

California Part C FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>Status of Public Reporting on EIS Program Performance: While the State has publicly reported on the FFY 2006 performance of each EIS program located in the State on the targets in the State’s performance plan as required by section 616(b)(2)(C)(ii)(I) of IDEA, those reports do not contain all of the required information. Specifically, the State’s public report on the web does not include FFY 2006 EIS program data for Indicator 4.</p>		
<p>Status on the submission of an annual performance report by the State Interagency Coordinating Council: Under IDEA section 641(e)(1)(D) and 34 CFR §303.654, the Interagency Coordinating Council (ICC) of each jurisdiction that receives funds under Part C of the IDEA must prepare and submit to the Secretary of the U.S. Department of Education (Department) and to the Governor of its jurisdiction an annual report on the status of the early intervention programs for infants and toddlers with disabilities and their families operated within the State. The ICC may either: (1) prepare and submit its own annual report to the Department and the Governor; or (2) provide a certification with the State lead agency’s Annual Performance Report (APR) under Part C of the IDEA that the ICC is using the State’s Part C APR in lieu of submitting the ICC’s own annual report. The most recent ICC report that OSEP has received from the State was the report for FFY 2004, received in April 2008. For FFY 2005, FFY 2006, and FFY 2007, the ICC has submitted a form indicating that the ICC will submit its own report rather than certifying that it is using the State’s Part C APR, but has not yet submitted such a report for any of these years.</p>		
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 94.67%. These data represent progress from the FFY 2006 data of 94.6%. The State did not meet its FFY 2007 target of 100%. The State reported that two of three findings of noncompliance identified in FFY 2006 related to this indicator were corrected in a timely manner. The State reported the following specific actions taken to correct the uncorrected finding of noncompliance: additional training efforts and filling staffing shortages.</p>	<p>The State reported that noncompliance identified in FFY 2006 with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1) was partially corrected. The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the remaining uncorrected noncompliance finding was corrected. OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State’s data demonstrating that it is in compliance with the requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR. In reporting on correction of the one uncorrected FFY 2006 finding and the noncompliance reported in FFY 2007 APR under this indicator, the State must report, in</p>

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		<p>its FFY 2008 APR due February 1, 2010, that it has verified that each EIS program with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has initiated services for each child, although late, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>								
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 85.89%. The FFY 2006 data were 86.33%.</p> <p>The State met its FFY 2007 target of 79.7%.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>								
<p>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>The State’s FFY 2007 reported progress data “for infants and toddlers who are eligible because they have a developmental delay or an established condition” for this indicator are:</p> <table border="1" data-bbox="548 1219 1446 1474"> <thead> <tr> <th data-bbox="548 1219 1075 1401">07-08 Infant and Toddler Outcome Progress Data</th> <th data-bbox="1075 1219 1199 1401">Social Emotional</th> <th data-bbox="1199 1219 1323 1401">Knowledge & Skills</th> <th data-bbox="1323 1219 1446 1401">Appropriate Behavior</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 1401 1075 1474">a. % of infants & toddlers who did not improve functioning.</td> <td data-bbox="1075 1401 1199 1474">5.84</td> <td data-bbox="1199 1401 1323 1474">2.92</td> <td data-bbox="1323 1401 1446 1474">5.69</td> </tr> </tbody> </table>	07-08 Infant and Toddler Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior	a. % of infants & toddlers who did not improve functioning.	5.84	2.92	5.69	<p>The State reported outcome data for at risk children separately from those children eligible due to diagnosed conditions and developmental delays, and must continue to provide this required data.</p> <p>The State reported the required progress data and improvement activities. The State must provide baseline data, targets and improvement activities with the FFY 2008 APR, due February 1, 2010.</p>
07-08 Infant and Toddler Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior							
a. % of infants & toddlers who did not improve functioning.	5.84	2.92	5.69							

