

Florida Part C FFY 2005 SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 57%, but these data are not based on the measurement for this indicator. The data measure the percent of service provided in a timely manner rather than the percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>Although the data represent the incorrect measurement, the State did not meet its FFY 2005 target of 100%.</p> <p>The State did not report on timely correction.</p>	<p>The State revised the improvement activities for this indicator in its SPP. OSEP accepts those revisions.</p> <p>The State-reported data for Indicator 1 were not based on the measurement for this indicator. The Florida Department of Health (FDOH) reported the percent of services provided in a timely manner rather than the percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner as required by Indicator 1. The State must provide its FFY 2006 data based on the correct measurement in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's March 23, 2006 SPP response letter required the State to confirm that the IFSP service authorization date is when a parent consents to the provision of early intervention services under 34 CFR §303.404(a)(2). On page 3 of the FFY 2005 APR, the State confirmed that the IFSP service authorization date is "the date the service was agreed to by the IFSP team which includes the parent and their provision of consent to early intervention services." However, on page 4 of the FFY 2005 APR, the State reported that, "Florida's policy for timely service delivery is within 3 weeks (no greater than 21 days) from the date of the IFSP authorization of services <i>or from the date the parent identifies an appropriate service provider.</i>" The latter part of this definition is inconsistent with Part C's parent consent and timely provision of service requirements in 34 CFR §§303.340(c), 303.342(e), 303.344(f), and 303.404(a)(2). FDOH staff notified OSEP that it would delete from its definition "or from the date the parent identifies an appropriate service provider." FDOH must submit its revised definition to OSEP with its FFY 2006 APR, due February 1, 2008, data based on the corrected revised standard.</p> <p>In addition, OSEP's March 23, 2006 SPP response letter required the correction of noncompliance with the requirements at 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) that all eligible children with IFSPs receive the early intervention services on their IFSPs in a timely manner. OSEP accepted FDOH's plan to correct this noncompliance in its March 26, 2004 letter. The longstanding nature of this noncompliance is a factor in the Department's</p>

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		<p>determination under IDEA section 616 for this State.</p> <p>In Attachment 2 to its FFY 2005 APR, FDOH reported on the correction of noncompliance identified in FFY 2004 and corrected in FFY 2005. However, it did not report on the correction of the noncompliance identified in Indicator 1 of the FFY 2004 SPP when FDOH reported baseline data of 61% compliance. On page 4 of the APR, FDOH reported that one Local Early Steps site (LES) was placed on high-risk status due to noncompliance with timely service delivery that was identified in 2003-2004 and not corrected within one year of identification. OSEP cannot determine whether the prior noncompliance regarding 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1), identified in FFY 2004, was corrected. The State must provide in the FFY 2006 APR, due February 1, 2008, data demonstrating correction of this noncompliance and new noncompliance identified in FFY 2005.</p>
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 45%. This represents progress from FFY 2004 data of 33%. The State met its FFY 2005 target of 38%.</p> <p>The State reported that prior noncompliance was partially corrected (in five of six LESs) in a timely manner and corrected in whole by the date of submission of the FFY 2005 APR.</p>	<p>The State revised the improvement activities for this indicator in its SPP. OSEP accepts those revisions. The State met its FFY 2005 target of 38% for this indicator. OSEP appreciates the State's efforts to improve performance.</p> <p>OSEP's November 8, 2005 FFY 2003 APR response letter required the State to submit data demonstrating compliance with the requirement to ensure that individualized decisions are made by participants at the IFSP team meeting, including the decision to determine and document the provision of services in natural environments, as required by 34 CFR §§303.12, 303.18, and 303.344(d)(1)(ii). FDOH submitted data demonstrating correction in three of five local programs in its December 2005 SPP. OSEP's March 23, 2006 SPP response letter, Table B, required FDOH to submit data that demonstrate compliance for the two remaining local programs by June 1, 2006. FDOH submitted this data on June 1, 2006. OSEP accepted FDOH's submission and required the State to continue to report in the APR. FDOH must continue to report on the correction of noncompliance with these requirements in Indicator 9.</p> <p>On page 8 and in Attachment 2 to the APR, FDOH reported that prior noncompliance regarding 34 CFR §§303.12, 303.18, and 303.344(d)(1)(i) was corrected. The State reported that five of six LESs demonstrated correction within one year of identification and that the remaining LES, after technical</p>

