



**ANNOUNCEMENT: EI-11 #03**  
**OFFICE OF CHILD DEVELOPMENT AND EARLY LEARNING**  
**BUREAU OF EARLY INTERVENTION SERVICES**

**ISSUE DATE:** October 27, 2011  
**EFFECTIVE DATE:** October 27, 2011  
**SUNSET DATE:** On-Going

<b>SUBJECT:</b>	<b>Early Intervention Annual Data Review</b>
<b>TO:</b>	<b>Early Intervention Leadership</b>
<b>FROM:</b>	<b>Barbara G. Minzenberg, Ph.D.</b> <b>Deputy Secretary, Office of Child Development &amp; Early Learning</b> 

**PURPOSE:**

The purpose of this announcement is to provide guidance to local Infant/Toddler and Preschool Early Intervention (EI) programs regarding adherence to the U.S. Department of Education, Office of Special Education Programs' (OSEP), and the Center for Medicare and Medicaid Services' (CMS) requirements for the annual review of local program data and the corresponding identification and correction of noncompliance on related performance measures.

**BACKGROUND:**

As part of our commitment to enhancing the EI program, the Bureau of Early Intervention Services (BEIS) has identified a set of performance measures to assess quality improvement. These measures were drawn from the OSEP performance indicators under the Individuals with Disabilities Education Act (IDEA) 2004 and CMS assurances.

Both OSEP and CMS require states to review data available through their data systems on an annual basis to ensure that areas of noncompliance are identified and corrected in a timely manner. Previously, BEIS collected and reviewed local EI Program data quarterly for the purpose of improving program performance on specified OSEP indicators. A new annual data review process will begin December 2011 and will continue to focus on these OSEP indicators but will also review specific CMS assurances, as well as, additional compliance data that is available through the PELICAN system.

**DISCUSSION:**

To ensure quality EI programs and services in Pennsylvania and to meet the federal requirements for the identification and correction of noncompliance, BEIS will initiate annual data reviews on specified OSEP indicators, CMS assurances and additional compliance measures available in the PELICAN system. This annual review will determine areas of noncompliance in the specified areas. The new data review process will not replace the current on-site verification process of local programs. However, the annual data review will enable streamlining of the current verification process. The verification process will now focus on a validation of the data within PELICAN and a review of information that is not available electronically. As with the current verification process, the annual data reviews will identify area(s) of noncompliance, require correction within one year, ensure that every individual child instance(s) of noncompliance has been corrected, as appropriate,

and ensure that local EI programs are implementing specific regulatory requirements to ensure systemic issues of noncompliance have been corrected.

To meet OSEP and CMS requirements, central office BEIS staff will review local EI program child records in PELICAN in December of each year. All child records that were in active status from July 1<sup>st</sup> through November 30<sup>th</sup> of each year will be reviewed for compliance on the following performance measures:

Data for Preschool Early Intervention

1. Percentage of children referred by the Infant/Toddler EI Program, who are found eligible for the Preschool EI Program and who have an Individualized Education Program (IEP) developed and implemented by the child's third birthday.
2. Percentage of preschool children who were evaluated within 60 days of receiving parental consent for initial evaluation.
3. Percentage of preschool children whose services were provided in a setting that includes children who are typically developing.
4. Percentage of preschool children whose IEPs were implemented no later than 14 calendar days after the completion of the IEP.

Data for Infant/Toddler Early Intervention

1. Percentage of infants and toddlers with Individualized Family Service Plans (IFSP) whom an evaluation and assessment and initial IFSP meeting were conducted within 45 days of referral.
2. Percentage of infants and toddlers with IFSPs who receive EI services within 14 days from the date the IFSP is completed.
3. Percentage of infants and toddlers over the age of two whose IFSP's include individualized steps to support their transition into Preschool EI services, if eligible, or to other services that may be available, if appropriate.
4. Percentage of infants and toddlers transitioning from the Infant/Toddler EI Program who are potentially eligible for the Preschool EI Program where notification was sent to the Preschool EI Program and where the transition conference occurred not less than 90 days (but not more than 9 months) prior to the child's third birthday.

Data for Waiver Compliance

1. Percentage of infants and toddlers who are re-evaluated for continued eligibility for the ITF Waiver on an annual basis.
2. Percentage of infants and toddlers eligible for services under the ITF Waiver whose families were afforded choice between institutional care and waiver services.
3. Percentage of IFSPs updated or revised at least annually or when warranted by changes in the child's needs.

Prior to this review of child records, BEIS will notify local programs by November 15<sup>th</sup> of each year of the upcoming annual data review to provide an opportunity for local programs to validate their data and also to address any inappropriate null values in their data. Following the December review and analysis of the data, BEIS will issue letters of findings to each local program identifying

noncompliance. Local programs must ensure that all noncompliance for each individual child is corrected as well as any systematic noncompliance issues.

All instances of individual child noncompliance must be corrected immediately or within 3 months. For individual child noncompliance, there are two areas that must be addressed. For example, there will be instances where services to a child and family were delayed or an evaluation not completed in a timely manner, but the child and family have already begun receiving services or have already received their evaluation, although late. For these children, no further action would be needed by the local program. However, there will be other instances where the child and family are experiencing a delay in service delivery or evaluation and are still waiting. For those children and families, BEIS will do a subsequent review 3 months after issuing the letter of noncompliance to ensure the noncompliance identified for those children and families have been corrected and the appropriate EI services are being provided. For any individual specific cases of noncompliance that have not been corrected, an additional letter will be issued by BEIS to the local program with required action steps and enforcement actions, if necessary.

To ensure that systematic issues of noncompliance are being corrected, within 6 months of issuance of the letters of noncompliance, central office BEIS staff will conduct an additional data review from PELICAN on a sample of child records for each local program. This additional data review will only be on those data elements that were cited as noncompliant in the letter to the local program. Upon completion of this subsequent data review, if the sample records should indicate 100% compliance, no further action will be required by the local program. If this data review yields continued noncompliance, frequent data reviews will continue, with additional reporting expectations from local programs. The BEIS will issue a subsequent letter to local programs indicating continued noncompliance and will identify specified action steps and enforcement actions, if necessary.

**NEXT STEPS:**

Local Early Intervention programs will review and discuss the information within this announcement with all Early Intervention personnel. On an annual basis basis, BEIS staff will review the indicators and assurances for this data review to ensure each remains appropriate and make additions as necessary to assist in the management of the Early Intervention Program.

**Comments and Questions Regarding this Announcement Should be Directed to the Office of Child Development and Early Learning, Bureau of Early Intervention Services at 717-346-9320 or [ra-ocdintervention@state.pa.us](mailto:ra-ocdintervention@state.pa.us)**