

**Table A – Massachusetts Part C
Issues Identified in Massachusetts Performance Plan**

SPP Indicator	Issue	Required Action
<p>Indicator 1: Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. (20 USC 1416(a)(3)(A) and 1442)</p>	<p><u>Noncompliance:</u> Massachusetts reported a 90% level of compliance for Indicator 1 in the SPP, specifically the requirements at 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1). While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by Massachusetts in working toward compliance with this requirement.</p> <p><u>Other:</u></p> <ul style="list-style-type: none"> • SPP, page 2, indicates, “The Massachusetts Early Intervention system defines ‘timely services’ as those that begin within, and do not exceed, 30 days of the IFSP signature date.” The data submitted measured the number of days from the IFSP signature date to first service. • Massachusetts did not provide the required baseline data in the SPP in response to this indicator. Massachusetts submitted data for the period of January 2005 – July 2005. • Massachusetts did not provide data related to untimely receipt of early intervention services. 	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p> <ul style="list-style-type: none"> • In the FFY 2005 APR, due February 1, 2007, Massachusetts must confirm that its data for this indicator is based on the timely provision of <i>all</i> early intervention services on the IFSP and provide data that is consistent with the requirements of this indicator. • Massachusetts must include, in the FFY 2005 APR, due February 1, 2007, data from FFY 2005 (July 1, 2005 through June 30, 2006) that demonstrate compliance. • In the FFY 2005 APR, due February 1, 2007, Massachusetts must include in its discussion of data (but not in its calculation of compliance for this indicator), the number of documented delays attributable to child or family circumstances.

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<p>Indicator 4:</p> <p>Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights;</p> <p>B. Effectively communicate their children's needs; and</p> <p>C. Help their children develop and learn.</p> <p>(20 USC 1416(a)(3)(A) and 1442)</p>	<p><u>Other:</u></p> <p>SPP, page 14, indicates that the “Lead Agency will be seeking consultation from NCSEAM’s Dr. Batya Elbaum and other experts in the establishment of a sampling plan for this indicator on an as needed basis.” Therefore, OSEP could not determine if Massachusetts plans to use sampling in collecting data for this indicator. If so, it is important that Massachusetts have a technically sound sampling plan to ensure that data used for entry, baseline, or to report on progress, are valid and reliable. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and may affect OSEP’s determination of Massachusetts’ status under section 616(d) of the IDEA.</p>	<p>If Massachusetts intends to collect information through sampling, the SPP must include its sampling methodology to ensure the collection of valid and reliable data on which to base Massachusetts’ targets and improvement activities. Massachusetts must submit the sampling methodology that describes how data were collected with Massachusetts’ FFY 2005 APR that is due February 1, 2007. If Massachusetts decides not to sample, but rather gather census data, please inform OSEP and revise your SPP accordingly.</p>
<p>Indicator 7:</p> <p>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>(20 USC 1416(a)(3)(B) and 1442)</p>	<p><u>Noncompliance:</u></p> <ul style="list-style-type: none"> Massachusetts reported a 93.2% level of compliance for Indicator 7 in the SPP, specifically the 45-day timeline requirements at 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a). While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by Massachusetts in working toward compliance with this requirement. In Massachusetts’ computation of its baseline data for this compliance indicator, Massachusetts may have included children for whom reasonable delays were attributable to documented exceptional child or family circumstances. 	<ul style="list-style-type: none"> OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. In the FFY 2005 APR, due February 1, 2007, Massachusetts should not include in the calculation children for whom Massachusetts has identified the cause for the delay as documented exceptional child or family circumstances. Massachusetts 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 child or family circumstances.

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<p>Indicator 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>A. IFSPs with transition steps and services; B. Notification to LEA, if child potentially eligible for Part B; and C. Transition conference, if child potentially eligible for Part B.</p> <p>(20 USC 1416(a)(3)(B) and 1442)</p>	<p><u>Noncompliance for 8A, 8B and 8C - See Table B.</u></p>	<p><u>Noncompliance for 8A, 8B and 8C - See Table B.</u></p>
<p>Indicator 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>(20 USC 1416(a)(3)(B) and 1442)</p>	<p><u>Noncompliance:</u></p> <ul style="list-style-type: none"> • Massachusetts reported on page 31 of the SPP, a compliance level of 82% for Indicator 9A in the SPP, specifically the timely correction of identified noncompliance requirement at 34 CFR §303.501(b). • Massachusetts reported on page 31 of the SPP, a compliance level of 25% for Indicator 9C. Massachusetts reported that of the four instances of noncompliance identified through other mechanisms, only one has been closed out. 	<p>Massachusetts 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. Massachusetts should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable Massachusetts 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 Massachusetts' status under section 616(d) of the IDEA.</p>