

**California Part C FFY 2009 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p><b>Status on the submission of an annual performance report by the State Interagency Coordinating Council (ICC):</b></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.</p> <p>For FFY 2009, the ICC submitted the certification 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. OSEP’s FFY 2008 SPP/APR response table, dated June 3, 2010, reported that the State had, for FFY 2006, FFY 2007, and FFY 2008, failed to meet the ICC annual reporting requirement under IDEA Section 641(e)(1)(D) and 34 CFR §303.654. OSEP received a letter from the ICC on October 13, 2010 indicating that the ICC had approved using California’s FFY 2006, FFY 2007, and FFY 2008 APRs in lieu of a separate report prepared by the ICC for FFY 2006, FFY 2007, and FFY 2008.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 95%. These data represent slippage from the FFY 2008 data of 96.73%. The State did not meet its FFY 2009 target of 100%.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2008, the State did not provide information in this indicator on any findings of noncompliance identified in FFY 2008 for this indicator.</p> <p>The State reported that both findings of noncompliance identified in FFY 2007 for this indicator were corrected.</p> <p><u>Verification Letter Findings</u></p> <p>OSEP’s February 15, 2011 verification letter found that the State: (1) was not making findings of noncompliance when data in its database for this indicator clearly reflect noncompliance; and (2) had failed to include “low incidence disability” children receiving Part C services through the California Department of Education (CDE) when reporting data for this indicator. For both findings, OSEP’s February 15, 2011 letter requires the State to provide information in its FFY 2010 APR, due February 1, 2012.</p> <p>In addition, regarding the first finding, OSEP’s letter required that, within 90 days from the date of that letter (i.e., by May 16, 2011), the State provide a written assurance that it has implemented revised procedures that require the State to review the SPP/APR Indicator 1 data in its database regarding the timeliness of providing early intervention services at least once each year, and make a finding of noncompliance if the data for a</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, 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 2009, 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 on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	<p>Regional Center show less than 100% compliance (unless such noncompliance is corrected before such finding is issued). The State provided the required assurance with its May 16, 2011 response to the verification letter and reported on page 6 of the APR that, “DDS will issue findings at the 100 percent level in FFY 2010 with data from the ESR [Early Start Report].”</p>	<p>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) 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 2010 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 2010 APR, the State must review its improvement activities and revise them, if necessary.</p> <p>As required by OSEP’s February 15, 2011 verification visit letter, the State must, in its FFY 2010 APR: (1) provide documentation that it has reviewed the SPP/APR Indicator 1 data in its database regarding the timeliness of providing early intervention services at least once each year, and has made a finding of noncompliance if the data for a Regional Center showed less than 100% compliance (unless such noncompliance was corrected</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																
		before such finding is issued); and (2) confirm that its FFY 2010 data for Indicator 1 include data for “low incidence disability” children receiving Part C services through CDE.																
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 data for this indicator are 87.7%. These data represent progress from the FFY 2008 data of 86.28%. The State met its FFY 2009 target of 86.6%.</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 relationship);</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="548 849 1581 1432"> <thead> <tr> <th data-bbox="548 849 1001 951"><u>Summary Statement 1</u></th> <th data-bbox="1001 849 1203 951"><u>FFY 2008 Data</u></th> <th data-bbox="1203 849 1381 951"><u>FFY 2009 Data</u></th> <th data-bbox="1381 849 1581 951"><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 951 1001 1101"> <p><b>Outcome A:</b></p> <p>Positive social-emotional skills (including social relationships) (%)</p> </td> <td align="center" data-bbox="1001 951 1203 1101">38.8</td> <td align="center" data-bbox="1203 951 1381 1101">46.9</td> <td align="center" data-bbox="1381 951 1581 1101">39.3</td> </tr> <tr> <td data-bbox="548 1101 1001 1284"> <p><b>Outcome B:</b></p> <p>Acquisition and use of knowledge and skills (including early language/ communication) (%)</p> </td> <td align="center" data-bbox="1001 1101 1203 1284">42.4</td> <td align="center" data-bbox="1203 1101 1381 1284">43.9</td> <td align="center" data-bbox="1381 1101 1581 1284">42.9</td> </tr> <tr> <td data-bbox="548 1284 1001 1432"> <p><b>Outcome C:</b></p> <p>Use of appropriate behaviors to meet their needs (%)</p> </td> <td align="center" data-bbox="1001 1284 1203 1432">33.2</td> <td align="center" data-bbox="1203 1284 1381 1432">41.4</td> <td align="center" data-bbox="1381 1284 1581 1432">33.7</td> </tr> </tbody> </table>	<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<p><b>Outcome A:</b></p> <p>Positive social-emotional skills (including social relationships) (%)</p>	38.8	46.9	39.3	<p><b>Outcome B:</b></p> <p>Acquisition and use of knowledge and skills (including early language/ communication) (%)</p>	42.4	43.9	42.9	<p><b>Outcome C:</b></p> <p>Use of appropriate behaviors to meet their needs (%)</p>	33.2	41.4	33.7	<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 2010 APR, due February 1, 2012.</p> <p>The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.</p>
