



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

DEC 16 1998

Ms. Mary Miller, M.S.
Bureau Chief
Bureau of Part C/Early Intervention
Department of Human Services
535 W. Jefferson
Springfield, Illinois 62761

Dear Ms. Miller:

Illinois was awarded its FY 1996 and 1997 Part H grants under the Individuals with Disabilities Education Act with "high risk" grantee status, and therefore must meet special conditions. The special conditions include providing the Office of Special Education Programs (OSEP) with: (1) quarterly reports that detail the steps Illinois has taken to ensure that early intervention services are available to all eligible children, and (2) court reports related to the Marie O. v. Edgar case. In order to determine whether Illinois has met the conditions required for removal of "high risk" grantee status for FY 1998 funds, we must ascertain the extent to which the State is ensuring that early intervention services are available to all eligible infants and toddlers and their families. Please provide clarification for the following questions concerning the information included in your second and third quarterly reports dated May 26 (for February 1 - April 30) and August 28 (for May 1 - July 31), respectively:

1. Issues and Progress Related to the Implementation of a Statewide System of Early Intervention - The May 26 report, bullet five on page 3 states that, "Each CFC receives Follow-up regarding any child who is indicated as waiting for any services." The August 28 report, page 1, states that children are still awaiting services. In addition, page 2 states that, "To date, DHS staff have assisted with ensuring services for 269 children, and 30 parent reimbursement requests have been processed, approved, and submitted to ISBE for payment." How many children were waiting to receive a particular service versus those waiting to receive all early intervention services? We remain concerned about the number of children that may still be awaiting services.

In the May 26 report, first bullet on page 3, you state that in fifteen regional trainings for ongoing service coordinators, "... 525 service coordinators have been trained to date." How many ongoing service coordinators are currently employed but have not yet received training? The August 28 report, bullet 3 on page 1, states that "approximately 350 providers attended trainings to learn the billing process and procedures." What actions were taken to ensure that the other providers also receive this information?

2. Contracting or otherwise arranging for services - *Spending Plan for Balance of the FY 1996 Part H [now Part C] Award* - Both the May and August quarterly reports refer to a "grant" mechanism for funding services. As was previously discussed with you during OSEP's March monitoring visit, the Education Department General Administrative Regulations (EDGAR) do not permit States to make sub-grants with these funds (see 34 CFR §76.50(b)). It is unclear from the brief description provided, how DHS will ensure that potential early intervention providers comply with all requirements of Part C, including those related to the provision of services in natural environments.

Additionally, the following comments regarding the Child Find document included in both the May (as Appendix B) and August reports (as an attachment) are provided as technical assistance as you further refine your early intervention system:

The information related to the development of the IFSP (Appendix B, page 2) states that outcomes are listed for the child, but did not include mention of the child's family. This oversight should be corrected, in that early intervention services are also designed for the child's family to enhance the child's development. Secondly, Appendix B, page 2 states that, "If a child is not eligible for Part C services after an in-depth evaluation, the family must be informed of the potential services under Part B which will be available to their child when he/she reaches his/her third birthday, and the supportive services within the community which could currently assist the child and his/her family." Changing "will" to "may" would be more accurate. As written, the statement may mislead parents into thinking that if their child isn't eligible for Part C that they will automatically be eligible for Part B at age 3.

Local education agencies (LEAs) - In Appendix B, page 3, the sentence "An eligible child will receive Part C services until his/her third birthday at which time the child is transitioned to the LEA for service appropriate for 3 through five year olds" is a misleading statement in that it implies that Part C eligible children will receive services until their third birthday and then transition to the LEA. A child eligible under Part C will receive services under Part B only if the child is determined eligible for Part B. If the child is not likely to be Part B eligible, with consent of the family, transition planning to focus on other appropriate services and activities is to occur.

Illinois School District's Responsibilities toward Early Intervention Services (Appendix B, May; and Attachment A, August) - Both reports contain the Superintendent' May 1998 bulletin - The bulletin states that, "In summary, LEAs are responsible under federal regulations and law" is incorrect. There is nothing in the Part C statute or regulations that requires LEAs to conduct any of the activities listed.

However, under the Individuals with Disabilities Education Act (IDEA), both the State education agency (SEA) under Part B, and the lead agency, under Part C, have responsibility for child find activities for infants and toddlers (see §300.128, Note 2). Given the collaborative nature of child find in Illinois, DHS and the Illinois State Board of Education (ISBE) may wish to incorporate these activities as part of an interagency agreement related to child find in order to maximize each agency's efforts.

Appendix C - May 1998

Throughout the chart, the term "grant" is used. To what does "Block grants for Part C Services through October 1998" refer?

As stated in our grant award letter for FY 1996 and 1997, dated September 30, 1997, the special conditions will be removed if the State demonstrates, to OSEP's satisfaction, that early intervention services that meet Part C requirements are available on a continuing basis to all eligible infants and toddler with disabilities and their families. In response to Illinois' FY 1998 application, we recently sent you an issues chart by facsimile, which contains some of the same concerns or questions that we note in this letter. In order for OSEP to determine whether the conditions attached to Illinois' FY 1996 and 1997 grant awards may be removed for the FY 1998 grant award, we need your response to this letter no later than the date that you submit changes to your application in response to our issues chart. If you do not respond to this letter by that time, we will again attach the conditions and "high risk" grantee status in awarding your FY 1998 funds, in addition to any other conditions that may result from issues raised in our review of the FY 1998 application.

We look forward to working with you further in your efforts to better serve infants and toddlers with disabilities and their families. If you have further questions about this letter, or other matters, please contact Dr. Bobbi Stettner-Eaton, the Part C Program Laison in our Office, at (202) 205-8828.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas Hehir", with a stylized flourish at the end.

Thomas Hehir
Director
Office of Special Education Programs