Appendix I

Early Intervention Colorado
for Infants, Toddlers & Families

Colorado Early Intervention Services

General Supervision and Monitoring Guidelines

Early Intervention Colorado
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people who help people

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Overview of the Colorado General Supervision and Monitoring System

The Individuals with Disabilities Education Act (IDEA) and CRS 27-10.5-103 require DDD to have a system of general supervision that monitors the implementation of early intervention services by the state and local programs.

The Colorado Department of Human Services, Division for Developmental Disabilities (DDD), as the lead agency under Part C of IDEA, administers early intervention services in Colorado, known as Early Intervention Colorado (formerly known as Early Childhood Connections). DDD contracts with 20 Community Centered Boards (CCBs) to implement early intervention services at the local level. DDD monitors all CCBs through: cyclical bi-annual onsite surveys; focused monitoring, as needed; annual desk audits of data captured in the Community Contract and Management System web-based data system (CCMSweb); annual fiscal audits; dispute resolution; and training and technical assistance.

The following General Supervision and Monitoring System guidelines have been developed in partnership with the Colorado Interagency Coordinating Council (CICC), with technical assistance from the National Early Childhood Technical Assistance Center (NECTAC) and a private consultant, Sharon Walsh.

The Colorado General Supervision and Monitoring System consists of ten components:

1. Policies, Procedures, and Directives
2. State Performance Plan and Strategic Planning
3. Annual Performance Report
4. Local Program Status Determination and Public Reports
5. Onsite Surveys
6. Focused Monitoring
7. Data Collection and Desk Audits
8. Fiscal Management
9. Dispute Resolution
10. Training and Technical Assistance

This document includes a description of the components and how each supports the General Supervision and Monitoring System in Colorado.

1. Policies, Rules, Procedures, and Directives

Overview

DDD develops policies, rules, procedures, and directives that support and provide clarification of state and federal statutes to ensure effective implementation of early intervention services statewide at the local level.

Process:

- The Early Intervention Colorado State Plan encompasses policies and procedures regarding the federal Part C of IDEA (P.L. 108-446), federal regulations (34 CFR Part 303), the state developmental disability statute (CRS 27-10.5) and other applicable state and federal regulations related to early intervention services.
- The Early Intervention Colorado State Plan is reviewed annually by the Early Intervention Colorado staff and CICC and revised as needed.
- Any revisions made to policies in the Early Intervention Colorado State Plan or state rules are made available for specified public review and comment periods.
- In addition to the Early Intervention Colorado State Plan, DDD issues Directive Memoranda when further clarifications to policies, rules or procedures are needed to ensure effective implementation.

Critical Elements:

- Policies, rules, procedures and directives are distributed statewide to all CCBs and are distributed to the CICC and other key stakeholders.
- These documents are also available to the public on the Early Intervention Colorado website, www.eicolorado.org.

2. State Performance Plan & Strategic Planning

Overview

DDD, in collaboration with the CICC, develops and revises, as necessary, a six-year State Performance Plan (SPP). The SPP addresses the 14 federal Indicators (Appendix A) and sets annual targets and details improvement strategies to meet those targets.

Additionally, at an annual planning meeting, the CICC develops annual goals and strategies related to the targets set in the SPP that focus on key priorities of systems issues and other areas of improvement for the early intervention system.

Process:

- The first State Performance Plan (SPP) was developed by the Colorado Department of Education (CDE), then the lead agency for Part C, in FFY 2004-2005 through work with the CICC, which included parents, providers, state agencies and other interested stakeholders.
- Revisions to the SPP are made annually, if necessary, by DDD, the current lead agency, prior to submission to the federal Office of Special Education Programs (OSEP) by February 1st of each year.

Critical Elements:

- The SPP Improvement Strategies establish the actions that DDD takes to meet the annual targets. Strategies are reviewed annually with the CICC, contractors who provide training and technical assistance, and other key stakeholders to determine if revisions are needed.
- The SPP is distributed to stakeholders and are posted on the Early Intervention Colorado website www.eicolorado.org, as soon as possible after the annual submission to OSEP in February each year.
- The CICC establishes Special Purpose Committees to work on SPP priority areas that are defined at the annual planning meeting. Early Intervention Colorado staff are assigned to the Special Purpose Committees to assist with the work scope and oversee the activities of the groups that meet at the regularly schedule quarterly meetings, or as necessary, to complete the work.

3. Annual Performance Report

Overview

Each year DDD submits to OSEP an Annual Performance Report (APR) on or before February 1. The APR addresses the 14 federally required Indicators that are described in the SPP. The APR functions as a report on the progress or slippage in meeting the requirements for the statewide early intervention system based on performance in the previous fiscal year.

Process:

- For each Indicator, DDD completes the following:
    - Baseline/current data
    - Analysis of baseline/current data
    - Rigorous annual targets
    - Planned activities to meet targets, and
    - Explanation of progress or slippage.

- Data are generated from the following sources
    - CCMSweb, the DDD statewide web-based data system
    - Onsite monitoring audits of child records
    - Focused monitoring of priority areas

    - Reports of dispute resolution, and,
    - Status of timely correction of noncompliance.

- The CICC is involved in the development of improvement activities and review of the overall document prior to submission to OSEP.

- The APR is posted on the Early Intervention Colorado website, www.eicolorado.org and distributed to stakeholders soon after submission to OSEP.

- Colorado receives an annual Status Determination from OSEP based on the APR performance in meeting the 14 Indicators in one of the following rankings:

I. Meets Requirements

Factors OSEP considers in determining whether a State meets the requirements and the purposes of IDEA, include the following:

- The State demonstrates substantial compliance on all compliance Indicators, which can include, as appropriate, a demonstration through quantitative and qualitative data that the State timely corrects identified noncompliance for Indicators that are not 'new' or where noncompliance was previously identified by OSEP, and, for 'new' Indicators for which noncompliance was not previously identified by OSEP, that the State has improvement activities to timely correct identified noncompliance.