<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>															
<p><b>Outcome A:</b></p> <p>Positive social-emotional skills (including social relationships) (%)</p>	38.8	46.9	39.3															
<p><b>Outcome B:</b></p> <p>Acquisition and use of knowledge and skills (including early language/ communication) (%)</p>	42.4	43.9	42.9															
<p><b>Outcome C:</b></p> <p>Use of appropriate behaviors to meet their needs (%)</p>	33.2	41.4	33.7															

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps	
	<b><u>Summary Statement 2</u></b>	<b><u>FFY 2008 Data</u></b>	<b><u>FFY 2009 Data</u></b>	<b><u>FFY 2009 Target</u></b>		
	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	76.4	72.5	76.9		
	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	68	64.2	68.5		
	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	71	67.8	71.5		
	These data represent progress and slippage from the FFY 2008 data. The State met part of its FFY 2009 targets for this indicator.  The State submitted a revised sampling plan for this indicator with its FFY 2009 APR. An evaluation of the sampling plan indicated that it could yield valid and reliable data for this indicator.					
4. Percent of families participating in Part C who report that early intervention services have helped the family:  A. Know their rights; B. Effectively communicate their children’s needs; and C. Help their children develop and learn.  [Results Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.  The State’s FFY 2009 reported data for this indicator are:				OSEP appreciates the State’s efforts to improve performance.	
	<b><u>FFY 2008 Data</u></b>	<b><u>FFY 2009 Data</u></b>	<b><u>FFY 2009 Target</u></b>	<b><u>Progress</u></b>		
Know their rights (%)	80.1	79.6	50.0	-0.5		
Effectively communicate their children’s needs (%)	88.7	88.6	44.0	-0.1		
Help their children develop and	91.3	90.5	73.0	-0.8		

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues					OSEP Analysis/Next Steps						
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%;">learn (%)</td> <td style="width:15%;"></td> <td style="width:15%;"></td> <td style="width:15%;"></td> <td style="width:15%;"></td> <td style="width:10%;"></td> </tr> </table> <p>The State met all of its FFY 2009 targets for this indicator.</p>					learn (%)						
learn (%)												
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 data for this indicator are .98%. OSEP was unable to determine whether there was progress or slippage because the State changed its eligibility definition in October 2009. The State met its FFY 2009 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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 data for this indicator are 2.29%. OSEP was unable to determine whether there was progress or slippage because the State changed its eligibility definition in October 2009. The State met its FFY 2009 target of 1.95%.</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 provided improvement activities through 2012, and OSEP accepts those revisions. The State did not provide targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 70.30%. These data represent slippage from the FFY 2008 data of 75.97%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that two of five findings of noncompliance identified by DDS in FFY 2008 were corrected in a timely manner and that one finding subsequently was corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State also reported that one of three findings of noncompliance identified in FFY 2007 was corrected. The State reported 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 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 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</p>					<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>The State must demonstrate, in the FFY 2010 APR, that the remaining two uncorrected noncompliance findings identified in FFY 2008 and the remaining two uncorrected</p>						

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	<p>assistance from which the State received assistance for this indicator and did not report on the actions the State took as a result of that technical assistance.</p> <p><u>Verification Letter Findings</u></p> <p>OSEP’s February 15, 2011 verification letter found that the State: (1) has a State regulation (Title 17 of the California Code of Regulations, section 52086(d)) and form, which inappropriately permit “extensions” of the 45-day timeline for initial evaluations, assessments and IFSP meetings, which is inconsistent with the requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a); and (2) had failed to include “low incidence disability” children receiving Part C services through the (CDE) when reporting data for this indicator.</p> <p>OSEP’s letter required that, within 90 days from the date of that letter (i.e., by May 16, 2011), the State provide a written assurance that it has implemented revised procedures that require the State to ensure that initial evaluations, assessments and IFSP meetings are conducted within the 45-day timeline in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) without allowing extensions and that the State has discontinued use of its 45-day timeline extension form. OSEP’s letter required the State to also submit, with the assurance, a copy of the guidance that it provided to all Regional Centers and all DHS Part C monitoring staff, informing them of this change in procedures, and clarifying that the “extension” form may not be used and that there may be no extensions to Part C’s 45-day timeline. With its May 16, 2011 response to the verification letter, the State provided the required assurance and transmitted a copy of the guidance that it had provided to all Regional Centers and to all DHS Part C monitoring staff.