

Arkansas Part C FFY 2008 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's FFY 2008 reported data for this indicator are 82%. These data represent slippage from the FFY 2007 data of 88.4%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that all 29 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>The State must demonstrate, in the FFY 2009 APR due February 1, 2011, that the State is in compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has initiated services, although late, for any child whose services were not initiated in a timely manner, 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). In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>2. Percent of infants and toddlers</p>	<p>The State revised the indicator and measurement language (consistent with</p>	<p>OSEP looks forward to the State's data</p>

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<p>with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]</p>	<p>revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions. The State's FFY 2008 reported data are 42%. These data represent slippage from the FFY 2007 data of 46%. The State did not meet its FFY 2007 target of 70%.</p>	<p>demonstrating improvement in performance in the FFY 2009 APR.</p>												
<p>3. Percent of infants and toddlers with IFSPs who demonstrate improved: A. Positive social-emotional skills (including social relationship); B. Acquisition and use of knowledge and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]</p>	<p>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions. The State provided FFY 2008 baseline data, targets, and improvement activities for this indicator and OSEP accepts the State's submission for this indicator. The State's FFY 2008 reported data for this indicator are:</p> <table border="1" data-bbox="548 695 1444 1237"> <thead> <tr> <th data-bbox="548 695 919 829">08-09 Infant and Toddler Outcome Baseline Data</th> <th data-bbox="919 695 1192 829"><u>Summary Statement 1</u>¹</th> <th data-bbox="1192 695 1444 829"><u>Summary Statement 2</u>²</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 829 919 964">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="919 829 1192 964">56</td> <td data-bbox="1192 829 1444 964">24</td> </tr> <tr> <td data-bbox="548 964 919 1133">Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td data-bbox="919 964 1192 1133">53</td> <td data-bbox="1192 964 1444 1133">20</td> </tr> <tr> <td data-bbox="548 1133 919 1237">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td data-bbox="919 1133 1192 1237">56</td> <td data-bbox="1192 1133 1444 1237">22</td> </tr> </tbody> </table>	08-09 Infant and Toddler Outcome Baseline Data	<u>Summary Statement 1</u> ¹	<u>Summary Statement 2</u> ²	Outcome A: Positive social-emotional skills (including social relationships) (%)	56	24	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	53	20	Outcome C: Use of appropriate behaviors to meet their needs (%)	56	22	<p>The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.</p>
08-09 Infant and Toddler Outcome Baseline Data	<u>Summary Statement 1</u> ¹	<u>Summary Statement 2</u> ²												
Outcome A: Positive social-emotional skills (including social relationships) (%)	56	24												
Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	53	20												
Outcome C: Use of appropriate behaviors to meet their needs (%)	56	22												
<p>4. Percent of families participating in Part C who report that early intervention services have helped</p>	<p>The State's reported data for this indicator are:</p>	<p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating</p>												

¹ Summary Statement 1: Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned three years of age or exited the program.

² Summary Statement 2: The percentage of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned three years of age or exited the program.

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<p>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>[Results Indicator]</p>		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	<p>improvement in performance in the FFY 2009 APR.</p>
	A. Know their rights (%)	62	65.1	77	3.10%	
	B. Effectively communicate their children’s needs (%)	67.5	70.3	67	2.80%	
	C. Help their children develop and learn. (%)	70.8	72.8	84	2.00%	
	<p>These data represent progress from the FFY 2007 data. The State met its FFY 2008 targets for 4B and did not meet its FFY 2008 target for 4A and C.</p> <p>OSEP’s June 1, 2009 FFY 2007 SPP/APR response table required the State to indicate in the FFY 2008 APR, due February 1, 2010 whether its response group is representative of the State’s population and, if not, the actions the State is taking to address this issue. The State provided the required information.</p>					
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 data for this indicator are 0.66%. These data represent slippage from the FFY 2007 data of .72%. The State met its FFY 2008 target of .50%.</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 national data.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 2.33%. The State’s FFY 2007 reported data were 2.34%. The State met its FFY 2008 target of 2.30%.</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</p>	<p>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p>					<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1),</p>

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<p>conducted within Part C's 45-day timeline. [Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 82%. These data represent slippage from the FFY 2007 data of 88%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that all 44 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>and 303.342(a). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45-day timeline was not met, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</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 2008 reported data for this indicator are 88%. These data represent progress from the FFY 2007 data of 55%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that all 399 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h). Because the State reported less than 100% compliance for FFY 2008,</p>

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<p>including: A. IFSPs with transition steps and services; [Compliance Indicator]</p>		<p>the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed an IFSP with transition steps and services for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State's Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</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: B. Notification to LEA, if child</p>	<p>The State's FFY 2008 reported data for this indicator are 88%. These data represent slippage from the FFY 2007 data of 89%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that all 96 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the LEA notification requirements in 34 CFR §303.148(b)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for</p>

