

New York Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>The IDEA Part C regulations cited in this APR Response Table as 34 CFR §303.xxx are those regulations which were in effect during FFY 2010. If the State has chosen to implement any of the new regulations published in 76 Federal Register 60140 (September 28, 2011) prior to the required implementation date of July 1, 2012 for a regulation that impacts the measurements for an SPP/ APR indicator, the State must so indicate in its FFY 2011 APR, due February 1, 2013.</p>		
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]</p>	<p>The State revised the standard it used to determine the timely initiation of Part C services (from 21 days to 30 days from parental consent) for the applicable IFSPs for this indicator with its FFY 2006 APR. OSEP accepted these revisions in the State’s FFY 2006 SPP/APR Response Table. The State submitted a revised SPP that reflects those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 85.1%. These data represent progress from the FFY 2009 data of 76.2%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all three of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p> <p>The State reported that 23 of 77 findings of noncompliance identified in FFY 2008 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that none of the remaining 54 findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that findings in three early intervention programs based on local data for FFY 2007, FFY 2008 and FFY 2009 were not issued until FFY 2011.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2008 and FFY 2009 APRs, was advised of available technical assistance, and was required to report, with the FFY 2010 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>The State must demonstrate, in the FFY 2011 APR, that the State is in compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>The State must demonstrate, in the FFY 2011 APR, that the remaining 54 uncorrected noncompliance findings identified in FFY 2008 and the remaining 54 uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010, and remaining noncompliance identified in FFY 2008: (1) is correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved</p>

New York Part C FFY 2010 SPP/APR Response Table

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		<p>100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR, that it has corrected this noncompliance.</p> <p>OSEP will follow up with the State regarding its timeliness in issuing findings based on local data under separate cover.</p>

