

Mississippi Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>The IDEA Part C regulations cited in this APR Response Table as 34 CFR §303.xxx are those regulations which were in effect during FFY 2010. If the State has chosen to implement any of the new regulations published in 76 Federal Register 60140 (September 28, 2011) prior to the required implementation date of July 1, 2012 for a regulation that impacts the measurements for an SPP/ APR indicator, the State must so indicate in its FFY 2011 APR, due February 1, 2013.</p>		
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator are 87%. These data represent progress from the FFY 2009 data of 76%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that six of nine findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that the remaining three findings subsequently were corrected by January 2011.</p> <p><u>Special Conditions</u></p> <p>The timely service provision requirements under this indicator are the subject of Special Conditions on Mississippi’s FFY 2011 Part C grant award. OSEP has imposed special conditions on Mississippi’s Part C grant award since FFY 2006 due to the State’s failure to ensure the timely provision of services. The State’s February 1, 2012 Special Conditions progress report provided updated data for this indicator for the period July 1, 2011 through December 31, 2011 indicating 80% statewide compliance with the timely service provision requirements. In its second progress report, dated May 2, 2012, the State submitted data for the period January 1, 2012 through April 15, 2012 indicating 84% statewide compliance with the timely service provision requirements.</p>	<p>The State must demonstrate, in the FFY 2011 APR, 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 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010 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</p>

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		<p>within the jurisdiction of the EIS program, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2011 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 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>				
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 97%. The State's data reflect a high level of performance for this indicator. The State did not meet its FFY 2010 target of 98%.</p>	<p>The State's FFY 2010 data for provision of services to infants and toddlers in natural environments are at or greater than 95%. There is no expectation that an increase in that percentage is necessary. OSEP appreciates the State's efforts to improve performance and assumes that the State is monitoring to ensure that IFSP teams are making service setting decisions on an individualized basis and in compliance with 34 CFR §§303.12, 303.18, and 303.344(d)(1)(ii).</p>				
<p>3. Percent of infants and toddlers with IFSPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationship);</p> <p>B. Acquisition and use of knowledge</p>	<p>The State revised the improvement activities for FFY 2012 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="596 1446 1593 1513"> <tr> <td align="center"><u>Summary Statement 1</u></td> <td align="center"><u>FFY 2009</u></td> <td align="center"><u>FFY 2010</u></td> <td align="center"><u>FFY 2010</u></td> </tr> </table>	<u>Summary Statement 1</u>	<u>FFY 2009</u>	<u>FFY 2010</u>	<u>FFY 2010</u>	<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 2011 APR.</p>
<u>Summary Statement 1</u>	<u>FFY 2009</u>	<u>FFY 2010</u>	<u>FFY 2010</u>			

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and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]		<u>Data</u>	<u>Data</u>	<u>Target</u>	The State must report progress data and actual target data for FFY 2011 in the FFY 2011 APR.					
	Outcome A: Positive social-emotional skills (including social relationships) (%)	87	90	78						
	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	86	88	84						
	Outcome C: Use of appropriate behaviors to meet their needs (%)	88	89	86						
	<u>Summary Statement 2</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>						
	Outcome A: Positive social-emotional skills (including social relationships) (%)	70	64	68						
	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	69	63	70						
	Outcome C: Use of appropriate behaviors to meet their needs (%)	72	69	75						
	These data represent progress and slippage from the FFY 2009 data. The State met part of its FFY 2010 targets 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	The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions. The State's reported data for this indicator are: <table border="1" data-bbox="596 1442 1593 1511"> <tr> <td data-bbox="596 1442 1010 1511"></td> <td align="center" data-bbox="1010 1442 1182 1511"><u>FFY 2009</u></td> <td align="center" data-bbox="1182 1442 1331 1511"><u>FFY</u></td> <td align="center" data-bbox="1331 1442 1480 1511"><u>FFY</u></td> <td align="center" data-bbox="1480 1442 1593 1511"><u>Progress</u></td> </tr> </table>					<u>FFY 2009</u>	<u>FFY</u>	<u>FFY</u>	<u>Progress</u>
	<u>FFY 2009</u>	<u>FFY</u>	<u>FFY</u>	<u>Progress</u>						

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children’s needs; and C. Help their children develop and learn. [Results Indicator]		<u>Data</u>	<u>2010 Data</u>	<u>2010 Target</u>		
	A. Know their rights (%)	83	85	95	2.00%	
	B. Effectively communicate their children’s needs (%)	86	88	95	2.00%	
	C. Help their children develop and learn (%)	89	85	95	-4.00%	
	These data represent progress for 4A and 4B and slippage for 4C from the FFY 2009 data. The State did not meet its FFY 2010 targets.					
5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data. [Results Indicator]	The State’s FFY 2010 reported data for this indicator are 0.86%. These data represent progress from the FFY 2009 data of 0.74%. The State met its FFY 2010 target of 0.75%.					OSEP appreciates the State’s efforts to improve performance.
6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data. [Results Indicator]	The State’s FFY 2010 reported data for this indicator are 1.88%. These data represent progress from the FFY 2009 data of 1.66%. The State did not meet its FFY 2010 target of 1.98%.					OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.
7. Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C’s 45-day timeline. [Compliance Indicator]	The State’s FFY 2010 reported data for this indicator are 94%. These data represent progress from the FFY 2009 data of 92%. The State did not meet its FFY 2010 target of 100%. The State reported that all six of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.					The State must demonstrate, in the FFY 2011 APR, 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 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator. When reporting on the

