



# COLORADO DEPARTMENT OF EDUCATION

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## **CDE Response to “Report on Colorado’s Part C Program” By Hale Friesen Law Firm February 17, 2006**

It is clear that the intent of the report is to provide evidence that Colorado’s approach to implementing Part C is flawed because the focus is on state and local coordination of resources and not on the use of Federal Part C dollars for the provision of early intervention services. The report attempts to make the case that if the program were “*transferred to the Department of Developmental Disabilities, unnecessary overhead, administration and service coordination expenses could be better managed by the local CCB’s resulting in a 43% savings which should be put towards early intervention services.*”

The following are a point by point response to the key issues brought up in the report.

### **Overhead, Administration and Service Coordination Costs**

The report alleges that “*the firm has performed a comprehensive analysis of Colorado’s early intervention program for infants and toddlers and has discovered that 95% of program funding is spent on overhead, administration and service coordination as opposed to actual therapeutic services.*”

#### CDE Response

The total amount of the Part C grant for Colorado is \$6,924,449. This amount is based on state population. The actual total budget for lead agency administration is \$660,632 or 9.54%. This includes both CDE staff and operations and expenses of the Governor appointed CICC. \$5,210,015 or 75.24% is distributed to 32 local community public or not-for profit entities. \$1,043,072 or 15.23% is used for training, technical assistance and contracts for federally required components of the Part C grant including child identification, public awareness, monitoring, evaluation, data system and family procedural safeguards system. Every year this budget is reviewed and provided to the state ICC, interagency committee and governor’s office and must be approved by OSEP. Each of these components are required to achieve the intent of the federal legislation to create a comprehensive and coordinated statewide system of supports for families with young children with disabilities.

### **Service Coordination versus Case Management**

The report states that “*our analysis shows that, conservatively, one half or \$3.4 million of the Part C funds per year could be redirected from administrative and resource coordination functions to actual therapeutic services. While service coordination is unquestionably needed, it is readily apparent that far too many resources are devoted to it – especially in light of the fact that all 20 CCB’s throughout the State already provide case management (the developmental disabilities system’s name for service coordination).*”

#### CDE Response

Service coordination is an entitlement under federal law of every family who has a child who is Part C eligible. Currently, DDD provides 1,459 resource slots for early intervention which includes funding for service coordination. The total state amount has remained at this level for the last five years. The current number of Part C children is 4,206 which leaves a gap of 2,747 children without state funding for service coordination. Currently, \$2,429,292 in funds that are distributed to local communities is for service coordination which is an annual average of \$884 per child. Because the state currently provides only 1/3 of the funding for service coordination, 2/3 of the eligible children must be supported by Federal Part C funding as payor of last resort in order to meet the Federal requirements. If the current funding for service coordination in local communities was reduced by 50% as suggested

in the Hale Friesen report, case loads would double and service coordinators would not be able to provide the comprehensive service coordination that Part C of IDEA requires and families are entitled to.

By the wording of the report it appears the author is attempting to infer that “case management” and “service coordination” are the same and therefore duplication. The Code of Colorado Regulations (2 CCR 503-1) defines Early Intervention Services and Supports and specifies that “*service coordination should be provided by community centered boards and service agencies in cooperation with the Colorado Department of Education and in accordance with the requirements of IDEA*”. In fact, service coordinators who are employed by CCB’s often state that they have lower case loads than staff employed in other agencies because of the additional requirements of case management. For example, in Arapahoe and Douglas counties, CCB administrators have determined that service coordinators employed by the CCB can only have a maximum case load of 40 families per 1 FTE. Because of this service coordinators not employed by the CCB have an average case load of 50.

### **Training and Technical Assistance Costs**

The report states that “*CDE refers to these line items (totaling \$1,139,850) as Statewide Training and Technical Assistance projects, and they are, accordingly, overhead and/or administrative costs.*”

#### CDE Response

A Comprehensive System of Personnel Development is one of the required elements in every state under the federal Part C grant for implementing a comprehensive and coordinated system. Training and technical assistance has been the priority of the CICC, the 4 state agencies responsible to implement Part C (including DDD) and local communities for years. In fact, the other state agencies rely on Part C to provide training to their staff and contractors as they do not have any funding or very limited funding for this activity and view it as essential for staff competencies and quality improvement.

In a report in 2001 following Federal Monitoring of Part C in Colorado, OSEP states the following as a state strength:

- CDE promotes developmentally appropriate early intervention services for children and families in natural environments through the Babies BELONG initiative.
- CDE develops leadership skills in parents through CDE's Parent Leadership Initiative.
- Quality service coordination is promoted through CDE's mentor program.
- CDE has developed quality technical assistance documents and multi-media training materials to assist early intervention practitioners in providing services for infants and toddlers with disabilities and their families.
- CDE has encouraged and promoted parent partnerships in all areas of its early intervention system.

