

APPENDIX 4

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



March 15, 2007

Mr. Steven Baron
Director
D.C. Department of Mental Health
64 New York Avenue, N.E., 4th Floor
Washington, D.C. 20002

Ms. Juanita H. Price
Chief Executive Officer
Community Services Agency
D.C. Department of Mental Health
1250 U Street, N.W. 4th Floor
Washington, D.C. 20009

Dear Mr. Baron and Ms. Price:

This is a Management Alert Report (**MAR-07-I-001**) to inform you that the District of Columbia (District) Office of the Inspector General (OIG) has determined that psychological reevaluations (reevaluations) are overdue for at least 10 students at the Jackie Robinson Center for Excellence in Education (JRC). This matter has come to our attention during our ongoing inspection of the Department of Mental Health's (DMH) Psycho-Educational Services (PES) Program. The OIG provides these reports when we believe a matter requires the immediate attention of District government officials.

Background

Children ages 3 to 17 who have emotional disorders receive therapeutic services in a school setting from PES program providers. Services include crisis intervention, behavior modification, and instruction in problem solving skills, interpersonal skills, and other self-regulatory and relationship competencies.¹

¹ See DEPARTMENT OF MENTAL HEALTH, REACHING CONNECTING AND UNLOCKING POSSIBILITIES, A HANDBOOK FOR MENTAL HEALTH SERVICES 43 (Rev. Jul 2002).

PES program students receive an initial evaluation and, as required by the Individuals with Disabilities Education Act (IDEA),² must be reevaluated at a minimum every 3 years, unless the parent and the school agree upon another schedule. Specifically, federal regulations provide that:

(a) General. A public agency must ensure that a reevaluation of each child with a disability is conducted...

(1) If the public agency determines that the educational or related service needs, including improved academic achievement and functional performance, of a child warrant a reevaluation; or

(2) If the child's parent or teacher requests a reevaluation.

(b) Limitation. A reevaluation conducted under paragraph (a) of this section...

(2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

In addition, within the 3-year period, a reevaluation can be requested by the parent or school or recommended by the student's clinician. In the event a reevaluation is requested or recommended, the Multidisciplinary Team (MDT)³ meets and reviews the case. According to DCPS, if the MDT decides a reevaluation is necessary, the test must be ordered, administered, and the results reviewed with the parent within 2 months.

A January 7, 2004, Memorandum of Understanding (MOU) between the District of Columbia Public Schools (DCPS) Office of Special Education and the DMH Community Services Agency addresses the provision of special education and related services to students in the PES program. Page 2 of this MOU states: "DMH will provide the mental health staff necessary to deliver the appropriate mental health rehabilitative services (MHRS) to students assigned to the Psychoeducational Programs . . . [and] provide all materials and resources needed to meet the individual mental health needs of the students served in each of the Psychoeducational Programs [.]"

Possible Compromise of Mental Health Treatment and Continuity of Care

The JRC has approximately 47 students. DMH and DCPS managers and employees stated during interviews that reevaluations for several students are overdue, and information provided by both DMH and DCPS confirmed at least 10 overdue

² 20 U.S.C. § 1414(a)(2)(B)(ii) (LEXIS through Pub. Law 110-3); see also 34 CFR §§ 300.321 and 300.536.

³ A MDT can consist of a teacher, parent, therapist, and other professionals who work collaboratively to promote a thorough understanding of case issues and assure the most effective system response possible for the child.

reevaluations. In 9 of the 10 cases, the minimum 3-year time frame for reevaluation has lapsed; in the other case, a child's parent requested a reevaluation, and it was not conducted within 2 months of the parent's request, as required by DCPS policy.

According to DMH and DCPS employees, PES does not have the necessary equipment to perform reevaluations. DMH and DCPS employees expressed concern that equipment is not available to conduct psychological reevaluations in a timely manner. It should also be noted that neither DMH nor DCPS was able to provide the OIG with written policies and procedures regarding administration of reevaluations to DCPS students.

