

**Oregon**  
**Table B – Part C**  
**Previously-Identified Issues**

| Issue  | State Submission  | OSEP Analysis   | Required Action   |
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| <p><b>Indicator 7:</b></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 as required by 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a).</p> <p>(20 USC 1416(a)(3)(B) and 1442)</p> <p>Special Conditions regarding this issue were imposed on the State's FFY 2005 Part C grant award. ODE was required to submit and submitted, by October 28, 2005, a Progress Report with data for each of the 26 provider agencies identified as being in noncompliance in the State's FFY 2003 APR. A final Progress Report is due April 14, 2006 for the period October 2005 through March 2006.</p> | <p>In the State's October 2005 Special Conditions Progress Report, ODE reported that of the 26 districts identified in the 2003 APR as being out of compliance with Part C's 45-day timeline requirement, for the months of July, August and September, 20 were in full compliance, two did not receive any referrals during the time period and the other four ranged from 93% to 98% compliance. ODE also reported on corrective actions it required to ensure compliance.</p> <p>ODE submitted additional data in November 2005.</p> <p>On page 23 of the SPP, ODE reported that for 2003, the compliance rate was at 72% and for 2004 the compliance rate was at 95%. ODE reported that if cases with documented family circumstances for exceeding the 45-day timeline (37 cases were reviewed) were removed, then the adjusted compliance rate would be 96%. These calculations were made using data collected monthly from all EI/ECSE programs in the State from July 1, 2004 through June 30, 2005. In January 2005, ODE began collecting reasons for not meeting the timeline. ODE reported that all programs out of compliance with the 45-day timeline are required to analyze the specific reasons for not being in compliance and are required to develop solutions for meeting the timeline. ODE also reported that continued noncompliance results in a series of ODE enforced sanctions.</p> | <p>The State reported a 96% level of compliance for Indicator 7 in the SPP, specifically the requirement 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 significant improvement and effort made by the State in working toward compliance with this requirement.</p> | <p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>   |
| <p><b>Indicator 8A and 8C:</b></p> <p>OSEP's October 4, 2005 letter required ODE to submit in the SPP a plan designed to ensure compliance with the following requirements:</p> <p><b>8A:</b> IFSP transition planning requirements in 34 CFR §§ 303.148(b)(4) and 303.344(h); and</p>   | <p>ODE submitted a plan in its November Progress Report (referenced in the cell above) and also submitted with the SPP, as Appendix C, the required plan.</p> <p><b>8A:</b> The State reported a 78% level of compliance for Indicator 8A in the SPP, specifically the IFSP transition planning requirements in 34 CFR §§303.344(h) and 303.148(b)(4).</p>  | <p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>   | <p>The State must ensure that noncompliance reported under Indicators 8A and 8C is corrected within one year of its identification and include data for Indicators 8A and 8C in the APR, due February 1, 2007, that demonstrate compliance with these respective requirements. Failure to</p> |

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| <p><b>8C:</b> 34 CFR §303.148(b)(2)(i) requiring the convening of a transition planning conference at least 90 days prior to a child's third birthday.</p>   | <p><b>8C:</b> The State reported a 92% level of compliance for Indicator 8C in the SPP, specifically the transition conference requirements in 34 CFR §303.148(b)(2)(i).</p>   | <p>Other: <b>8C:</b> In reporting data on 8C, the State may have included in the calculation 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.</p> | <p>demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>Other: <b>8C:</b> In the FFY 2005 APR, due February 1, 2007, the State should not include in the calculation 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 under this indicator and report separately the number of documented delays attributable to family circumstances or the number of children for whom the family did not provide approval to conduct the conference.</p> |
| <p><b>Indicator 9A:</b><br/>General supervision system (including monitoring, complaints, hearings, etc.) corrects identified noncompliance as soon as possible but in no case later than one year from identification as required by 34 CFR §303.501.<br/>(20 U.S.C. 1416(a)(3)(B) and 1442)<br/>OSEP's October 4, 2005 APR</p> | <p>In November 2005, ODE submitted a Progress Report.<br/>On pages 29-35 of the SPP, ODE reported compliance at 89% (combination of 9A and 9B monitoring). ODE reported that it had not received any Part C complaints or hearing requests.<br/>ODE reported on how it ensures full correction for all agencies in the Progress Report. OSEP noted that in ODE's November Progress Report, ODE stated that a progress note from one of the programs was due in 12/2005 (one year from approval of its improvement plan). ODE is reminded that all noncompliance must</p> | <p>The State provided data that demonstrate improvement, but not full compliance with the general supervision and monitoring requirements regarding the timely correction of noncompliance (34 CFR §303.501(b)(1)-(4)). The level of compliance reported was 89%.</p>                              | <p>The State may submit its final Progress Report on this issue that would be due by November 4, 2006, with its FFY 2005 APR due on February 1, 2007. In that APR, the State must review and, if necessary revise, its improvement strategies to ensure that they will enable</p>   |

