

**Table B – Part C (Kentucky)
Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 1</p> <p>Timely Services 34 CFR §§303.342(e), 303.344(f)(1) and 303.340(c)</p> <p>OSEP’s November 12, 2004 FFY 2002 APR letter required the State to submit compliance data demonstrating whether children received the services listed on their IFSPs. The State did not provide the data in the FFY 2003 APR.</p> <p>OSEP’s September 8, 2005 letter responding to the FFY 2003 APR required the State to submit in the SPP data indicating the percent of infants and toddlers with IFSPs who receive early intervention services on their IFSPs in a timely manner. OSEP indicated that Kentucky may obtain this data through monitoring on the percentage of services listed on the IFSP that are actually delivered. If the data indicated noncompliance, Kentucky was required to submit a plan to ensure compliance within one year of OSEP’s acceptance of the plan.</p>	<p>The State reported that 96.7% of children received the services on their IFSPs in a timely manner (SPP Indicator 1, page 2). The State also reported information on IFSP services actually delivered and submitted data indicating that 85% of children received all services listed on their IFSPs (SPP Indicator 1, page 5).</p>	<p>The State provided data that demonstrate noncompliance with the requirements of 34 CFR §§303.342(e), 303.344(f)(1) and 303.340(c) that when there is parental consent for the services: 1) all early intervention service must be provided; and 2) all early intervention services must be provided in a timely manner.</p>	<p>In the APR, due February 1, 2007, the State must submit data demonstrating compliance with the requirements that children have received: 1) all of the early intervention services listed on their IFSPs; and 2) all the early intervention services listed on their IFSPs have been provided in a timely manner. Failure to report the required data and in the APR may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p> <p>See Table A for issues in the State Performance Plan relating to this indicator.</p>

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Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 3</p> <p>Improved and sustained functional abilities (20 USC 1416(a)(3)(A) and 1442)</p> <p>OSEP's September 8, 2005 response to the State's FFY 2003 APR required the State to incorporate and update the data and information collected for, and reported in, the State's FFY 2001, 2002 and 2003 APRs that address the requirements regarding improved and sustained functional abilities. OSEP requested that the State, in its preparation of the SPP, determine whether data collected for this area will be responsive to those requirements.</p>	<p>The State reported 2005 data collected from the Delay Ranking Scale relating to improvement in appropriate behavior, social-emotional skills and knowledge (SPP Indicator 3, pages 3 and 4). The data reported in these three areas are based on survey results completed by primary service coordinators who served children receiving early intervention services from July 1, 2004 through June 30, 2005. (SPP Indicator 3, page 5).</p> <p>The State indicated that it has determined that neither the Delay Ranking Scale nor the survey is a perfect indicator of child outcomes. The State reported its plan to follow the progress of the Early Childhood Outcomes General Supervision Enhancement Grant (GSEG) and to change its system in accord with a research-validated plan proposed by the GSEG when it becomes available (SPP Indicator 3, page 6).</p>	<p>OSEP is unable to determine whether the State's plan included for Indicator 3 will result in the collection of the required data by the submission of the APR, due February 1, 2007.</p>	<p>The State must ensure that any activities or strategies regarding this indicator result in the collection of the required baseline data, for the required time period, and that the baseline data and any other required data are reported in the APR. Failure to report the required data in the APR may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

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Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 7</p> <p>45-day Timeline 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a)</p> <p>OSEP's September 8, 2005 response to Kentucky's FFY 2003 APR required the State to submit data on compliance with the 45-day timeline requirements in 34 CFR §303.321(e) which may include monitoring data from the FFY 2003 reporting period on the number of children found eligible and, from that number, the percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within the 45-day timeline requirement. If the data show noncompliance, the State was required to submit a plan to ensure compliance within one year of OSEP's acceptance of the plan.</p>	<p>The State reported data indicating that 55% of the timelines either were met or exceeded due to family circumstances (SPP Indicator 7, page 5).</p> <p>The State submitted improvement activities, timelines and resources for ensuring that the requirements of the 45-day timeline are met (SPP Indicator 7, pages 11-12).</p>	<p>The State reported a 55 % level of compliance for Indicator 7 in the SPP, specifically the requirements at 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a).</p> <p>The State included improvement strategies, timelines and resources in its SPP.</p>	<p>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, 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>