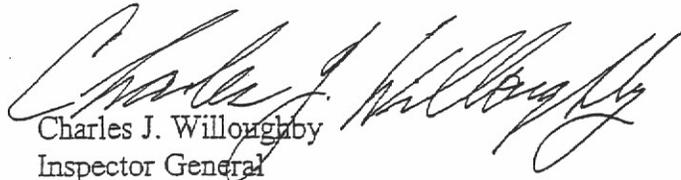
Recommendations

1. That the Chief Executive Officer (CEO) of the Community Services Agency (CSA) expeditiously: (a) obtain the necessary equipment to conduct all overdue psychological evaluations; (b) perform all overdue psychological evaluations; and (c) ensure that all future reevaluations are conducted timely.
2. That the Director of Operations of CSA establish written policies and procedures regarding administration of psychological evaluations to DCPS students.
3. That the CEO of CSA provide a written response to the OIG explaining the method used to determine and monitor the due dates of students' reevaluations.
4. That the CEO of CSA provide a written response to the OIG explaining why the reevaluations are overdue.

Please provide your comments on this MAR by Friday, March 30, 2007. Your response should include actions taken or planned, dates for completion of planned actions, and reasons for any disagreement with the concerns and recommendations presented. Please distribute this MAR only to those who will be directly involved in preparing your response.

Should you have any questions or desire a conference prior to preparing your response, please contact [REDACTED], Director of Planning and Inspections, on 202-727-[REDACTED]

Sincerely,


Charles J. Willoughby
Inspector General

CW/tc

cc: Daniel M. Tangherlini, City Administrator
David A. Catania, At-Large Councilmember, Chairperson, Committee on Health

March 15, 2007

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 Superintendent of Region 4, DCPS
William Lockridge, School Board Member, District 4
Carol Schwartz, Chairperson, Committee on Workforce Development and
Government Operations

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF MENTAL HEALTH



Office of the Director

**Office of the Chief Executive Officer
D.C. Community Services Agency**

March 30, 2007

Sent Via E-Mail and US Mail

Mr. Charles J. Willoughby
Inspector General
Office of Inspector General
717 14th Street, NW, 5th Floor
Washington, DC 20005

**RE: RESPONSE TO MANAGEMENT ALERT REPORT (MAR-07-I-001)
DATED MARCH 15, 2007**

Dear Mr. Willoughby:

I am writing to respond to your letter dated March 15, 2007, which I received via e-mail on Friday, March 16, 2007. In your letter you informed the Department of Mental Health (DMH) via a Management Alert Report (MAR-07-I-001) ("MAR") that you had determined that psychological reevaluations were overdue for at least ten (10) students at the Jackie Robinson Center for Excellence in Education ("JRC"). This particular program is one of four psycho-educational services programs ("PES") operated by DMH's D.C. Community Services Agency ("DMH DCCSA") in cooperation with the District of Columbia Public Schools (DCPS). DMH and DCPS entered into a Memorandum of Understanding ("MOU") dated January 7, 2004, which sets forth responsibilities of the respective agencies. The MOU is enclosed with this response for your review.

BACKGROUND

In your above-referenced MAR you assigned the responsibility for reevaluating the 10 students to the DMH DCCSA. DMH maintains that these psycho-educational evaluations are the sole responsibility of the District of Columbia Public Schools (DCPS) pursuant to the Individuals with Disabilities Education Act (IDEA), which is federal law and also in accordance with the MOU between DMH DCSSA and DCPS.

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As you may know, DMH has had several conversations with Office of Inspector General (OIG) staff to explain the respective responsibilities between DMH and DCPS in the administration of the PES program.

On March 21, 2007, DMH DCCSA management discussed the MAR with OIG staff. DCCSA clarified that DCPS responsibilities include evaluation and reevaluation for students enrolled in the psycho-education program. DMH DCCSA further clarified that it is only responsible for providing mental health services pursuant to DMH's Mental Health Rehabilitation Services (MHRS) standards. We have enclosed the MHRS regulations for your review. DMH's diagnostic assessment is performed for the purposes of determining a specific psychiatric diagnosis, which then assists in the development of an MHRS mental health treatment plan and for development of the overall educational plan. While MHRS requires that each consumer receive a diagnostic assessment, the MHRS services do not include educational evaluation or reevaluation as required under IDEA. The DMH diagnostic assessment is only one part of the evaluation needed to develop the educational plan required by IDEA.

