

**Table B – Nebraska Part C  
Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 7.</b> OSEP's September 30, 2005 APR response letter required that NDE submit to OSEP an analysis of data about children who do not have an initial IFSP meeting within the 45-day timeline as required by 34 CFR §303.342(a). If NDE identified noncompliance, a plan to correct any identified noncompliance within one year of identification of the noncompliance should also be submitted.</p>	<p>On December 2, 2005, NDE/HHSS submitted data and analysis in a response letter and in the SPP, Indicator 7.</p> <p>NDE/HHSS submitted data that, for the SPP reporting period, 87% of IFSPs were held within 45 days of referral. The State reported that all initial IFSPs not held within 45 days of referral had documented family reasons that were beyond the control of the lead agency, therefore, 0% of noncompliance was identified.</p>	<p>The State provided the requested data and analysis. NDE/HHSS was monitoring for compliance with the 45-day timeline and did not identify noncompliance. Improvement strategies were submitted to ensure continued compliance and performance improvement. OSEP appreciates the effort made by the State in ensuring compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, demonstrating continuing compliance with this requirement.</p>
<p><b>Indicator 9B.</b> OSEP's September 30, 2005 APR response letter required that NDE submit to OSEP its plan to correct any noncompliance with the Part C requirements that:</p>	<p style="background-color: #cccccc;"></p>	<p style="background-color: #cccccc;"></p>	<p style="background-color: #cccccc;"></p>

Issue	State Submission	OSEP Analysis	Required Action
<p>1) early intervention services be provided in accordance with IFSPs and any analysis of whether the decision about frequency of services are based on child or family needs as required by 34 CFR §303.344 or are due to lead agency reasons that would indicate noncompliance. If noncompliance is identified, NDE would include its plan in Indicator #9B of the SPP;</p>	<p>On December 2, 2005, NDE/HHSS submitted data and analysis in a response letter that indicated 93% of files demonstrated that year-round services were provided. Of the files that the State identified as not being in compliance, the State reported that all were corrected within one year.</p>	<p>The State provided the requested data and analysis. The State provided data indicating that its general supervision system identifies and corrects noncompliance related to frequency of services. OSEP appreciates the effort made by the State in ensuring compliance with this requirement.</p>	<p>No action needed.</p>
<p>2) data documenting whether IFSPs include appropriate child-outcome based justifications when an early intervention service is not provided in the natural environment under 34 CFR §303.344(d)(1)(ii). If appropriate justification statements were not included on the IFSPs, NDE was required to submit a plan, including strategies, proposed evidence of change, and timelines to ensure compliance with 34 CFR §§303.12 (b), 303.18 and 303.344 (d)(1)(ii) and correction of identified noncompliance no later than one year from when OSEP accepts the plan; and</p>	<p>On December 2, 2005, NDE/HHSS submitted data and analysis in a response letter and the SPP that statewide, 83% of children are served in natural environments. Of the files reviewed during monitoring, 95% were in compliance (services were in the natural environment or a justification was provided). In the five records where children did not receive early intervention services in the natural environment and no justifications were included, the State reported correction of those files within one year of identification.</p>	<p>The State provided the requested data and analysis. The State general supervision system identifies and corrects noncompliance related to justifications on the IFSP for services that were not in the natural environment. OSEP appreciates the effort made by the State in ensuring compliance with this requirement.</p>	<p>No action required.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>3) children who are potentially eligible for Part B and whose parent concurred to have a transition planning meeting at least 90 days or up to nine months prior to the third birthday. If less than 100% compliance is identified, NDE must account for the children who did not receive the transition planning meeting in Indicator #8 and also submit a plan, including strategies, proposed evidence of change, and timelines, to ensure correction of the noncompliance within one year.</p> <p>Note: data for this issue is also in SPP Indicator 8C.</p>	<p>On December 2, 2005, NDE/HHSS submitted data and analysis in a response letter and in the SPP, Indicator 8, about transition planning meetings. The State reported that for FFY 2003, 83.33% of children potentially eligible for Part B had timely transition plans. Of the 16% of files that were out of compliance, information was provided about transition steps and services that were completed, but the plans did not document the date of the conference. NDE reported that the findings were corrected immediately.</p>	<p>The State provided the requested data and analysis. The State's general supervision system identified and corrected noncompliance within one year of identification. NDE/HHSS did not need to submit a plan for correction.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, demonstrating continuing compliance with this requirement.</p>