

California Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>Status on the submission of an annual performance report by the State Interagency Coordinating Council:</p> <p>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 received from the State was the report for FFY 2005, received on May 26, 2010. For FFY 2006, FFY 2007, and FFY 2008, the ICC has submitted a form indicating that the ICC would 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. However, it is OSEP’s understanding that the ICC was provided any opportunity to review and provide input into the State’s APRs and that the State’s targets were established with input from the ICC. OSEP may factor the SICC’s continuing failure to submit the annual report required under IDEA Section 641(e)(1)(D) and 34 CFR §303.654 into the Department’s 2011 determination for California (for FFY 2009) under IDEA sections 616 and 642.</p>		
<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 96.73%. These data represent progress from the FFY 2007 data of 94.67%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that both findings of noncompliance identified in FFY 2007 were corrected in a timely manner. However, the State did not report that each EIS program with noncompliance in FFY 2007: (1) is correctly implementing the specific regulatory requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344 (f)(1); and (2) has completed the required action, 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). Therefore the State has not demonstrated that it corrected the noncompliance.</p> <p>OSEP’s June 1, 2009 FFY 2007 SPP/APR response table required the State to demonstrate in the FFY 2008 APR, due February 1, 2010, that the remaining uncorrected FFY 2006 finding was corrected. The State did not report on correction of that finding.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2009 APR, due February 1, 2011, the State’s data demonstrating that it 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>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>The State must demonstrate, in the FFY 2009 APR, that the remaining two uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that</p>

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		<p>each EIS program with noncompliance reflected in the FFY 2008 data the State reported for this indicator and the EIS programs with the remaining two uncorrected noncompliance findings identified in FFY 2007: (1) are correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(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) have 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 Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction. 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>The State must demonstrate, in the FFY 2009 APR, that the remaining uncorrected noncompliance finding identified in FFY 2006 was corrected. The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2009 APR, that it has corrected this noncompliance.</p>
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the</p>	<p>The State revised the indicator and measurement language for this indicator (consistent with revisions in the Indicator Measurement Table) and OSEP</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps												
home or community-based settings. [Results Indicator]	accepts those revisions. The State's FFY 2008 reported data for this indicator are 86.28%. These data represent progress from the State's FFY 2007 data of 85.89%. The State met its FFY 2008 target of 83.2%.													
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]	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 baseline data for this indicator are: <table border="1" data-bbox="548 659 1444 1206"> <thead> <tr> <th data-bbox="548 659 921 794">08-09 Infant and Toddler Outcome Baseline Data</th> <th data-bbox="921 659 1192 794"><u>Summary Statement 1</u>¹</th> <th data-bbox="1192 659 1444 794"><u>Summary Statement 2</u>²</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 794 921 930">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="921 794 1192 930">38.8</td> <td data-bbox="1192 794 1444 930">76.4</td> </tr> <tr> <td data-bbox="548 930 921 1099">Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td data-bbox="921 930 1192 1099">42.4</td> <td data-bbox="1192 930 1444 1099">68.0</td> </tr> <tr> <td data-bbox="548 1099 921 1206">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td data-bbox="921 1099 1192 1206">33.2</td> <td data-bbox="1192 1099 1444 1206">71.0</td> </tr> </tbody> </table> The State submitted its sampling methodology for Indicator 3 in the FFY 2008 APR. OSEP will review and respond to the State's sampling plan in a separate letter.	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) (%)	38.8	76.4	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	42.4	68.0	Outcome C: Use of appropriate behaviors to meet their needs (%)	33.2	71.0	The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.
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) (%)	38.8	76.4												
Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	42.4	68.0												
Outcome C: Use of appropriate behaviors to meet their needs (%)	33.2	71.0												

