

Virginia 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 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 94%. These data remain unchanged from the FFY 2009 data of 94%. The State did not meet its FFY 2010 target of 100%.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2009, the State did not make any findings of noncompliance for this indicator during FFY 2009. The State reported that, “While the data on Virginia’s level of compliance for FFY 2009 was collected and reported to the State Lead Agency in March 2009, data verification was delayed due to limited State staff resources, and non-compliance findings from the FFY 2009 data were identified in FFY 2010 (September 20, 2010).”</p> <p>The State further reported that it made 14 findings of noncompliance based on FFY 2009 data in FFY 2010 (September 20, 2010) and that it corrected ten of those findings within one year of identification and subsequently corrected one other finding, while three other findings remained uncorrected as of April 1, 2012. However, OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02) requires that, when reporting on the correction of noncompliance, the State must report that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator 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. The State did not report under this indicator that it met these requirements. Therefore, the State did not have any FFY 2009 findings to correct; nor has it demonstrated that it corrected the FFY 2009 noncompliance that it identified in FFY 2010.</p> <p>The State reported that the one finding of noncompliance identified in FFY 2008 for this indicator was corrected.</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>The State must demonstrate, in the FFY 2011 APR, that the remaining 14 uncorrected noncompliance findings identified in FFY 2010 based on FFY 2009 data were corrected.</p> <p>When reporting on the correction of its FFY 2010 findings 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 (including each EIS program with remaining noncompliance identified in FFY 2010 based on FFY 2009 data): (1) is correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on</p>

Virginia Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>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 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 revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 99.9%. The State's data reflect a high level of performance for this indicator. The State met its FFY 2010 target of 98%.</p> <p>OSEP notes that although the State's FFY 2010 data under IDEA section 618 for this indicator are 85.6%, the State explained that the 618 data included children with disabilities under age three who were receiving Part B services pursuant to the State's free, appropriate public education (FAPE) mandate for two year olds, and that the State did not include these children in its calculations for this indicator because these children have IEPs rather than IFSPs.</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</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this</p>	<p>OSEP looks forward to the</p>

Virginia Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																																
<p>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>indicator and OSEP accepts those revisions.</p> <p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 289 1581 1305"> <thead> <tr> <th data-bbox="548 289 957 391"><u>Summary Statement 1</u></th> <th data-bbox="957 289 1163 391"><u>FFY 2009 Data</u></th> <th data-bbox="1163 289 1371 391"><u>FFY 2010 Data</u></th> <th data-bbox="1371 289 1581 391"><u>FFY 2010 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 391 957 526">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="957 391 1163 526">72.6</td> <td align="center" data-bbox="1163 391 1371 526">72.1</td> <td align="center" data-bbox="1371 391 1581 526">72.6</td> </tr> <tr> <td data-bbox="548 526 957 695">Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td align="center" data-bbox="957 526 1163 695">77.5</td> <td align="center" data-bbox="1163 526 1371 695">77.3</td> <td align="center" data-bbox="1371 526 1581 695">77.5</td> </tr> <tr> <td data-bbox="548 695 957 797">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="957 695 1163 797">80.4</td> <td align="center" data-bbox="1163 695 1371 797">80.1</td> <td align="center" data-bbox="1371 695 1581 797">80.4</td> </tr> <tr> <th data-bbox="548 797 957 899"><u>Summary Statement 2</u></th> <th data-bbox="957 797 1163 899"><u>FFY 2009 Data</u></th> <th data-bbox="1163 797 1371 899"><u>FFY 2010 Data</u></th> <th data-bbox="1371 797 1581 899"><u>FFY 2010 Target</u></th> </tr> <tr> <td data-bbox="548 899 957 1034">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="957 899 1163 1034">68.7</td> <td align="center" data-bbox="1163 899 1371 1034">65.6</td> <td align="center" data-bbox="1371 899 1581 1034">68.7</td> </tr> <tr> <td data-bbox="548 1034 957 1203">Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td align="center" data-bbox="957 1034 1163 1203">59.9</td> <td align="center" data-bbox="1163 1034 1371 1203">56.8</td> <td align="center" data-bbox="1371 1034 1581 1203">59.9</td> </tr> <tr> <td data-bbox="548 1203 957 1305">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="957 1203 1163 1305">58.9</td> <td align="center" data-bbox="1163 1203 1371 1305">56</td> <td align="center" data-bbox="1371 1203 1581 1305">58.9</td> </tr> </tbody> </table> <p>The data for Summary Statement 2 represent slippage from the FFY 2009 data. The State did not meet its FFY 2010 targets for this indicator.</p>	<u>Summary Statement 1</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) (%)	72.6	72.1	72.6	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	77.5	77.3	77.5	Outcome C: Use of appropriate behaviors to meet their needs (%)	80.4	80.1	80.4	<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) (%)	68.7	65.6	68.7	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	59.9	56.8	59.9	Outcome C: Use of appropriate behaviors to meet their needs (%)	58.9	56	58.9	<p>State's data demonstrating improvement in performance in the FFY 2011 APR.</p> <p>The State must report progress data and actual target data for FFY 2011 in the FFY 2011 APR.</p>
<u>Summary Statement 1</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) (%)	72.6	72.1	72.6																															
Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	77.5	77.3	77.5																															
Outcome C: Use of appropriate behaviors to meet their needs (%)	80.4	80.1	80.4																															
<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) (%)	68.7	65.6	68.7																															
Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	59.9	56.8	59.9																															
Outcome C: Use of appropriate behaviors to meet their needs (%)	58.9	56	58.9																															
<p>4. Percent of families participating in Part C who report that early intervention services have helped</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in</p>																																