II. Needs Assistance

Factors OSEP considers in determining whether a State needs assistance in implementing the requirements of IDEA, include the following:

- The State does not demonstrate substantial compliance on one or more of the compliance Indicators. Evidence related to substantial compliance can include, as appropriate, a demonstration through quantitative and qualitative data that the State timely corrects identified noncompliance for Indicators that are not 'new' or where noncompliance was previously identified by OSEP, and, for 'new' Indicators for which noncompliance was not previously identified by OSEP, that the State has improvement activities to timely correct identified noncompliance.
- One or more Indicators, including performance Indicators, do not have valid and reliable data as required by the SPP/APR (actual target data, baseline data, etc.).
- The State does not demonstrate that it timely corrects any noncompliance identified by OSEP through monitoring or other means.

If OSEP determines, for two consecutive years, that the State needs assistance, OSEP takes one or more of the following enforcement actions, consistent with section 616(e)(1):

- Advise the State of available sources of technical assistance.
- Direct the use of State-level funds under section 611(e) on area(s) in which the State needs assistance.

- Identify the State as a high-risk grantee and impose special conditions on the State's grant.

III. Needs Intervention

Factors OSEP considers in determining whether a State needs intervention in implementing the requirements of IDEA, include the following:

- The State does not demonstrate substantial compliance on one or more of the compliance Indicators and has not made significant progress in correcting noncompliance previously identified by OSEP on those Indicators. Evidence related to substantial compliance can include, as appropriate, a demonstration through quantitative and qualitative data that the State timely corrects identified noncompliance for Indicators that are not 'new' or where noncompliance was previously identified by OSEP, and, for 'new' Indicators for which noncompliance was not previously identified by OSEP, that the State has improvement activities to timely correct identified noncompliance.
- One or more Indicators, including performance Indicators, are missing valid and reliable data as required by the SPP/APR (actual target data, baseline data, etc.), and the State has not made significant progress in correcting previously identified data problems.
- The State does not demonstrate that it corrects noncompliance identified by OSEP through monitoring or other means, and has not made significant progress in correcting that noncompliance.

If, OSEP determines, for three consecutive years that the State needs intervention, OSEP may take any of the actions described under needs assistance and shall take one or more of the following enforcement actions, consistent with section 616(e)(2):

- Require the State to prepare a corrective action plan or improvement plan, if OSEP determines that the State should be able to correct the problem within 1 year.
- Require the State to enter into a compliance agreement, if OSEP has reason to believe that the State cannot correct the problem within 1 year.
- Withhold a percentage of the State's funds under section 611(e), for each year of the determination.
- Seek to recover funds.
- Withhold any further payments to the State.
- Refer the matter for appropriate enforcement action.

IV. Needs Substantial Intervention

If OSEP determines, at any time, that a State needs substantial intervention in implementing the requirements of Part C or that there is a substantial failure to comply with any condition of a State lead agency's eligibility under Part C, OSEP will designate the State as in need of substantial intervention. Among the factors that OSEP considers are:

- The failure to substantially comply significantly affects the core requirements of the program, such as the delivery of services to children with disabilities or State exercise of general supervision, and/or
- The State has informed OSEP that it is unwilling to comply.

If OSEP determines, at any time, that the State needs substantial intervention, OSEP takes one or more of the following enforcement actions, consistent with section 616(e)(3) and provides an opportunity for a hearing:

- Recover funds
- Withhold any further payments to the State
- Refer the case to the Office of the Inspector General, and/or
- Refer the matter for appropriate enforcement action.

  Note that under section 616(g), OSEP may at any time utilize any authority under the General Education Provisions Act to monitor and enforce the requirements of IDEA, regardless of the determination of the State's status under section 616(d). Needs Substantial Intervention – The State exhibits repeated noncompliance in multiple areas and has failed to substantially comply with requirements. Sanctions are enforced.

The State Status Determination by OSEP indicates the level of technical assistance and/or corrective action that is required by the OSEP. Improvement strategies are required to bring the State into full compliance with IDEA Part C Indicators.

Critical Elements:

- The State Status Determination letter is distributed to the CICC upon receipt from OSEP.
- Local status determinations are made based on program specific data used to develop the APR. Local status determinations are made in the Spring soon after the State submits the APR to OSEP.
- The State and local status determination documents are available to the public on the Early Intervention Colorado website, www.eicolorado.org.
- The CICC establishes Special Purpose Committees annually to address issues that contribute to statewide noncompliance and warrant interagency collaboration to improve performance.

4. Local Program Status Determinations and Public Reports

Overview

Each year DDD measures the compliance and performance of each CCB on Indicators 1-8 of the APR. This annual public report for each CCB functions as a measure of the progress or slippage in meeting the requirements for the local early intervention system based on performance in the previous fiscal year.

Process:

- For Indicators 1-8, DDD reports on the performance of each CCB using the following:
  - Baseline/current data
  - Analysis of baseline/current data

    - Rigorous annual targets
    - Planned activities to meet targets, and
    - Explanation of progress or slippage.

- Data are generated from the following sources:
    - CCMSweb (the State web-based data system)
    - Child and family outcomes data
    - Onsite monitoring audits of child records
    - Focused monitoring of priority areas
    - Reports of dispute resolution
    - Fiscal audits, and
    - Status of timely correction of non-compliance.

OSEP requires DDD to:

- Enforce IDEA by making status determinations annually on the performance of each CCB early intervention program.
- Use the same four categories as OSEP uses in making State status determinations as described above. These categories are:
    - Meets Requirements
    - Needs Assistance
    - Needs Intervention, and
    - Needs Substantial Intervention.
- Consider when making the determinations:
    - Performance on compliance Indicators 1, 7, and 8A-C
    - Whether data submitted by the early intervention programs are valid, reliable, and timely
    - Uncorrected noncompliance from other sources, and
    - Any audit findings.

In addition, DDD may also consider progress in meeting performance Indicators 2, 5 and 6 and other factors. The criteria used to establish status determinations and public reports are described in the Local Program Status Determinations and Public Reports Criteria (Appendix B).