</p> <p>OSEP’s verification letter further required that, with its FFY 2011 Part C application, the State must provide a specific assurance that it will revise, by May 1, 2012, Title 17 of the California Code of Regulations, section 52086(d), to make clear that there are no “extensions” to the 45-day timeline requirement in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). With its FFY 2011 IDEA Part C application, the State provided the required assurance and OSEP will incorporate this specific written assurance into the State’s FFY 2011 IDEA Part C grant award.</p> <p>Finally, OSEP’s verification letter required that, with its FFY 2010 APR, due February 1, 2012, the State confirm that its FFY 2010 data for Indicator 7 include data for “low incidence disability” children receiving Part C services through CDE.</p>	<p>noncompliance findings identified in FFY 2007 were corrected.</p> <p>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 2010 APR, that it has corrected this noncompliance.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator and the EIS programs with remaining FFY 2008 and FFY 2007 noncompliance: (1) have 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-</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>02. In the FFY 2010 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 2010 APR, the State must review its improvement activities and revise them, if necessary.</p> <p>As required by OSEP’s February 15, 2011 verification visit letter, the State must, in its FFY 2010 APR, confirm that its FFY 2010 data for Indicator 7 include data for “low incidence disability” children receiving Part C services through CDE.</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>A. IFSPs with transition steps and services;</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 100%. However, these data are not valid and reliable as the State acknowledged that its review of 34 records for this indicator “is not a representative sample” of statewide data for the FFY 2009 reporting period.</p> <p>The State reported that its FFY 2009 data for this indicator are based on the State’s review, through on-site monitoring, of child records, selected through a randomized sample of children at least 30 months of age at the time of the on-site review of three Regional Centers. The State further reported that it suspended on-site monitoring for a six month period during which it worked with a committee to improve the on-site monitoring process. As a result, the State conducted on-site reviews in only three Regional Centers during FFY 2009, and only 34 records were reviewed across the three Regional Centers to collect the State’s FFY 2009 data for this indicator. The State reported that it has collected data for FFY 2010 through the review of a more representative review of records.</p> <p>The State reported that none of three findings of noncompliance identified in FFY 2008 by DDS were corrected in a timely manner and that one finding subsequently was corrected by February 1, 2011. The State reported on the actions it took to address the</p>	<p>The State did not provide valid and reliable FFY 2009 data for this indicator. The State provided a plan to collect and report valid and reliable data beginning with the FFY 2010 APR. The State must provide the required data in the FFY 2010 APR, due February 1, 2012.</p> <p>The State must demonstrate, in the FFY 2010 APR, that the remaining two uncorrected noncompliance findings identified in FFY 2008 and the remaining two uncorrected findings identified in FFY 2007 were corrected.</p> <p>The State’s failure to correct longstanding noncompliance raises serious questions about the</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	<p>uncorrected noncompliance.</p> <p>The State reported that one of three findings of noncompliance identified in FFY 2007 was corrected. The State reported 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 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 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 from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p><u>Verification Letter Finding</u></p> <p>OSEP’s February 15, 2011 verification letter found that the State had failed to include “low incidence disability” children receiving Part C services through CDE when reporting data for this indicator. OSEP’s letter required that, with its FFY 2010 APR, due February 1, 2012, the State must confirm that its FFY 2010 data for Indicator 8A include data for “low incidence disability” children receiving Part C services through CDE.</p>	<p>effectiveness of the State’s general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2010 APR, that it has corrected this noncompliance.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with remaining noncompliance identified in FFY 2008 and identified in FFY 2007: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) (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 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>As required by OSEP’s February 15, 2011 verification visit letter, the State must, in its FFY 2010 APR, confirm that its FFY 2010</p>

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		data for Indicator 8A include data for “low incidence disability” children receiving Part C services through CDE.