Virginia 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 family:</p> <p>A. Know their rights; B. Effectively communicate their children’s needs; and C. Help their children develop and learn.</p> <p>[Results Indicator]</p>	<p>The State’s reported data for this indicator are:</p> <table border="1" data-bbox="548 240 1583 618"> <thead> <tr> <th></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. Know their rights (%)</td> <td>69.5</td> <td>70.1</td> <td>70.5</td> <td>0.60%</td> </tr> <tr> <td>B. Effectively communicate their children’s needs (%)</td> <td>66.8</td> <td>67.6</td> <td>67.8</td> <td>0.80%</td> </tr> <tr> <td>C. Help their children develop and learn (%)</td> <td>80.3</td> <td>80</td> <td>80.6</td> <td>-0.30%</td> </tr> </tbody> </table> <p>These data represent progress for Indicator 4A and Indicator 4B from the FFY 2009 data. The State did not meet its FFY 2010 targets for this indicator.</p>		<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>	A. Know their rights (%)	69.5	70.1	70.5	0.60%	B. Effectively communicate their children’s needs (%)	66.8	67.6	67.8	0.80%	C. Help their children develop and learn (%)	80.3	80	80.6	-0.30%	<p>the FFY 2011 APR.</p>
	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>																		
A. Know their rights (%)	69.5	70.1	70.5	0.60%																		
B. Effectively communicate their children’s needs (%)	66.8	67.6	67.8	0.80%																		
C. Help their children develop and learn (%)	80.3	80	80.6	-0.30%																		
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2010 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 0.93%. These data represent progress from the FFY 2009 data of 0.59%. The State did not meet its FFY 2010 target of 1.0%.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</p>																				
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 2.43%. These data represent progress from the FFY 2009 data of 1.95%. The State did not meet its FFY 2010 target of 2.6%.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</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 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 97%. These data represent slippage from the FFY 2009 data of 99%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that it used data from a State database to report on this indicator. The State further reported that it did not use data for the full reporting period (July 1, 2010-June 30, 2011), and the State described how the time period in which the data were collected accurately reflect data for infants and toddlers with IFSPs for the full</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</p>																				

Virginia Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>reporting period.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2009, the State did not make any findings of noncompliance for this indicator during FFY 2009. The State reported that, “While the data on Virginia’s level of compliance for FFY 2009 was collected and reported to the State Lead Agency in May 2009, data verification was delayed due to limited State staff resources, and non-compliance findings from the FFY 2009 data were identified in FFY 2010 (September 20, 2010).”</p> <p>The State further reported that it made nine findings of noncompliance based on FFY 2009 data in FFY 2010 (September 20, 2010) and that it corrected seven of those findings within one year of identification and subsequently corrected two other findings. However, OSEP Memo 09-02 requires that, when reporting on the correction of noncompliance, the State must report that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator is correctly implementing 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system. The State did not report under this indicator that it met these requirements. Therefore, the State did not have any FFY 2009 findings to correct; nor has it demonstrated that it corrected the FFY 2009 noncompliance that it identified in FFY 2010.</p>	<p>2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>The State must demonstrate, in the FFY 2011 APR, that the remaining nine uncorrected noncompliance findings identified in FFY 2010 based on FFY 2009 data were corrected.</p> <p>When reporting on the correction of its FFY 2010 findings 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, including each EIS program with remaining noncompliance identified in FFY 2010 based on FFY 2009 data: (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</p>

