



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

NOV 22 2006

Honorable Roderick Bremby
Secretary
Department of Health and Environment
Charles Curtis State Office Building
1000 SW Jackson Street, Suite 540
Topeka, Kansas 66612-1368

Dear Secretary Bremby:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) recent verification visit to Kansas. As indicated in my April 26, 2006 letter to you, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance and improving performance under Parts B and C of the Individuals with Disabilities Education Act (IDEA). We conducted a visit to Kansas during the week of September 11, 2006.

The purpose of our verification reviews of States is to determine how they use their general supervision and State-reported data collection systems to assess and improve State performance and to protect child and family rights. The purposes of the verification visits are to: (1) understand how the systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to the Kansas Department of Health and Environment (KDHE), the State's Part C Lead Agency, OSEP staff met with Carolyn Nelson, Director, Children's Developmental Services (and the State's Acting Part C Coordinator), representatives from the Kansas State Department of Education (KSDE), and members of the KDHE early intervention staff who were responsible for the State's general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings), and the collection and analysis of State-reported data. Prior to the visit, OSEP staff reviewed a number of documents, including the State's Part C Application, FFY 2003 and FFY 2004 Annual Performance Reports, Kansas' 2005 State Performance Plan, submissions of data under Section 618 of the IDEA, and <http://www.kdhe.state.ks.us/its/index.html>, the KDHE Part C website.¹

OSEP also conducted a conference call on August 4, 2006, with members of the Kansas State Interagency Coordinating Council, to solicit their perspectives on the strengths and weaknesses of the State's systems for general supervision and data collection and reporting.

¹ Documents reviewed as part of the verification process (before, during, and after the visit) were not reviewed for legal sufficiency, but rather to inform OSEP's understanding of the State's systems.

The information that Ms. Nelson and the Part C staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of the Kansas Early Intervention System and KDHE's system for general supervision and data collection and reporting.

General Supervision

In looking at the State's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (2) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (3) utilizes guidance, technical assistance, follow-up, and – if necessary – sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, previous monitoring results, etc.) to identify systemic issues and problems.

Based on documents reviewed, prior to and during the visit, and discussions with the State, OSEP believes that KDHE's systems for general supervision constitute a reasonable approach to the identification and correction of noncompliance; however, OSEP cannot, without also collecting data at the local level, determine whether they are fully effective in identifying and correcting noncompliance.

Overview

KDHE staff reported that "*tiny-k*," the State's Part C program, was housed under KDHE's Division of Health, Bureau for Children, Youth, and Families, Children's Developmental Section. KDHE staff explained that the State Interagency Coordinating Council (SICC) was a jointly funded effort of KDHE, the Kansas State Department of Education (KSDE), and the Kansas Department of Social and Rehabilitation Services (KDSRS) and that the program was able to draw on the resources and strengths from each of these agencies. They further reported that 36 local provider agencies (also referred to as networks by KDHE staff) administered *tiny-k*, serving all 105 counties in the State and that each network was programmatically and fiscally responsible for its individual programs. To that end, KDHE explained the broad range of funding sources for each of the networks, including, but not limited to, IDEA Part C funds, Medicaid reimbursement, local monies, and philanthropic contributions. Network lead agencies included education organizations, community developmental disability organizations, private non-profit organizations, hospitals, and Indian reservations. Each of the State's local interagency coordinating councils (LICC) selected the local network agency and defined the network's specific service area. After selection by the LICC, the State approved the network. The network provided services with qualified staff to eligible children within the service area. While the State described the system as a locally controlled structure, KDHE also reported that the State was responsible for ensuring that each network fulfilled its statutory and regulatory responsibilities under Part C.

KDHE reported that the Network Continuous Improvement Plan (NCIP) was an important general supervision tool. The State described the NCIP as an annual self-assessment report and an improvement plan submitted to the State by each network. This document included network-specific information addressing points of focus, indicators of success, program objectives, implementation strategies, and proposed corrective action if noncompliance was identified. The State explained that the NCIP included the following five programmatic categories: local program supervision; child find and public awareness; family-centered services; natural environments; and early childhood transition. KDHE reported that each network was provided with the data needed to develop the NCIP such as State-level data analysis reports compiled from raw data provided by the network.

The data submitted to KDHE also played an integral role in local network program improvement and decision-making, and in the development of the NCIP. KDHE reported that all data submitted by local networks were analyzed, validated, and assembled in a useful format by KDHE staff and was subsequently returned to each network for use in the development of the NCIP and for decision-making and program planning. The NCIP was modeled after OSEP's Annual Performance Report (APR) and each network was required to submit an NCIP with its annual renewal application.

