

## West Virginia Part C FFY 2012 SPP/APR Response Table

### Part C SPP/APR Indicators

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| 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.

**West Virginia 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%                 | 100%                 | ≥ 99.5% <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: | 79.1%                | 81.5%                | ≥ 77.5%                |
| A. Know their rights;  |                      |                      |                        |
| B. Effectively communicate their children's needs; and   | 76.6%                | 79.9%                | ≥ 75%                  |
| C. Help their children develop and learn.  | 88.7%                | 87.7%                | ≥ 87%                  |
| 5. Infants and Toddlers Served Birth to One  | 1.79%                | 1.98%                | ≥ 2.01%                |
| 6. Infants and Toddlers Served Birth to Three  | 4.09%                | 4.42%                | ≥ 3.6%                 |
| 12. Hearing Requests Resolved through Resolution Session Agreements  | Not Applicable       | Not Applicable       | Not Applicable         |
| 13. Mediations Held that Resulted in Mediation Agreements  | None                 | None                 | Not Applicable         |

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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><br>Positive social-emotional skills (including social relationships) (%)                     | 54.8%                | 61.7%                | ≥ 54.9%                |
| <b>Outcome B:</b><br>Acquisition and use of knowledge and skills (including early language/ communication) (%) | 62.6%                | 70.9%                | ≥ 62.7%                |
| <b>Outcome C:</b><br>Use of appropriate behaviors to meet their needs (%)                                      | 70.3%                | 71.0%                | ≥ 70.4%                |
| <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><br>Positive social-emotional skills (including social relationships) (%)                     | 64.8%                | 64.2%                | ≥ 64.9%                |
| <b>Outcome B:</b><br>Acquisition and use of knowledge and skills (including early language/ communication) (%) | 49.8%                | 47.8%                | ≥ 49.9%                |
| <b>Outcome C:</b><br>Use of appropriate behaviors to meet their needs (%)                                      | 63.3%                | 62.8%                | ≥ 63.4%                |

<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.

### West Virginia Part C FFY 2012 Results Data Summary Notes

INDICATOR 3: 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).

#### **REQUIRED ACTIONS**

In the FFY 2013 APR, the State must report progress data and actual target data for FFY 2013, and the required outcome data for at-risk children.

INDICATOR 13: The State reported that no mediations were held during the reporting period.

The State reported fewer than ten mediations held in FFY 2012. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more mediations were held.

**West Virginia 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                          | 98.1%                | 98%                  | 100%                   | The State reported that all six of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.   |
| 7. 45-day timeline for evaluation and assessment and initial IFSP meeting   | 97%                  | 97.4%                | 100%                   | The State reported that the one finding of noncompliance identified in FFY 2011 was not corrected. The State reported on the actions it took to address the uncorrected noncompliance.                   |
| 8. A. IFSPs with transition steps and services                              | 100%                 | 100%                 | 100%                   | The State reported that the one finding of noncompliance identified in FFY 2011 was corrected in a timely manner.  |
| 8. B. Notification to LEA and SEA, if child potentially eligible for Part B | 100%                 | 98%                  | 100%                   | The State reported that it did not identify any findings of noncompliance in FFY 2011.   |
| 8. C. Transition conference, if child potentially eligible for Part B       | 98.96%               | 98%                  | 100%                   | The State reported that it did not identify any findings of noncompliance in FFY 2011.   |
| 9. Timely correction  | 98%                  | 96%                  | 100%                   | The State reported that 24 of 25 findings of noncompliance identified in FFY 2011 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance. |
| 14. Timely and accurate data  | 100%                 | 100%                 | 100%                   |  |

**West Virginia 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                     | 100% (based on four complaints)   | 100% (based on one complaint)   |
| 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. | The State reported that it did not receive any requests for due process hearings during the reporting period. |

## West Virginia FFY 2012 Compliance Data Summary Notes

### INDICATOR 1:

#### **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.<sup>4</sup> In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 7: 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, 2012-June 30, 2013), and the State described how the time period in which the data were collected accurately reflects data for infants and toddlers with IFSPs for the full reporting period.

The State reported that the one finding of noncompliance identified in FFY 2010 was not corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

#### **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. In addition, the State must demonstrate, in the FFY 2013 APR, the remaining one uncorrected finding of noncompliance identified in FFY 2010 was corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program with findings of noncompliance identified in FFY 2012 and each EIS program or provider with remaining 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 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.

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<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 8B:

**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.

INDICATOR 8C:

**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.

**INDICATOR 9:**

The State reported that the remaining finding of noncompliance identified in FFY 2010 was not corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

The State must report, with the FFY 2013 SPP/APR, that it has corrected the one remaining finding of noncompliance identified in FFY 2011 and the one remaining finding of noncompliance identified in FFY 2010 that were not reported as corrected in the FFY 2012 APR.

When reporting with the FFY 2013 SPP/APR on the correction of the remaining finding of noncompliance identified in FFY 2011, the State must report that it verified that the EIS program or provider with the remaining finding of 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, consistent with OSEP Memo 09-02.

**REQUIRED ACTIONS**

In addition, in responding to Indicators 1, 7, 8B, and 8C in the FFY 2013 SPP/APR, the State must report on correction of the noncompliance described in this table under those indicators.