitoring Activities: Self- Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0				

Correction of Findings Identified in FFY 2007						
Indicator/ Indicator Clusters	General Supervision System Components	# of CDS Sites Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification	# of Findings of Noncompliance for which correction was subsequently verified	# of Findings of Noncompliance for which correction has not yet been verified
transition to preschool and other appropriate community services by their third birthday including: D. Notification to LEA, if child potentially eligible for Part B	Dispute Resolution: Complaints, Hearings	0				
8. Percent of all children exiting Part C who received timely transition planning to support the child's	Monitoring Activities: Self- Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	14	14		3	11

Correction of Findings Identified in FFY 2007						
Indicator/ Indicator Clusters	General Supervision System Components	# of CDS Sites Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification	# of Findings of Noncompliance for which correction was subsequently verified	# of Findings of Noncompliance for which correction has not yet been verified
transition to preschool and other appropriate community services by their third birthday including: C. Transition conference, if child potentially eligible for Part B.	Dispute Resolution: Complaints, Hearings	0				
OTHER AREAS OF NONCOMPLI ANCE: Compliance with Maine Unified Special Education Regulations (MUSER)	Monitoring Activities: Self- Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	15	99		36	63
	Dispute Resolution: Complaints, Hearings	0				
Sum the numbers down Column a and Column b			154	10	39	105

One area of concern reported in the FFY2006 APR and the Maine Part C FFY2006 SPP/APR Status table was to bring closure to the site visits that were conducted by a previous employee in 2005. Fourteen sites were found to have outstanding issues at that time. Of those, one has since completed its required corrective action; however, completion did not occur within the required one year from identification. Verification of findings and requests for submission of corrective action plans from each site were sent to the sites in the spring of 2005. Follow up activities by the sites with assistance from the monitoring consultant from July 2005 to the monitoring consultant's departure in October 2006 were limited in scope and compliance with federal requirements. The only indicators measured for compliance within the 2005 Letters of Findings were Indicators C7 and B11. It was brought to the attention of the State CDS Director in August of 2007 at the OSEP conference in Baltimore, Maryland that the corrective action plans that had not been closed by the previous monitoring consultant, needed immediate attention and closure. Fourteen of the sixteen sites required follow up. The new monitoring consultant issued letters to the 14 sites requiring a response to their progress towards the 2005 Corrective Action Plans. Responses to the letters were received by January 2008 to the State CDS IEU. The monitoring consultant issued letters in April 2008 to all 14 sites indicating the sites performance in correcting the areas of non-compliance found in 2005. The following is a sample of the body of the letter that was sent to Site 16:

Thank you for responding to the request sent to you on September 28, 2007 attempting to bring closure to the [Site 16] Child Development Service's corrective action plan of 2005 and the requests made by Aymie Walshe in a June 2005 letter.

The Corrective Action Plan submitted was based upon compliance in meeting 100% compliance in two areas:

- 1. Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within the Part C's 45 day timeline.*
- 2. Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days.*

In a review of your response the documentation provided, data from the state CDS database and the data from your on-site monitoring of 10% of your files, you have not met the requirements set forth in the corrective action plan of 2005. Below is the data used to determine this finding of non-compliance.

	June 2005	June 2006	June 2007	Site Profile for APR 2006-2007	November 2007	On-Site Monitoring	Determination Level
	Avg # IEPs out of compliance	Avg # IEPs out of compliance	Avg # IEPs out of compliance	Avg% Incompliance	Avg # IEPs out of compliance	Findings	
						07-08	
						Rate of Compliance	
<i>Part B</i>	<i>23</i>	<i>2</i>	<i>2</i>	<i>99.6%</i>	<i>0*</i>	<i>38%</i>	<i>2</i>
<i>3-5</i>							
<i>Part C</i>	<i>62</i>	<i>24</i>	<i>33</i>	<i>88%</i>	<i>28</i>	<i>0%</i>	<i>3</i>
<i>B-2</i>							

Determination levels: 1 - Meets Requirements 2 - Needs Assistance 3 - Needs Intervention 4 - Needs Substantial Intervention

** - data found to be incorrect based on data entry at the site level being done incorrectly*

Indicated in the letter sent to you by Aymie Walshe in June of 2005, there was to be an on-site monitoring visit to your site during the summer of 2005. According to all available records, this visit did not occur. Therefore, compliance was not monitored and no corrective action plans were required for the 2006 year.

