

**West Virginia Part C FFY 2010 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>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 98.47%. These data represent progress from the FFY 2009 data of 98%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all 16 of its 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 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, 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. [Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 100%. The State's data reflect a high level of performance for this indicator. The State met its FFY 2010 target of 99.5%.</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%. 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's reported data for this indicator for infants and toddlers who are eligible because they have a developmental delay or an established condition are:</p> <table border="1" data-bbox="548 1365 1581 1498"> <thead> <tr> <th data-bbox="548 1365 953 1466"><b><u>Summary Statement 1</u></b></th> <th data-bbox="953 1365 1163 1466"><b><u>FFY 2009 Data</u></b></th> <th data-bbox="1163 1365 1373 1466"><b><u>FFY 2010 Data</u></b></th> <th data-bbox="1373 1365 1581 1466"><b><u>FFY 2010 Target</u></b></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 1466 953 1498"><b>Outcome A:</b></td> <td data-bbox="953 1466 1163 1498">66.2</td> <td data-bbox="1163 1466 1373 1498">59.2</td> <td data-bbox="1373 1466 1581 1498">66.2</td> </tr> </tbody> </table>	<b><u>Summary Statement 1</u></b>	<b><u>FFY 2009 Data</u></b>	<b><u>FFY 2010 Data</u></b>	<b><u>FFY 2010 Target</u></b>	<b>Outcome A:</b>	66.2	59.2	66.2	<p>OSEP looks forward to the 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</p>
<b><u>Summary Statement 1</u></b>	<b><u>FFY 2009 Data</u></b>	<b><u>FFY 2010 Data</u></b>	<b><u>FFY 2010 Target</u></b>							
<b>Outcome A:</b>	66.2	59.2	66.2							

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knowledge and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]	Positive social-emotional skills (including social relationships) (%)				FFY 2011 in the FFY 2011 APR.  In the FFY 2011 APR, the State must provide the required outcome data for at-risk children.
	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	75.9	72.2	75.9	
	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	80.3	75.0	80.3	
	<b><u>Summary Statement 2</u></b>	<b><u>FFY 2009 Data</u></b>	<b><u>FFY 2010 Data</u></b>	<b><u>FFY 2010 Target</u></b>	
	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	75.8	67.7	75.8	
	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	65.6	56.4	65.6	
	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	76.4	65.8	76.4	
	These data represent slippage from the FFY 2009 data. The State did not meet its FFY 2010 targets for this indicator.  The State's eligibility criteria include eligible infants and toddlers who are at risk of having substantial developmental delays. Consistent with the measurement for this indicator, the State additionally reported on aggregated performance data for all of the infants and toddlers that it serves under Part C (including developmentally delayed children, children with diagnosed conditions, and at-risk infants and toddlers).				
4. Percent of families participating in Part C who report that early intervention services have helped the family:	The State's reported data for this indicator are:				OSEP appreciates the State's efforts to improve performance.

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<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>		<u><b>FFY 2009 Data</b></u>	<u><b>FFY 2010 Data</b></u>	<u><b>FFY 2010 Target</b></u>	<u><b>Progress</b></u>	
	A. Know their rights (%)	86.2	82.5	77	-3.70%	
	B. Effectively communicate their children’s needs (%)	83.9	79.3	75	-4.60%	
	C. Help their children develop and learn (%)	93.5	90.2	87	-3.30%	
	These data represent slippage from the FFY 2009 data. The State met all of its FFY 2010 targets for this indicator.					
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	The State’s FFY 2010 reported data for this indicator are 2.02%. These data represent progress from the FFY 2009 data of 1.83%. The State met its FFY 2010 target of 2.01%.					OSEP appreciates the State’s efforts to improve performance.
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	The State’s FFY 2010 reported data for this indicator are 3.95%. These data represent progress from the FFY 2009 data of 3.87%. The State met its FFY 2010 target of 3.6%.					OSEP appreciates the State’s efforts to improve performance.
<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’s FFY 2010 reported data for this indicator are 97%. The State’s FFY 2009 data were 98%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported the one finding of noncompliance identified in FFY 2009 for this indicator was 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 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</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>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 §§303.321(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</p>	<p>The State's FFY 2010 reported data for this indicator are 99%. The State's FFY 2009 data were 100%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all seven of its 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</p>

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<p>services by their third birthday including:</p> <p>A. IFSPs with transition steps and services;</p> <p>[Compliance Indicator]</p>		<p>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>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)(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</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>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's FFY 2010 reported data for this indicator are 100%. 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 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 98.37%. These data represent progress from the FFY 2009 data of 96.08%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all 13 of its 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</p>

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		<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 §303.148(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</p>	<p>The State's FFY 2010 reported data for this indicator are 100%. These data remain unchanged from the FFY 2009 data of 100%. The State met its FFY 2010 target of 100%.</p> <p>The State reported that all 66 of its findings of noncompliance identified in FFY 2009</p>	<p>OSEP appreciates the State's efforts in timely correcting findings of noncompliance identified in FFY 2009.</p>

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<p>one year from identification. [Compliance Indicator]</p>	<p>were corrected in a timely manner.</p>	<p>When reporting in the FFY 2011 APR on the correction of findings of noncompliance identified in FFY 2010, the State 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., 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.</p> <p>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, 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</p>	<p>The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 100%. These data are based on six complaints. The State met its FFY 2010 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance</p>

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<p>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>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>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 Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 100%. 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</p>

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		use the Indicator 14 Data Rubric.