### **Purpose of Part C**

The report states that “*While these (Performance Indicators) are not unworthy goals by themselves, they should be secondary to the goal of the provision of actual therapeutic services to infants and toddlers who need them.*”

CDE articulates the following “Performance Indicators”

- All families have access to a service coordinator
- All families have access to timely evaluation and assessment leading to the identification of the child and family needs relating to the child’s development
- IFSP’s will include all services necessary to meet their unique needs which will be based upon research and evidence and provided in a family-centered, culturally competent way
- Services will be delivered in the daily routines, activities and places of the child and family unless documentation justifies why they are not
- Child will demonstrate improved and sustained functional abilities

#### CDE Response

In actuality, these performance indicators were developed by OSEP, not CDE, and are intrinsic to the way OSEP measures performance of and evaluates Part C in all states. The intent of the federal Part C legislation is to develop a coordinated and comprehensive system. It is not a direct services program with a small proportion of any state’s federal funding going to payor of last resort for services. Using these goals as a way to criticize Colorado’s approach

to Part C demonstrates a fundamental lack of understanding of the program. Services are an integral part of the entire Part C system as are the other goals of the program.

### **Waiting List for Services**

The report states that *“approximately 800 children are on the waiting list to receive early intervention services but fail to receive them due to a lack of funding.”* It further states that *“what is striking is that nowhere is there any discussion about either recognizing the existence of a waiting list for early intervention services, nor is there any discussion of a plan for eliminating the waiting list.”*

#### CDE Response

Under the requirements of IDEA Part C cannot have a waiting list for the provision of any of the entitlements including services on the IFSP. The waiting list that the Hale Friesen report refers to is the one maintained by local CCB's for state DDD. The statement that children are waiting to receive early intervention services is absolutely false. In actuality, this waiting list is for state funding early intervention services and in no way implies that the child and family are not receiving early interventions services on their IFSP from other sources including Medicaid, CHP+, private insurance, local dollars (i.e. mill levy, grants, donations) and Federal Part C. In fact, there is no waiting list for early intervention services as evidenced by a recent report prepared by Amanda Bickel, JBC staff states “only 18 children in June 2005 were known to CCB's as receiving no early intervention service, regardless of funding source.” Investigation of these 18 children revealed that these children had achieved early intervention goals and were no longer in need of services.

In addition, CDE has not received one complaint from a family that they were waiting for early intervention services. And, it should be noted that in the current request for funding before the JBC, DDD stated there was a waiting list of 613 children for state funded resources, yet they did not request any additional state funding for early intervention and have not for the past 4 years. Because of no increase in state funding, CDE has initiated extensive training on how to access other funding sources, such as public and private insurance, and has been working with the JBC analyst on addressing the need for a more comprehensive Part C funding system in Colorado.

### **Local Implementation**

The report indicates it has reviewed the local Part C grants to each of the 32 communities and concludes, that *“93% of the local grants is devoted to overhead, administration and service coordination.”*

#### CDE Response

CDE strongly supports local community decision making and believes that the decisions local interagencies made regarding how to design their local system and how to utilize their Part C grant should be respected and supported within the guidelines of federal and state rules and regulations. Each year, CDE requires the local interagency to sign a document assuring that Part C will be implemented as specified by IDEA and the federally approved “Colorado State Plan for the Implementation of Part C of IDEA”. Almost all of the activities that the Hale Friesen report states as overhead and administration are actually Federal requirements. These assurances include comprehensive public awareness, child find activities, data collection, IFSP development, provision of a single service coordinator for each family, services by qualified provider, timely transition for children at age 3, maintenance of local central directory of resources for families and community partners, legal procedural safe guards to families, active parent involvement and leadership, and a plan for local training and technical assistance.

It is astounding that what is purported to be an analysis of the local Part C implementation would only look at the local Part C community interagency grant and ignores the other key agency participants in the provision of services in an interagency program including the local school districts, the CCB, county departments of social services and public health. The analysis was filled with inaccuracies and incomplete information that are too numerous to note.

## **Child Find**

The report states: “*Colorado is one of only 12 States that have the state education agency as their Part C lead agency. The other State use their human service or health departments.*”

### CDE Response

The report fails to address the issue of the cost of child find which is currently supported by local school districts and/or BOCES. In every State that does not have education as the lead agency, there is a significant portion of their Federal Part C dollars that are used to carry out the child find requirements. The analysis provides no acknowledgement of the resources that education is providing nor takes into account the additional costs that might be incurred when education is not the lead agency.

## **Conclusion**

We believe that the Report on Colorado’s Part C Program by the Denver law firm of Hale Friesen was deliberately prepared in a way to create the impression that the Colorado Department of Education was improperly managing the Part C program. When in fact, this report is incomplete, inaccurate and purposely misleading. CDE has managed the program in a manner consistent with the direction given from the Colorado Interagency Coordinating Council, the partner state agencies, OSEP and local early childhood partners. Colorado’s Part C program has a national reputation for being a leader in parent involvement and leadership, developing excellent training materials and implementation for service coordinators and service providers.