CCB Status Determination indicates the level of technical assistance and/or corrective action that is required for the local program. Improvement strategies are required to bring the CCB into full compliance with IDEA Part C Indicators and/or state early intervention rules.

The CCB Status Determination and Public Report includes demographic information about a CCB, the geographic area that is covered, the contact information, performance on Indicators and ranking against programs of similar size.

Critical elements:

- Onsite survey monitoring visits are conducted by Early Intervention Colorado staff to verify accurate data collection and reporting for the APR and for use in the CCB Status Determination and Public Reports.
- During onsite survey monitoring visits, Early Intervention Colorado staff audit a random sample of at least 10% or at least 10 child records up to a maximum of 50.
- Training and technical assistance is provided to ensure that provider agencies understand how to meet the SPP Indicators.
- Managers of early intervention programs in the CCBs are encouraged to conduct audits of their own files and conduct data queries to measure ongoing the effectiveness of maintenance efforts or improvement strategies.
- The Status Determination template (Appendix B) calculates an average percentage across the SPP/APR Indicators 1-8 and cumulative score for the total items.
- A public report is generated that compares each provider agency performance compared to statewide performance and statewide targets.
- The public reports of CCB Status Determination and Annual Performance Reports are posted on the Early Intervention Colorado website, www.eicolorado.org and distributed to the stakeholders in late Spring.

5. **Onsite Surveys**

Overview

Onsite surveys are conducted on all 20 CCBs over a two-year cycle. The purpose of the onsite survey is to meet with CCB staff to learn more about the strengths and challenges of their specific program, examine records for compliance, quality and data verification, and to gather information about interagency collaboration from Local Interagency Coordinating Council (LICC) members.

Process:

- Ten (10) CCBs receive an onsite survey each year.
- Survey protocols are described in Appendix C and include the following elements:
  - Entrance and exit conferences with CCB administrators and other staff
  - Staff interviews
  - Review of child records
  - Data verification
  - Survey of LICC members
- Each CCB receives a written survey report following the visit and if necessary, is required to develop a Plan of Correction (POC) (Appendix D) to correct any findings of noncompliance or violation of state or federal regulations.

Critical Elements:

- A checklist is used to review child records to ensure compliance with state and federal regulations.
- The CCB data is checked for validity and reliability.

- Survey reports are available to the public on the Early Intervention Colorado website, www.eicolorado.org.
- A focused monitoring may be conducted if it is found that the CCB is having trouble meeting compliance in one specific area.
- Early Intervention Colorado staff may conduct more frequent onsite surveys with a particular CCB if conditions warrant more scrutiny.
  - Follow-up by Early Intervention Colorado staff will occur utilizing the following schedule, in order to determine that action has be taken on the POC and that compliance has been achieved. This schedule may be adjusted dependent upon the circumstances:
    - 30 days –initial steps that have been initiated
    - 60 days –strategies that have been implemented
    - 90 days – file review / interviews are conducted to determine compliance
    - 6 months – data review occurs to determine compliance, revise POC if non-compliance still exists
    - 9 months – revise POC if noncompliance still exists, Early Intervention Colorado staff considers further sanctions.
  - Once substantial compliance is demonstrated, the CCB is sent a letter releasing it from the POC.

6. Focused Monitoring

Overview

Focused monitoring occurs either when there are patterns of statewide issues related to noncompliance or poor performance on specific priority areas, or if the State identifies noncompliance with a local program on one or more Indicators. Focused monitoring may occur to drill down to determine the specific reasons for the noncompliance. The investigation through focused monitoring allows the State to better tailor technical assistance to meet the specific needs of local programs.

Process:

- CCBs who are due for an onsite monitoring are rank ordered for each priority area determined by Early Intervention Colorado staff using data from the monitoring and general supervision activities. Early Intervention Colorado staff, with advisement from the CICC, determines which priority areas warrant the use of focused monitoring.
- The providers that have the most need for improvement (i.e., those at the bottom of the list) are selected for a focused monitoring visit.
- A focused monitoring team includes: parents, service providers, and Early Intervention Colorado staff person (team leader). Other team members are added as necessary based on the size of the provider agency, the specific priority area being monitored, and to meet the primary language needs of families served in that community. All focused monitoring team members receive training and sign a code of conduct that includes a confidentiality statement.

- A focused monitoring visit typically lasts one to two days and may include interviews with administrators, staff, parents and community partners, as well as review of child records, policies and procedures and other pertinent documents.

Critical elements:

- As a result of the focused monitoring, technical assistance is provided and a Plan of Correction (POC) (Appendix D), if warranted, is developed jointly with the provider agency following the monitoring process. The POC has prescribed actions that must occur within specified timelines.
- If other related requirements are found to be noncompliant during the focused monitoring visit, a POC will be developed to address these new findings.
- CCBs receive a written focused monitoring report that includes the POC. Providers must correct noncompliance as soon as possible, but no later than one year from the written notification of the finding.
- Follow-up by Early Intervention Colorado staff occurs using the following schedule, in order to determine that action has been taken on the POC and that compliance has been achieved. This schedule may be adjusted dependent upon the circumstances:
    - 30 days –initial steps that have been initiated
    - 60 days –strategies that have been implemented
    - 90 days – file review / interviews are conducted to determine compliance
    - 6 months – data review occurs to determine compliance, revise POC if non-compliance still exists
    - 9 months – revise POC if noncompliance still exists, Early Intervention Colorado staff considers further sanctions.
- Once substantial compliance is demonstrated, the CCB is sent a letter releasing it from the POC.

7. <u>Data Collection and Desk Audits</u>

Overview

DDD uses the CCMSweb, an electronic web-based database to gather data for the federal and state reporting, for the APR, monitoring of local programs and for a variety of management functions. Desk audits are reports generated from the CCMSweb that allow the Early Intervention Colorado staff to conduct an analysis of data off-site to identify performance progress or slippage on key Indicators and to monitor compliance for federal and local reporting.