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		<p>assistance was provided, demonstrated correction by January 15, 2007.</p> <p>In FDOH's discussion of progress or slippage that occurred for July 1, 2005 through June 30, 2006, on page 8 of the APR, FDOH indicated that it had not counted infants and toddlers receiving only service coordination and developmental surveillance as receiving services in the natural environment. These children should be counted as receiving services, including service coordination and developmental surveillance, in the natural environment.</p> <p>In addition, FDOH reported that it revised its policies to establish that providing services in the natural environment takes precedence over the use of Part C dollars as last resort of payment, based on OSEP's July 24, 2006 letter. OSEP looks forward to reviewing data reflecting these changes in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Percent of infants and toddlers with IFSPs who demonstrate improved:</p> <ul style="list-style-type: none"> A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs. <p>[Results Indicator; New]</p>	<p>Entry data provided.</p>	<p>The State reported the required entry data and activities. The State must provide progress data and improvement activities in the FFY 2006 APR, due February 1, 2008.</p>
<p>4. Percent of families participating in Part C who report that early intervention services have helped the</p>	<p>The State's FFY 2005 reported baseline data for this indicator are:</p> <p>4A. 55.9%</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>FDOH reported on page 16 of the SPP that due to a technical error in the</p>

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family: A. Know their rights; B. Effectively communicate their children's needs; and C. Help their children develop and learn. [Results Indicator; New]	4B. 52.5% 4C. 57.6%	development of the mailing list, families' names were mismatched with addresses. The error was discovered in November 2006, at which point there was insufficient time to complete a subsequent mail out to gather baseline data for the SPP. The State reported that the error substantially impacted the return rate of the survey (2%). Additionally, OSEP could not determine whether the response group was representative of the population surveyed. The State must provide representative survey data and an analysis of whether the response group is representative of the population surveyed in the FFY 2006 APR, due February 1, 2008.
5. Percent of infants and toddlers birth to 1 with IFSPs compared to: A. Other States with similar eligibility definitions; and B. National data. [Results Indicator]	The State's FFY 2005 reported data for this indicator are 0.67%. This represents progress from FFY 2004 data of 0.66%. The State met its FFY 2005 target of 0.67%.	The State met its FFY 2005 target. OSEP appreciates the State's efforts to improve performance.
6. Percent of infants and toddlers birth to 3 with IFSPs compared to: A. Other States with similar eligibility definitions; and B. National data. [Results Indicator]	The State's FFY 2005 reported data for this indicator are 1.80%. This represents slippage from FFY 2004 data of 1.86%. The State did not meet its FFY 2005 target of 1.865%.	The State revised the improvement activities for this indicator in its SPP. OSEP accepts those revisions. The State did not meet its FFY 2005 target. OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.
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	The State's FFY 2005 reported data for this indicator are 85%. The State did not meet its FFY 2005 target of 100%. This represents progress from the FFY 2004 data of	The State revised the improvement activities for this indicator in its SPP. OSEP accepts those revisions. The State did not meet its FFY 2005 target. On page 17 of the APR, the State reported that prior noncompliance was partially corrected in a timely manner (five of six findings) and fully corrected within fourteen months of identification.