<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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 100%. However, as explained under Indicator 8A above, these data are not valid and reliable as the State acknowledged that its review of 34 records for this indicator “is not a representative sample” of statewide data for the FFY 2009 reporting period.</p> <p>The State reported that two of three findings of noncompliance identified in FFY 2008 by DDS were corrected in a timely manner and that one finding subsequently was corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected noncompliance. The State also reported that three findings of noncompliance identified in FFY 2007 were corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 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 from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p><u>Verification Letter Finding</u></p> <p>OSEP’s February 15, 2011 verification letter found that the State had failed to include “low incidence disability” children receiving Part C services through the (CDE) when reporting data for this indicator. With its FFY 2010 APR, due February 1, 2012, the State must confirm that its FFY 2010 data for Indicator 8B include data for “low incidence disability” children receiving Part C services through CDE.</p>	<p>The State did not provide valid and reliable FFY 2009 data for this indicator. The State provided a plan to collect and report valid and reliable data beginning with the FFY 2010 APR. The State must provide the required data in the FFY 2010 APR, due February 1, 2012.</p> <p>As required by OSEP’s February 15, 2011 verification visit letter, the State must, in its FFY 2010 APR, confirm that its FFY 2010 data for Indicator 8B include data for “low incidence disability” children receiving Part C services through CDE.</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>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 100%. However, as explained under Indicator 8A above, these data are not valid and reliable as the State acknowledged that its review of 34 records for this indicator “is not a representative sample” of Statewide data for the FFY 2009 reporting period.</p> <p>The State reported that the one finding of noncompliance identified in FFY 2008 by</p>	<p>The State did not provide valid and reliable FFY 2009 data for this indicator. The State provided a plan to collect and report valid and reliable data beginning with the FFY 2010 APR. The State must provide the required data in the FFY 2010 APR, due February</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>C. Transition conference, if child potentially eligible for Part B. [Compliance Indicator]</p>	<p>DDS was corrected in a timely manner.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2007, the State did not provide information on any findings of noncompliance identified in FFY 2007 for this indicator.</p> <p><u>Verification Letter Finding</u></p> <p>OSEP’s February 15, 2011 verification letter found that the State had failed to include “low incidence disability” children receiving Part C services through CDE when reporting data for this indicator. OSEP’s letter required that, with its FFY 2010 APR, due February 1, 2012, the State must confirm that its FFY 2010 data for Indicator 8C include data for “low incidence disability” children receiving Part C services through CDE.</p>	<p>1, 2012.</p> <p>As required by OSEP’s February 15, 2011 verification visit letter, the State must, in its FFY 2010 APR, confirm that its FFY 2010 data for Indicator 8C include data for “low incidence disability” children receiving Part C services through CDE.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 84.99%. These data represent slippage from the FFY 2008 data of 86.69%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 1665 of 1959 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that 281 findings were subsequently corrected by February 2011. The State reported that 18 of 45 findings of noncompliance identified in FFY 2007 were corrected. For the uncorrected noncompliance the State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported under this indicator that six of seven outstanding findings of noncompliance identified in FFY 2006 were corrected. The State reported on the actions it took to address the one remaining FFY 2006 finding of noncompliance.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 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 from which the State received assistance for this indicator and did not report on the actions the State took as a result of that technical assistance.</p> <p><u>Verification Letter Findings</u></p> <p>OSEP’s February 15, 2011 verification letter required the State to provide, within 90 days from the date of that letter (i.e., by May 16, 2011), a written assurance that it has implemented revised procedures that require the State to: (1) make a finding of</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 2010 APR, due February 1, 2012, demonstrating that the State timely corrected findings of noncompliance identified in FFY 2009 in accordance with IDEA section 635(a)(10)(A), 34 CFR §303.501, and OSEP Memo 09-02.</p> <p>The State must demonstrate, in the FFY 2010 APR, that the remaining four findings of noncompliance identified in FFY 2008, the remaining four findings of noncompliance identified in FFY 2007, and one remaining finding of noncompliance identified in FFY 2006 that were not reported as corrected in the FFY 2009 APR were corrected.</p> <p>The State’s failure to correct longstanding noncompliance</p>