Process:

- The CCMSweb is an online database and billing system that allows real time reporting at the local and state level.
- Data reports are currently run annually for the APR and to rank CCBs on their performance in meeting early intervention requirements.

- Reports are also generated prior to onsite visits and ad hoc reports are run throughout the year as needed.
- Reports are generated through the CCMSweb database for the federally required 618 data tables and are submitted to meet the February and November deadlines. These data are also published on the Early Intervention Colorado website www.eicolorado.org, as required.
- Child Count data for each CCB informs the fiscal allocation for state and federal funds.
- Early Intervention Colorado staff generates data reports that look at trends across a number of data elements for a number of years. Trend reports include performance Indicators, as well as other factors, such as number of referrals and referral sources, age at referral, exit reasons, etc.
- Early Intervention Colorado staff also use data reports to determine which CCBs will receive focused monitoring.
- Data for reporting child outcomes are collected via the publishers online data systems.
- Data for reporting family outcomes are collected via an annual online and paper survey.

Critical element:

- The CCMSweb database includes: demographic, Individualized Family Service Plan (IFSP), and delivered services data, allowing a wide array of performance and management reports to be generated at the state and local level (Appendix B, Table 2). The database will also include early intervention outcomes data and billing data in the coming year.
- Early Intervention Colorado staff conducts a data audit during the onsite CCB surveys to check the validity and reliability of data entered into the CCMSweb database.

8. Fiscal Management

Overview:

Early Intervention Colorado staff work with the CICC to promote interagency funding of early intervention services that meet federal and state requirements and ensure that eligible infants and toddlers and their families benefit from a comprehensive, coordinated early intervention system.

Process:

- Early Intervention Colorado staff prepares the annual application and budget to OSEP and ensure proper accounting of funds expended under the federal Part C grant.
- Early Intervention Colorado staff also prepares an annual budget and allocation formula for State early intervention funding.
- Early Intervention Colorado staff work with the CICC to ensure that interagency operating agreements are current and that responsibilities regarding funding and disputes that may arise are clearly articulated in each interagency operating agreement.
- Early Intervention Colorado staff ensures that IDEA Part C funds are drawn down and expended within the allowable timeframe and for appropriate activities.
- CCBs are required to have an audit of annual of financial statements to ensure that they are billing appropriately for services rendered.

- Periodically, Early Intervention Colorado staff conducts utilization surveys to monitor expenditures for direct services to ensure that the funding hierarchy is being followed and that federal funds are used as payer of last resort.
- Ten CCBs are selected per year to receive an onsite survey monitoring visit and audit during which records are reviewed to ensure that the funding hierarchy has been followed and that allowable services are provided.
- CCBs receive a written report following the survey monitoring visits and are required to develop a Plan of Correction if a finding of noncompliance is made.

Critical elements:

- Interagency operating agreements are in place to ensure that the appropriate state agency is responsible for funding specific services and activities as described in the Early Intervention Colorado State Plan.
- DDD has annual contracts in place with the 20 CCBs as the local early intervention program administrators.
- Federal funds are used in order to reimburse members of the CICC for travel and associated costs of participating in CICC meeting and other CICC meeting costs (including space, materials etc.).
- CRS 27-105-701 (Coordinated System of Payment for Early Intervention Services) mandates that certain private health insurance plans fund early intervention services, with an annual cap of $5,725 beginning in FY 2007-08, adjusted for inflation in subsequent years. The use of insurance cannot affect a child's annual/lifetime plan benefit and no co-pay or deductible is levied on the family for the receipt of early intervention services. A Public and Private Insurance Form is utilized in order to collect information on a family's insurance coverage (private health plan, Medicaid, or Child Health Plan Plus (CHP+).
- No fees are charged to families whose children receive early intervention services through the early intervention system at this time. Evaluation, development of the IFSP, Service Coordination and Dispute Resolution are also provided at no cost.

9. Dispute Resolution

Overview:

An array of dispute resolution options is available for families including complaint investigations, due process hearings and mediation.

Trends in complaints and due process hearings are analyzed to determine the need for system changes and improvements.

Process:

- The Early Intervention Colorado State Plan describes the policies and procedures that are followed during dispute resolution.

- Complaints are investigated within 60 days and due process hearings are conducted within 30 days of receipt.
- If a complaint is substantiated, or if a hearing officer rules against a CCB early intervention program, a finding is issued to that agency. The CCB has to correct the action for the particular child and family in the dispute, and also submit a Plan of Correction to prevent the noncompliance from occurring again.
- Early Intervention Colorado contracts with The Legal Center for People with Disabilities and Older People to provide training for CCBs on dispute resolution and instruction for surrogate parents and hearing officers.

Critical elements:

- All parents are provided with the *Parent Rights: Notice of Child and Family Rights and Procedural Safeguards in the Early Intervention Colorado System* booklet that includes dispute resolution options, as well as a procedural safeguards document that is given when the family receives a Prior Written Notice of the initiation or change to early intervention services.
- Mediation is made available to parents who submit a complaint or request a due process hearing; however, parents may also access mediation without having to submit a complaint or request a due process hearing.
- Annually, Early Intervention Colorado staff conducts a review of any dispute resolution activities to determine any trends that require a system change or other improvement activities. These trends are reported to the CICC for recommendations regarding follow-up actions.

10. Training and Technical Assistance

Overview:

Early Intervention Colorado publishes and distributes regulations, service definitions and guidelines, conducts statewide training and develops and distributes technical assistance documents in order to clarify requirements under IDEA Part C and state early intervention regulations. The ultimate goal of all training and technical assistance activities is to promote promising and recommended practices in meeting the needs of infants and toddlers who have significant developmental delays or disabilities and their families.

Process:

- DDD promulgates rules as necessary to ensure alignment with the Individuals with Disabilities Education Act (IDEA) and state statutes.
- If necessary, the Early Intervention Colorado staff reviews and revises, with input from the CICC and Colorado Office of Professional Development, the Early Intervention Service Definitions and Personnel Standards.

