

Texas 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 revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 97.3%. These data represent progress from the FFY 2009 data of 95.7%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that one of eight findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that the remaining seven findings subsequently were corrected by April 13, 2012. OSEP's February 27, 2012 Continuous Improvement Visit (CIV) letter required the State to confirm that it verified correction of the findings of noncompliance identified in FFY 2009, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). As explained further in Indicator 9 below, on April 26, 2012, the State provided the required confirmation, along with other assurances and information.</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 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 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,</p>

Texas Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps								
		<p>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>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 99.4%. The State's data reflect a high level of performance for this indicator. The State met its FFY 2010 target of 98.5%.</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%.</p> <p>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: A. Positive social-emotional skills (including social relationship); B. Acquisition and use of</p>	<p>The State revised the improvement activities for FFY 2010 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 1430 1581 1498"> <thead> <tr> <th data-bbox="550 1430 955 1498"><u>Summary Statement 1</u></th> <th data-bbox="955 1430 1163 1498"><u>FFY 2009</u></th> <th data-bbox="1163 1430 1371 1498"><u>FFY 2010</u></th> <th data-bbox="1371 1430 1581 1498"><u>FFY 2010</u></th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </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.</p> <p>The State must report progress data and actual target data for FFY 2011 in its FFY 2011 APR.</p>
<u>Summary Statement 1</u>	<u>FFY 2009</u>	<u>FFY 2010</u>	<u>FFY 2010</u>							

Texas Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps
knowledge 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>	
	Outcome A: Positive social-emotional skills (including social relationships) (%)	69.6	71.3	66	
	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	72.3	75.5	70	
	Outcome C: Use of appropriate behaviors to meet their needs (%)	72	75	70	
	<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) (%)	60.8	63.7	57	
	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	54	55.9	53	
	Outcome C: Use of appropriate behaviors to meet their needs (%)	60.3	62.5	59	
	These data represent progress from the FFY 2009 data. The State met 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 2010, FFY 2011, and FFY 2012, for this indicator and OSEP accepts those revisions. The State's reported data for this indicator are:				OSEP appreciates the State's efforts to improve performance.
	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>	

Texas Part C FFY 2010 SPP/APR Response Table

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<p>children’s needs; and C. Help their children develop and learn. [Results Indicator]</p>	<p>A. Know their rights (%)</p>	<p>86.5</p>	<p>89.1</p>	<p>77.5</p>	<p>2.60%</p>	
	<p>B. Effectively communicate their children’s needs (%)</p>	<p>89.6</p>	<p>89.9</p>	<p>82.5</p>	<p>0.30%</p>	
	<p>C. Help their children develop and learn (%)</p>	<p>84.7</p>	<p>86.5</p>	<p>82.5</p>	<p>1.80%</p>	
	<p>These data represent progress from the FFY 2009 data. The State met all of its FFY 2010 targets for this indicator.</p>					
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data. [Results Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator are 1.03%. The FFY 2009 data were 1.07%. The State met its FFY 2010 target of 0.85%.</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. [Results Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator are 2.51%. These data represent progress from the FFY 2009 data of 2.29%. The State met its FFY 2010 target of 1.98%.</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. [Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions. The State’s FFY 2010 reported data for this indicator are 99.2%. These data represent progress from the FFY 2009 data of 97.7%. The State did not meet its FFY 2010 target of 100%. The State reported that four of nine findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that the remaining five findings subsequently were corrected by April 13, 2012.</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 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 correction of noncompliance, the State must</p>

Texas Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>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 community services by their third birthday</p>	<p>The State revised the improvement activities for FFY 2010 and FFY 2011 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 99.8%. These data represent progress from the FFY 2009 data of 99.3%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that one of four findings of noncompliance identified in FFY 2009</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 IFSP transition content requirements in 34 CFR</p>

Texas Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>including: A. IFSPs with transition steps and services; [Compliance Indicator]</p>	<p>was corrected in a timely manner and that the remaining three findings subsequently were corrected by April 13, 2012.</p>	<p>§§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) and (d)(8). 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 the FFY 2010 for this indicator: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) and (d)(8) (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 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%</p>

Texas Part C FFY 2010 SPP/APR Response Table

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		<p>compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>If the State uses data from a State database to report on this indicator in its FFY 2011 APR, and the State does not use data from the full reporting period (July 1, 2011-June 30, 2012), the State must describe how the time period in which the data were collected accurately reflects data for infants and toddlers with IFSPs for the full reporting period.</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 2010 and FFY 2011 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 92.5%. These data represent progress from the FFY 2009 data of 90.6%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that two of six findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that the remaining four findings subsequently were corrected by April 13, 2012.</p>	<p>The State must demonstrate, in the FFY 2011 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 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 §303.148(b)(1) (i.e., achieved</p>

Texas Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has provided notification to the LEA for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State's Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 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 2010 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>If the State uses data from a State database to report on this indicator in its FFY 2011 APR, and the State does not use data from the full reporting period (July 1, 2011-June 30, 2012), the State must describe how the time period in which the data were collected accurately reflects data for infants and toddlers with IFSPs for the full reporting period.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the</p>	<p>The State revised the improvement activities for FFY 2010 and FFY 2011 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 93.2%. These data represent</p>	<p>The State must demonstrate, in the FFY 2011 APR, that the State is in compliance with the timely</p>