**California Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	<p>noncompliance when it finds, as part of its file review during its on-site monitoring reviews of Regional Centers, any level of compliance below 100% (unless such noncompliance is corrected before such finding is issued); and (2) review the SPP/APR Indicator 1 data in its database regarding the timeliness of providing early intervention services at least once each year, and make a finding of noncompliance if the data for a Regional Center show less than 100% compliance (unless such noncompliance is corrected before such finding is issued). The State provided the required assurances with its May 16, 2011 response to the verification letter.</p>	<p>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 2010 APR, that it has corrected this noncompliance.</p> <p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, the State must report that it verified that each EIS program with noncompliance identified in FFY 2009: (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 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>In addition, in reporting on Indicator 9 in the FFY 2010 APR, the State must use the Indicator 9 Worksheet.</p> <p>Further, in responding to Indicators 1, 7, and 8A in the FFY 2010 APR, the State must report on correction of the</p>

**California Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 100%. These data remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%.</p> <p><u>Verification Letter Finding</u></p> <p>OSEP’s February 15, 2011 verification letter required the State to provide, within 90 days from the date of that letter, a written assurance that it has: (1) revised its procedures to provide for the State to resolve, through the State complaint process, any issues in a State complaint that State had set aside under 34 CFR §303.510(c)(1) because they had also been raised in a due process hearing request but were not ultimately addressed in the final due process hearing decision; and (2) that it has implemented those procedures for all State complaints received after the date of this letter in which a due process hearing has also been requested. The State provided the required assurances with its May 16, 2011 response to the verification letter.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 18%. These data represent slippage from the FFY 2008 data of 61.54%. The State did not meet its FFY 2009 target of 100%.</p> <p><u>Verification Letter Findings</u></p> <p>In its February 15, 2011 verification letter, OSEP found that the document that the State used to collect its data for Indicator 11 did not provide clear data on the timeliness of due process hearing decisions. OSEP’s letter required that, with its response during the SPP/APR clarification period to OSEP’s FFY 2009 California Part C SPP/APR Status Table, the State must provide a description of the extent to which its FFY 2009 APR data of 18%, that the State reported in the State’s FFY 2009 APR for Indicator 11, are consistent with the due process hearing timeline requirements in 34 CFR §303.423(b). In a letter, dated April 15, 2011, that was part of the State’s response during the clarification period, the State reported that “.....multiple reviews have confirmed the accuracy of Indicator #11 data reported in the FFY 2009 APR. Thus, all data reported are timely and accurate.”</p> <p>The State was identified as being in need of assistance for three consecutive years based</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 2010 APR, due February 1, 2012, demonstrating that the State is in compliance with the due process hearing timeline requirements in 34 CFR §303.420(b).</p>

**California Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	<p>on the State’s FFY 2006, FFY 2007, and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 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 from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</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>Not applicable.</p>
<p>13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are 100%. These data remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 55%.</p>	<p>OSEP looks forward to reviewing the State’s data in the FFY 2010 APR, due February 1, 2012.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are 100%. However, OSEP recalculated the data for this indicator to be 94.3%. These data represent slippage from the FFY 2008 data of 100%. The State did not meet its FFY 2009 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 2010 APR, due February 1, 2012, demonstrating that it is in 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 2010 APR, the State must use the Indicator 14 Data Rubric.</p>