- Annually, Early Intervention Colorado staff and the CICC review the Comprehensive System of Professional Development plan to ensure that training needs are being met through statewide initiatives and interagency collaborative efforts.
- Early Intervention Colorado staff produces Technical Assistance Briefs to address aspects of the early intervention process and to promote effective and evidence-based early intervention practices. Current technical assistance documents are posted on the Early Intervention Colorado website at www.eicolorado.org.
- Early Intervention Colorado contracts with several university programs, parent organizations and private consultants to provide training and technical assistance to CCBs, providers, and families.
- Self-assessment practices (Appendix G) are encouraged so that local programs are able to monitor their performance and to timely identify training and technical assistance needs.

Critical elements:

- Training and technical assistance staff and contractors review data and monitoring reports to inform the content of the training materials and identification of specific programs that need assistance.
- Technical assistance conference calls are provided to accompany the launch of new policies and procedures.
- All service coordinators and local early intervention program administrators are required to attend the Service Coordination Core Training and IFSP Training. Families, providers and interagency partners may also attend.

Appendix A: State Performance Plan
Part C Compliance and Performance Indicators

Indicator:

1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner – within 28 days.

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
   - B. Acquisition and use of knowledge and skills
   - 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
   - C. Help their children develop and learn

5. Percent of infants and toddlers birth to 1 with IFSPs.

6. Percent of infants and toddlers birth to 3 with IFSPs.

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 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 the Local Education Agency (LEA), if the child is potentially eligible for Part B, and
   - C. Transition conference, if the child is potentially eligible for Part B.

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.

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.

11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.

12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (not applicable in Colorado, at this time).

13. Percent of mediations held that resulted in mediation agreements.

14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

Note: Indicators 1-8 are used to report on state and local CCB performance. Indicators 9-14 are used only to report state performance.

Note: Indicators 1, 7, and 8A-C are "Compliance Indicators" while Indicators 2, 5, and 6 are "Performance Indicators."

Appendix B: Local Status Determinations and Public Reports for FFY 2007-2008 (Reported in Spring 2009)

DETERMINATION CATEGORIES

Meets Requirements

A Community Centered Board (CCB) early intervention program demonstrates substantial compliance on the selected criteria. No sanctions.

Needs Assistance

A CCB early intervention program does not demonstrate substantial compliance on one or more of the selected criteria. One or more of the following enforcement actions may be taken if the program remains at *Needs Assistance* for two consecutive years:

- Advise CCBs of available sources of technical assistance to address areas on which the early intervention program needs assistance, or
- Impose conditions on use of funds.

Needs Intervention

A CCB early intervention program exhibits noncompliance in multiple areas on the selected criteria. If the early intervention program has remained at this status determination level for three consecutive years, sanctions may include:

- Requiring the CCB to participate in technical assistance, self-assessment and training activities
- Implementation of a plan of correction
- More frequent desk and onsite monitoring, or
- Withhold, in whole or in part, further payments to the program.

Needs Substantial Intervention

A CCB early intervention program exhibits repeated noncompliance in multiple areas on the selected criteria and has failed to substantially comply with requirements or has informed the lead agency that it is unwilling to comply. Sanctions may include:

- Required staff training
- Withholding of funds, or
- Other enforcement actions or cancellation of contract for early intervention services.

INCENTIVES	HIERARCHY OF SANCTIONS
Wide distribution of the public reports to the stakeholders, families, and general public High level commendation to CCBs exhibiting substantial compliance Public recognition through the media Peer recognition at annual EI Coordinators meeting Financial rewards for those who make	Plan of Correction (POC) Optional training, technical assistance, and self-assessment resources Required training, technical assistance, and self-assessment Focused monitoring Frequent desk audits

significant progress in less than one year Financial rewards for those in "Meets Requirements" category Less frequent onsite monitoring by the state staff and more autonomous correction planning	More frequent onsite monitoring Financial penalties, when absolutely necessary Revoking contract, when absolutely necessary and in accordance with DD Rules

DETERMINATION SCORE	DETERMINATION CATEGORY
No Compliance Indicator <90% and 30-40 points	*Meets Requirements*
No more than one Compliance Indicator <80% and 25-30 points	*Needs Assistance*
Two or more Indicators <80% or one or more Indicator <60% or 20-25 points	*Needs Intervention*
<20 points	*Needs Substantial Intervention*

* Criteria that is not required by the Office of Special Education Programs (OSEP)

[1] *Valid data* is the connection between what the measurement shows and what really happened and *Reliable data* means that there is consistency over time between various data measurements.

[2] Interagency Operating Agreements as a determination criteria are not applicable for the FFY 2006-07 determinations posted in Spring 2008. Local determinations made in Spring FFY 2009 for FFY 2007-08 include measurement of those CCBs who did or did not have the required interagency operating agreements in place by June 30, 2008. These include: Agreements with Administrative Units (Child Find and transition), Child Welfare (CAPTA referrals), and Early Head Start program (coordination of service delivery) for those CCBs with such program in their service area.

SCORING CRITERIA	
State Performance Plan Indicators **1-8**	*Local performance on Indicators 1-8 (Performance on Indicator 3 – Child Outcomes – will not be used in the report until 2011. Indicators 1, 7, 8A-C are Compliance Indicators and Indicators 2,5, and 6 are Performance Indicators.* **Indicator 1**: Percent of infants and toddlers with Individualized Family Service Plans (IFSP) who receive the early intervention services on their IFSPs in a timely manner. **Indicator 2**: Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based setting for typically developing children. **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. **Indicator 5**: Percent of infants and toddlers, birth to one year, with IFSPs. **Indicator 6**: Percent of infants and toddlers, birth through two years of age, with IFSPs. **Indicator 7**: Percent of eligible infants and toddlers with IFSPs for whom an

