

REPORT OUT TO SICC - OSEP VERIFICATION VISIT

WHAT THE PART C MO STATE PLAN SAYS:

Failure to Pay:

The lead agency or its designee [CFO] will take action to collect any unpaid amounts due based on the sliding fee scale. These actions may include, but are not limited to, suspension of early intervention services except those provided at no cost. The family will be notified by mail when monthly fees are thirty (30), sixty (60), and seventy-five (75) days in arrears. On the 75th day after non-payment of the calculated monthly fees, the financially responsible person/head of household will be notified by mail that early intervention services (except those provided at no cost) will be suspended on the 90th day of non-payment. The lead agency or its designated agent shall also notify the appropriate SPOE when a family is in a non-payment status. The data system will contain a comment that services were suspended due to non-payment of required fees. A family may not receive services in another SPOE area unless reinstatement criteria are met;

Reinstatement of services:

Services suspended for non-payment of applicable fees may be reinstated upon full payment of all fees in arrears and the completion of a current family cost participation agreement if no more than three months have passed since the date of suspension. If more than three months have passed since suspension of services, the IFSP team must reassess the appropriateness of the existing IFSP before reinstating services. The family is not guaranteed the same individual service provider(s) as was assigned prior to the suspension of services;

Periodic review of assessed fees:

A review of family finances and the appropriateness of the current monthly fees will be conducted annually and may occur upon family request, if the family financial status changes significantly;

Family appeal procedures:

Families will provide financial information to their service coordinator used to determine the amount of monthly participation fees. If the family disagrees with the amount

assessed, the family may make an appeal for review in writing to the SPOE Director. The director will review the rationale for the monthly fee assessed. The family should submit financial information and a description of any special circumstances that may impact the decision relating to the payment of monthly fees. The SPOE Director will make a final decision regarding the appeal after analyzing all available information.

The minimum monthly and maximum yearly fees for participation in Missouri First Steps based on family size and adjusted gross income can be accessed at:

<http://www.dese.mo.gov/divspeced/FirstSteps/FCPmainpg.htm>

OSEP CONCLUSIONS:

Based on the review of documents, analysis of data, and interviews with State personnel, OSEP concludes that DESE has procedures that are reasonably designed to ensure the appropriate use of IDEA Part C funds at the State level. However, with regard to the suspension of services for non-payment of fees, parents must be provided with prior written notice, including information about procedural safeguards and the State's procedures for reviewing the parents' ability to pay in the event of changed circumstances, upon the notification that EIS will be suspended, as required by 34 CFR 303.403.

REQUIRED ACTIONS/NEXT STEPS:

Within 60 days of the date of this letter [February 18, 2010], DESE must provide to OSEP an assurance that it will give prior written notice, including information about procedural safeguards and the State's procedures for reviewing the parents' ability to pay in the event of changed circumstances, to parents, as required under 34 CFR 303.403, when a suspension of EIS occurs due to non-payment of fees.

April 9, 2010

REPORT OUT TO SICC - OSEP VERIFICATION VISIT

DATE: April 1, 2010

TO: Susan Kaufmann, Gregg Korr, Marion Crayton

FROM: Heidi Atkins Lieberman

RE: OSEP Verification Visit Finding and Assurance Statement, Part C

As per Alexa Posny's February 18, 2010 letter and attachments to Commissioner Chris Nicastro, the Missouri Department of Elementary and Secondary Education (DESE) was required to provide an assurance it will give **prior written notice**, including information about **procedural safeguards** and the State's **procedures** for reviewing the parents' ability to pay in the event of changed circumstances, to parents, as required under 34 CFR 303.403, when a suspension of early intervention services occurs due to non-payment of fees.

The Missouri Part C 2009 Verification Visit Letter-Enclosure states DESE staff told OSEP that **prior written notice** and **procedural safeguards** are not provided to families when notified of the suspension of services for children. In addition, it was unclear whether DESE informs parents of the State's **procedures** for reviewing their ability to pay in the event of changed circumstances, and that **service coordination** is a core service that must remain in place during the period of suspension.

Attachment [A] is documentation that DESE provides prior written notice to parents fifteen (15) days before suspending services for non-payment of Family Cost Participation (FCP) fees. The State, however, acknowledges that neither procedural safeguards **Attachment [B]**, nor procedures for reviewing a parent's ability to pay in the event of changed circumstances **Attachment [C]**, accompanied the notice. Please note that **Attachment [A]**

also informs parents of the specific early intervention services being suspended, and states that early intervention services provided at no cost (i.e., service coordination) are excepted.

The DESE assures OSEP that the lead agency's designee, the Central Finance Office (CFO), will hereafter give prior written notice, including information about procedural safeguards and the State's procedures for reviewing the parents' ability to pay in the event of changed circumstances, to parents, as required under 34 CFR 303.403, when a suspension of EIS occurs due to non-payment of fees.

To accomplish this DESE will provide **Attachments [B] and [C]** with the prior written notice **[A]**. Any First Steps families currently in a suspension status due to non-payment of FCP fees shall be immediately provided with procedural safeguards and procedures in addition to the prior written notice mailed to them fifteen (15) days prior to the suspension of EI services (excepting service coordination).

Attachments:

- [A] MO First Steps 75 day letter
- [B] Missouri First Steps Parental Rights
- [C] First Steps Information Bulletin