

## Virgin Islands Part C FFY 2012 SPP/APR Response Table

### Part C SPP/APR Indicators

1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]
3. Percent of infants and toddlers with IFSPs who demonstrate improved: <ul style="list-style-type: none"> <li>A. Positive social-emotional skills (including social relationship);</li> <li>B. Acquisition and use of knowledge and skills (including early language/communication); and</li> <li>C. Use of appropriate behaviors to meet their needs. [Results Indicator]</li> </ul>
4. Percent of families participating in Part C who report that early intervention services have helped the family: <ul style="list-style-type: none"> <li>A. Know their rights;</li> <li>B. Effectively communicate their children's needs; and</li> <li>C. Help their children develop and learn. [Results Indicator]</li> </ul>
5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data. [Results Indicator]
6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data. [Results Indicator]
7. Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> <li>A. Developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday; [Compliance Indicator]</li> </ul>
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> <li>B. Notified (consistent with any opt-out policy adopted by the State) the SEA and the LEA where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and [Compliance Indicator]</li> </ul>
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> <li>C. Conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's birthday for toddlers potentially eligible for Part B preschool services. [Compliance Indicator]</li> </ul>
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. [Compliance Indicator]
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]
13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
14. State-reported data (IDEA Section 618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]

**Timeliness of State Complaint and Due Process Hearing Decisions**  
**(Collected as Part of IDEA Section 618 Data rather than through an SPP/APR Indicator)**

**Timely Resolution of State Complaints:** 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, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

**Timely Adjudication of Due Process Hearing Requests:** Percent of adjudicated due process hearing requests that were adjudicated within the timeline or a timeline that is properly extended by the hearing officer at the request of either party.

**Virgin Islands Part C FFY 2012 SPP/APR Results Data Summary**

<b>INDICATOR</b>	<b>FFY 2011 DATA</b>	<b>FFY 2012 DATA</b>	<b>FFY 2012 TARGET</b>
2. Infants and Toddlers Served in Natural Environments	100%	99%	≥ 91% <sup>1</sup>
3. Early Childhood Outcomes Data	See Attached Table	See Attached Table	See Attached Table
4. Percent of families participating in Part C who report that early intervention services have helped the family:	100%	94.9%	≥ 93%
A. Know their rights;			
B. Effectively communicate their children's needs; and	100%	91.5%	≥ 84%
C. Help their children develop and learn.	98.5%	93.2%	≥ 93%
5. Infants and Toddlers Served Birth to One	1.9%	1.61%	≥ 1.06%
6. Infants and Toddlers Served Birth to Three	2.67%	2.83%	≥ 2.77%
12. Hearing Requests Resolved through Resolution Session Agreements	Not Applicable	Not Applicable	Not Applicable
13. Mediations Held that Resulted in Mediation Agreements	None	None	None

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<sup>1</sup> As used in this table, the symbol “≥” means that, to meet the target, the State’s data must be greater than or equal to the established target.

### 3. Percent of Infants and Toddlers with IFSPs Who Demonstrate Improved Outcomes

<b>Summary Statement 1<sup>2</sup></b>	<b>FFY 2011 Data</b>	<b>FFY 2012 Data</b>	<b>FFY 2012 Target</b>
<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	84.1%	90.9%	≥ 86.0%
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	89.1%	95.7%	≥ 86.0%
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	86.4%	89.1%	≥ 85.5%
<b>Summary Statement 2<sup>3</sup></b>	<b>FFY 2011 Data</b>	<b>FFY 2012 Data</b>	<b>FFY 2012 Target</b>
<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	56.5%	52.0%	≥ 54.0%
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	52.5%	54.7%	≥ 41.5%
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	63.8%	62.7%	≥ 70.5%

<sup>2</sup> **Summary Statement 1:** Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.

<sup>3</sup> **Summary Statement 2:** The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.

**Virgin Islands Part C FFY 2012 Results Data Summary Notes**

INDICATOR 3:

**REQUIRED ACTIONS**

The State must report progress data and actual target data for FFY 2013 in the FFY 2013 APR.

INDICATOR 13: VIDH reported that no mediations were held during the reporting period. VIDH reported fewer than ten mediations held in FFY 2012. VIDH is not required to provide targets or improvement activities until any fiscal year in which ten or more mediations were held.

**Virgin Islands Part C FFY 2012 SPP/APR Compliance Data Summary**

<b>INDICATOR</b>	<b>FFY 2011 DATA</b>	<b>FFY 2012 DATA</b>	<b>FFY 2012 TARGET</b>	<b>CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011</b>
1. Timely provision of early intervention services	99%	100%	100%	VIDH reported that it identified no findings of noncompliance for this indicator in FFY 2011.
7. 45-day timeline for evaluation and assessment and initial IFSP meeting	94%	93%	100%	VIDH reported that it identified no findings of noncompliance for this indicator in FFY 2011.
8. A. IFSPs with transition steps and services	100%	100%	100%	VIDH reported that it identified no findings of noncompliance for this indicator in FFY 2011.
8. B. Notification to LEA and SEA, if child potentially eligible for Part B	100%	100%	100%	VIDH reported that it identified no findings of noncompliance for this indicator in FFY 2011.
8. C. Transition conference, if child potentially eligible for Part B	99%	100%	100%	VIDH reported that it identified no findings of noncompliance for this indicator in FFY 2011.
9. Timely correction	100%	No FFY 2011 findings, but pre-finding correction of FFY 2011 noncompliance reported.	100%	VIDH reported that it identified no findings of noncompliance for this indicator in FFY 2011, because it verified correction prior to the issuance of findings.
14. Timely and accurate data	100%	100%	100%	

**Virgin Islands Part C FFY 2012 State Complaint and Hearing Data from IDEA Section 618 Data Reports**

<b>REQUIREMENT</b>	<b>FFY 2011 DATA</b>	<b>FFY 2012 DATA</b>
Timely resolution of complaints	The State reported that it did not receive any signed written complaints during the reporting period.	VIDH reported that it did not receive any signed written complaints during the reporting period.
Timely adjudication of due process hearing requests	The State reported that it did not receive any requests for due process hearings during the reporting period.	VIDH reported that it did not receive any requests for due process hearings during the reporting period.

