

**MINUTES
May 5, 2005
Worcester, Massachusetts**

Members Present: Robin Adair, Zulmira Allcock, Donna Marie Bolden, Hope Colen, Darleen Corbett, Maureen Flaherty, Valerie Gibbemeyer, Julie Leahy, Karin Lifter, Margaret Mahoney, Anita Moeller, Kathy Patisteas, Nancy Phillips, Barbara Prindle-Eaton, Judy Sleeper, Amy Young.

Non-voting Committee Chairs in attendance: Michelle Fagnano, Tom Miller, Alden Wood, Amy Young.

Welcome, Announcements, Approval of Minutes – Barbara Prindle-Eaton: Barbara welcomed the group. She noted with regret that Parent Co-Chairperson Hope Colen is moving to North Carolina with her family this summer. Barbara thanked Hope for her participation and leadership over the past several years. A new Parent Co-Chairperson will need to be in place by July 1, 2005. This is an appointed position; letters of interest from prospective candidates – ideally, parents who have previously served on the ICC – should be submitted to Darla Gundler. Appropriate candidates are parents of children under age 12 who have had a child in Early Intervention within the past nine years.

Barbara announced that planning has begun for the ICC Retreat to be held in September 2005. Consideration will be given to feedback already received about last year's retreat. A possible focus for 2005 is Massachusetts' two priority areas for Focused Monitoring: Service Coordination and Transitions. If you have suggestions, please email them to Barbara at bpeaton@cccdp.org.

The Minutes of the ICC meeting held March 10, 2005, were approved as written.

Director's Report – Ron Benham: Ron announced that the Department of Public Health has submitted its 19th Year Application for Part C funding to OSEP, the Office of Special Education Programs, after being instructed to proceed even though we have not yet received more specific guidance. Though a Public Hearing was held in February, another is required and will be held May 31, 10:00 – Noon in the Public Health Council Room at DPH in Boston. The substance of the application is basically unchanged; assurances have been added that we will operate in accordance with federal guidelines throughout FY 06. Final regulations are expected by December 2005 but that could be delayed. Massachusetts will hold a public hearing next winter and incorporate any necessary changes in the 20th Year Application for FY 07.

Anne Reale has been appointed Commissioner of the new Department of Early Education and Care, and a Board has been created. The physical location of the offices of the new Department is as yet unknown.

The House budget for FY 2006 contains an additional \$600,000 for Early Intervention services, which supports anticipated 5% growth in numbers of children to be served in FY 06. For the first

time we are in a negative growth situation; if feasible the Department will attend to the need to support program infrastructure. The Massachusetts Early Intervention Consortium and its legislative advocate asked for additional dollars for infrastructure; after a glitch in electronic filing of amendments, that request was included in the Department's consolidated budget amendment, but it was not supported.

Ron stated that the results of the competitive RFR (Request for Response) for the Early Intervention Training Center and for Regional Consultation Programs are now public. Of four Training Center applicants, the Education Development Center was the successful bidder. Ron thanked the Federation for Children with Special Needs for its ten years of operation of the Training Center. He also gave assurance that EI program staff negatively impacted by the transition between vendors could receive extensions of their certification deadlines as individual needs warrant. Successful bidders for the Regional Consultation Programs were The Schwartz Center in the Southeast region, Step One Early Intervention in the Metrowest region, Thom Boston Metro in Boston, Thom Springfield Infant Toddler in the Western region, the Professional Center in the Northeast region, and Criterion Wachusett in the Central region.

Presentation – Early Intervention: State and Federal Fiscal Overview – Michelle Fagnano and Ron Benham. This presentation was planned to help ICC members gain a full understanding of the fiscal structure and issues related to funding of Early Intervention across the state and the nation. The following document was distributed: *Early Intervention Systems/Services: A State and National Perspective, May 4, 2005.*

Michelle reviewed the definition of Early Intervention, gave a historical overview, and mentioned various fiscal benchmarks. She also summarized changes that have taken place in eligibility and the context of groups and related services, as well as current challenges, especially staff recruitment and retention and the certification process.

Ron began by stating that the Department is very aware of growing fiscal pressures as they influence program operation. He also commented on the many things we can be proud of, that set Massachusetts EI apart from the rest of the nation. We serve 5.92% of all children under three in the state, largely because of the partnership that exists between the Department, insurers, Medicaid, the MEIC, parents and community programs. Combining all sources, overall system costs will be close to \$100,000,000 in Massachusetts in FY 2006. Because of recent payer shifts there is some reduction in the proportion of costs born by the Department. In FY 06 about 69% of costs will be born by Medicaid and insurance. Sixty-one percent of children in EI are insured but not all have the EI benefit; there is growing concern about the trend toward more self-insured plans that do not have to cover the EI benefit.

In a long discussion, many questions were asked, points clarified, and numerous references made back to the printed information that had been handed out. A few highlights: Effects of CAPTA (Child Abuse Prevention and Treatment Act) are expected to be manageable in Massachusetts compared to other states; we believe we are already serving 75% of the children in the DSS system who are potentially eligible for EI; an additional 1,000-1,500 might be referred. The Massachusetts birth rate is flat; for the first time, the EI system is experiencing negative growth in children served and in total units of service. Some of this shift may be due to changes in eligibility requirements, evaluation and scoring, limits on the use of clinical judgment, and possibly the institution of annual fees. There are wide variations across states in the percent of children served, in their eligibility cut-off, and in the amount of service individual children

receive. Almost no other state has the broad base of funding that Massachusetts has; in general, there is no incentive for states to find more children if they cannot afford to serve them.