[Site 16] was recently monitored during October of 2007 and a letter of findings was sent on November 5, 2007 with need for corrective action in several areas. Non-Compliance was found in both Part B and Part C's timelines for determining eligibility. You submitted a Corrective Action Plan on January 25, 2008 including goals to reach 100% compliance in meeting the required timelines. Compliance with the Corrective Action Plan will be evaluated in December of 2008.

At this time [Site 16] has been determined as a level 3 or Needs Intervention for Part C timelines and a level 2 for Part B timelines based upon the CDS Site Profile for APR submission 2006-2007. The CDS State IEU office has contracted with a consultant to provide on-site training and guidance in developing and complying with your corrective action plan. Training has been provided on the new required special education forms and the required timelines to determine eligibility. The CDS State Director, the [Site 16] Board of Directors and yourself have been working together to improve the site's overall performance. Further intervention and assistance will be determined based upon periodic review of the state database of compliance with the timelines or upon request by [Site 16's] Board of Directors.

If compliance can not be reached by December of 2008, sanctions may be brought against [Site 16] in accordance with the Maine State Special Education Regulations.

I look forward to working with you to bring this matter into compliance and meet the needs of the children and families in [Site 16].

Sincerely,

*Erica Thompson
Distinguished Educator
Child Development Services
Monitoring and Technical Assistance*

Of the sites that were sent a letter, one site, Site 15, has since completed its required corrective action; however, completion did not occur within the required one year from identification.

Since July of 2008 and the date of the FFY2007 submission, Site 2, 4 and 10 have received their second year monitoring visit to ensure correction of non-compliance within one year from the findings and to review progress in correcting the areas of non-compliance found in 2005. Letters of the findings based upon the second year of monitoring will be issued in February of 2009 and reported in the FFY2008 APR and will reflect compliance with findings of non-compliance from FFY2005 and FFY2007. One of the three sites, Site 4, was one of the sites that was not issued a letter of findings in 2005. Based on on-site monitoring, Site 4 remains in compliance for Indicators C7 and B11. Compliance rates for Sites 2 and 10's are pending and will be reported in Letters of Findings in February 2009.

As the result of a complaint investigation (08.083) relating to individual issues as well as systemic issues, the Department and the CDS State IEU became significantly involved in Site 10. The State Director removed the site director and transferred co-leadership to the directors from Sites 5 and 11. The three sites were then geographically and demographically studied and

merged into two sites which are currently overseen by the two directors. They initiated a practice of attending IFSP team meetings to model best practices. Additionally, during the summer of 2007, a team of experienced Part C case managers from Sites 5 and 11 along with the two site directors reviewed each Part C file at Site 10. While reviewing, they mentored the Site 10 case managers to understand the intent of, and compliance with, Part C. The mentoring process involved training to assure provision of due process, knowledge regarding best practices in file management, meeting facilitation, paperwork completion, service provision, and improved communication skills with parents, providers and stakeholder. The CDS State IEU also contracted with two certified Special Education Administrators to work with all the staff at the Site, both Part B and Part C through additional trainings. Their work will continue throughout this year to address issues deemed appropriate by the State Director as monitored to assure that Part C at the original Site 10 is well supported.