	evaluation and assessment and an initial IFSP meeting were conducted within 45 calendar days from the point of referral into the system. Referral into the system includes any referral received by the Neonatal Intensive Care Unit, Community Centered Board, Administrative Unit (school district or BOCES) and other community sources designated as system entry points in the local interagency agreement for Child Find. **Indicator 8**: Percent of all children exiting early intervention services who receive timely transition planning to support the child's transition to preschool and/or other appropriate community services by their third birthday including: A. All children (even those potentially not eligible for Part B preschool services) have IFSPs with identified transition steps and services B. Notification by the CCB to the Local Education Agency (LEA), if the child is potentially eligible for Part B preschool services, and C. A transition conference is held for all children exiting early intervention services who are potentially eligible for Part B preschool services.
Timely Correction of Noncompliance	*10 point scale that measures level of substantial correction of noncompliance*
Valid and Reliable Data	*10 point scale that measures validity and reliability of required data fields*
Timely Submission of Data	*5 point scale that measures timely submission for required data*
Dispute Resolutions	*4 point scale that measures no request for dispute resolutions and/or unfounded complaints or dispute with a finding against the local program*
Fiscal Accountability	*3 point scale that measures timely and accurate submission of required fiscal data*
Interagency Operating Agreements	*3 point scale that measures the completion of required interagency operating agreements*
100% Compliance Bonus Points	*5 point bonus added to overall score for those programs that had 100% compliance on Indicators 1, 7, and 8 A-C*

Appendix C: Onsite Survey Protocol

1) Agency Notification

Early Intervention Colorado staff contact the Executive Director, or other appropriate representative, of the Community Centered Board (CCB) several weeks in advance of when a survey is to be scheduled. Contacts can be made up to one month before the survey. Early Intervention Colorado proposes a date(s) for the survey. If the date is not possible for the CCB (e.g., due to absence of key staff, planned conferences, etc.) Early Intervention Colorado staff work with the CCB to find a mutually agreeable date for the survey. Generally, this alternative date should not be more than a week or two from the date originally proposed. The final decision as to the survey schedule, however, is made by Early Intervention Colorado. A survey entrance conference and a tentative exit conference are scheduled with the CCB.

At the time of the initial contact, the CCB is asked to identify an individual at the administrative level to work with Early Intervention Colorado staff on the survey (generally, this is the Early Intervention Director, but could also be an assistant director or someone else at the administrative level). The Early Intervention Colorado survey team leader works with this individual to decide on specific survey issues (e.g., location of meeting rooms, scheduling of staff time, family interviews, etc.).

Surveys may also be conducted with little or no advance notice. Such a survey may occur, for example, when Early Intervention Colorado staff believe that giving advance notice may substantially impact findings, or when there have been complaints concerning the fiscal administration or due process for children served.

2) Survey Methodology

a. Survey Sample

A sample target population of children receiving early intervention services is selected by Early Intervention Colorado and the local program from a list of all children receiving early intervention services. The sample is reflective of children in the CCB service area, including demographic diversity. Some information may also be requested from the CCB to assist in the sample selection (e.g., children of non-English speaking families). In general, the sample consists of a minimum of 10% of children receiving early intervention services, typically 20%. For a smaller CCB, a larger percentage generally needs to be selected in order to make decisions on findings; for a very large CCB, the sample may be smaller than 10%. Generally, the survey sample is not greater than fifty (50) children.

- The sample is balanced for factors, such as geographic location, gender and types of supports and services being received. The sample includes children recently found eligible for services and children transitioning out of services, as well as children with significant medical issues.

- If the CCB contracts with other service providers, then the survey sample will also ensure that a representative number of children served by other service providers is included.
- The sample includes some children receiving targeted case management (i.e., Medicaid).
- The survey sample may be adjusted during the survey at the discretion of the survey team leader (i.e., the CCB would like to have the team review a particular person, parents are not available for interview, information is discovered during the survey that warrants an adjustment, etc.).

b. Survey Team

The team conducting surveys of EI programs is made up of Early Intervention Colorado staff and additional recruited team members. Recruited members may include staff from nearby CCBs, CICC members, LICC members from a nearby service area, other state agency partners and parents. Early Intervention Colorado staff always assumes the team-leading responsibility.

- In selecting a team, consideration is given to the integrity of the survey, the balance of the team (representation from various areas), and to the dynamics that may exist between members of the team and the CCB.
- The size of the team varies and depends on the size of the CCB program and possibly the geographic area to be covered.
- In assigning surveyors to review the services of specific volunteers, the survey team leader ensures that no surveyor has a conflict of interest in reviewing the services of the children assigned to them. Additionally, each surveyor is required to report any apparent conflicts to the survey team leader as they arise.
- All non-DDD surveyors are asked to sign a confidentiality agreement prior to starting the survey.
- Staff from other EI programs are included as survey team members, where possible, to provide experience with the process in preparation for upcoming onsite surveys of their own programs.
- CICC members, LICC members and parents of nearby service areas and other stakeholders may participate in the entrance and exit conferences, review of files and completion of checklists, parent interviews, staff interviews and onsite technical assistance.
- LICC members, parents, and key stakeholders of the CCB being surveyed are included in the survey process by completing telephone or written surveys, participating in the entrance and exit conferences, and involvement in the submission of any required Plan of Correction.

c. Survey Tool

Program Quality Standards for Onsite Surveys – Early Intervention Programs are utilized for all surveys. One copy of the survey tool is completed for each survey. Copies of standards with interpretive guidelines are provided to all survey team members and to CCB staff.

d. Survey Agenda

The following scheduled events occur for each survey:

