

Kentucky Part C FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</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 81.2%. However, these data are not valid and reliable because the State’s timeliness standard under this indicator is a period of time after the IFSP service initiation date and is neither the IFSP initiation date nor a reasonable period of time from parental consent. The State indicated it is revising its standard for the FFY 2008 APR, but that it was unable to revise its standard to reflect the correct measurement for its FFY 2007 data.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>In its FFY 2006 APR, the State reported that one of its FFY 2005 findings, which had been based on a complaint, has been corrected. In its FFY 2007 APR, the State reported that the remaining 15 findings of noncompliance identified in FFY 2005 had not been corrected. The State also acknowledged in its FFY 2007 APR that “Kentucky’s current monitoring system is unable to efficiently or effectively assist in determining timely correction of noncompliance.”</p>	<p>The State must take the steps necessary to ensure that it can report, in the FFY 2008 APR, due February 1, 2010, that it has corrected this noncompliance.</p> <p>The State reported that 15 findings of noncompliance identified in FFY 2005 with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1) were not corrected. The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the remaining 15 uncorrected FFY 2005 noncompliance findings were corrected.</p> <p>The State must also demonstrate, in the FFY 2008 APR due February 1, 2010, that the State 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.</p> <p>The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each EIS program with remaining FFY 2005 findings of noncompliance and 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>The State’s failure to correct longstanding</p>

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		<p>noncompliance raises serious questions about the effectiveness of the State’s general supervision systems.</p> <p>The State did not submit data based on the required measurement. The State provided a plan to collect and report the required data beginning with the FFY 2008 APR. In the FFY 2008 APR, due February 1, 2010, the State must submit data based on the required measurement.</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 99.5%. The State’s FFY 2006 data were 99.3%. The State’s data reflect a high level of performance for this indicator.</p> <p>The State met its FFY 2007 target of 98.7%.</p>	<p>The State’s actual target data for provision of services to infants and toddlers in natural environments are at or greater than 95%. There is no expectation that an increase in that percentage is necessary. OSEP appreciates the State’s efforts to improve performance and assumes that the State is monitoring to ensure that IFSP teams are making service setting decisions on an individualized basis and in compliance with 34 CFR §§303.12, 303.18, and 303.344(d)(1)(ii).</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>[Results Indicator]</p>	<p>The State’s FFY 2007 reported progress data for this indicator are:</p> <table border="1" data-bbox="548 1101 1446 1357"> <thead> <tr> <th data-bbox="548 1101 1075 1284">07-08 Infant and Toddler Outcome Progress Data</th> <th data-bbox="1075 1101 1199 1284">Social Emotional</th> <th data-bbox="1199 1101 1323 1284">Knowledge & Skills</th> <th data-bbox="1323 1101 1446 1284">Appropriate Behavior</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 1284 1075 1357">a. % of infants & toddlers who did not improve functioning.</td> <td data-bbox="1075 1284 1199 1357">33.5</td> <td data-bbox="1199 1284 1323 1357">24.7</td> <td data-bbox="1323 1284 1446 1357">25.4</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.	33.5	24.7	25.4	<p>The State reported the required progress data and improvement activities. However, the State did not submit valid and reliable data based on the explanation of its calculation. The State provided a plan to collect and report valid and reliable data beginning with the FFY 2008 APR. The State must provide baseline data, targets and revised 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.	33.5	24.7	25.4							

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	b. % of infants & toddlers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	41.9	64.9	61.2	
	c. % of infants & toddlers who improved to a level nearer to same-aged peers but did not reach it.	12.9	7.8	10.4	
	d. % of infants & toddlers who improved functioning to reach a level comparable to same-aged peers.	6.5	1.3	3.0	
	e. % of infants & toddlers who maintained functioning at a level comparable to same-aged peers.	3.2	1.3	0	
	Total (approx. 100%)	98.00%	100.00%	100.00%	
	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>These data are not valid and reliable because the State did not report data for each of the three child outcome areas for each child.</p> <p>OSEP's June 6, 2008, FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, a description of how the State plans to collect and report data for this indicator that will result in the State's ability to provide valid and reliable baseline data in the FFY 2008 APR, due February 1, 2010.</p>				