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Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 8</p> <p>Transition Planning 34 CFR §§303.148(b)(1), 303.148(b)(2)(i), 303.148(b)(4) and 303.344(h)</p> <p>OSEP’s September 8, 2005 response to Kentucky’s FFY 2003 APR required the State to submit data and analysis reflecting compliance with the transition requirements regarding:</p> <p>8A: Transition planning; 8B: LEA notification; 8C: Transition conference.</p> <p>If the data indicated noncompliance, the State was required to submit a plan that includes strategies, proposed evidence of change, targets and timelines to achieve full compliance as soon as possible, not to exceed one year from when OSEP accepts the plan.</p>	<p><u>8A:</u> The State reported data that indicated that 84% of children exiting Part C and potentially eligible for Part B had a transition conference with transition steps and services (SPP Indicator 8, page 4).</p> <p>The State also reported data that indicated that 92% of children exiting Part C and not eligible for Part B had a transition conference with transition steps and services (SPP Indicator 8, page 5).</p> <p><u>8B:</u> The State did not provide baseline data on LEA notification.</p> <p><u>8C:</u> The State reported data that indicated that 84% of children exiting Part C and potentially eligible for Part B had a transition conference with transition steps and services (SPP Indicator 8, page 4).</p> <p>The State also included improvement strategies, timelines and resources to ensure that timely transition planning requirements are met (SPP Indicator 8, pages 6 and 7).</p>	<p><u>8A:</u> The State reported an 84% level of compliance for children potentially eligible for Part B and a 92% level for children not potentially eligible for Part B.</p> <p><u>8B:</u> The State did provide baseline data for Indicator 8B.</p> <p><u>8C:</u> The State reported an 84% level of compliance for Indicator 8C in the SPP.</p> <p>The State included improvement strategies, timelines and resources in its SPP.</p>	<p>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with the transition planning requirements at 34 CFR §303.148(b)(1); the LEA notification requirements at 34 CFR §§303.148(b)(2)(i) and 303.148(b)(4); and the transition conference requirement at 34 CFR §303.344(h). In addition, when reporting transition planning and transition conference data, the State must report separate data for transition planning and separate data for transition conference.</p> <p>The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with these requirements. 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 issues in the State Performance Plan relating to this indicator.</p>

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<p>Indicator 9:</p> <p>General Supervision 34 CFR §303.501</p> <p>OSEP's September 8, 2005 response to Kentucky's FFY 2003 APR required the State to submit the following information in the SPP:</p> <p>1. Revised monitoring data, from the 90 providers monitored during the FFY 2003 APR reporting period, that included: (1) disaggregated monitoring data by provider type on Part C requirements monitored during the reporting period; (2) a list of findings regarding noncompliance with Part C requirements; (3) any corrective actions taken to correct noncompliance; and (4) documentation that noncompliance was corrected as soon as possible but in no case later than one year from identification;</p>	<p>1. The State reported FFY 2004 disaggregated monitoring data by district. The data indicated the number of findings of noncompliance in each district, the number of findings of noncompliance that were corrected within one year of identification, and the number of findings of identified noncompliance that were not corrected within one year (SPP Indicator 9, pages 6-9).</p> <p><u>9A:</u> On SPP compliance indicators, the data and information indicated that the State did not monitor for timely services, a 0% level of compliance for correcting noncompliance related to the 45-day timeline requirement, and a 94% level of compliance for correcting noncompliance related to transition.</p> <p><u>9B:</u> For other areas, the data and information indicated an 82% level of timely corrected noncompliance for service coordination, a 92% level of corrected noncompliance for justification of services not in the natural environment, and a 50% level of timely correction of noncompliance for personnel requirements.</p> <p>On pages 10 and 11, the State included improvement strategies, timelines and resources to ensure that it identifies and timely corrects noncompliance.</p>	<p>1. OSEP's September 8, 2005 APR response letter required the State to demonstrate compliance with the requirements at 34 CFR §303.501 or submit a plan with strategies, proposed evidence of change, targets and timelines designed to ensure compliance. The State reported that it did monitor for noncompliance related to timely provision of services; a 0% level of compliance for correcting noncompliance related to the 45-day timeline requirement; and a 94% level of compliance for correcting noncompliance related to transition. The State included improvement strategies, timelines and resources in its SPP.</p>	<p>1. The State must ensure compliance with this requirement and include data in the APR, due February 1, 2007, that demonstrate that noncompliance is corrected within one year of its identification. The State should review and, if necessary, revise its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR 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>