The federal Part C allocation formula is a continuing problem. It is based on a state's birth rate, not the number of children served so it is inherently unfair in a state like Massachusetts that has a flat birth rate and serves almost the highest proportion of children of any state in the nation. Though Hawaii serves a higher percentage, some children are seen once per quarter, they do universal outreach to all first time mothers, and their Healthy Families is part of EI. Hawaii's federal allocation is less than \$400 per child, Massachusetts is \$567, and most other states are at \$1,000 or higher. Massachusetts gets less than 10% of its total system costs from its Part C allocation; some states get as high as 40% from Part C.

While the re-authorization of IDEIA allows states to include children up to age five in EI, there is no additional money for doing so. In the education system children have the right to FAPE, a free appropriate public education, and to procedural safeguards, whereas 3- 5-year-olds in EI would not have these protections; there would be two separate systems.

Committee Reports. Personnel Committee – Judy Sleeper: The committee has recently revised the CSPD, the Comprehensive System of Personnel Development, in order to comply with newer federal language. It plans to meet jointly with higher education representatives in June, and with the Standards Committee in September 2005. Regarding growing concern over recruitment and retention problems in EI, Barbara Prindle-Eaton commented on recent discussion about loan forgiveness with our federal legislative delegation and the higher education community. There is also discussion of low interest rate loans for teachers to counter rising housing costs and the effect on younger professionals of carrying huge school loans for many years after graduation. **Program Planning Committee – Hope Colen:** Hope distributed a draft of *Social and Emotional Well Being of Children and Families – Capacity Survey*, with the request that members send comments to her at hcolen@rcn.com.

Specialty Services Committee – Tom Miller: Tom distributed the Minutes of the committee meeting held April 12, 2005, and reviewed a few highlights of the committee's work. The committee has welcomed Jack Karas as a new parent member. **Fiscal Committee – Michelle Fagnano:** Michelle announced that after six years as Chair of the Fiscal Committee she has decided to resign. She will be available through the summer to help with transition, but encourages interested candidates to be in touch with Barbara Prindle-Eaton. Michelle then reviewed the current status of claims payment by the Department and insurance companies because these matters directly impact program stability. The Fiscal Committee recommends creation of a subcommittee to address recruitment and retention issues that programs are facing. Tom Miller reminded the group that the MEIC and its Fiscal Issues Study Group is also looking at these issues. Barbara Prindle-Eaton requested clarification of the goals for such a subcommittee. Steering Committee would need this in order to consider the appropriateness of forming such a group. Michelle announced that Fiscal Committee Minutes and an insurance update were available for ICC members to take, and reminded the group that this has been a year of struggle with insurance companies to adapt to changes brought about by implementation of HIPPA, the Health Insurance Privacy and Portability Act. Programs have experienced stress because of the cash flow issues that the, long slow transition has caused. Michelle encouraged program representatives to share the documents with their fiscal and billing staff and to pay close attention when they receive communications from insurance companies.

Standards Committee – Alden Wood: The committee is reviewing each section of the Operational Standards, which must be revised to comply with changes in the re-authorized IDEA. In order to be ready for the Part C hearing next winter, feedback must reach the committee by December 2005. Alden distributed *DPH Early Intervention Operational Standards Review Feedback Form*. On the website, words in red lead to pop-down menus. You may have to disable a blocker in order to do this. Then click on Alden’s email address and you can send the feedback form directly to him. Policy updates that contain changes to Standards will also be on the website, and edits to Standards will be posted as soon they occur in order to avoid unnecessary duplication of effort.

New Business: Update on NCSEAM Workgroup – National Center for Special Education Accountability and Monitoring Workgroup – Katharine Thomas: Katharine distributed the APR, *Massachusetts Part C Data – Annual Performance Report to OSEP: FY 04 (7/1/03-6/30/04)*. She explained that annually the Department reports to OSEP on how we manage and monitor the Massachusetts Part C program. Katharine guided the group through the various components of the report, and explained that program re-certification visits have been restructured to conform to the key points that are part of focused monitoring. There will be no APR for FY 2005 but a State Performance Plan will be submitted to OSEP in December 2005 to address the same issues. This plan also requires us to say what the state will be doing over the next six years.

Barbara Prindle-Eaton announced that the ICC is expected to vote today on its Part C Application. *Annual State Application under Part C of the Individuals with Disabilities Education Act as Amended in 2004, Federal Fiscal Year 2005*, was distributed to ICC members, along with a copy of *Optional Technical Assistance Checklist for Part C Annual State Application: FFY 2005*. Barbara stated that the ICC’s comments will be submitted with the application. A list is available on request. Ron commented that the challenge is to show congress why Early Intervention is a program worth funding, when it is difficult to show outcome data since there is little consistency of methodology across the states. Outcomes in EI are further complicated because there is no room for nuance and gaps in development may appear greater as children get older, even though they are actually doing much better than they would have been doing had they not received the service. **Vote: The ICC voted in favor of submission of the application, with addendum.**

Member updates: Robin Adair, Physician representative, stated that she is especially interested in instituting standardized developmental screening in pediatric primary care. Discussion is taking place across the state and training such as First Signs is being considered.

The ICC meeting adjourned at 2:40 p.m.