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<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 93.4%. The State's FFY 2009 data for this indicator were 93.7%. The State met its FFY 2010 target of 89.97%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</p>																																
<p>3. Percent of infants and toddlers with IFSPs who demonstrate improved: A. Positive social-emotional skills (including social relationship); B. Acquisition and use of knowledge and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions. The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 558 1581 1503"> <thead> <tr> <th data-bbox="548 558 957 659"><u>Summary Statement 1</u></th> <th data-bbox="957 558 1163 659"><u>FFY 2009 Data</u></th> <th data-bbox="1163 558 1369 659"><u>FFY 2010 Data</u></th> <th data-bbox="1369 558 1581 659"><u>FFY 2010 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 659 957 797">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="957 659 1163 797">67</td> <td align="center" data-bbox="1163 659 1369 797">64</td> <td align="center" data-bbox="1369 659 1581 797">62.8</td> </tr> <tr> <td data-bbox="548 797 957 964">Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td align="center" data-bbox="957 797 1163 964">75</td> <td align="center" data-bbox="1163 797 1369 964">71</td> <td align="center" data-bbox="1369 797 1581 964">71.2</td> </tr> <tr> <td data-bbox="548 964 957 1065">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="957 964 1163 1065">73</td> <td align="center" data-bbox="1163 964 1369 1065">73</td> <td align="center" data-bbox="1369 964 1581 1065">68.3</td> </tr> <tr> <th data-bbox="548 1065 957 1166"><u>Summary Statement 2</u></th> <th data-bbox="957 1065 1163 1166"><u>FFY 2009 Data</u></th> <th data-bbox="1163 1065 1369 1166"><u>FFY 2010 Data</u></th> <th data-bbox="1369 1065 1581 1166"><u>FFY 2010 Target</u></th> </tr> <tr> <td data-bbox="548 1166 957 1304">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="957 1166 1163 1304">58</td> <td align="center" data-bbox="1163 1166 1369 1304">52</td> <td align="center" data-bbox="1369 1166 1581 1304">50.4</td> </tr> <tr> <td data-bbox="548 1304 957 1471">Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td align="center" data-bbox="957 1304 1163 1471">53</td> <td align="center" data-bbox="1163 1304 1369 1471">50</td> <td align="center" data-bbox="1369 1304 1581 1471">50.5</td> </tr> <tr> <td data-bbox="548 1471 957 1503">Outcome C:</td> <td align="center" data-bbox="957 1471 1163 1503">53</td> <td align="center" data-bbox="1163 1471 1369 1503">49</td> <td align="center" data-bbox="1369 1471 1581 1503">44.8</td> </tr> </tbody> </table>	<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	67	64	62.8	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	75	71	71.2	Outcome C: Use of appropriate behaviors to meet their needs (%)	73	73	68.3	<u>Summary Statement 2</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	58	52	50.4	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	53	50	50.5	Outcome C:	53	49	44.8	<p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR. The State must report progress data and actual target data for FFY 2011 in the FFY 2011 APR.</p>
<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>																															
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	<table border="1" data-bbox="548 196 1577 264"> <tr> <td data-bbox="548 196 953 264">Use of appropriate behaviors to meet their needs (%)</td> <td data-bbox="953 196 1163 264"></td> <td data-bbox="1163 196 1373 264"></td> <td data-bbox="1373 196 1577 264"></td> </tr> </table> <p data-bbox="548 282 1577 350">These data represent slippage from the FFY 2009 data and remain unchanged from the FFY 2009 data. The State met part of its FFY 2010 targets for this indicator.</p>				Use of appropriate behaviors to meet their needs (%)																				
Use of appropriate behaviors to meet their needs (%)																									
<p data-bbox="92 383 512 513">4. Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p data-bbox="92 532 512 695">A. Know their rights; B. Effectively communicate their children’s needs; and C. Help their children develop and learn.</p> <p data-bbox="92 714 310 747">[Results Indicator]</p>	<p data-bbox="548 383 1094 415">The State’s reported data for this indicator are:</p> <table border="1" data-bbox="548 431 1577 805"> <thead> <tr> <th data-bbox="548 431 978 532"></th> <th data-bbox="978 431 1157 532"><u>FFY 2009 Data</u></th> <th data-bbox="1157 431 1314 532"><u>FFY 2010 Data</u></th> <th data-bbox="1314 431 1461 532"><u>FFY 2010 Target</u></th> <th data-bbox="1461 431 1577 532"><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 532 978 602">Know their rights (%)</td> <td data-bbox="978 532 1157 602">74.38</td> <td data-bbox="1157 532 1314 602">77.02</td> <td data-bbox="1314 532 1461 602">76.2</td> <td data-bbox="1461 532 1577 602">2.64%</td> </tr> <tr> <td data-bbox="548 602 978 703">Effectively communicate their children’s needs (%)</td> <td data-bbox="978 602 1157 703">67.84</td> <td data-bbox="1157 602 1314 703">72.63</td> <td data-bbox="1314 602 1461 703">70.69</td> <td data-bbox="1461 602 1577 703">4.79%</td> </tr> <tr> <td data-bbox="548 703 978 805">Help their children develop and learn (%)</td> <td data-bbox="978 703 1157 805">80.57</td> <td data-bbox="1157 703 1314 805">84.04</td> <td data-bbox="1314 703 1461 805">87.41</td> <td data-bbox="1461 703 1577 805">3.47%</td> </tr> </tbody> </table> <p data-bbox="548 821 1577 886">These data represent progress from the FFY 2009 data. The State met its FFY 2010 targets for 4A and 4B and did not meet its target for 4C.</p> <p data-bbox="548 902 1577 1138">OSEP’s FFY 2009 SPP/APR Response Table, dated June 20, 2011, required the State to report in the FFY 2010 APR, due February 1, 2012, whether its FFY 2010 data are based on a response group that is representative of its population, and if not, the actions the State is taking to address this issue. The State reported that the data for this indicator were collected from a response group that was not representative of the population. The State included strategies or improvement activities to address this issue in the future.</p>					<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>	Know their rights (%)	74.38	77.02	76.2	2.64%	Effectively communicate their children’s needs (%)	67.84	72.63	70.69	4.79%	Help their children develop and learn (%)	80.57	84.04	87.41	3.47%	<p data-bbox="1598 383 2007 578">OSEP appreciates the State’s efforts to improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</p> <p data-bbox="1598 594 2007 967">The State reported that the data for this indicator were based on a response group that was not representative of the population. In the FFY 2011 APR, the State must report whether its FFY 2011 data are based on a response group that is representative of its population, and if not, the actions the State is taking to address this issue.</p>
	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>																					
Know their rights (%)	74.38	77.02	76.2	2.64%																					
Effectively communicate their children’s needs (%)	67.84	72.63	70.69	4.79%																					
Help their children develop and learn (%)	80.57	84.04	87.41	3.47%																					
<p data-bbox="92 1174 491 1271">5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data.</p> <p data-bbox="92 1287 310 1320">[Results Indicator]</p>	<p data-bbox="548 1174 1577 1271">The State’s FFY 2010 reported data for this indicator are 1.16%. The State’s FFY 2009 data for this indicator were 1.17%. The State did not meet its FFY 2010 target of 1.22%.</p>				<p data-bbox="1598 1174 2007 1304">OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</p>																				
<p data-bbox="92 1360 491 1458">6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data.</p> <p data-bbox="92 1474 310 1507">[Results Indicator]</p>	<p data-bbox="548 1360 1577 1458">The State’s FFY 2010 reported data for this indicator are 4.47%. These data represent progress from the FFY 2009 data of 4.41%. The State met its FFY 2010 target of 4.095%.</p>				<p data-bbox="1598 1360 2007 1425">OSEP appreciates the State’s efforts to improve performance.</p>																				