KDHE reported that it responded to NCIPs in one of two ways. First, if the network agreed with the State's findings and the State's mandatory process for timely correction of noncompliance, KDHE assisted the network using LICC meetings and presentations, parent interviews, site visits, file reviews, and technical assistance through Kansas In-service Training System (KITS). The second type of response occurred when a local network did not correct noncompliance identified through the NCIP process or by State monitors in a timely manner. When this happened, KDHE enacted the Assurance of Accountability (the process by which KDHE imposes sanctions on networks that have continued noncompliance) to assure the immediate provision of appropriate services to eligible children. Further, KDHE reported that it had the authority to restrict network funding until the noncompliance was-corrected.

State Monitoring

KDHE staff described Kansas as a State with vast rural areas and several population centers (Wichita, Topeka and Kansas City). The KDHE Part C monitoring and enforcement staff was comprised of two full-time employees who reported directly to the Part C coordinator. (The Coordinator's position was vacant at the time of the verification visit.) The Director of Children's Developmental Services and an accounting specialist responsible for collecting 618 data also provided support for monitoring functions. Additionally, a full-time contractual employee managed the Part C database and provided support as needed (see data section below).

KDHE explained that its general supervision system evolved in recent years to a model similar to OSEP's Continuous Improvement and Focused Monitoring System. KDHE reported that the new system expanded the State's data gathering capacity to compile and integrate data across systems. KDHE provided OSEP with each of the network's self-assessments and improvement plans to document how the State received data from the networks, how the State analyzed the data and how the State and local programs used the data to improve program performance. The

data were collected from various sources on a continuous, quarterly, semi-annual and annual basis to evaluate each of the 36 networks. Trend data for four and one-half years were included in each plan. KDHE reported that collecting data from multiple sources allowed for improved data validation and allowed the two full-time monitors to effectively identify and ensure the correction of noncompliance within one year of identification. For example, KDHE collected IFSP data and natural environment data through the State's section 618 data collection system. They reported that they were able to verify the accuracy of that data by triangulating it with a variety of other data sources such as random and census parent surveys, provider surveys, and staff interviews. KDHE staff also indicated that the State analyzed the compiled data to identify local trends and gauge performance by comparison to State averages and OSEP requirements. The monitors were then able to use the results of the data analyses to guide their onsite focused monitoring effort and to provide targeted technical assistance.

The State required networks to provide corrective action plans for all noncompliance identified in the NCIP or by the State monitors. The State reported that networks corrected identified areas of noncompliance within one year of identification. OSEP reviewed local program file records, NCIPs, correspondence between local providers and the State identifying noncompliance, subsequent corrective action plans, and correspondence that documented the corrective action was implemented to correct the noncompliance within one year of identification.

Additionally, KDHE indicated that initial and renewal applications and contracts play a key role in the State's general supervision system and were effective enforcement tools. Within each of these documents, networks were required to provide a statement of assurance that addressed State and Federal Part C requirements. KDHE reported that they reserved the right to cancel a contract or reconsider renewal applications if a network did not meet its contractual obligations.

Dispute Resolution System

The State informed OSEP of its three mechanisms for dispute resolution: State complaints, mediation, and due process hearings. KDHE indicated that it developed model forms for the three mechanisms and developed a process for their use. Additionally, the State reported that KDHE had six certified mediators. KDHE contracted with the Kansas State Department of Administration to provide a hearing officer when needed. KDHE staff investigated all formal complaints. KDHE reported that the State received only one formal State complaint and one request for a due process hearing within the past five years. (The due process hearing, upon the request of both parties, was settled through mediation.) In addition to the formal dispute resolution system, the State monitors and the Director of the Children's Developmental Services maintained telephone logs to identify concerns of parents when they called the State for assistance or for information about the *tiny-k* program.

Data Collection Under Section 618 of the IDEA

In looking at the State's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether

the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has identified any barriers, (e.g., limitations on authority, sufficient staff or other resources, etc.) that impede the State's ability to accurately, reliably and validly collect and report data under section 618.

KDHE discussed the State's enhanced system for reporting both 618 data and data to meet the requirements for completing the State's Annual Performance Report (APR). KDHE explained that, prior to developing the SPP, the State relied primarily on the results of family survey data for various APR indicators. In response to OSEP's previous concern regarding the State's reliance on family survey data when completing the SPP, the State explained that the new system (described below) collected data for each of the SPP/APR Indicators and believed the State's APR, due February 1, 2007, will contain valid and reliable data.