- The survey team leader conducts an entrance conference on the first day of the survey. The purpose of the conference is to:
    - Communicate the purpose and scope of the survey
    - Introduce the survey team members to the CCB staff
    - Review the survey sample and to add/change names in the sample due to specific circumstances
    - Identify key CCB staff for reviewing other documentation, and,
    - Answer any questions of CCB staff and survey team members.
- Prior to the start of any survey, the survey team leader provides orientation and training to volunteer survey team members, as needed, on the organization of the survey, the survey tools and checklists and requirements for program administration and EI services. It is the responsibility of the survey team leader to ensure that team members are capable of completing their survey tasks. All team members are generally assigned to review some program records. At the team leader's discretion, team members may also be asked to assist with reviews of specific practices of the CCB (e.g., child count data, complaints, outreach materials, etc.). However, Early Intervention Colorado staff maintains overall responsibility for these areas.
- Subsequent to the entrance conference, the surveyors begin the review of the individual records of the children included in the sample. The EI Checklist is used for this purpose.
- Interviews with CCB administration and EI staff are conducted, as needed, to obtain additional information to identify compliance with requirements. Generally, interviews are held with the Early Intervention Director, EI Coordinator, Case Management Director, and a sampling of service coordinators.
- Interviews are conducted with members of the local interagency coordinating council either by telephone or in a written survey.
- A sample of files of children transitioning out of EI services is also reviewed for compliance with Part C transition requirements.
- Administrative records are reviewed as necessary to ascertain CCB compliance with DDD administration requirements. This includes:
    - CCB records documenting agency practices in selecting and approving service providers
    - Records of agency staff, service coordination personnel and training
    - Administrative reviews of trends and patterns of child count data. Such a review should also compare data reported to DDD
    - Agency records of complaints and disputes, and,
    - Reports of family satisfaction.
- Prior to the exit conference, the survey team leader convenes a team meeting to review the findings of individual surveyors and to identify the strengths and problems of administrative and programmatic practices. The survey team leader reviews the findings

for each standard in the survey tool with team members to identify problems. Team members may be asked by the team leader to provide an exit conference report on findings for specific areas of standards to the CCB.

- The team leader conducts an exit conference with assistance of team members. Attendance at the exit conference is generally made up of the EI Director, EI Coordinator, Case Management Director, service coordinators, EI staff, and others selected by the program director.

(A pre-exit conference may also be held with the Executive Director and/or Program Director at the discretion of the team leader. Generally, this occurs if the team leader believes the Executive Director is not aware of some of the issues identified as problematic at the time of the survey.)

The purpose of the exit conference is to:

- Review the purpose of the survey and the methods used to conduct the survey
- Thank all team members and CCB staff involved in the survey
- Communicate the preliminary findings of the survey
- Answer any questions of CCB administration or staff, and
- Provide information concerning the timelines for the survey report and if a Plan of Correction (POC) will be needed.

The survey team leader collects all checklists, surveyor notes, and agency documents obtained as part of the survey process.

3) Onsite Technical Assistance

Early Intervention Colorado staff and others, as appropriate, provide onsite technical assistance throughout the survey, as needed and appropriate (e.g., clarification of rules/standards, suggestions for improvements, etc.). Survey team members from other agencies are encouraged to share information concerning practices, procedures and other information they have found to work well at their agency. If, as a result of the survey, the need for additional technical assistance is identified, the survey team leader assists the agency in identifying resources for this to occur.

4) Reporting

The Early Intervention Colorado survey team leader completes a written report of findings of the survey within 45 days of completion of the survey. The report consists of a narrative summary of overall findings, including strengths and areas for improvements. The CCB is responsible for distributing the report to appropriate system partners. If significant regulatory issues are identified, the report also contains a list of these in the form of noncompliance issues to which the agency is asked to respond in writing with a plan for addressing these problems. The agency has 30 days to respond with a plan of correction.

The report also includes a letter of conveyance, identification of team members and information about the conduct of the survey.

5) Plans of Correction and Follow-up

a. Disposition of Plans of Correction (POC)

The survey team leader reviews the CCB responses to determine if the plan is adequate for correcting the deficiencies cited in the survey report. If additional information is needed for any part of the plan of correction, the team leader obtains clarification from the CCB by telephone or in writing. In those instances in which the team leader determines that specific POCs are not responsive to the deficiencies cited, newly rewritten POCs are submitted by the CCB.

b. Determining and Conducting Follow-up

The survey team leader determines if additional follow-up is needed. Follow-up is generally considered necessary when there are pervasive and/or serious problems that require the agency's progress in implementing its POC to be monitored. Methods used to conduct follow-up include:

- Additional Document Review: The team leader may request copies of key documents (e.g., program outreach materials, new multidisciplinary team evaluation process, IFSPs, monitoring tool, etc.) that allow the team leader to determine whether the agency is correcting the cited deficiencies.
- Progress Reports: The team leader may request that the agency provide periodic (e.g., monthly, quarterly, etc.) written reports on its progress in implementing the agency's POC.
- Onsite Monitoring Review: The team leader and, where needed additional team members, may revisit the agency to review agency records and records of children receiving services and interview staff to determine if the agency has made adequate progress in implementing its POC. Upon completion of an on-site review, the team leader provides a comprehensive report to the agency indicating for each POC reviewed whether the deficiency was corrected, partially corrected or not corrected.
- After the determination has been made that a deficiency has been corrected, the CCB is notified in writing that it is released from the POC for that deficiency.

6) Documentation and Record Keeping

Records of all EI surveys are maintained and filed by the CCB. Survey reports, along with cover sheets, POCs, and correspondence regarding the survey are maintained in an official file at the Early Intervention Colorado office. A separate file of all other survey information (e.g., the completed survey monitoring tool, checklists and interview forms) is maintained for at least three years.

7) Data Reporting

Survey results are posted on the DDD website. In addition, a link to the survey information is available on the Early Intervention Colorado website.

Appendix D: Plan of Correction Template

DIVISION FOR DEVELOPMENTAL DISABILITIES
EARLY INTERVENTION COLORADO
PLAN OF CORRECTION

The attached Plan of Correction (POC) is required due to identified areas of noncompliance. The POC is to be submitted to Christy Scott, DDD/Early Intervention Colorado Program Quality Coordinator.

Agency Name	

Agency Contact	

Date of Notification	

Date POC Due to DDD/Early Intervention Colorado	

Date to Timely Correct	

The date to timely correct should be as soon as possible, but no longer than one year from the date the Community Centered Board was notified.