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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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
<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 revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s reported data for this indicator are:</p> <table border="1" data-bbox="550 342 1480 755"> <thead> <tr> <th></th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>A. Know their rights (%)</td> <td>No Data</td> <td>80.1</td> <td>49.5</td> <td>NA</td> </tr> <tr> <td>B. Effectively communicate their children’s needs (%)</td> <td>No Data</td> <td>88.7</td> <td>43.5</td> <td>NA</td> </tr> <tr> <td>C. Help their children develop and learn. (%)</td> <td>No Data</td> <td>91.3</td> <td>72.5</td> <td>NA</td> </tr> </tbody> </table> <p>OSEP cannot determine whether there was progress or slippage, because the State did not report FFY 2007 data for this indicator. The State met its FFY 2008 targets for this indicator.</p>		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	A. Know their rights (%)	No Data	80.1	49.5	NA	B. Effectively communicate their children’s needs (%)	No Data	88.7	43.5	NA	C. Help their children develop and learn. (%)	No Data	91.3	72.5	NA	<p>OSEP appreciates the State’s efforts to improve performance.</p>
	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress																		
A. Know their rights (%)	No Data	80.1	49.5	NA																		
B. Effectively communicate their children’s needs (%)	No Data	88.7	43.5	NA																		
C. Help their children develop and learn. (%)	No Data	91.3	72.5	NA																		
<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) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 1.12%. These data represent slippage from the FFY 2007 data of 1.26%. The State met its FFY 2008 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 national data.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 2.48%. These data represent progress from the FFY 2007 data of 2.37%. The State met its FFY 2008 target of 1.90%.</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</p>	<p>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities 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</p>																				

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>initial IFSP meeting were conducted within Part C's 45-day timeline.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 75.97%. These data represent slippage from the FFY 2007 data of 90.43%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that none of the three of findings of noncompliance identified in FFY 2007 were corrected. The State did not report on the actions it took to address the uncorrected noncompliance.</p>	<p>34 CFR §§303.321(e)(2), 303.322(e)(1), 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>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>The State must demonstrate, in the FFY 2009 APR, that the remaining three uncorrected noncompliance findings identified in FFY 2007 were corrected.</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 FFY 2008 data the State reported for this indicator and the EIS programs with the remaining three uncorrected noncompliance findings identified in FFY 2007: (1) are 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) have 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</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<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's FFY 2008 reported data for this indicator are 91.38%. These data represent slippage from the FFY 2007 data of 92.38%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that one of two findings of noncompliance identified in FFY 2007 was corrected in a timely manner. However, for the one finding the State reported as corrected, the State did not report in Indicator 8A that the EIS program with noncompliance in FFY 2007: (1) is correctly implementing the specific regulatory requirements in 34 CFR §§303.148(b)(4) and 303.344(h); and (2) has completed the required action, although late unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. Therefore the State has not demonstrated that it corrected the noncompliance. The State did not report on the actions it took to address the other finding reported as uncorrected.</p>	<p>taken to verify the correction.</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, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</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>The State must demonstrate, in the FFY 2009 APR, that the remaining two uncorrected noncompliance findings identified in FFY 2007 were corrected.</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 FFY 2008 data the State reported for this indicator and the EIS programs with the remaining two uncorrected noncompliance finding identified in FFY 2007: (1) are 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) have 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</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>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>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 potentially eligible for Part B; and</p> <p>[Compliance Indicator]</p>	<p>The State’s FFY 2008 reported data for this indicator are 87.36%. These data represent slippage from the FFY 2007 data of 89.58%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that none of the three findings of noncompliance identified in FFY 2007 were corrected in a timely manner. The State did not report on the actions it took to address the uncorrected noncompliance.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, with the FFY 2008 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received technical assistance for this indicator and on the actions the State took as a result of that technical assistance.</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 this indicator.</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>The State must demonstrate, in the FFY 2009 APR, that the remaining three uncorrected noncompliance findings identified in FFY 2007 were corrected.</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 and the EIS programs with the remaining three uncorrected noncompliance findings identified in FFY 2007: (1) are 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) have provided notification</p>

California Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		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>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>C. Transition conference, if child potentially eligible for Part B.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 96.55%. These data represent slippage from the FFY 2007 data of 98.09%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that one of the three findings of noncompliance identified in FFY 2007 was corrected in a timely manner. However, the State did not report in Indicator 8C that each EIS program with noncompliance in FFY 2007: (1) is correctly implementing the specific regulatory requirements in 34 CFR §§303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)9ii(II)); and (2) has completed the required action, although late unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. Therefore the State has not demonstrated that it corrected the noncompliance. The State did not report on the actions it took to address the uncorrected noncompliance.</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>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>The State must demonstrate, in the FFY 2009 APR, that the remaining three uncorrected noncompliance findings identified in FFY 2007 were corrected.</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 FFY 2008 data the State reported for this indicator and the EIS programs the remaining three uncorrected noncompliance findings identified in FFY 2007: (1) are correctly implementing 34 CFR §303.148(b)(2)(i) (as modified by</p>

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		<p>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) have 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>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. [Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 86.69%. These data represent slippage from the FFY 2007 data of 95.21%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that 293 of 338 findings of noncompliance identified in FFY 2007 were corrected in a timely manner. The State did not report on the actions it took to address the 45 uncorrected FFY 2007 findings of noncompliance.</p> <p>For the 293 FFY 2007 findings the State reported as corrected, the State reported that it did not verify, 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>The State reported under this indicator that four of 11 findings of noncompliance identified in FFY 2006 were corrected. The State reported under this indicator on the actions it took to address the outstanding seven FFY 2006 findings of noncompliance.</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 2009 APR, demonstrating that the State timely corrected noncompliance identified in FFY 2008 in accordance with IDEA section 635(a)(10)(A), 34 CFR §303.501, and OSEP Memo 09-02.</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 the OSEP Memo 09-02 was issued after the beginning of the FFY 2008 correction period.</p> <p>The State must demonstrate, in the FFY 2009 APR, that the remaining 45 findings of noncompliance identified in FFY 2007 that were not reported as corrected in the</p>

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		<p>FFY 2008 APR were corrected.</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 and each EIS program with remaining noncompliance identified in FFY 2007: (1) are 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) have 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>The State must demonstrate, in the FFY 2009 APR, that the remaining seven findings of noncompliance identified in FFY 2006 that were not reported as corrected in the FFY 2008 APR were corrected. The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2009 APR, that it has corrected this noncompliance.</p> <p>In addition, in reporting on Indicator 9 in the FFY 2009 APR, the State must use the Indicator 9 Worksheet.</p> <p>Further, in responding to Indicators 1, 7,</p>

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		8A, 8B, and 8C in the FFY 2009 APR, the State must report on correction of the noncompliance described in this table under those indicators.
<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%, based on the timely resolution of 12 complaints. These data remain unchanged from the 2007 reported data of 100%. The State met its FFY 2007 target of 100%.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the State to provide a specific written assurance 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. The State provided the required assurance and the State's FFY 2009 grant award incorporates this assurance.</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's FFY 2008 reported data for this indicator are 61.54%, based on the timely adjudication of eight of 13 due process hearing requests. These data represent slippage from the FFY 2007 of 69.23%. The State did not meet its FFY 2007 target of 100%.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, with the FFY 2008 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received technical assistance for this indicator and on the actions the State took as a result of that technical assistance.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2009 APR, demonstrating that the State is in compliance with the due process hearing timeline requirements in 34 CFR §303.420(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).</p> <p>[Results Indicator]</p>	<p>Not applicable.</p>	<p>Not applicable.</p>
<p>13. Percent of mediations held that resulted in mediation agreements.</p>	<p>The State's FFY 2008 reported data for this indicator are 100%. These data remain unchanged from the 2007 reported data of 100%. The State met its</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>

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[Results Indicator]	<p>FFY 2007 target of 100%.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the State to provide a specific written assurance 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. The State provided the required assurance and the State's FFY 2009 grant award incorporates this assurance.</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 2008 reported data for this indicator are 100%. These data remain unchanged from the FFY 2007 data of 100%. 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.</p> <p>In reporting on Indicator 14 in the FFY 2009 APR, the State must use the Indicator 14 Data Rubric.</p>