

**Table B Chart – Utah Part C
Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 1: Service Provision – OSEP’s September 15, 2004 FFY 2002 APR response accepted the State’s plan and required UDOH to submit a final progress report by October 15, 2005 to demonstrate compliance regarding the requirement to provide all services identified on the IFSP, as required by 34 CFR §§303.344 and 303.342(e).</p>	<p>On page 3 of its revised October 5, 2005 final report, UDOH indicated that the two remaining programs where the State had identified noncompliance regarding service provision during 2002-2003 demonstrated that the noncompliance was resolved. The State did not indicate whether the programs where the State had identified noncompliance in this area during 2003-2004 demonstrated compliance. In its SPP, the State submitted baseline data for Indicator 1 showing compliance in 92% of the files reviewed in 2004-2005.</p>	<p>While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p> <p>Other: In the State’s computation of its baseline data for this compliance indicator, the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child’s record.</p> <p>See Table A for other issue.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement, including confirmation that the noncompliance identified by the State in 2003-2004 has been corrected.</p> <p>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. 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.</p> <p>See Table A for other issue.</p>
<p>Indicator 7: 45-day Timeline - In its May 3, 2004 letter, OSEP accepted the State’s plan and required the State to submit a final progress report by June 3, 2005 demonstrating compliance with the requirement to convene the initial IFSP meeting within 45 days of the referral, as required by 34 CFR §§303.322(e) and 303.342(a). In its final progress report, dated May 25, 2005, the State indicated that all three programs where the State had identified noncompliance in 2001 and 2002 were in full compliance with this requirement. In the FFY 2003 APR, the State reported that two programs were identified by the State in 2003-2004 as being in noncompliance with this requirement.</p>	<p>On page 1 of its November 30, 2005 report, UDOH reported that the two local programs where the State had identified noncompliance with this requirement in 2003-2004 demonstrated compliance with this requirement.</p>	<p>The State reported that the local programs where noncompliance had been identified by the State in 2003-2004 had corrected the noncompliance.</p> <p>See Table A regarding other noncompliance identified in the SPP.</p>	<p>No further action required with regard to the noncompliance OSEP identified in its May 3, 2004 letter.</p> <p>See Table A regarding other noncompliance identified in the SPP.</p>

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<p>Indicator 8A: Transition Steps - OSEP's September 15, 2004 letter accepted the State's plan and required the State to submit a final progress report by October 15, 2005 demonstrating compliance with the requirement to ensure that steps are included on the IFSP to support the transition of the child and family as required by 34 CFR §§303.344(h) and 303.148(b)(4).</p>	<p>On page 5 of its revised October 5, 2005 progress report, UDOH stated that follow-up on-site monitoring activities were conducted in the two local programs that were remonitored for transition issues in 2003, and reported that the results indicate that both local programs demonstrated compliance. In Indicator 9A of its SPP, the State reported a 100% rate of correction for findings made in 2003-2004 related to transition steps.</p>	<p>The State reported that the local programs where the noncompliance had been identified by the State in 2003 and 2004 had corrected the noncompliance.</p> <p>See Table A regarding other noncompliance identified in the SPP regarding 8A.</p> <p>See Table A for issue regarding 8B.</p>	<p>No further action required with regard to the noncompliance OSEP identified in its September 15, 2004 letter.</p> <p>See Table A regarding other noncompliance identified in the SPP regarding 8A.</p> <p>See Table A for issue regarding 8B.</p>
<p>Indicator 8C: Transition Conferences - OSEP's September 15, 2004 letter accepted the State's plan and required the State to submit a final progress report by October 15, 2005 demonstrating compliance with the requirement to ensure that a transition conference is held, with the approval of the family, at least 90 days before the child's third birthday as required by 34 CFR §303.148(b)(2)(i).</p>	<p>In the October 5, 2005 progress report, the State reported that the two programs that were remonitored for transition issues in 2003 are in compliance. In Indicator 9A of its SPP, the State reported that 6 of 7 programs where the State had identified noncompliance in this area in 2003-2004 had shown correction. On page 8-2 of its SPP, the State reported a 71% compliance rate for its baseline data for Indicator 8C. The State indicated that the baseline data is from file reviews in seven programs, five of which were in compliance. One of the seven programs had newly identified noncompliance, and developed and implemented an Improvement Plan. The other program found to be in noncompliance appears to be the same program that has outstanding noncompliance in this area from 2003-2004, and that program submitted data on July 18, 2005 that demonstrated compliance in 27 of 31 files (87%).</p>	<p>The State provided data that demonstrate continuing noncompliance with the requirement regarding transition conferences, 34 CFR §303.148(b)(2)(i). However, the State provided further information indicating that it is making progress in correcting the noncompliance.</p> <p>Other: In the State's computation of its baseline data for this compliance indicator, the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record, and children for whom the family did not provide approval to conduct the conference.</p>	<p>In the APR, due February 1, 2007, the State must submit data that demonstrate compliance with this requirement, including confirmation that the noncompliance identified by the State in 2003-2004 has been corrected. The State must review and, if necessary, revise its improvement strategies 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>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>