The DMH DCCSA also discussed this matter with [REDACTED], DCPS Region IV Superintendent, who substantiated that the responsibility for the evaluation and reevaluation of students under IDEA was the expressed and statutory responsibility of DCPS. Please note that DCPS employs a principal and special education coordinator whose responsibilities include monitoring the statutory compliance of IDEA including the timely evaluation and reevaluation of all students enrolled in the DMH DCCSA PES program.

We understand from [REDACTED] that he will provide responses directly to you regarding the four MAR recommendations.

SPECIFIC DMH RESPONSES TO THE MAR

1. That the Chief Executive Officer (CEO) of the Community Services Agency expeditiously: (a) obtain the necessary equipment to conduct all overdue psychological evaluations; (b) perform all overdue psychological evaluations; and (c) ensure that all future reevaluations are conducted timely.

Response: The DMH DCCSA purchased all testing equipment needed for its staff to provide psychological assessments consistent with the provision DMH MHRS Services. As mentioned above, the assessments completed by the DCCSA staff are only one aspect of what is necessary for a comprehensive evaluation consistent with IDEA. All youth that were identified in the MAR as needing a (special education) reevaluation now have current diagnostic assessments consistent with MHRS standards. As it is the responsibility of DCPS to conduct (special education) reevaluations, the DCCSA will not enroll in the PES youth who do not have a current (special education) evaluation/reevaluation effective immediately.

2. That the Director of Operations of CSA establish written policies and procedures regarding administration of psychological evaluations to DCPS students.

Response: DMH DCCSA Director of Operations requires all psychologists to provide psychological evaluations consistent with the written guidelines of the DMH MHRS standards. Again, every consumer receiving DMH MHRS Services is required to have a Diagnostic Assessment; this may or not include a psychological evaluation as defined under the MHRS standards.

3. That the CEO of CSA provide a written response to the OIG explaining the method used to determine and monitor the due date of students' reevaluations.

Response: As set forth above, DCPS is responsible for monitoring the due dates of the special education evaluations/reevaluations consistent with IDEA. Therefore, this responsibility is not under the purview of the CEO of the DMH DCCSA. In addition, the current MOU assigns this responsibility to DCPS. ██████████ acknowledged that DCPS is responsible for tracking students and does so through its ENCORE System. Further questions should be directed to DCPS personnel.

4. That the CEO of CSA provide a written response to the OIG explaining why the reevaluations are overdue.

Response: As previously stated the responsibility of the evaluation and reevaluation of students under IDEA is the expressed and statutory responsibility of DCPS. The MOU stipulates that DCPS is responsible for the re-evaluations, IEP Development, and statutory IDEA compliance.

PLAN OF ACTION

1. DMH will work with DCPS to clarify respective roles and responsibilities under the MOU.
2. DMH DCCSA will not enroll youth in the psycho-education who do not have a current (special education) evaluation/reevaluation effective immediately.

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Should you have additional questions or concerns, please do not hesitate to contact either myself at 202-673, 2200 or [REDACTED] at 202-671-4[REDACTED]

Sincerely,


Stephen T. Baron
Director

[REDACTED]
[REDACTED] DCCSA
CEO

Enclosures

cc: Daniel M. Tangherlini, City Administrator
David A. Catania, At-Large Councilmember
Chairperson, Committee on Health
[REDACTED] Superintendent of Region 4, DCPS
William Lockridge, School Board Member, District 4
Carol Schwartz, Chairperson, Committee on Workforce
Development and Government Operations

APPENDIX 6



**Waiting List
for
DMH School Mental Health Program
School Year 2007-2008**

Aiton Elementary School

Anacostia Senior High School

Bowen Elementary School

Bruce-Monroe Elementary School

Cardoza High School

Ellington School of the Arts

Hine Junior High School

Ludlow-Taylor Elementary School

Park View Elementary School

Randle Highlands Elementary School

Reed Learning Center

School Without Walls Senior High School @ Logan

Thomas Elementary School

Winston Educational Center

11/29/07