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<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's reported data for this indicator are:</p> <table border="1" data-bbox="548 313 1480 708"> <thead> <tr> <th></th> <th>FFY 2006 Data</th> <th>FFY 2007 Data</th> <th>FFY 2007 Target</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>A. Know their rights. (%)</td> <td>84.6</td> <td>83.2</td> <td>83.2</td> <td>-1.40%</td> </tr> <tr> <td>B. Effectively communicate their children's needs. (%)</td> <td>79.9</td> <td>76.6</td> <td>74.3</td> <td>-3.30%</td> </tr> <tr> <td>C. Help their children develop and learn. (%)</td> <td>91</td> <td>89.0</td> <td>89.6</td> <td>-2.00%</td> </tr> </tbody> </table> <p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>These data represent slippage from the FFY 2006 data.</p> <p>The State met part of its FFY 2007 targets.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to address in the FFY 2007 APR, due February 2, 2009, whether any variables, other than race, were used to determine the representativeness of the response group. The State indicated that it did not analyze any variable other than race to determine the representativeness of the response group. However, the State reported that the new data system has the ability to collect data that will enable the State to analyze and report the representativeness of the response group using variables other than race alone in the FFY 2008 APR.</p>		FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress	A. Know their rights. (%)	84.6	83.2	83.2	-1.40%	B. Effectively communicate their children's needs. (%)	79.9	76.6	74.3	-3.30%	C. Help their children develop and learn. (%)	91	89.0	89.6	-2.00%	<p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p> <p>In its description of its FFY 2007 data, the State did not address whether the parent survey response group was representative of the State's population for any variables other than race. In the FFY 2008 APR, due February 1, 2010, the State must address whether its FFY 2008 data are based on a response group that is representative of its population.</p>
	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress																		
A. Know their rights. (%)	84.6	83.2	83.2	-1.40%																		
B. Effectively communicate their children's needs. (%)	79.9	76.6	74.3	-3.30%																		
C. Help their children develop and learn. (%)	91	89.0	89.6	-2.00%																		
<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 .65%. The State's FFY 2006 data were .60%.</p> <p>The State did not meet its FFY 2007 target of .66%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>																				

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<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>B. National data.</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 2.54%. These data represent progress from the FFY 2006 data of 2.17%.</p> <p>The State met its FFY 2007 target of 2.45%.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</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.</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 96%. These data represent progress from the FFY 2006 data of 92.5%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State reported that two of the three findings of noncompliance identified through dispute resolution in FFY 2006 were corrected in a timely manner and that the third finding was subsequently corrected. However, in the FFY 2007 APR, the State reported that it was unable to demonstrate correction of the one remaining FFY 2004 finding of noncompliance or the three remaining FFY 2005 findings that were not reported as corrected in the FFY 2006 APR. The State acknowledged in its FFY 2007 APR, that its current monitoring system is “unable to efficiently or effectively assist the state in determining timely correction of noncompliance” and that this problem has existed since FFY 2005.</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 requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a), including correction of the one remaining FFY 2004 finding, the three remaining FFY 2005 findings, and the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each EIS program with remaining FFY 2004 or 2005 findings of noncompliance and 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</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		must review its improvement activities and revise them, if necessary to ensure compliance.
<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:</p> <p>A. IFSPs with transition steps and services;</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 89%. These data represent progress from the FFY 2006 data of 74.5%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2006, the State reported that it made no new FFY 2006 findings of noncompliance related to this indicator.</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 §§303.148(b)(4) and 303.344(h), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>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 including:</p> <p>B. Notification to LEA, if child</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 92.8%. These data represent slippage from the FFY 2006 data of 93.9%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2006, the State reported that it made no FFY 2006 findings of</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 §303.148(b)(1), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>The State must report, in its FFY 2008 APR</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>potentially eligible for Part B; and [Compliance Indicator]</p>	<p>noncompliance related to this indicator.</p>	<p>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 requirement; 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 revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 data for this indicator are 79%. However, OSEP recalculated the data for this indicator to be 75.84%. These data represent slippage from the FFY 2006 data of 78%.</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 through dispute resolution in FFY 2006 was corrected in a timely manner. However, the State reported that it is unable to demonstrate that the four remaining findings of noncompliance identified in FFY 2004, and the 15 remaining findings of noncompliance identified in FFY 2005 were corrected. In addition, the State acknowledged that its current monitoring system is unable to efficiently or effectively assist the State in determining timely correction of noncompliance.</p>	<p>The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision systems. The State must take the steps necessary to ensure that it can report, in the FFY 2008 APR, due February 1, 2010, that it has corrected this noncompliance.</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 §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)), including correction of the four remaining FFY 2004 findings of noncompliance, the 15 remaining FFY 2005 findings of noncompliance, and the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>The State must report, in its FFY 2008 APR</p>