New York Part C FFY 2010 SPP/APR Response Table

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<p>7. Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.</p> <p>[Compliance Indicator]</p>	<p>Although the State provided the correct measurement and calculations for this indicator, the State did not revise the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and must provide the revised measurement language.</p> <p>The State's FFY 2010 reported data for this indicator are 85.2%. These data represent progress from the FFY 2009 data of 83.5%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that six of seven findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that the remaining finding subsequently was corrected by February 1, 2012.</p> <p>The State reported that ten of 40 findings of noncompliance identified in FFY 2008 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that two of 31 findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2008 and FFY 2009 APRs, was advised of available technical assistance, and was required to report, with the FFY 2010 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>With the FFY 2011 APR, the State must submit a revised SPP that includes the correct measurement language for this indicator.</p> <p>The State must demonstrate, in the FFY 2011 APR, that the State is in compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>The State must demonstrate, in the FFY 2011 APR, that the remaining 30 uncorrected noncompliance findings identified in FFY 2008 and the remaining 29 uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010, and remaining noncompliance identified in FFY 2008: (1) is correctly implementing 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (i.e., achieved</p>

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		<p>100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45-day timeline was not met, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR, that it has corrected this noncompliance.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and</p>	<p>The State's FFY 2010 reported data for this indicator are 89.6%. The State's FFY 2009 data for this indicator were 90.2%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that six of eight findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that the remaining findings subsequently were</p>	<p>The State must demonstrate, in the FFY 2011 APR, that the State is in compliance with the IFSP transition content requirements in</p>

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<p>other appropriate community services by their third birthday including:</p> <p>A. IFSPs with transition steps and services;</p> <p>[Compliance Indicator]</p>	<p>corrected by February 1, 2012.</p> <p>The State reported that four of six findings of noncompliance identified in FFY 2008 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that one of four findings of noncompliance identified in FFY 2007 was corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that findings in 15 early intervention service programs based on local data for FFY 2007, FFY 2008 and FFY 2009 were not issued until FFY 2011.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2008 and FFY 2009 APRs, was advised of available technical assistance, and was required to report, with the FFY 2010 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) and (d)(8). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>The State must demonstrate, in the FFY 2011 APR, that the remaining two uncorrected noncompliance findings identified in FFY 2008 and the remaining three uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010, and remaining noncompliance identified in FFY 2008: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) and (d)(8) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed an IFSP with transition steps and services for each child, unless the child is no longer within the</p>

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		<p>jurisdiction of the EIS program (i.e., the child has exited the State's Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR, that it has corrected this noncompliance.</p> <p>OSEP will follow up with the State regarding its timeliness in issuing findings based on local data under separate cover.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p>	<p>The State's FFY 2010 reported data for this indicator are 95.0%. These data represent progress from the FFY 2009 data of 87.7%. The State did not meet its FFY 2010 target of 100%.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2009, the State did not provide information on any findings of noncompliance identified in FFY 2009 for this indicator.</p> <p>The State reported that 26 findings of noncompliance identified in FFY 2008 for this</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2011 APR the State's data demonstrating that it is in compliance with the LEA notification requirements in 34 CFR §303.148(b)(1). Because the State reported less than 100%</p>

New York Part C FFY 2010 SPP/APR Response Table

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<p>B. Notification to LEA, if child potentially eligible for Part B; and [Compliance Indicator]</p>	<p>indicator were corrected.</p> <p>The State reported that the one remaining finding of noncompliance identified in FFY 2007 was not corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2008 and FFY 2009 APRs, was advised of available technical assistance, and was required to report, with the FFY 2010 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010 for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has provided notification to the LEA for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State’s Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>The State must demonstrate, in the FFY 2011 APR, that the one</p>