The remaining thirteen sites will be reviewed as part of their Second Year of Monitoring during the FFY2008 year and will be issued Letters of Findings reflecting whether or not they have corrected the findings of non-compliance found in FFY2005 and FFY2007. All 16 sites will transition into the General Supervision System outlined above on July 1, 2009. Letters of Findings will be sent based upon the public profiles and determinations of January 2009 as outlined in the Determination Response Table of the General Supervision System. Existing Corrective Action Plans from FFY2008 on-site monitoring will remain in place and will need to be monitored for compliance within one year of the letter of findings. New findings of non-compliance based upon the site profiles may result in additional corrective action.

Responses to the OSEP opportunity for Clarifications or Corrections received 3/31/09

OSEP Comments *The State did not report FFY 2007 data for this indicator (correction of findings made in FFY 2006).*

As stated in OSEP's February 19, 2008 verification visit letter, OSEP was unable to determine whether the State has a system that is reasonably designed to correct identified noncompliance because: (1) the one-year timeline had not passed for the correction of findings that the State identified under its new monitoring system in FFY 2007; and (2) as the State confirmed during the verification visit, the State did not yet have data regarding the status of correction of previously identified noncompliance that it followed up on in its September 2007 letters (noncompliance identified prior to FFY 2006).

OSEP's February 19, 2008 verification visit letter and June 6, 2008 FFY 2006 SPP/APR response table required the State to provide in the FFY 2007 APR, due February 2, 2009, data on the correction of findings identified prior to FFY 2006, and updated data on the correction of noncompliance identified in three FFY 2007 monitoring reports the State issued to CDS sites on July 9, 2007, November 15, 2007 and December 7, 2007.

With regard to the correction of findings identified prior to FFY 2006, the State reported that one of 14 findings of noncompliance was corrected. The State reported that the remaining findings of noncompliance would be reviewed as part of its second year of monitoring during FFY 2008.

With regard to the updated data on the correction of noncompliance identified in the three FFY 2007 monitoring reports listed above, the State reported that 11 of 12 findings of noncompliance identified in the July 9, 2007 monitoring report were corrected in a timely manner. The State did not report on the correction of noncompliance identified in the monitoring reports the State issued to CDS sites on November 15, 2007 and December 7, 2007.

In its FFY 2007 APR, the State also provided updated data on the correction of noncompliance identified in other FFY 2007 monitoring reports the State issued to CDS sites on November 5, 2007 (11 of 13 findings corrected within one year), November 17, 2007 (three of five findings corrected within one year), December 4, 2007 (seven of ten findings corrected within one year), and March 4, 2008 (four of 17 corrected within one year).

It is unclear how the data provided based on the FFY 2007 monitoring reports relate to the information provided in the chart titled "Correction of Findings Identified in FFY 2007." It is also unclear why the top row in that chart refers to "FFY 2006."

Response:

The narrative within Indicator C9 was reformatted and edited to reflect the data requested in the status table. Clarification was made regarding site numbers and action taken by the CDS State IEU to monitor for correction of non-compliance for the letters of findings issued in November and December of 2007.

The C9 chart "Correction of Findings Identified in FFY2007" was edited to change the dates from 2006 to 2007.

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / 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))

Measurement:

Using Table 4 data: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

$$= [(0 + 2) / 2] * 100 = 100\%$$

FFY	Measurable and Rigorous Target	Actual Target Data for 2007
2007	100%	100%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:

This measure met the target. 100 percent 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. The Due Process Office and the stakeholder group review cases monthly for closure timelines and consideration of support requirements. Cases extended due to exceptional circumstances met the guidelines provided by the Due Process Office for consideration of requests for extension.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2007:

No revisions.

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / 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))

Measurement:

Using Table 4 data: Percent = [3.2(a.3) divided by 3.2] times 100.
 = [0 / 0] * 100 = *No hearings*

FFY	Measurable and Rigorous Target	<i>Actual Target Data for 2007</i>
2007	100%	<i>No hearings</i>

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:

No hearings were fully adjudicated.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2007:

No revisions.

