

Virgin Islands 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 VIDH 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, VIDH must so indicate in its FFY 2011 APR, due February 1, 2013.</p>		
<p>Status of Public Reporting on EIS Performance: The Virgin Islands Department of Health (VIDH) has not publicly reported for FFY 2009 (July 1, 2009-June 30, 2010) on the performance of the two intervention service (EIS) programs located in VIDH on the targets in the State’s Performance Plan (SPP) as required in sections 616(b)(2)(C)(ii)(I) and 642 of IDEA. VIDH must include confirmation in its FFY 2011 APR that it has completed public reporting for these indicators.</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>VIDH revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.</p> <p>VIDH’s FFY 2010 reported data for this indicator are 91%. These data represent slippage from the FFY 2009 data of 97%. VIDH did not meet its FFY 2010 target of 100%.</p> <p>VIDH reported that all five of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p> <p>VIDH reported that the one finding of noncompliance identified in FFY 2008 for this indicator was corrected.</p> <p><u>Special Conditions</u></p> <p>VIDH’s FFY 2011 IDEA Part C Grant Award letter, dated July 1, 2011 included Special Conditions, which require VIDH to continue using its third party agent to pay its vendors that provide Part C services to infants and toddlers with disabilities and their families in the Virgin Islands to ensure the uninterrupted provision of early intervention services to infants and toddlers with disabilities and their families. The Special Conditions required VIDH to provide a progress report demonstrating compliance with the Special Conditions with the FFY 2010 APR due February 1, 2012. VIDH provided the required information. OSEP will respond to the final progress report due May 1, 2012 under the FFY 2011 Special Conditions in VIDH’s FFY 2012 IDEA Part C grant award letter.</p>	<p>VIDH must demonstrate, in the FFY 2011 APR, that VIDH is in compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1). Because VIDH reported less than 100% compliance for FFY 2010, VIDH 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, VIDH 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 VIDH data system; and (2) has initiated services, although late, for any</p>

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		<p>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 2011 APR, VIDH must describe the specific actions that were taken to verify the correction.</p> <p>If VIDH does not report 100% compliance in the FFY 2011 APR, VIDH 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>VIDH revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.</p> <p>VIDH's FFY 2010 reported data are 96%. VIDH's data reflect a high level of performance for this indicator. VIDH met its FFY 2010 target of 90%.</p> <p>VIDH reported one finding of noncompliance identified in FFY 2010 for this indicator and must report on the correction of that noncompliance in its FFY 2011 APR.</p>	<p>VIDH'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.</p> <p>OSEP appreciates VIDH's efforts to improve performance and appreciates that VIDH 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>VIDH must report on the correction of the one FFY 2010 finding of noncompliance.</p>

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		<p>When reporting that it corrected the one FFY 2010 finding of noncompliance, VIDH must report, in its FFY 2011 APR, that it has verified that the EIS program with noncompliance identified in FFY 2010 for this indicator: (1) is correctly implementing 34 CFR §§303.12, 303.18, and 303.344(d)(1)(ii) based on updated data such as data subsequently collected through on-site monitoring or VIDH’s data system; and (2) has ensured the provision of services in the natural environment although late, for any child whose services were not provided in the natural environment, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2011 APR, VIDH must describe the specific actions that were taken to verify the correction.</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>VDIH’s reported data for this indicator are:</p> <table border="1" data-bbox="590 1214 1598 1516"> <thead> <tr> <th data-bbox="590 1214 989 1317"><u>Summary Statement 1</u></th> <th data-bbox="989 1214 1188 1317"><u>FFY 2009 Data</u></th> <th data-bbox="1188 1214 1392 1317"><u>FFY 2010 Data</u></th> <th data-bbox="1392 1214 1598 1317"><u>FFY 2010 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="590 1317 989 1451">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="989 1317 1188 1451">83.3</td> <td data-bbox="1188 1317 1392 1451">92.3</td> <td data-bbox="1392 1317 1598 1451">85</td> </tr> <tr> <td data-bbox="590 1451 989 1516">Outcome B: Acquisition and use of</td> <td data-bbox="989 1451 1188 1516">95</td> <td data-bbox="1188 1451 1392 1516">97.4</td> <td data-bbox="1392 1451 1598 1516">85</td> </tr> </tbody> </table>	<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) (%)	83.3	92.3	85	Outcome B: Acquisition and use of	95	97.4	85	<p>OSEP appreciates VIDH’s efforts to improve performance and looks forward to VIDH’s data demonstrating improvement in performance in the FFY 2011 APR.</p> <p>VIDH 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) (%)	83.3	92.3	85											
Outcome B: Acquisition and use of	95	97.4	85											

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<p>[Results Indicator]</p>	knowledge and skills (including early language/communication) (%)																			
	Outcome C: Use of appropriate behaviors to meet their needs (%)	100	81.3	84.5																
	<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) (%)	63.6	52.4	53																
	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	68.2	55.0	41																
	Outcome C: Use of appropriate behaviors to meet their needs (%)	90.9	71.4	69.5																
<p>4. Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights; B. Effectively communicate their children’s needs; and C. Help their children develop and learn.</p> <p>[Results Indicator]</p>	<p>VIDH revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.</p> <p>VIDH’s reported data for this indicator are:</p> <table border="1" data-bbox="590 1187 1598 1494"> <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>97</td> <td>98</td> <td>92.5</td> <td>1.00%</td> </tr> <tr> <td>B. Effectively communicate their children’s needs (%)</td> <td>99</td> <td>98</td> <td>83.5</td> <td>-1.00%</td> </tr> </tbody> </table>					<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>	A. Know their rights (%)	97	98	92.5	1.00%	B. Effectively communicate their children’s needs (%)	99	98	83.5	-1.00%	<p>OSEP appreciates VIDH’s efforts to improve performance.</p>
	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>																
A. Know their rights (%)	97	98	92.5	1.00%																
B. Effectively communicate their children’s needs (%)	99	98	83.5	-1.00%																

