

**Table B – Delaware Part C**

**Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 8C, SPP Transition Conferences</b>                      OSEP’s September 2004 letter accepted DHSS’ strategies to address noncompliance in the area of transition conferences. A final Progress Report demonstrating compliance was due October 2005. In an email dated September 29, 2005, OSEP approved DHSS’ request to extend the submission of the final progress report from October 2005 to coincide with the SPP submission, December 2, 2005.</p>	<p>DHSS submitted data and analysis about transition conferences in the SPP, Indicator 8.</p> <p>For its baseline data for Indicator 8C, DHSS stated that 68% of children potentially eligible for Part B had timely transition planning conferences (up from 46% in 2004). However, it appears from the data that, of 48 children, 28 children had a timely transition conference, and the delays in the conference for 7 other children were due to family reasons, which would be a compliance rate of 73%.</p> <p>In its response to Indicator 9 in the SPP, page 64, the State indicated that 76.2% of the findings it identified (regarding transition conferences under Indicator 8C) were corrected within one year.</p>	<p>DHSS submitted data and analysis demonstrating progress toward correction of noncompliance.</p> <p>However, the State provided data that demonstrated continuing noncompliance with the requirement regarding transition conferences, see 34 CFR §303.148(b)(2)(i). As calculated in the “State Submission” column in this chart, when taking family reasons into consideration, the level of compliance appears to be 73%.</p> <p>OSEP initially identified this noncompliance in September 2004 and required correction by October 2005.</p>	<p>By June 1, 2006, the State must submit data either demonstrating that the noncompliance reported in Indicator 9 related to timely transition conferences has been fully (i.e. 100%) corrected or data demonstrating full compliance with Indicator 8C. Failure to demonstrate compliance at that time may result in the State being identified as a “high risk” grantee or otherwise affect the State’s FFY 2006 grant award.</p> <p>The State should not include in its calculations regarding timely transition conferences children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child’s record or children for whom the family did not provide approval. The State must include in its discussion of data, the numbers it used to determine its calculation and report separately the number of documented delays attributable to family circumstances and the number of children for whom the family did not provide approval to conduct the conference.</p>

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Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 7, SPP - Evaluations and Assessments</b></p> <p>In OSEP's October 4, 2005 APR response letter, OSEP accepted DHSS' improvement strategies to correct noncompliance in ensuring evaluations and assessments are completed within 45 days of referral to the early intervention program.</p> <p>In the SPP, DHSS was required to submit updated data to demonstrate progress toward correcting the noncompliance.</p> <p>A final progress report was due by November 2006. See "Required Action" column for revised submission date.</p>	<p>DHSS submitted data and analysis about evaluations and assessments occurring within the 45-day timeline in the SPP, Indicator 7.</p> <p>Data submitted by DHSS demonstrate 75.71% of multi-disciplinary evaluations (MDAs) were completed within the 45-day timeline (down from 81.88% in 2004).</p>	<p>The State provided data that demonstrate continuing noncompliance with the requirement regarding 34 CFR §§303.322(e)(1) and 303.321(e)(2). The level of compliance reported was 75.71%.</p> <p>In the State's computation of its baseline data for this compliance indicator, the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record.</p>	<p>The State's final progress report demonstrating compliance with this requirement, which was due November 4, 2006, may be submitted with the State's FFY 2005 APR, due by February 1, 2007.</p> <p>The State must review and, if necessary, revise its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>In the FFY 2005 APR, due February 1, 2007, the State should not include in its calculation, children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record. The State must include in its discussion of data, the numbers it used to determine its calculation under this indicator and report separately the number of documented delays attributable to family circumstances.</p>

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Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 7, SPP - Initial IFSP Meetings</b></p> <p>In OSEP's October 4, 2005 APR response letter, OSEP accepted DHSS' improvement strategies to correct noncompliance in ensuring initial IFSP meetings are convened within 45 days of referral to the early intervention program.</p> <p>In the SPP, DHSS was required to submit updated data to demonstrate progress toward correcting the noncompliance.</p> <p>A final progress report was due by November 2006. See "Required Action" column for revised submission date.</p>	<p>DHSS submitted data and analysis about initial IFSP meetings occurring within the 45-day timeline in the SPP, Indicator 7.</p> <p>DHSS submitted data demonstrating 73.81% of initial IFSP meetings occur within the 45-day timeline. DHSS provided data accounting for IFSP meetings that did not occur within the timeline.</p>	<p>The State provided data that demonstrate continuing noncompliance with the requirement regarding timely initial IFSP meetings, see 34 CFR §§303.321(e)(2) and 303.342(a).</p> <p>The level of compliance reported in "Baseline Data" was 73.81%. In the State's computation of its baseline data for this compliance indicator, it appears that the State included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record. When taking family reasons into consideration, DHSS' compliance level was 86.3% (145 of 168 files).</p>	<p>The State's final progress report demonstrating compliance with this requirement, which was due November 4, 2006, may be submitted with the State's FFY 2005 APR, due by February 1, 2007.</p> <p>The State must review and, if necessary, revise its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>In the FFY 2005 APR, due February 1, 2007, the State should not include in its calculation, children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record. The State must include in its discussion of data, the numbers it used to determine its calculation under this indicator and report separately the number of documented delays attributable to family circumstances.</p>

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Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 1, SPP - Timely Initiation of Services</b></p> <p>In OSEP's October 4, 2005 APR response letter, OSEP accepted DHSS' improvement activities to correct noncompliance related to the timely initiation of services, consistent with State guidelines.</p> <p>In the SPP, DHSS was required to submit updated data to demonstrate progress toward correcting the noncompliance.</p> <p>A final progress report was due by November 2006. See "Required Action" column for revised submission date.</p>	<p>DHSS submitted data and analysis about timely initiation of services. Data was submitted in the SPP, Indicator 1.</p> <p>DHSS submitted data demonstrating 71.52% of children receive early intervention services within 30 days of referral to EI providers.</p>	<p>The State provided data that demonstrate continuing noncompliance with the requirement regarding timely services, see 34 CFR §§303.342(e) and 303.344(f)(1). The level of compliance reported was 71.52%.</p> <p>See Table A for other issue.</p>	<p>The State's final progress report demonstrating compliance with this requirement, which was due November 4, 2006, may be submitted with the State's FFY 2005 APR, due by February 1, 2007.</p> <p>The State must review and, if necessary, revise its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>See Table A for other issue.</p>