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<p>45-day timeline.</p> <p>[Compliance Indicator]</p>	<p>69%.</p> <p>The State reported that prior noncompliance was partially corrected in a timely manner (five of six findings) and corrected in whole by submission of the FFY 2005 APR on February 1, 2007.</p>	<p>OSEP's November 8, 2005 FFY 2003 APR response letter required the State to submit data demonstrating compliance with the requirement to ensure timely evaluations and assessments in order to conduct the initial IFSP meeting within 45 days of the referral to Part C, as required by 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). FDOH submitted data demonstrating correction in three of six local programs in the FFY 2004 SPP. OSEP's March 23, 2006 FFY 2004 SPP response letter, Table B, required FDOH to submit data that demonstrated compliance for the two remaining local programs by June 1, 2006. FDOH submitted this data on June 1, 2006. OSEP accepted FDOH's submission and required the State to continue to report in the APR. FDOH must continue to report on the correction of noncompliance with these requirements in Indicator 9.</p> <p>The State must implement its revised improvement activities and review and revise the activities, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a), including correction of any noncompliance identified in FFY 2005.</p>
<p>8A. 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's FFY 2005 reported data for this indicator are 64%. These data represent slippage from the FFY 2004 data of 66%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p> <p>The State reported that prior noncompliance (nine of ten findings) was partially corrected in a timely manner.</p>	<p>The State revised the improvement activities for this indicator in its SPP. OSEP accepts those revisions.</p> <p>The State did not meet its FFY 2005 target. On page 21 of the FFY 2005 APR, the State reported that prior noncompliance was partially corrected (nine of ten findings) within one year of identification for Indicator 8A. FDOH reported that further enforcement actions would be considered for the one LES that had not yet demonstrated correction of noncompliance.</p> <p>OSEP's November 8, 2005 FFY 2003 APR response letter required the State to submit data demonstrating compliance with the requirement to document steps on the IFSP to support the transition of the child and family, as required by 34 CFR §§303.148(b)(4) and 303.344(h). OSEP's March 23, 2006 FFY 2004 SPP response letter, Table B, required FDOH to submit monitoring data for compliance with these requirements. On page 21 of the FFY 2005 APR, FDOH reported that it made ten findings of noncompliance with these requirements in FFY 2005 and that nine of ten were corrected within one year of identification.</p>

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		<p>FDOH must continue to report on the correction of noncompliance with these requirements in Indicator 9.</p> <p>The State must implement its revised improvement activities and review and revise the activities, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the timely IFSP transition planning requirements in 34 CFR §§303.148(b)(4) and 303.344(h), including correction for the remaining LES identified in noncompliance in FFY 2005.</p>
<p>8B. 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 2005 reported data for this indicator are 88%. These data represent progress from the FFY 2004 data of 86%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p>	<p>The State revised the improvement activities for this indicator in its SPP. OSEP accepts those revisions.</p> <p>The State did not meet its FFY 2005 target. OSEP's March 23, 2006 SPP response letter required the State to demonstrate in the February 1, 2007 APR compliance with the LEA notification requirement if an eligible child exiting Part C is potentially eligible for Part B, as required by 34 CFR §303.148(b)(1). Although FDOH reported 88% compliance with these requirements, it also reported, on page 21 of the APR, that it made no findings of noncompliance with these requirements through its Quality Assurance monitoring.</p> <p>The State must implement its revised improvement activities and review and revise the activities, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the LEA notification requirements in 34 CFR §303.148(b)(1).</p>
<p>8C. 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</p>	<p>The State's FFY 2005 reported data for this indicator are 70%. These data represent progress from the FFY 2004 data of 68%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p> <p>The State reported that prior noncompliance was partially corrected (three of seven findings)</p>	<p>The State revised the improvement activities for this indicator in its SPP. OSEP accepts those revisions.</p> <p>The State did not meet its FFY 2005 target of 100%.</p> <p>On page 21 of the FFY 2005 APR, the State reported that prior noncompliance was partially corrected, three of seven findings, within one year of identification and five of seven by January 15, 2007 for Indicator 8C. FDOH reported that further enforcement actions would be considered for the two LESs that had not yet demonstrated correction of noncompliance.</p> <p>OSEP's November 8, 2005 FFY 2003 APR response letter required the State to</p>