I do hereby attest that the attached Plan of Correction represents our agency's commitment to timely correct the identified areas of deficiency.

_____

Signature of CCB Executive Director **Date**

POC has been ☐ Accepted ☐ Rejected

_____

Signature of Authorized DDD Staff **Date**

V. INDICATOR 7

7i. "… service coordination means the activities carried out by a service coordinator to assist and enable a child eligible under this part and the child's family to receive the rights, procedural safeguards, and services that are authorized to be provided under the State's early intervention program". (34 CFR 303.23(a))

7ii. "Within 45 days after it receives a referral, the public agency shall-(i) Complete the evaluation and assessment activities in 303.322; and (ii) Hold an IFSP meeting, in accordance with 303.342". (34 CFR 303.321(e)(2)(i)(ii))

Corrective Actions: Please provide a detailed description of the actions your agency will take to correct the area of noncompliance in a timely manner. All noncompliance must be corrected in accordance with the evidence of change statements provided below.

Findings •	Agency activity to correct problem / responsible agency staff	Specific Bench Marks	DDD USE ONLY Date Released
•	**Required by DDD**: **Additional CCB Actions**:		

Indicator – Required Evidence of Change –
1. Document the following information for all children referred for early intervention services and send a report to DDD/ Early Intervention Colorado: •

Name of CCB:

Baseline data for Indicator is XX% (6/30/08 data).

The required targets for compliance are:

- ***100% compliance by***
- ***No new evidence of systemic noncompliance***
- ***Evidence of sustainability***

Appendix E: Data Collection and Desk Audits Schedule

August 1

- Purpose: Data to determine compliance toward Indicators 1, 7 and 8 A, B & C; and performance on Indicator 2; report to OSEP in Tables 3 (Exit reason for children exited from the system) and 4 (Dispute resolution) and local program status determination and annual performance report.
- Data set: July 1 – June 30
- Data source: CCMSweb.

November 1

- Purpose: Data count of children with active IFSP on October 1, including race and primary location of early intervention services; report to OSEP in Tables 1 (Child count/race) and 2 (primary location of early intervention services).
- Data set: July 1 – June 30
- Data source: CCMSweb.

November

- Purpose: Child outcome data for children receiving ongoing assessment through Results Matter; report to OSEP toward Indicator 3 and local program status determination and annual performance report.
- Data set: July 1 – June 30
- Data source: Results Matter online systems.

Dates for required data reports are posted on the EI Calendar and posted on www.eicolorado.org.

Edit checks are distributed to CCBs regularly by DDD to capture required missing and incomplete data in the CCMSweb system.

CCB-specific data is reviewed to determine if progress is being made toward timely correction on a Plan of Correction.

CCBs are expected to run data reports regularly for self-assessment and data verification purposes.

Data may be reviewed prior to, or during, a site visit for data verification purposes.

Spring data count of total number of children served and total active children with an IFSP may be used to compare with the October 1 count when setting fiscal allocations for CCBs.

Appendix F: Dispute Resolution Table

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

SECTION B: Mediation requests	
(2) Mediation requests total	
(2.1) Mediations	
(a) Mediations related to due process	
(i) Mediation agreements	
(b) Mediations not related to due process	
(i) Mediation agreements	
(2.2) Mediations not held (including pending)	

SECTION C: Hearing requests	
(3) Hearing requests total	
(3.1) Resolution meetings (For States adopted Part B Procedures)	
(a) Settlement agreements	
(3.2) Hearings (fully adjudicated) (For all states)	
(a) Decisions within timeline SELECT timeline used {30 day Part C, 30 day Part B, or 45 day Part B}	
(b) Decisions within extended timeline (only applicable if using Part B due process hearing procedures).	
(3.3) Resolved without a hearing	

Appendix G: Local Program Self-Assessment

All CCBs are encouraged to self-assess the agency's policies and practices against the policies, procedures and directives for early intervention programs as part of a process of continuous quality improvement. Examples of self-assessment processes may include:

- Part C Compliance - The agency, with the assistance of its local partners, reviews its policies and procedures to identify areas of compliance/non-compliance with early intervention requirements.
- Child Data Integrity and Program Outcomes - In this process the agency compares the data reported to DDD/ Early Intervention Colorado to the source documentation in the child's file to determine the extent to which the reported data is backed up by written documentation (e.g., timeliness of IFSP development, completion of multidisciplinary assessments, etc.).
- IFSP Quality Review - The CCB staff, with the assistance of its local partners, reviews IFSPs for quality.
- Parent Satisfaction - Although DDD collects some specific satisfaction data for reporting purposes, all local early intervention programs are encouraged to conduct regular reviews and analysis of parent satisfaction data. Such data should include measures of satisfaction with service coordination as well as early intervention.

Appendix H: Definitions

Complete Data – Data that is submitted with no missing sections.

Finding – "A written conclusion that includes the citation of the regulation/requirement and a description of the quantitative and/or qualitative data supporting a decision of compliance or noncompliance with that regulation/requirement." (OSEP)

General Supervision – A range of activities and functions used by the Early Intervention Colorado program at the Division for Developmental Disabilities (DDD) to ensure that early intervention services are carried out as prescribed in Part C of IDEA and state regulations.

Incentive – An incentive is an action taken by DDD to publicly recognize or reward CCBs who consistently achieve compliance in meeting requirements under Part C of IDEA and state regulations.

Sanction – A sanction is an enforceable action taken by DDD for those CCBs who show persistent deficiencies in meeting the requirements of Part C of IDEA and state regulations.

Timely Correction – Timely correction occurs when noncompliance is corrected as soon as possible, but no later than one year from the identification of the noncompliance." (OSEP)

Timely Data – All required data reports are submitted on or before the mandatory due dates (twice annually).

Valid and Reliable Data – Data provided are from the correct time period, are consistent with other child count data (when appropriate) and the measurement, are error free and are consistent with like data from other sources (i.e., file reviews).