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<p>Indicator 9 (continued)</p> <p>2. Data for the time period July 1, 2004 through June 30, 2005 regarding the Record Review Team's involvement in the identification of all needed early intervention services on the child's IFSP;</p>	<p>2. On pages 3 through 5 of the SPP Overview, the State described its services coverage and payment system and the record review team's involvement in the system. The State indicated that an IFSP team is given a preauthorized number of service units based on the number and kind of services the child needs. The State indicated that it does not define how the preauthorized units are to be allotted and that each IFSP team makes that determination based on the individual child's needs. When an IFSP team and the record review team differ in the number of units exceeding the preauthorized number, the record review team recommends a unit and service allocation, but the IFSP team is not bound by the allocation. If the IFSP team disagrees with the record review team's unit determination, it can request reconsideration from the Department of Public Health, which makes a recommendation that the IFSP team can accept or reject. When an IFSP team rejects the recommendation, it writes the services into the IFSP and meets with the record review team and the reconsideration team to agree on a plan of service to meet the child's needs. The data submitted by the State indicated that from July 1, 2004 through June 30, 2005, the record review team received 265 requests to exceed the preauthorized number of units. In 244 of these requests, the record review team recommended a different amount of units than requested, and IFSP teams requested reconsideration in 34 cases. Three teams disagreed with the reconsideration and met per the protocol and agreed upon a plan of service to meet the child's needs.</p>	<p>2. OSEP appreciates the data from the State regarding the record review team and assumes that the State will continue to monitor in this area to ensure that the IFSP team determines all needed early intervention services on the child's IFSP.</p>	<p>2. No further action required.</p>

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<p>Indicator 9 (continued)</p> <p>3. An explanation of the complaint reported in the FFY 2003 APR that was not timely resolved;</p> <p>4. A description of how it will correct flaws in two FFY 2002 APR Central Billing and Information System (CBIS) data reports related to: (1) the 45-day timeline; and (2) the percentage of IFSP services delivered, and submit a description of its monitoring and data collection tracking system, including a discussion of how the new system tracks compliance with Part C requirements; and</p> <p>5. Strategies and timelines to ensure improvement of appropriate staffing levels at the intake or point of entry level in order to meet the 45-day timeline requirement, along with a determination of the impact of staffing levels on the 45-day timeline.</p>	<p>3. The State indicated that the complaint reported in the FFY 2003 APR that was not timely resolved was an informal complaint regarding a provider. The State explained that the informal complaint occurred during an administrative change of the lead agency, and that the provider was turned over to the Kentucky Attorney General's Office and its contract was terminated (SPP Indicator 9, page 9).</p> <p>4. The State indicated that the FFY 2002 APR erred in stating that the two CBIS data reports on 1) the 45-day timeline and 2) the percentage of IFSP services delivered were flawed. The State also provided information that explained that an administrative misunderstanding had occurred regarding the accuracy of the data (SPP Indicator 9, pages 1-2). The State generally described the data collection tracking system activities that are intended to improve tracking of data, including specific activities it expects to implement regarding tracking and monitoring of 45-day timeline data (SPP Indicator 14, pages 1-2).</p> <p>5. The State reported data indicating that a primary reason for failure to meet the 45-day timeline was staff shortage in the area of initial service coordinators (SPP Indicator 9, page 4). The State reported data showing the impact of the shortage on the completion of the IFSP within 45 days of referral (SPP Indicator 9, pages 6 and 8). The State provided strategies to correct the initial service coordinator staffing problem (SPP Indicator 9, pages 11-12).</p>	<p>3. OSEP appreciates the clarification from the State regarding the informal complaint.</p> <p>4. OSEP appreciates the clarification from the State regarding the two CBIS reports and the description of the CBIS data collection tracking system.</p> <p>5. The State submitted data that demonstrate that a staff shortage area of initial service coordinators has had an impact on meeting the 45-day timeline requirements of 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a), and provided strategies to correct the staffing shortage.</p>	<p>3. No further action required.</p> <p>4. No further action required.</p> <p>5. In the APR, due February 1, 2007, as discussed above in Indicator 7, the State must demonstrate compliance with the 45-day requirements.</p>