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| <p>response letter required ODE to submit on November 30, 2005 or in the SPP due December 2, 2005, a Progress Report, including data and information demonstrating progress toward compliance in the following areas:</p> <ol style="list-style-type: none"> <li>1. the identification and timely correction of noncompliance 34 CFR §303.501(b)(1)-(4); and</li> <li>2. a target of 100% compliance and a description of how it ensures full correction for all agencies.</li> </ol> <p>OSEP's October 2005 letter required ODE to submit a final report, demonstrating full compliance in these areas no later than 30 days after one year from the date of this letter (or by November 4, 2006).</p> | <p>be corrected within one year of <u>identification</u>, not one year from approval of the improvement plan.</p> |               | <p>the State to include data demonstrating 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><b>Indicator 9B:</b></p> <p>OSEP's October 4, 2005 letter required ODE to submit in the SPP a plan designed to ensure compliance with the following requirements (due to data included in the FFY 2003 APR indicating noncompliance):</p> <ol style="list-style-type: none"> <li>1. Single Service Coordinator: 34 CFR §§303.23 and 303.322(e) requiring that once the public agency receives a referral, it must appoint a single service coordinator as soon as possible;</li> <li>2. Comprehensive Evaluation: 34 CFR §303.322(c) requiring that children receive evaluations in all five developmental areas.</li> </ol> | <p>Because ODE immediately acted upon its plan to correct the noncompliance regarding these two requirements, it reported data in the SPP demonstrating compliance:</p> <ol style="list-style-type: none"> <li>1. The two EI/ECSE programs with noncompliance identified in the 2003 APR appointed service coordinators as soon as possible, completed improvement plans in 2004 and submitted documented evidence of correction of 34 CFR §303.23(a).</li> <li>2. The two EI/ECSE programs with noncompliance identified in the 2003 APR completed EI evaluations in all five developmental areas, completed improvement plans in 2004 and submitted documented evidence of correction with the requirement of 34 CFR §303.322(c).</li> <li>3. The two EI/ECSE programs with noncompliance identified in the 2003 APR in EI transition completed improvement plans in 2004. One program submitted documented evidence of correction in November 2005. The Progress Report for the other program was due to ODE in December 2005 (<u>one year from approval of its improvement plan</u>). ODE will verify sustainability of this correction through child file review data in April 2006.</li> </ol> | <p>The State reported data showing full correction of the previously identified noncompliance with the requirement at 34 CFR §§303.23 and 303.322(e) appointment of a service coordinator, and with 34 CFR §303.322(c) requiring that children receive evaluations in all five developmental areas. OSEP appreciates the State's efforts in ensuring compliance with this requirement.</p> <p>3. ODE reported that one program's documented evidence of change was due one year from approval of its improvement plan. Noncompliance must be corrected within one year of <u>identification</u>.</p> | <p>No further action required with item one, 34 CFR §§303.23 and 303.322(e), and item two, 34 CFR §303.322(c).</p> <p>Indicator 9B. The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data documenting progress with the requirement in the APR, due February 1, 2007, and data to demonstrate full compliance with this requirement in the Progress Report that is due one year from the date of this letter. 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> |