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<p>potentially eligible for Part B; and [Compliance Indicator]</p>		<p>this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has provided notification to the LEA for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State’s Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</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 2008 reported data for this indicator are 57%. These data represent progress from the FFY 2007 data of 55%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that all 399 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner. On pages 28-29 of its FFY 2008 APR, the State reported that the Part C Data Manager verified that timely transition conferences were being held, but also stated that “for conferences that were not timely, they were issued a finding of noncompliance. Subsequent correction was verified to ensure that a transition conference was held, although late.” It is unclear whether the State verified that each EIS program with noncompliance identified in FFY 2007 is correctly implementing the specific regulatory requirements in 34 CFR</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State 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)). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of</p>

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	<p>§303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)), consistent with OSEP Memo 09-02. Therefore, the State has not demonstrated that it corrected the noncompliance.</p>	<p>noncompliance, the State must report in its FFY 2009 APR that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(2) (i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has conducted a transition conference, although late, for any child potentially eligible for Part B whose transition conference was not timely, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State must also demonstrate, in the FFY 2009 APR, that the 399 uncorrected noncompliance findings identified in FFY 2007 were corrected. When reporting the correction of noncompliance, the State must report in its FFY 2009 APR that it has verified that each EIS program with noncompliance identified in FFY 2007 is correctly implementing 34 CFR §303.148(b)(2) (i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p>

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		<p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</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 2008 reported data for this indicator are 100%. The State reported that all 1,099 of its findings of noncompliance identified in FFY 2007 were corrected in a timely manner.</p> <p>However, it is not clear from the information reported on pages 32-33 and 40 of the APR whether the State verified, as required by OSEP Memo 09-02, that each EIS program with noncompliance identified in FFY 2007: (1) is correctly implementing the specific regulatory requirements; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the State to include in the FFY 2008 APR, due February 1, 2010: (1) an assurance that it has changed its practice to ensure the identification of all noncompliance, notwithstanding the extent of the noncompliance; (2) a report on the correction of findings made not only under the QAT, but also through (A) the SEAS and (B) complaint and other dispute resolution processes; and (3) an assurance that its procedures for making annual determinations on the performance of its EIS programs include consideration of an EIS program's performance on all SPP/APR compliance indicators and any uncorrected noncompliance from any source (including noncompliance identified through the QAT). With its FFY 2008 APR, the State provided an assurance that addresses these issues.</p>	<p>OSEP appreciates the State's efforts in timely correcting noncompliance identified in FFY 2007.</p> <p>Although the State did not report for this indicator that it verified correction of noncompliance identified in FFY 2007 consistent with the OSEP Memo 09-02, OSEP accepted the data for this indicator this year because this indicator measures timely correction of noncompliance and OSEP Memo 09-02 was issued after the beginning of the FFY 2008 correction period.</p> <p>In reporting on correction of noncompliance in the FFY 2009 APR, the State must report that it verified that each EIS program with noncompliance identified in FFY 2008: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>In addition, in responding to Indicators 1, 7, 8A, 8B, and 8C in the FFY 2009 APR,</p>

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		<p>the State must report on correction of the noncompliance described in this table under that indicator.</p> <p>In reporting on Indicator 9 in the FFY 2009 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's FFY 2008 reported data for this indicator are 100%. These data are based on one complaint. The State met its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §303.512.</p>
<p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.</p> <p>[Compliance Indicator]</p>	<p>The State did not receive any requests for due process hearings during the reporting period.</p> <p>With its FFY 2009 Part C grant application, the State submitted an assurance that it would revise its procedural safeguards documents to include all of the Part C requirements regarding complaints, under 34 CFR §§303.510-303.512, and either the Part C or Part B requirements under 34 CFR §303.420 for mediations and due process hearings; and submit the revised documents to OSEP as soon as they are finalized but no later than September 30, 2009. The State submitted a draft revised procedural safeguards policy on April 12, 2010 that is currently under review with the Arkansas State Office of Chief Counsel. OSEP will respond separately to the State's draft revised procedural safeguards policy.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</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).</p> <p>[Results Indicator]</p>	<p>The State reported that no resolution sessions were held during the reporting period.</p> <p>The State reported fewer than ten resolution sessions held in FFY 2008. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more resolution sessions were held.</p> <p>With its FFY 2009 Part C grant application, the State submitted an assurance that it would revise its procedural safeguards documents to include all of the</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>

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	<p>Part C requirements regarding complaints under 34 CFR §§303.510-303.512, and either the Part C or Part B requirements under 34 CFR §303.420 for mediations and due process hearings; and submit the revised documents to OSEP as soon as they are finalized but no later than September 30, 2009. The State submitted a draft revised procedural safeguards policy on April 12, 2010 that is currently under review with the Arkansas State Office of Chief Counsel. OSEP will respond separately to the State's draft revised procedural safeguards policy.</p>	
<p>13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The State reported that no mediations were held during the reporting period. The State reported fewer than ten mediations held in FFY 2008. The State is not required to provide targets or improvement activities except in any fiscal year in which ten or more mediations were held.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The State's FFY 2008 data for this indicator are 100%. These data represent progress from the FFY 2007 data of 98.6%. The State met its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540. In reporting on Indicator 14 in the FFY 2009 APR, the State must use the Indicator 14 Data Rubric.</p>