Texas Part C FFY 2010 SPP/APR Response Table

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<p>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>progress from the FFY 2009 data of 84.7%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that one of eight findings of noncompliance identified in FFY 2009 was corrected in a timely manner and that the remaining seven findings subsequently were corrected by April 13, 2012.</p> <p>In addition, OSEP's February 27, 2012 letter required the State to either submit revised Texas Administrative Code (TAC) rule §108.1217 or provide an explanation of how its group transition meetings are consistent with 34 CFR §§303.148 and 303.344(h). OSEP will respond to the State's April 16, 2012 submission as part of OSEP's response to the State's FFY 2012 IDEA Part C grant application.</p>	<p>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 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</p>

Texas Part C FFY 2010 SPP/APR Response Table

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		<p>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 to ensure compliance.</p> <p>If the State uses data from a State database to report on this indicator in its FFY 2011 APR, and the State does not use data from the full reporting period (July 1, 2011-June 30, 2012), the State must describe how the time period in which the data were collected accurately reflects data for infants and toddlers with IFSPs for the full reporting period.</p>
<p>9. General Supervision system (including monitoring complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 25.8%. These data represent slippage from the FFY 2009 data of 88.9%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that 16 of 62 findings of noncompliance identified in FFY 2009 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance. The State reported in Indicator 9 on the subsequent correction of some of the remaining 46 FFY 2009 findings and, as noted above under Indicators 1, 7, and 8, the State reported on the subsequent correction of 26 FFY 2009 findings. However, OSEP could not determine the total number of FFY 2009 findings that were subsequently corrected.</p> <p>OSEP's February 27, 2012 CIV letter found that the State was neither identifying noncompliance nor verifying correction of all noncompliance regardless of the level or type of noncompliance, and thus operating inconsistent with OSEP Memo 09-02, and required action within 90 days of receipt of the CIV letter. On April 26, 2012, the State timely provided an assurance and procedures indicating that the State will issue findings</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 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. The State must also report in the FFY 2011 APR on the correction of the 46 findings of noncompliance identified in FFY 2009 that were not timely corrected.</p> <p>When reporting on correction of</p>

Texas Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>for all noncompliance regardless of the level or type of noncompliance and verify correction using updated data that indicate 100% compliance. As also noted under Indicator 1 above, in the revised APR, submitted on April 17, 2012, the State also provided the required information confirming that it verified correction of the findings of noncompliance that it had identified in FFY 2009, consistent with OSEP Memo 09-02.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2008 and FFY 2009 APRs, was advised of available technical assistance, and was required to report, with the FFY 2010 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 assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>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>In addition, in responding to Indicators 1, 7, 8A, 8B, and 8C in the FFY 2011 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>
<p>10. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p>	<p>The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</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</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §303.512.</p>

Texas Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]	<p>Resolution data until July 2012.</p> <p>OSEP’s February 27, 2012 CIV letter required the State to submit within 90 days of receipt of the CIV letter an assurance that it had revised its State complaint procedures to ensure that in resolving a complaint in which it finds a failure to provide appropriate services, the State’s written decision addresses the actions required to: (a) remediate the denial of appropriate early intervention services to the child and family; and (b) ensure appropriate future provision of services for all infants and toddlers with disabilities and their families in accordance with 34 CFR §303.510(b).¹ On April 16, 2012, the State submitted the required assurance that the State’s written decisions address both individual remediation and future provision of services for all infants and toddlers.</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 revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</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’s February 27, 2012 CIV Letter identified three findings of noncompliance (regarding the definition of “day” in TAC 101.7049, motions for reconsideration, and parents’ right to request a due process hearing), related to Texas’ due process hearing procedures and required the State to submit assurances within 90 days of the letter. OSEP will respond to the State’s April 16, 2012 submission as part of OSEP’s response to the State’s FFY 2012 IDEA Part C grant application.</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>The State reported, as of January 31, 2012, that no mediations were held during the reporting period.</p>	<p>OSEP looks forward to reviewing the State’s data in the FFY 2011</p>

¹ This requirement may be found in the new Part C regulations at 34 CFR §303.432(b).
FFY 2010 SPP/APR Response Table

Texas Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>[Results Indicator]</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’s February 27, 2012 CIV letter required the State to submit with its FFY 2012 Part C Grant Application, a signed, written specific assurance that it will comply with the requirements in IDEA sections 615(e) and 639(a)(8) and 34 CFR §303.431(a) to ensure that the State allows parties to disputes involving any matter under Part C, including matters arising prior to the filing of a due process complaint, to resolve disputes through a mediation process at any time. On April 16, 2012, the State provided the required assurance and confirmed that the State’s final regulations would be effective July 1, 2012.</p> <p>In addition, OSEP’s February 27, 2012 CIV letter required the State to clarify, within 90 days of receipt of that letter, its interpretation of TAC rule §101.7047 as it relates to the availability of mediation to a party other than a parent to resolve disputes involving any matter under Part C to be consistent with the requirements in IDEA sections 615(e) and 639(a)(8) and 34 CFR §303.431(a). On April 16, 2012, the State confirmed that mediation is available to parties other than parents to resolve disputes involving any matter under Part C.</p>	<p>APR.</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 revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 100% for timeliness and 100% for accuracy. These data remain unchanged from the FFY 2009 data of 100%. The State met its FFY 2010 target of 100%.</p>	<p>OSEP appreciates the State’s efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540. In reporting on Indicator 14 in the FFY 2011 APR, the State must use the Indicator 14 Data Rubric.</p>