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<p>Indicator 9A: Correction of State Identified Noncompliance - OSEP's September 15, 2004 FFY 2002 APR response accepted the State's plan and required UDOH to submit a final progress report by October 15, 2005 to demonstrate compliance regarding the requirement to correct identified areas of noncompliance among all local programs, as required by 34 CFR §303.501. The noncompliance identified in this area was based on statements in the State's FFY 2002 APR that said that due to staff vacancies, three local programs that were noncompliant were not issued a Compliance Determination Report, and did not develop an Improvement Plan.</p>	<p>UDOH submitted a revision to its October 5, 2005 final report, on January 20, 2006, with corrected information that indicates that the issue raised in the FFY 2002 APR has been addressed.</p>	<p>The State provided information that indicates that the issue that was raised in the FFY 2002 APR has been addressed.</p> <p>See Table A regarding other noncompliance identified in the SPP.</p>	<p>No further action required with regard to the noncompliance OSEP identified in its September 15, 2004 letter.</p> <p>See Table A regarding other noncompliance identified in the SPP.</p>
<p>Indicator 9B: Procedural Safeguards Notice - OSEP's August 22, 2005 FFY 2003 APR letter included its analysis of UDOH's procedural safeguards notice- Parents' Rights in Early Intervention- and required UDOH to submit the revised procedural safeguards notice in its SPP consistent with the revisions specified in Attachment A of the FFY 2003 APR response.</p>	<p>UDOH posted a copy of its revised procedural safeguards notice- Parents' Rights in Early Intervention on the State's web-page at www.utahbabywatch.org.</p>	<p>OSEP completed its review of UDOH's procedural safeguards notice- Parents' Rights in Early Intervention and determined that the document contained all of the changes indicated in OSEP's previous analysis.¹</p>	<p>No further action required.</p>
<p>Indicator 9B: Natural Environment Justifications - OSEP's September 15, 2004 FFY 2002 APR response accepted the State's plan and required UDOH to submit a final progress report by October 15, 2005 to demonstrate compliance with the requirement to ensure that an appropriate justification is written on the IFSP when</p>	<p>In its FFY 2003 APR, the State reported that two of the three local programs identified by the State as being in noncompliance in FFY 2002 had demonstrated correction, and the other program continued to implement the strategies in its Improvement Plan. In its FFY 2003 APR, the State also reported a</p>	<p>The State indicated correction of the noncompliance identified by the State in 2002, however, the State did not submit information regarding the correction of the noncompliance identified by the State in 2003-2004</p>	<p>With the FFY 2005 APR, due February 1, 2007, under Indicators 2 and 9, the State must submit data demonstrating compliance with this requirement for the programs where the State found noncompliance in 2003-2004.</p>

¹ It is our understanding based on the State's FFY 2005 application that the State will be updating its notice after the IDEA Part C regulations are published to reflect the changes in IDEA '04 and the applicable Part C regulations.

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<p>services are not provided in natural environments as required by 34 CFR §303.344(d)(1)(ii).</p>	<p>92% compliance rate based on files reviewed in 2003-2004.</p> <p>In its January 20, 2006 e-mail, the State indicated that the one remaining local program identified by the State as being in noncompliance in FFY 2002 had demonstrated compliance with this requirement.</p>	<p>(reported in the FFY 2003 APR).</p>	
<p>Indicator 9B: Evaluations in All Five Domains - OSEP's August 22, 2005 FFY 2003 APR response accepted the State's plan and required UDOH to submit, with its SPP, updated data and information demonstrating progress toward compliance in the eight local programs referenced in the FFY 2003 APR as being in noncompliance with the requirement to conduct evaluations and assessments in all five developmental domains, as required by 34 CFR §303.322(c)(3)(ii).</p> <p>The State was also required to submit a final progress report to OSEP by September 22, 2006 with updated data and analysis to demonstrate full compliance for the remaining eight local programs.</p>	<p>On pages 1 and 2 of the November 30, 2005 progress report, UDOH stated that seven of the eight local programs completed the activities in their improvement plans. The one remaining local program continued to implement the activities in their improvement plans and the results will be reported to OSEP in the final progress report.</p> <p>UDOH reported that follow-up monitoring activities were conducted that included technical assistance, file reviews, implementation of corrective actions and improvement plans to ensure compliance with this requirement.</p>	<p>The State indicated that seven of the eight local programs referenced in the FFY 2003 APR had demonstrated compliance with the requirement to conduct evaluations and assessments in all five developmental domains, as required by 34 CFR §303.322(c)(3)(ii).</p>	<p>The State's final progress report demonstrating compliance with this requirement, which was due by September 22, 2006, may be submitted with the State's FFY 2005 APR on February 1, 2007. The State must ensure that it is implementing its improvement strategies to enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance for the one remaining local program that was referenced in the FFY 2003 APR as being in noncompliance with this requirement.</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 this requirement.</p>