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[Results Indicator]	b. % of infants & toddlers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	18.15	29.54	22.77		
	c. % of infants & toddlers who improved to a level nearer to same-aged peers but did not reach it.	1.08	1.54	0.77		
	d. % of infants & toddlers who improved functioning to reach a level comparable to same-aged peers.	14.31	18.00	14.92		
	e. % of infants & toddlers who maintained functioning at a level comparable to same-aged peers.	60.62	48.00	55.85		
	Total (approx. 100%)	100.00 %	100.00 %	100.00 %		
	The State's FFY 2007 reported progress data "for infants and toddlers who are eligible because they are at risk" for this indicator are:					
	07-08 Infant and Toddler Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior		
	a. % of infants & toddlers who did not improve functioning.	5.44	3.40	1.36		
	b. % of infants & toddlers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	17.01	24.49	23.13		
	c. % of infants & toddlers who improved to a level nearer to same-aged peers but did not reach it.	1.36	2.72	2.72		

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	d. % of infants & toddlers who improved functioning to reach a level comparable to same-aged peers.	19.05	22.45	20.41	
	e. % of infants & toddlers who maintained functioning at a level comparable to same-aged peers.	57.14	46.94	52.38	
	Total (approx. 100%)	100%	100%	100%	
<p>4. Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights; B. Effectively communicate their children's needs; and C. Help their children develop and learn.</p> <p>[Results Indicator]</p>	<p>The State reported in its FFY 2007 APR that it is awaiting approval of its sampling plan and therefore has not submitted FFY 2007 data for this indicator. The State submitted its revised sampling plan in April 2008, which, subsequent to the State's submission of its FFY 2007 APR, was reviewed by the Data Accountability Center. OSEP accepted the revised sampling plan in April 2009.</p>				<p>The State provided a plan to collect and report the required data beginning with the FFY 2008 APR. The State must provide the required data in the FFY 2008 APR, due February 1, 2010.</p>
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to:</p> <p>A. Other States with similar eligibility definitions; and B. National data.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 1.26%. These data represent progress from the FFY 2006 data of 1.15%.</p> <p>The State met its FFY 2007 target of .95%.</p>				<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to:</p> <p>A. Other States with similar eligibility definitions; and</p>	<p>The State's FFY 2007 reported data for this indicator are 2.37%. These data represent progress from the FFY 2006 data of 2.11%.</p> <p>The State met its FFY 2007 target of 1.85%.</p>				<p>OSEP appreciates the State's efforts to improve performance.</p>

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<p>B. National data. [Results Indicator]</p>		
<p>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. [Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 90.43%. These data represent progress from the FFY 2006 data of 90.28%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State reported that all 19 of its findings of noncompliance identified in FFY 2006 related to this indicator were corrected in a timely manner.</p>	<p>The State reported that noncompliance identified in FFY 2006 with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) was corrected in a timely manner.</p> <p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a), including correction of noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>In reporting on correction, the State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each EIS program with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has conducted the initial evaluation, assessment, and IFSP meeting, although late, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>8. Percent of all children exiting</p>	<p>The State's FFY 2007 reported data for this indicator are 92.38%. These data</p>	<p>The State reported that noncompliance</p>

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<p>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;</p> <p>[Compliance Indicator]</p>	<p>represent progress from the FFY 2006 data of 90%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State reported that the one finding of noncompliance identified in FFY 2006 related to this indicator was corrected in a timely manner.</p>	<p>identified in FFY 2006 with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h) was corrected in a timely manner.</p> <p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h), including correction of noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>In reporting on correction, the State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each EIS program with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has developed an IFSP with transition steps and services, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>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</p>	<p>The State's FFY 2007 reported data for this indicator are 89.52%. These data represent slippage from the FFY 2006 data of 100%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p>	<p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the LEA notification requirements in 34 CFR §303.148(b)(1), including correction of noncompliance the State reported under this indicator in the FFY</p>

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<p>including: B. Notification to LEA, if child potentially eligible for Part B; and [Compliance Indicator]</p>		<p>2007 APR.</p> <p>In reporting on correction, the State must report, in its FFY 2008 APR, due February 1, 2010, that it has verified that each EIS program with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has provided notification to the LEA, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>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: C. Transition conference, if child potentially eligible for Part B. [Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 98.09%. These data represent slippage from the FFY 2006 data of 100%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State's data demonstrating that it is in compliance with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>In reporting on correction, the State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each EIS program with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has</p>