Virginia Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>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 including:</p> <p>A. IFSPs with transition steps and services;</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 93%. These data represent progress from the FFY 2009 data of 88%. The State did not meet its FFY 2010 target of 100%.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2009, the State did not make any findings of noncompliance for this indicator during FFY 2009. The State reported that, “While the data on Virginia’s level of compliance for FFY 2009 was collected and reported to the State Lead Agency in March 2009, data verification was delayed due to limited State staff resources, and non-compliance findings from the FFY 2009 data were identified in FFY 2010 (September 20, 2010).”</p> <p>The State further reported that it made seven findings of noncompliance based on FFY 2009 data in FFY 2010 (September 20, 2010) and that it corrected five of those findings within one year of identification and subsequently corrected one other finding, while one other finding remained uncorrected as of April 1, 2012. However, OSEP Memo 09-02 requires that, when reporting on the correction of noncompliance, the State must report that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator 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 updated data such as data subsequently collected through on-site monitoring or a State data system. The State did not report under this indicator that it met these requirements. Therefore, the State did not have any FFY 2009 findings to correct; nor has it demonstrated that it corrected the FFY 2009 noncompliance that it identified in FFY 2010.</p> <p>The State reported that the one finding of noncompliance identified in FFY 2008 for this indicator was corrected.</p>	<p>The State must demonstrate, in the FFY 2011 APR, that the State is in compliance with the IFSP transition content requirements in 34 CFR §§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>The State must demonstrate, in the FFY 2011 APR, that the remaining seven uncorrected noncompliance findings identified in FFY 2010 based on FFY 2009 data were corrected.</p> <p>When reporting on the correction of its FFY 2010 findings 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, including each EIS program with remaining noncompliance identified in FFY</p>

Virginia Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>2010 based on FFY 2009 data: (1) is correctly implementing 34 CFR 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 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 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 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 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 99%. These data represent slippage from the FFY 2009 data of 100%. The State did not meet its FFY 2010 target of 100%.</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 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 reflected in the data the State</p>

Virginia Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>reported 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 reflected in the FFY 2010 data the State reported for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has provided notification to the LEA for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State’s Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 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</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 93%. These data remain unchanged from the FFY 2009 data of 93%. The State did not meet its FFY 2010 target</p>	<p>The State must demonstrate, in the FFY 2011 APR, that the State is in compliance with the timely transition conference</p>

Virginia Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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>of 100%.</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2009, the State did not make any findings of noncompliance for this indicator during FFY 2009. The State reported that, “While the data on Virginia’s level of compliance for FFY 2009 was collected and reported to the State Lead Agency in March 2009, data verification was delayed due to limited State staff resources, and non-compliance findings from the FFY 2009 data were identified in FFY 2010 (September 20, 2010).”</p> <p>The State reported that it made six findings of noncompliance based on FFY 2009 data in FFY 2010 (September 20, 2010) and that it corrected five of those findings within one year of identification and subsequently corrected one other finding. The State also explained that, “The FFY 2009 APR listed 8 new findings of noncompliance for Indicator 8c. However, one of those local systems had been incorrectly listed in the noncompliance column of a State Lead Agency tracking sheet and the other actually had ongoing noncompliance rather than new noncompliance.” However, OSEP Memo 09-02 requires that, when reporting on the correction of noncompliance, the State must report that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator 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 updated data such as data subsequently collected through on-site monitoring or a State data system. The State did not report under this indicator that it met these requirements. Therefore, the State did not have any FFY 2009 findings to correct; nor has it demonstrated that it corrected the FFY 2009 noncompliance that it identified in FFY 2010.</p> <p>The State reported that the one finding of noncompliance identified in FFY 2008 was not corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>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>The State must demonstrate, in the FFY 2011 APR, that the remaining six uncorrected noncompliance findings identified in FFY 2010 based on FFY 2009 data, and the remaining one uncorrected noncompliance finding identified in FFY 2008, were corrected.</p> <p>OSEP is concerned about the State’s failure to correct longstanding noncompliance from FFY 2008. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR that it has corrected the remaining one finding identified in FFY 2008. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State’s explanation as to why the noncompliance has persisted; (3) the steps that the State has taken</p>