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		<p>correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010 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 2011 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 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child’s transition to preschool and other appropriate</p>	<p>The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 100%. These data remain</p>	<p>OSEP appreciates the State’s efforts in achieving compliance with the IFSP transition content requirements in 34 CFR</p>

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<p>community services by their third birthday including:</p> <p>A. IFSPs with transition steps and services;</p> <p>[Compliance Indicator]</p>	<p>unchanged from the FFY 2009 data of 100%. The State met its FFY 2010 target of 100%.</p> <p>The State reported that the finding of noncompliance identified in FFY 2009 for this indicator was corrected in a timely manner.</p>	<p>§§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) and (d)(8).</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 revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 100%. These data represent progress from the FFY 2009 data of 98%. The State met its FFY 2010 target of 100%.</p> <p>The State reported that both findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State’s efforts in achieving compliance with the LEA notification requirements in 34 CFR §303.148(b)(1).</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>C. Transition conference, if child potentially eligible for Part B.</p> <p>[Compliance Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator are 98%. These data represent progress from the FFY 2009 data of 79%. The State met its FFY 2010 target of 100%.</p> <p>The State reported that both findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2011 APR, the State’s data demonstrating that it is in compliance with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY</p>

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		<p>2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010 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 2011 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 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>9. General Supervision system (including monitoring complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from</p>	<p>The State’s FFY 2010 reported data for this indicator are 85%. These data represent progress from the FFY 2009 data of 62.5%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that 17 of 20 findings of noncompliance identified in FFY 2009</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 2011</p>

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<p>identification. [Compliance Indicator]</p>	<p>were corrected in a timely manner and that the three remaining findings were subsequently corrected by January 2011.</p>	<p>APR, demonstrating that the State timely corrected findings of noncompliance identified in FFY 2010 in accordance with IDEA section 635(a)(10)(A), 34 CFR §303.501, and OSEP Memo 09-02.</p> <p>When reporting on correction of findings of noncompliance in the FFY 2011 APR, the State must report that it verified that each EIS program with noncompliance identified in FFY 2010: (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 2011 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 9 in the FFY 2011 APR, the State must use the Indicator 9 Worksheet.</p> <p>Further, in responding to Indicators 1, 7, and 8C in the FFY 2011 APR, the State must</p>

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		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 2010 reported data for this indicator, as of January 31, 2012, are 100%. These data are based on two complaints. The State met its FFY 2010 target of 100%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</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 reported, as of January 31, 2012, that it did not receive any requests for due process hearings during the reporting period.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State’s data in the FFY 2011 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>Not applicable.</p>	<p>Not applicable.</p>
<p>13. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State reported, as of January 31, 2012, that no mediations were held during the reporting period.</p> <p>The State reported fewer than ten mediations held in FFY 2010. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more mediations were held.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State’s data in the FFY 2011 APR.</p>
<p>14. State reported data (618 and State Performance Plan and Annual</p>	<p>The State’s FFY 2010 reported data for this indicator are 100%. These data represent progress from the FFY 2009 data of 96.4%. The State met its FFY 2010</p>	<p>OSEP appreciates the State’s efforts in achieving compliance</p>

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<p>Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>target of 100%.</p>	<p>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 2011 APR, the State must use the Indicator 14 Data Rubric.</p>
<p>Actions Required by OSEP’s March 1, 2012 Continuous Improvement Visit (CIV) Letter</p>		
<p>Critical Element 3: Dispute Resolution</p>	<p>OSEP’s CIV letter, dated March 1, 2012, required the State to provide documentation (including copies of any written Part C State complaint decisions issued since OSEP’s September 2011 visit) to ensure that decisions include findings of fact and conclusions and the reasons for the State’s final decision as required by 34 CFR §303.512(a)(4)(i) and (ii).</p> <p>In its April 27, 2012 response to the CIV letter, the State informed OSEP that: (1) the State has revised the template for State complaint decisions to include the required content (and provided a copy of the revised template); (2) the State had not, when it submitted its April 27, 2012 response to the CIV letter, issued any State complaint decision since OSEP’s September 2011 CIV; and (3) the State had received a State complaint on April 4, 2012, but had not yet issued a decision when it submitted its April 27, 2012 response to the CIV letter.</p> <p>On June 4, 2012, the State submitted a complaint decision, dated May 22, 2012, in which the State included findings of fact and conclusions and the reasons for the State’s final decision, as required by 34 CFR §303.512(a)(4)(i) and (ii).</p>	<p>The State provided the required information and no further action is required.</p>
<p>Critical Element 3: Dispute Resolution</p>	<p>OSEP’s CIV letter, dated March 1, 2012, required the State to provide:</p> <ul style="list-style-type: none"> (1) The State’s list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of early intervention services; and (2) An assurance that the State has identified hearing officers who meet the requirements in 34 CFR §303.421, who can be appointed in a timely manner, if a due process hearing is requested. 	<p>The State provided the required information and no further action is required.</p>