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	C. Help their children develop and learn (%)	96	93	92.5	-3.00%	
5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data. [Results Indicator]	<p>These data represent progress for 4A and slippage for 4C from the FFY 2009 data. VIDH met all of its FFY 2010 targets for this indicator.</p> <p>VIDH revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.</p> <p>VIDH's FFY 2010 data for this indicator are 1.07%. These data represent slippage from the FFY 2009 data of 2.33%. VIDH met its FFY 2010 target of 1.03%.</p>					OSEP appreciates VIDH's efforts to improve performance.
6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data. [Results Indicator]	<p>VIDH revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.</p> <p>VIDH's FFY 2010 reported data for this indicator are 2.89%. VIDH's FFY 2009 data for this indicator were 2.97%. VIDH met its FFY 2010 target of 2.82%.</p>					OSEP appreciates VIDH's efforts to improve performance.
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>VIDH revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.</p> <p>VIDH's FFY 2010 reported data for this indicator are 94%. These data represent progress from the FFY 2009 data of 92%. VIDH did not meet its FFY 2010 target of 100%.</p> <p>VIDH reported that all 12 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p>					<p>VIDH must demonstrate, in the FFY 2011 APR 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 VIDH reported less than 100% compliance for FFY 2010, VIDH 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 VIDH 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</p>

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		<p>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, VIDH must describe the specific actions that were taken to verify the correction.</p> <p>If VIDH does not report 100% compliance in the FFY 2011 APR, VIDH 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>VIDH revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>VIDH’s FFY 2010 reported data for this indicator are 100%. These data remain unchanged from the FFY 2009 data of 100%. VIDH met its FFY 2010 target of 100%.</p>	<p>OSEP appreciates VIDH’s efforts in achieving 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).</p>

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<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>VIDH revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>VIDH’s FFY 2010 reported data for this indicator are 100%. These data remain unchanged from the FFY 2009 data of 100%. VIDH met its FFY 2010 target of 100%.</p>	<p>OSEP appreciates VIDH’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>VIDH revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.</p> <p>VIDH’s FFY 2010 reported data for this indicator are 87%. These data represent slippage from the FFY 2009 data of 90%. VIDH did not meet its FFY 2010 target of 100%.</p> <p>VIDH reported that all seven of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p> <p>VIDH reported that one finding of noncompliance identified in FFY 2008 for this indicator was corrected.</p> <p>VIDH was identified as being in need of assistance for two consecutive years based on VIDH’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 VIDH received assistance; and (2) the actions the VIDH took as a result of that technical assistance. VIDH reported on the technical assistance sources from which VIDH received assistance for this indicator and did report on the actions VIDH took as a result of that technical assistance.</p>	<p>VIDH must demonstrate, in the FFY 2011 APR 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 VIDH reported less than 100% compliance for FFY 2010, VIDH 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)</p>

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		<p>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, VIDH must describe the specific actions that were taken to verify the correction.</p> <p>If VIDH does not report 100% compliance in the FFY 2011 APR, VIDH 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>VIDH's FFY 2010 reported data for this indicator are 100%. These data remain unchanged from the FFY 2009 data of 100%. VIDH met its FFY 2010 target of 100%.</p> <p>VIDH reported that all 24 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p> <p>VIDH was identified as being in need of assistance for two consecutive years based on VIDH'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 VIDH received assistance; and (2) the actions the VIDH took as a result of that technical assistance. VIDH reported on the technical assistance sources from which VIDH received assistance for this indicator and reported on the actions VIDH took as a result of that technical assistance.</p>	<p>OSEP appreciates VIDH's efforts in timely correcting findings of noncompliance identified in FFY 2009.</p> <p>When reporting in the FFY 2011 APR on the correction of findings of noncompliance identified in FFY 2010, VIDH must report that it verified that each EIS program with findings of noncompliance identified in FFY 2010: (1) is correctly implementing the specific regulatory requirements (i.e.,</p>

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		<p>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, VIDH must describe the specific actions that were taken to verify the correction.</p> <p>In addition, in reporting on Indicator 9 in the FFY 2011 APR, VIDH must use the Indicator 9 Worksheet.</p> <p>Further, in responding to Indicators 1, 2, 7, and 8C in the FFY 2011 APR, VIDH 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>[Compliance Indicator]</p>	<p>VIDH reported, as of January 31, 2012, that it received one signed written complaint that was subsequently withdrawn.</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 VIDH's data in the FFY 2011 APR.</p>
<p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable</p>	<p>VIDH reported, as of January 31, 2012, that it did not receive any requests for due process hearings during the reporting period.</p>	<p>OSEP looks forward to reviewing VIDH's data in the</p>

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<p>timeline. [Compliance Indicator]</p>	<p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>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). [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>VIDH reported, as of January 31, 2012, that the one mediation resulted in a mediation agreement. VIDH reported fewer than ten mediations held in FFY 2010. VIDH is not required to provide targets or improvement activities until 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 VIDH'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>VIDH's FFY 2010 reported data for this indicator are 100%. However, OSEP's calculation of the data for this indicator is 96.3%. These data represent slippage from the FFY 2009 data of 97.1%.</p>	<p>OSEP appreciates VIDH's efforts and looks forward to reviewing in the FFY 2011 APR, VIDH'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 VIDH does not report 100% compliance in the FFY 2011 APR, VIDH must review its improvement activities and revise them, if necessary to ensure compliance. In reporting on Indicator 14 in the FFY 2009</p>

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		APR, VIDH must use the Indicator 14 Data Rubric.