## Virgin Islands Part C FFY 2012 Compliance Data Summary Notes

INDICATOR 1: VIDH reported that it did not identify any findings of compliance in FFY 2011 for this indicator. VIDH explained that it did not identify any findings of noncompliance based on the one instance of noncompliance reflected in the FFY 2011 data, because it verified within FFY 2011 correction of the one instance of noncompliance, in a manner consistent with OSEP Memo 09-02,<sup>4</sup> prior to the issuance of a finding.

VIDH was identified as being in need of assistance for three consecutive years based on the State's FFY 2009, FFY 2010, and FFY 2011 APRs. VIDH was required to report, with the FFY 2012 APR, on: (1) the technical assistance sources from which VIDH received assistance; and (2) the actions 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 the technical assistance.

Special Conditions: The timely service provision requirements and the related requirement regarding timely payment of early intervention service (EIS) providers are the subject of Special Conditions attached to VIDH's FFY 2013 IDEA Part C Grant Award letter, dated July 1, 2013. VIDH's IDEA Part C grant has been subject to these Special Conditions since FFY 2001. These FFY 2013 IDEA Part C Special Conditions require VIDH to continue using its third party agent to timely pay its EIS providers to ensure the uninterrupted provision of early intervention services to infants and toddlers with disabilities and their families. The FFY 2013 Special Conditions required VIDH to provide a progress report with the FFY 2012 APR, due February 3, 2014. VIDH provided the required information. OSEP will respond to VIDH's final progress report, due May 1, 2014, in VIDH's FFY 2014 IDEA Part C Grant Award Letter.

INDICATOR 7: VIDH reported that it did not identify any findings of noncompliance in FFY 2011 for this indicator. VIDH explained that it did not identify any findings of noncompliance based on the seven instances of noncompliance based on the FFY 2011 data, because it verified correction of all those instances of noncompliance within FFY 2011, in a manner consistent with OSEP Memo 09-02, prior to the issuance of any findings.

### **REQUIRED ACTIONS**

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 for this indicator: (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 or provider, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

<sup>4</sup> OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the State report that it verified that each EIS program or provider with noncompliance: (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 or provider.

INDICATOR 9: Although the FFY 2011 data for Indicators 1, 7, and 8C reflected noncompliance, VIDH reported that it did not issue any findings of noncompliance in FFY 2011 because VIDH verified, consistent with the requirements of OSEP Memo 09-02, correction of the FFY 2011 noncompliance prior to the issuance of findings.

In addition, VIDH reported in the Indicator 9 Worksheet and in narrative section for this indicator on pages 30, 34, and 35 of the FFY 2012 APR, that VIDH did not issue any findings, including related requirement findings, or in areas other than the APR indicator areas.

VIDH was identified as being in need of assistance for three consecutive years based on the VIDH's FFY 2009, FFY 2010 and FFY 2011 APRs. VIDH was required to report and did report, with its FFY 2012 APR, on: (1) the technical assistance sources from which VIDH received assistance; and (2) the actions VIDH took as a result of that technical assistance. VIDH 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.

### **REQUIRED ACTIONS**

When reporting on the correction of noncompliance, VIDH must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 for this indicator: (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 or provider, consistent with OSEP Memo 09-02. In the FFY 2013 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 2013 APR, VIDH must use and submit the Indicator 9 Worksheet.

Further, in responding to Indicator 7 in the FFY 2013 APR, VIDH must report on correction of the noncompliance described in this table under those indicators.

### **OTHER ISSUES: Public Reporting**

While the Virgin Islands Toddler Program (VITP) reported that it disseminated the FFY 2012 Annual Performance Report within the district office of each Infant and Toddler district program and advertised it within the local print media, VITP did not fully meet the requirements as required by IDEA sections 616(b)(2)(C)(ii)(I) and 642 and 34 CFR §303.702(b)(I)(i)(B) and post it on the Web site of VIDH. VIDH is a unitary system for SPP/APR reporting purposes (i.e., VIDH as the lead agency is also the only EIS program). VIDH's public reporting responsibilities for the SPP/APR are met by posting its SPP/APR on VIDH's Web site and distributing the SPP/APR to the media and public agencies (such as VIDH's two main districts and the EIS providers in those districts), as required by IDEA sections 616(b)(2)(C)(ii)(I) and 642 and 34 §303.702(b)(I)(i)(B). VIDH has not met this public reporting requirement for its SPP/APR for FFY 2011 (July 1, 2011 – June 30, 2012) and FFY 2010 (July 1, 2010 – June 30, 2011) and FFY 2009 (July 1, 2009 – June 30, 2008) APRs as requested in OSEP's June 2012 FFY 2010 SPP/APR Response Table. VIDH must confirm to OSEP that it has posted its SPP/APR for FFY 2009, FFY 2010, and FFY 2011 on VIDH's Web site and distributed these SPP/APRs to the media and its EIS providers.