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<p>Part B. [Compliance Indicator]</p>	<p>in a timely manner.</p>	<p>submit data demonstrating compliance with the requirement to hold the transition meeting, with concurrence from the family, at least 90 days before the child's third birthday for children potentially eligible for Part B services, as required by 34 CFR §303.148(b)(2)(i) (and amended by IDEA section 637(a)(9)). FDOH submitted data demonstrating correction in four of seven local programs in the FFY 2004 SPP. OSEP's March 23, 2006 FFY 2004 SPP response letter, Table B, required FDOH to submit data that demonstrated compliance for the remaining local programs by June 1, 2006. FDOH submitted that data on June 1, 2006. OSEP accepted FDOH's submission and required the State to continue to report in the APR. FDOH must continue to report on the correction of noncompliance with these requirements in Indicator 9.</p> <p>The State must implement its revised improvement activities and review and revise the activities, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate full compliance with the timely transition conference requirements in 34 CFR §§303.148(b)(2)(i) (as amended by IDEA section 637(a)(9)), including correction of any noncompliance findings made in FFY 2005.</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. [Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 74%. These data represent progress from the FFY 2004 data of 62%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p> <p>The State reported that prior noncompliance was corrected.</p>	<p>The State revised the baseline and improvement activities for this indicator in its SPP. OSEP accepts those revisions.</p> <p>OSEP's March 23, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR documentation that the State ensured the correction of identified noncompliance as soon as possible, but in no case later than one year from identification.</p> <p>In its revised Attachment II to the SPP, FDOH reported that all findings of noncompliance identified in FFY 2003 were corrected as of October 11, 2006.</p> <p>The State's reported data for this indicator are 74%. The State did not meet its FFY 2005 target during FFY 2005 but reported correction of all noncompliance findings identified in FFY 2004 by the date of the FFY 2005 APR submission.</p> <p>The State must implement its revised improvement activities and review and revise the activities, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance</p>

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		<p>with the requirements in IDEA sections 616(a), 635(a)(10 and 642 and 34 CFR §303.501(b).</p> <p>In its response to Indicator 9 in the FFY 2006 APR, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 1, 7, 8A, 8B, and 8C, specifically address the noncompliance noted 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>The State reported that three signed written complaints were filed in FFY 2005 and that the complainants, “due to reaching a resolution locally,” withdrew all three complaints.</p>	<p>OSEP could not determine whether the complaints were withdrawn within the 60-day timeline or an appropriately extended timeline. In the FFY 2006 APR, due February 1, 2008, the State must confirm that the complaints that were withdrawn in FFY 2005 were withdrawn within the applicable timeline and provide this information for its FFY 2006 data as well.</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 one request for a due process hearing in FFY 2005. That request was resolved through mediation.</p>	<p>Not applicable, as there were no fully adjudicated due process hearing requests. In the FFY 2006 APR, due February 1, 2008, the State must confirm that the hearing request resolved through mediation was resolved within the 30-day timeline and provide this information for its FFY 2006 data as well.</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; New]</p>	<p>Not applicable.</p>	<p>The State has not adopted the Part B due process procedures.</p>
<p>13. Percent of mediations held that</p>	<p>The State reported that two of two</p>	<p>The State is not required to provide or meet its targets until any FFY in which 10</p>

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<p>resulted in mediation agreements. [Results Indicator]</p>	<p>(100%) mediations held resulted in a mediation agreement. The State reported FFY 2004 data of 100% (one of one mediations held resulted in a mediation agreement).</p>	<p>or more mediations were conducted.</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 reported that its FFY 2005 reported data for this indicator are 100%. However, OSEP has determined that the State did not meet its 100% target for this indicator because in Indicator 1, the State's FFY 2005 reported data do not reflect the measurement for that indicator.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>As noted above, the State reported FFY 2005 data for Indicator 1 do not reflect the measurement for that indicator. FDOH must consider the validity of the data gathered and reported in the FFY 2005 APR when determining its performance on this indicator.</p> <p>The State must implement its revised improvement activities and review and revise the activities, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the data-reporting requirements in IDEA sections 616, 618 and 640 and 34 CFR §§303.176 and 303.540.</p>