Virginia Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>to ensure the correction of each finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.</p> <p>When reporting on the correction of its FFY 2008 and FFY 2010 findings 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, including each EIS program with remaining noncompliance identified in FFY 2010 based on FFY 2009 data, and the EIS program with remaining noncompliance identified in FFY 2008: (1) are 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 updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) have initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2011</p>

Virginia Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>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 identification.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>Although the State’s FFY 2010 reported data are 100%, OSEP finds that the State did not provide valid and reliable data for this indicator, which requires the reporting of timely correction in FFY 2010 of findings identified by the State in FFY 2009. The State did not make findings in FFY 2009, even though State-reported data indicate noncompliance. Therefore, OSEP was unable to determine whether there was progress or slippage from the State’s FFY 2009 data of 88% or whether the State met its target.</p> <p>The data for this indicator are not valid and reliable because the State acknowledged that these data were based only on one dispute resolution finding of noncompliance and the State reported that limited staff resources delayed issuance of findings until September 20, 2010 despite data indicating noncompliance being submitted to the State in March and May 2010. As noted above under Indicators 1, 7, 8A, and 8C, the State reported that while the data on the State’s level of compliance for FFY 2009 were collected and reported to the State Lead Agency in May 2010 for Indicators 1 and 7 and March 2010 for Indicators 8A and 8C, data verification was delayed due to limited State staff resources, and noncompliance findings from the FFY 2009 data were identified in FFY 2010 (September 20, 2010).</p> <p>The State further reported that it made 36 findings of noncompliance based on FFY 2009 data in FFY 2010 (September 20, 2010) and that it corrected in FFY 2010 27 of those findings within one year of identification and subsequently corrected five other findings, while the four other findings remained uncorrected as of April 1, 2012. The State reported that two of three findings of noncompliance identified in FFY 2008 were corrected. For the one uncorrected FFY 2008 finding of noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>The State did not submit valid and reliable data and the State must provide the required FFY 2011 data (data on the timely correction of findings of noncompliance identified in FFY 2010) in the FFY 2011 APR.</p> <p>The State must demonstrate, in the FFY 2011 APR, that the remaining four uncorrected noncompliance findings identified in FFY 2010, and the remaining one uncorrected noncompliance finding identified in FFY 2008, were corrected.</p> <p>OSEP is concerned about the State’s failure to correct longstanding noncompliance from FFY 2008. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR that it has corrected the remaining one finding identified in FFY 2008. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in</p>

Virginia 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 FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State’s explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.</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.</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, including each EIS program with noncompliance identified in FFY 2010 based on FFY 2009 data, and the EIS program with remaining noncompliance</p>

Virginia Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>identified in FFY 2008: (1) are correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) have corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 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, 8A, 8B, and 8C in the FFY 2011 APR, the State must report on correction of 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. [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, 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</p>	<p>The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011</p>

Virginia Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>fully adjudicated within the applicable timeline. [Compliance Indicator]</p>	<p>The State reported, as of January 31, 2012, that it received one request for a due process hearing during the reporting period, but that the family withdrew the request. Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>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). [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 reported, as of January 31, 2012, that the one mediation resulted in a mediation agreement. The State reported fewer than ten mediations held in FFY 2010. The State is not required to provide targets or improvement activities except in any fiscal year in which ten or more mediations were held. 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 Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions. The State's FFY 2010 reported data for this indicator are 100%. However, OSEP's calculation of the data for this indicator is 97.1%. These data represent slippage from the FFY 2009 data of 100%. The State did not meet its FFY 2010 target of 100%.</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 and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540. 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. In reporting on Indicator 14 in the FFY 2009</p>

Virginia Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		APR, the State must use the Indicator 14 Data Rubric.