

**Table A – Texas Part C
Issues Identified in the State 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>Noncompliance: The State reported a baseline level of 66% compliance for Indicator 1 in the SPP, specifically the requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1) regarding the provision of early intervention services on the IFSP in a timely manner. The State further reported that of the 34% of delayed services, 41% were due to a family reason, 1% due to the hurricane and the other 57% due to provider reasons.</p> <p>Other: In the State's computation of its baseline data for this compliance indicator, the State included in its calculation children for whom reasonable delays were attributable to documented exceptional child or family circumstances.</p>	<p>Noncompliance: 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> <p>Other: In the FFY 2005 APR, due February 1, 2007, the State should not include in its compliance calculation for this indicator children for whom the State has identified the cause for the delay as documented exceptional child or family circumstances. 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 child or family circumstances.</p>

SPP Indicator	Issue	Required Action
<p>Indicator 3: Percent of infants and toddlers with IFSPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>(20 USC 1416(a)(3)(A) and 1442)</p>	<p>Other: An evaluation of the sampling plan for Indicator 3 indicated that it was not technically sound (see OSEP's February 14, 2006 memorandum). Data will lack validity if based on a sampling plan that is not technically sound. OSEP is concerned because your plan is to use these invalid data to establish baseline data for this indicator. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>	<p>Other: As indicated in the February 14, 2006 OSEP memorandum, if a revised sampling plan has not been accepted by OSEP by the time the State submits its FFY 2005 APR on February 1, 2007, the State must submit a revised sampling methodology that describes how data were collected with its FFY 2005 APR. In the FFY 2005 APR, you also need to explain how your State addressed the deficiencies in the data collection noted in the attachment to the OSEP memorandum. If you decide not to sample, but rather gather census data please inform OSEP and revise your SPP accordingly.</p>
<p>Indicator 4: 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>Other: An evaluation of the sampling plan for Indicator 4 indicated that it was not technically sound (see OSEP's February 14, 2006 memorandum). Data will lack validity if based on a sampling plan that is not technically sound. OSEP is concerned because your plan is to use these invalid data to establish baseline data for this indicator. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>	<p>Other: As indicated in the February 14, 2006 OSEP memorandum, if a revised sampling plan has not been accepted by OSEP by the time the State submits its FFY 2005 APR on February 1, 2007, the State must submit a revised sampling methodology that describes how data were collected with its FFY 2005 APR. In the FFY 2005 APR, you also need to explain how your State addressed the deficiencies in the data collection noted in the attachment to the OSEP memorandum. If you decide not to sample, but rather gather census data please inform OSEP and revise your SPP accordingly.</p>
<p>Indicator 7: 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>Noncompliance: The State reported a 94% level of compliance for Indicator 7 in the SPP, specifically at 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a) 45-days. When the State excluded those delays attributable to documented family circumstances, the State reported a 96% level of compliance for this indicator.</p>	<p>Noncompliance: OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p> <p>In reporting that data, the State should continue to not include in its compliance calculation for this Indicator children for whom the State has identified the cause for the delay as documented exceptional child or family circumstances. 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 child or family circumstances.</p>

SPP Indicator	Issue	Required Action
<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> <ul style="list-style-type: none"> 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>(20 USC 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: The State reported the following levels of compliance for Indicator 8 in the SPP:</p> <p>8A: 34 CFR §§303.148(b)(4) and 303.344(h), transition steps and services on the IFSP -- 98% compliance;</p> <p>8B: 34 CFR §303.148(b)(1), notification of the children potentially eligible for Part B -- 93% compliance; and</p> <p>8C: 34 CFR §303.148(b)(2)(i), transition conference - 93% compliance.</p> <p>While the levels of compliance identified under 8A, 8B, and 8C are below 100% and require improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with these requirements. (OSEP notes that Texas requires the conference in 8C to be conducted at least 120 days prior to the child's third birthday and that the compliance rate may be higher when compared to the Federal minimal 90-day requirement in 34 CFR §303.148(b)(2)(i).</p>	<p>Noncompliance: OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with the requirements of 8A, 8B, and 8C.</p>
<p>Indicator 14: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>(20 USC 1416(a)(3)(B) and 1442)</p>	<p>Other: While the State provided some information (page 56 of the SPP) that allows OSEP to make inferences regarding the State's intended target for Indicator 14, the State did not explicitly indicate that its targets are 100% for both timely data and accurate data reports.</p>	<p>Other: The State must revise its targets for this indicator in the APR, due February 1, 2007, to clarify that it is the State's goal to reach 100% accuracy and 100% timeliness regarding data reported, whether to OSEP or publicly, under sections 616 and 618 of the IDEA, in the SPP, and in the APRs.</p>