KDHE reported that Infant Toddler Software (ITS), the *tiny-k* data system, was created to meet the specific data collection and reporting requirements of *tiny-k*. Prior to building the database, KDHE staff identified the core data requirements, including child find, referrals, evaluations, eligibility, services, IFSP development, timelines, parent complaints, and December 1 child count. KDHE reported that the State contracted with an outside provider to build, maintain, and manage a data collection system that incorporated each of these requirements in a web-based, secure system. Additionally, ITS was customized for each network to meet local data collection needs beyond that which was required for 618 reporting.

KDHE demonstrated the capacity of ITS by providing OSEP with a system tutorial. The tutorial included data field identification, data entry, edit check procedures, and report generation. The KDHE data manager described the following four ITS components: precise data entry; data collection; data analysis and reporting; and data utilization. All 618 data were input at the network level only by employees trained in ITS and authorized by the local Part C Coordinator to enter data. The system had many built-in verification procedures to ensure accurate and complete data entry. For example, the system would not permit incomplete data fields to be entered. Further, the local administrator verified all data and marked it "ready" before the system made the data available to KDHE. All local data reports were developed and filed through the data system, eliminating the possibility for transcription errors. The State described its procedures to recognize anomalies and look for trends and fluctuations at the State level and among the network programs. Additionally, the State utilized the data system to identify concerns, determine topics for State training programs, and to tailor technical assistance initiatives for each of the network programs. Each local program used the State's data reports for self-assessing and for developing the NCIP. The State conducted quarterly technical assistance meetings with local program directors and provided customized technical support upon request of the network.

The State reported that it conducted personalized training for new local data entry personnel prior to data input into the system. Formal statewide ongoing training occurred at least quarterly and the database manager provided targeted technical assistance, as needed. Further, KDHE

reported that the most current version of the ITS training manual was available online and could be accessed as needed.

KDHE described the ITS data validation system. The State validated data through three methods: pragmatic, predictive, and construct. It was reported that through these three methods, KDHE identified statewide levels of deviation in areas such as screenings and evaluations, checked results obtained from the database against the results of other indicators that were known to be valid measures of the data set, and predicted 618 data results in advance of their actual submission. The actual data were reviewed by the State in comparison to State and trend data to note anomalies.

KDHE reported that, in the past, some networks were not timely in the submission of their data. To address this concern, the State added new provisions to contracts with *tiny-k* programs requiring timely submission of data as a prerequisite to the program's quarterly funding. The State reported that this process has been successful in ensuring the State's timely submission of data to WESTAT.

KDHE highlighted several strengths of the 618 data system. The State described a system that was originally constructed for the sole purpose of collecting data from *tiny-k* programs, but has continued to evolve to meet more complex data collection and reporting needs. For example, ITS had the capacity to export relevant ITS data directly into the corresponding data fields of the Kansas Individual Data on Students (KIDS) Assignment System, the State's Part B data collection system. This feature allowed the State to accurately track a child's transition between *tiny-k* and IDEA Part B programs and to assist in determining educational outcomes for young children. Additionally, it facilitated sharing the data needed for both KDHE and KSDE to complete relevant SPP/APR indicators. KDHE and KSDE reported that the State's General Supervision Enhancement Grants provided funds for development of the KIDS system. The data system was also linked to all *tiny-k* stakeholder agencies. KDHE and KSDE provided documentation that the system was easily accessible and, therefore, frequently used for continuous program improvement and to support stakeholder program decision-making. Families Together, Inc., the State's parent information and training center, also assisted the State in serving families with children transitioning from Part C to Part B programs.

Based on the information provided to OSEP during the verification visit, OSEP believes that KDHE's system for collecting and reporting data from the early intervention programs is a reasonable approach to ensuring the accuracy of the data that KDHE is required to report to OSEP under IDEA Section 618.

Conclusion

We appreciate the cooperation and assistance provided by your staff during our visit. If you have any questions about this letter, please contact Ms. Marie Mayor, OSEP's State Contact for the Kansas Part C program at 202-245-7433. We look forward to collaborating with Kansas as you continue to work to improve results for children with disabilities and their families.

Sincerely,

A handwritten signature in cursive script that reads "Patricia J. Guard".

Patricia J. Guard
Deputy Director
Office of Special Education Programs

cc: Carolyn Nelson
Acting Part C Coordinator