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		<p>conducted a transition conference for each child potentially eligible for Part B, although late, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>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>[Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 95.89%. These data represent progress from the FFY 2006 data of 87.5%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State reported that 140 of 146 findings of noncompliance identified in FFY 2006 were corrected in a timely manner. The State reported the following actions taken to correct the uncorrected six findings of noncompliance: additional training efforts; filling staffing shortages; and developing additional resources for services in the natural environment.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State's data demonstrating that the State timely corrected noncompliance identified by the State in FFY 2007 in accordance with IDEA section 635(a)(10)(A) and 34 CFR §303.501 and OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>In reporting on correction of noncompliance from FFY 2006 and FFY 2007, the State must report that it has: (1) corrected all instances of noncompliance (including noncompliance identified through the State's monitoring system, through the State's data system and by the Department); and (2) verified that each EIS program with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with OSEP Memo</p>

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		<p>09-02.</p> <p>In addition, in responding to Indicators 1,7, 8A, 8B, and 8C in the FFY 2008 APR due February 1, 2010, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>In reporting on Indicator 9 in the FFY 2008 APR, the State must use the Indicator 9 Worksheet.</p>
<p>10. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 100%. These data are based on 13 complaints. These data remain unchanged from the FFY 2006 data of 100%.</p> <p>The State met its FFY 2007 target of 100%.</p> <p>As the State acknowledged on page 63 of its FFY 2007 APR and during a September 2008 technical assistance visit, that the State's current procedures for State complaints are not consistent with the requirements of 34 CFR §303.510, which requires each lead agency to adopt written procedures for resolving a complaint filed by any organization or individual that alleges <i>any violation of a Part C requirement</i>. The State's current practice is to forward State complaints that address a disagreement regarding the denial of, or change in, eligibility or services to the State's Office of Administrative Hearings to be resolved as a due process complaint.</p> <p>While a State may advise a parent who files a State complaint regarding the availability of a due process hearing to resolve certain disputes under Part C, a State must resolve any Part C State complaint that meets the requirements of 34 CFR §303.511(a). The State must provide a specific written assurance (which OSEP has provided in a separate memorandum to the State) with its FFY 2009 grant application to ensure that it will comply with the requirements of 34 CFR §303.511(a) during FFY 2009.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §303.510.</p> <p>The State must provide a specific written assurance (which OSEP has provided in its March 25, 2009 separate memorandum to the State) with its FFY 2009 grant application to ensure compliance with the subject matter complaint resolution requirements of 34 CFR §303.511(a) during FFY 2009.</p>

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<p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline. [Compliance Indicator]</p>	<p>The State's reported data for this indicator are 69.23%. These data are not comparable to the FFY 2006 data of 100% (which were based on incorrect implementation of the 30-day due process hearing request timeline). The State did not meet its FFY 2007 target of 100%.</p>	<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State is in compliance with the due process hearing timelines requirements in 34 CFR §§303.420 and 303.423(b).</p>
<p>12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted). [Results Indicator]</p>	<p>Not applicable.</p>	<p>This indicator does not apply to the State because the State has not adopted the Part B due process procedures to resolve Part C due process hearing requests.</p>
<p>13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 100%. These data remain unchanged from the FFY 2006 data of 100%. The State met its target of 55%. IDEA sections 639(a)(8) and 615(e)(1) require that mediation be made available to parties to resolve disputes involving any matter related to Part C. As acknowledged by the State in the FFY 2007 APR and during a September 2008 technical assistance visit, the State has been making mediation available only when a party has requested a due process hearing. The State must provide a specific written assurance (which OSEP has provided in a separate memorandum to the State) with its FFY 2009 grant application to ensure that it will comply with the requirements in IDEA sections 639(a)(8) and 615(e)(1) during FFY 2009.</p>	<p>The State must provide a written assurance (which OSEP has provided in its March 25, 2009 separate memorandum to the State) with its FFY 2009 grant application to ensure compliance with the mediation availability requirements in IDEA sections 639(a)(8) and 615(e)(1) during FFY 2009.</p>
<p>14. State reported data (618 and State Performance Plan and Annual</p>	<p>The State revised the improvement activities for this indicator and OSEP</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the data reporting</p>

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<p>Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>accepts those revisions. The State's FFY 2007 reported data for this indicator are 100%. These data represent progress from the FFY 2006 data of 82.6%. The State met its FFY 2007 target of 100%.</p>	<p>requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540. In reporting on Indicator 14 in the FFY 2008 APR, the State must use the Indicator 14 Data Rubric.</p>