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		<p>remaining uncorrected noncompliance finding identified in FFY 2007 was corrected. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR, that it has corrected this noncompliance.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>C. Transition conference, if child potentially eligible for Part B.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 77.5%. These data represent progress from the FFY 2009 data of 75.1%. The State did not meet its FFY 2010 target of 100%.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2009, the State did not provide information on any findings of noncompliance identified in FFY 2009 for this indicator.</p> <p>The State reported that 29 of 31 findings of noncompliance identified in FFY 2008 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that none of the remaining three findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2008 and FFY 2009 APRs, was advised of available technical assistance, and was required to report, with the FFY 2010 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and</p>	<p>The State must demonstrate, in the FFY 2011 APR, that the State is in compliance with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>The State must demonstrate, in the FFY 2011 APR, that the remaining two findings of noncompliance identified in FFY 2008 and the remaining three uncorrected noncompliance</p>

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	<p>reported on the actions the State took as a result of that technical assistance.</p>	<p>findings identified in FFY 2007 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010, and remaining noncompliance identified in FFY 2008: (1) is correctly implementing 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has conducted a transition conference, although late, for any child potentially eligible for Part B whose transition conference was not timely, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR, that it has corrected this noncompliance.</p>
<p>9. General Supervision system (including monitoring complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 96.5%. These data represent progress from the FFY 2009 data of 75.2%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that 354 of 367 findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that ten findings were subsequently corrected by February 1, 2012. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that eight of 96 findings of noncompliance identified in FFY 2008 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that three of 93 findings of noncompliance identified in FFY 2007 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.</p> <p>OSEP's FFY 2009 SPP/APR Response Table, dated June 20, 2011, required the State to report by September 30, 2011, the number of written findings issued for noncompliance that occurred between July 1, 2010 and September 30, 2010; when the noncompliance was identified; and when the written findings were issued. The State provided all of the required information.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2008 and FFY 2009 APRs, was advised of available technical assistance, and was required to report, with the FFY 2010 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>OSEP appreciates the State's efforts regarding the timely correction in FFY 2010 of findings identified in FFY 2009 and looks forward to reviewing in the FFY 2011 APR, the State's data demonstrating that the State timely corrected findings of noncompliance identified in FFY 2010 in accordance with IDEA section 635(a)(10)(A), 34 CFR §303.501, and OSEP Memo 09-02.</p> <p>The State must demonstrate, in the FFY 2011 APR, that the remaining three findings of noncompliance identified in FFY 2009, the remaining 88 findings of noncompliance identified in FFY 2008, and the remaining 90 findings of noncompliance identified in FFY 2007 that were not reported as corrected in the FFY 2010 APR were corrected.</p> <p>When reporting on correction of findings of noncompliance in the FFY 2011 APR, the State must</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>report that it verified that each EIS program with noncompliance identified in FFY 2010: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance for this indicator in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary. In addition, in reporting on Indicator 9 in the FFY 2011 APR, the State must use the Indicator 9 Worksheet.</p> <p>In addition, in responding to Indicators 1, 7, 8A, 8B, and 8C in the FFY 2011 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>
<p>10. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for</p>	<p>The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 91.6%. These data represent slippage from the FFY 2009 data of 100%. The State did not meet its FFY 2010 target of 100%.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide</p>

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<p>exceptional circumstances with respect to a particular complaint. [Compliance Indicator]</p>	<p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>data in the FFY 2011 APR, demonstrating that the State is in compliance with the timely complaint resolution requirements in 34 CFR §303.512.</p>
<p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline. [Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions. The State reported, as of January 31, 2012, that it did not have any fully adjudicated due process hearings during the reporting period. Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>
<p>12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted). [Results Indicator]</p>	<p>Not applicable.</p>	<p>Not applicable.</p>
<p>13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions. The State's FFY 2010 reported data, as of January 31, 2012, for this indicator are 94.89%. These data represent progress from the FFY 2009 data of 81.13%. The State met its FFY 2010 target of 82%. Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>
<p>14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 100%. These data represent progress from the FFY 2009 data of 96.4%. The State met its FFY 2010 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540.</p>

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		<p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance. In reporting on Indicator 14 in the FFY 2011 APR, the State must use the Indicator 14 Data Rubric.</p>