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		<p>due February 1, 2010, that it has verified that each EIS program with remaining FFY 2004 or FFY 2005 noncompliance, and each EIS program with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirement; and (2) has conducted the 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>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 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 80%. These data represent progress from the FFY 2006 data of 28.26%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State reported that four of five findings of noncompliance identified through dispute resolution in FFY 2006 were corrected in a timely manner, and the remaining finding subsequently was corrected. However, the State reported that it is unable to demonstrate correction of 15 FFY 2005 findings of noncompliance related to Indicator 1, one FFY 2004 finding and three FFY 2005 findings of noncompliance related to Indicator 7, four FFY 2004 findings, and 15 FFY 2005 findings of noncompliance related to Indicator 8C.</p> <p>The State acknowledged that its current monitoring system is unable to efficiently or effectively assist the State in determining timely correction of noncompliance. In addition, as stated in OSEP's April 10, 2009 verification visit letter, OSEP could not conclude that the on-site monitoring component of the State's general supervision system is reasonable designed to identify noncompliance. Further, OSEP's April 10, 2009 verification visit letter found that the State does not have a general supervision system that is reasonably designed to ensure correction of identified noncompliance in a timely manner.</p>	<p>The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision systems. As stated in OSEP's April 10, 2009 verification visit letter, the State must submit revised policies and procedures to OSEP by June 10, 2009 to address the issues regarding the State's general supervision system. OSEP will respond separately to the State's June 10, 2009 submission.</p> <p>The State must also 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 timely corrected noncompliance identified by the State in FFY 2007, in accordance with IDEA section 635(a)(10)(A), 34 CFR §303.501, and OSEP Memo 09-02.</p> <p>In addition, the State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the State has corrected the remaining</p>

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		<p>findings of noncompliance identified in FFY 2004 and FFY 2005 that were not reported as corrected in the <u>FFY 2007 APR</u>.</p> <p>In reporting on correction of noncompliance, 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 requirement(s), consistent with OSEP Memo 09-02.</p> <p>In responding to Indicators 1, 7, 8A, 8B, and 8C in the FFY 2008 APR due February 1, 2010, the State must also 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. [Compliance 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%, based on the resolution of 18 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>OSEP appreciates the State’s efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §§303.510 through 303.512.</p>
<p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.</p>	<p>The State reported that it did not receive any due process hearings during the FFY 2007 reporting period.</p>	<p>OSEP looks forward to reviewing the State’s data in the FFY 2008 APR, due February 1, 2010.</p>

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[Compliance Indicator]		
<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).</p> <p>[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.</p> <p>[Results Indicator]</p>	<p>The State reported that no mediations were held during the FFY 2007 reporting period.</p> <p>The State reported fewer than ten mediations held in FFY 2007. The State is not required to provide targets or improvement activities until any FFY in which ten or more mediations were held.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2008 APR, due February 1, 2010.</p>
<p>14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 97%. However, OSEP's calculation of the data for this indicator is 95.7%. These data represent slippage from the FFY 2006 of 98.9%.</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 and accurate data requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540.</p> <p>In reporting on Indicator 14 in the FFY 2008 APR, the State must use the Indicator 14 Data Rubric.</p>