

COMMUNITY EARLY INTERVENTION NETWORK MONITORING AND THE STATE PERFORMANCE PLAN

Introduction

The Kansas Department of Health and Environment (KDHE), as the state lead agency for Part C of IDEA, must monitor the implementation of Part C and make determinations annually about the performance of each Kansas Infant-Toddler Services/tiny-k network. The primary focus of the monitoring activities must be on (1) improving early intervention results and functional outcomes for all infants and toddlers with disabilities and their families; and (2) ensuring that the Infant-Toddler Services/tiny-k networks meet the requirements of Part C with a particular emphasis on the requirements that are most closely related to improving early intervention results for infants and toddlers with disabilities and their families.

I. State Performance Plan

The Kansas State Performance Plan (SPP) evaluates the state's efforts to implement the requirements and purposes of Part C of the IDEA and describes how the state will improve its implementation of Part C. The KDHE must use quantifiable and qualitative indicators as needed to adequately measure performance and results. The measure of the state's efforts to implement the requirements is based on (1) data collected from parental responses to an entrance/exit parent survey; (2) data gathered locally and compiled in the federal data tables; (3) data gathered from semi-annual reports and annual grant applications; and (4) parent and provider/complaints.

In addition, each state is required to submit an Annual Performance Report (APR) that describes the state's (1) progress or slippage in meeting the measurable and rigorous targets for each indicator established in the SPP; and (2) any revisions to the state's targets, improvement activities, timelines, or resources in the SPP and justifications for the revisions.

A. State Performance Plan Indicators

1. Percent of infants and toddlers with Individualized Family Service Plans (IFSPs) who receive early intervention services on their IFSPs in a timely manner.
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.
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.
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.
5. Percent of infants and toddlers birth to 1 with IFSPs compared to:
 - a. Other states with similar eligibility definitions;
 - b. National data.
 6. Percent of infants and toddlers birth to 3 with IFSPs compared to:
 - a. Other states with similar eligibility definitions;
 - b. National data.
 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.
 8. Percent of all children exiting Part C who received timely transition planning to support their 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.
 9. General supervision system (including monitoring, complaints, hearings, etc.) that identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.
 10. Percent of written, signed complaints resolved within 60-day timeline, including a timeline extended for exceptional circumstances with respect to a particular complaint.
 11. Percent of fully adjudicated due process hearing requests that were adjudicated within the applicable timeline.
 12. Percent of hearing requests that went to resolution sessions that were resolved through resolution sessions settlement agreements (applicable if Part B due process procedures are adopted).
 13. Percent of mediations resulting in mediation agreements.
 14. State-reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

The Kansas State Performance Plan and Annual Performance Report may be found at <http://www.kdheks.gov/its/> or <http://www.ksits.org>

II. Determinations

KDHE is required to make a determination of the performance of each Kansas Infant-Toddler Services/tiny-k network within the state. The determinations regarding performance and compliance are based on the data collected from parental responses to an entrance/exit parent

survey; data gathered locally and compiled in the federal data tables; and data gathered from semi-annual reports, annual grant applications and parent and provider/complaints. The results of the determinations are posted on KDHE's website and reported to each local program. The requirements are as follows:

- A. KDHE is required to enforce the IDEA by making determinations annually on the performance of each Infant-Toddler Services/tiny-k network under Part C. Once an Infant-Toddler Services/tiny-k network has been identified as noncompliant with the requirements of Part C, KDHE must ensure that the noncompliance is corrected as soon as possible and no later than one year after identification.
- B. KDHE must use the following four categories in making determinations of the status of each Kansas Infant-Toddler Services/tiny-k network.
 1. Meets requirements: No action taken.
 2. Needs assistance: If this occurs for two consecutive years, the state must take one or more of the following enforcement actions:
 - a. Advise programs of available sources of technical assistance to address areas in which the program needs assistance; or
 - b. Identify programs as high-risk grantees and imposing conditions on use of funds.
 3. Needs intervention:
 - a. Require the program to prepare or implement a corrective action plan to correct the identified area(s); or
 - b. Withhold, in whole or in part, further payments to programs.
 4. Needs substantial intervention:
 - a. Withhold, in whole or in part, any Part C funds.
 - b. States MUST consider:
 - performance on compliance indicators
 - whether data submitted by Infant-Toddler Services/tiny-k are valid, reliable, and timely
 - uncorrected noncompliance from other sources
 - any audit findings
 - c. In addition, states could also consider
 - performance on performance indicators
 - other information

In addition to the minimum enforcement actions noted above, KDHE may use any other enforcement mechanisms and actions available to it (such as those included in state rules, regulations, or policies) to enforce the requirements of IDEA. For example, KDHE may advise an Infant-Toddler Services/tiny-k network of available technical assistance in areas where the program needs assistance after the first year the program is identified as needing assistance or require more rigorous reporting on the area needing improvement.

The SPP/APR indicators that will be used to make determinations are the compliance indicators (#1, #7, and #8) and the performance indicators (#2, #5, and #6). Local programs will be measured on:

- program performance
- meeting targets
- submission of timely, valid, and reliable data
- uncorrected noncompliance issues
- audit findings.

Federal Statute 2004

20 U.S.C. 1435. REQUIREMENTS FOR STATEWIDE SYSTEM.

(a) IN GENERAL.—A statewide system described in section 633 shall include, at a minimum, the following components:

- (10) A single line of responsibility in a lead agency designated or established by the Governor for carrying out—
 - (A) the general administration and supervision of programs and activities receiving assistance under section 633, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 633, to ensure that the State complies with this part;
 - (B) the identification and coordination of all available resources within the State from Federal, State, local, and private sources;
 - (C) the assignment of financial responsibility in accordance with section 637(a)(2) to the appropriate agencies;
 - (D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers;
 - (E) the resolution of intra- and interagency disputes; and
 - (F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination.

Federal Regulations 1997

34 C.F.R. 303.501 Supervision and monitoring of programs.

- (a) General. Each lead agency is responsible for—
 - (1) The general administration and supervision of programs and activities receiving assistance under this part; and
 - (2) The monitoring of programs and activities used by the State to carry out this part, whether or not these programs or activities are receiving assistance under this part, to ensure that the State complies with this part.
 - (b) Methods of administering programs. In meeting the requirement in paragraph (a) of this section, the lead agency shall adopt and use proper methods of administering each program, including—
 - (1) Monitoring agencies, institutions, and organizations used by the State to carry out this part;
 - (2) Enforcing any obligations imposed on those agencies under part C of the Act and these regulations;
 - (3) Providing technical assistance, if necessary, to those agencies, institutions, and organizations; and
 - (4) Correcting deficiencies that are identified through monitoring.
- (Approved by the Office of Management and Budget under control number 1820-0550 (Authority: 20 U.S.C. 1435(a)(10)(A))