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator -: 12

Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

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

Measurement:

Using Table 4 data: Percent = (3.1(a) divided by 3.1) times 100.

$$= (0 / 1) * 100 = 0\%$$

FFY	Measurable and Rigorous Target	<i>Actual Target Data for 2007</i>
2007	0%	<i>0%</i>

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:

This measure exceeded the target. The Due Process Office produced “Resolution Sessions, A Guide for Parents and Educators” to help parents and educators better understand the resolution session as one of the ways to resolve special education disputes. The handbook is provided to individuals requesting a due process hearing.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2007:

No revisions.

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator –: 13

Percent of mediations held that resulted in mediation agreements.

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

Measurement:

Using Table 4 data: Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

$$= [(0 + 0) / 0] * 100 = \text{None reported}$$

FFY	Measurable and Rigorous Target	Actual Target Data for 2007
2007	78%	None reported

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:

Four mediation requests resulted in mediation not being held.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2007:

No revisions.

Part C State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / 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))

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	<i>Actual Target Data for 2007</i>
2007	100%	100%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:

Valid and accurate 618 data were submitted on time and responses to data questions were provided where required. FFY 2006 APR was submitted on time with accurate data for all indicators.

Part C Indicator 14 Data Rubric

Indicator 14 - SPP/APR Data			
APR Indicator	Valid and reliable	Correct calculation	Total
1	0	1	1
2	1	1	2
3	1	1	2
4	1	1	2
5	1	1	2

Indicator 14 - SPP/APR Data			
APR Indicator	Valid and reliable	Correct calculation	Total
6	1	1	2
7	1	1	2
8A	1	1	2
8B	1	1	2
8C	0	0	0
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	1	1	2
		Subtotal	27
APR Score Calculation	Timely Submission Points (5 pts for submission of APR/SPP by February 2, 2009)		5
	Grand Total		32

Indicator 14 - 618 Data					
Table	Timely	Complete Data	Passed Edit Check	Responded to Date Note Requests	Total
Table 1 – Child Count Due Date: 2/1/08	1	1	1	1	4
Table 2 – Settings Due Date: 2/1/08	1	1	1	1	4
Table 3 – Exiting Due Date: 11/1/08	1	1	1	NA	3
Table 4 – Dispute Resolution Due Date: 11/1/08	1	1	1	N/A	3
				Subtotal	14
			Weighted Total (subtotal X 2.5; round ≤ .49 down and ≥ .50 up to whole number)		35
Indicator # 14 Calculation					
			A. APR Total	32	32
			B. 618 Total	35	35
			C. Grand Total	67	67

Indicator 14 - 618 Data					
Table	Timely	Complete Data	Passed Edit Check	Responded to Date Note Requests	Total
Percent of timely and accurate data = (C divided by 70 times 100)			(C) / (70) X 100 =		95.7

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2007:

No revisions.

U.S. DEPARTMENT OF
EDUCATION
OFFICE OF SPECIAL
EDUCATION
AND REHABILITATIVE
SERVICES
OFFICE OF SPECIAL
EDUCATION
PROGRAMS

TABLE 4

REPORT OF DISPUTE RESOLUTION
UNDER PART C, OF THE
INDIVIDUALS WITH DISABILITIES
EDUCATION ACT
2007-08

OMB NO.: 1820-0678

FORM EXPIRES: 11/30/2009

STATE: MAINE

SECTION A: Written, signed complaints	
(1) Written, signed complaints total	3
(1.1) Complaints with reports issued	2
(a) Reports with findings	1
(b) Reports within timeline	0
(c) Reports within extended timelines	2
(1.2) Complaints withdrawn or dismissed	1
(1.3) Complaints pending	0
(a) Complaints pending a due process hearing	0

SECTION B: Mediation requests	
(2) Mediation requests total	4
(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)	4

SECTION C: Hearing requests	
(3) Hearing requests total	1
(3.1) Resolution meetings (For States adopted Part B Procedures)	1
(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	1