

New Hampshire 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 89%. This represents slippage from the revised FFY 2004 data of 93%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p> <p>The State reported that prior noncompliance was partially corrected in a timely manner.</p>	<p>As requested in OSEP’s March 2, 2006 SPP response letter, the State revised its timely standard for this indicator in its SPP. The State also revised its FFY 2004 baseline data and improvement activities. OSEP accepts those revisions.</p> <p>OSEP’s March 2, 2006 SPP response letter indicated that OSEP looked forward to data in the APR due February 1, 2007 demonstrating compliance with the requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1). The State submitted FFY 2005 data of 89%, which represents slippage from its FFY 2004 data.</p> <p>The State reported that prior noncompliance related to this indicator identified in 2004-2005 was partially corrected in 2005-2006. Three of eight programs identified with noncompliance achieved compliance in FFY 2005. The State further reported that two of four programs with noncompliance identified in 2003-2004 corrected the noncompliance in FFY 2005</p> <p>The State must review its improvement activities 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 service provision requirements in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1), including correction of noncompliance identified in FFY 2005 and the remaining noncompliance identified in FFY 2004 and FFY 2003.</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 99.84%. The State met its FFY 2005 target of 99%.</p>	<p>The State met its target and OSEP appreciates the State’s efforts to improve performance. The State indicated it is monitoring for individualized setting decisions in accordance with Part C natural environment requirements. It is important that the State continue to monitor to ensure that the determination of settings in which infants and toddlers with disabilities receive early intervention services is individualized on the IFSP.</p>

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<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 with 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 family:</p> <ul style="list-style-type: none"> A. Know their rights; B. Effectively communicate their children's needs; and C. Help their children develop and learn. <p>[Results Indicator; New]</p>	<p>The State's reported baseline data for this indicator are:</p> <ul style="list-style-type: none"> 4A. 64% 4B. 85% 4C. 87% 	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p>
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to:</p>	<p>The State's FFY 2005 reported data for this indicator under IDEA section 618 are 1.38%. This</p>	<p>The State revised its targets for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State met its target and OSEP appreciates the State's efforts to improve</p>

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<p>A. Other States with similar eligibility definitions; and</p> <p>B. National data.</p> <p>[Results Indicator]</p>	<p>represents progress from FFY 2004 data of 1.16%.</p> <p>The State met its revised FFY 2005 target of 1.23%.</p>	<p>performance.</p>
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to:</p> <p>A. Other States with similar eligibility definitions; and</p> <p>B. National data.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator under IDEA section 618 are 2.96%. The State met its revised FFY 2005 target of 2.81%.</p>	<p>The State revised its targets for this indicator in its SPP on April 2, 2007 and OSEP accepts those revisions.</p> <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p>
<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 2005 reported data for this indicator are 88%. This represents slippage from the FFY 2004 data of 96.6%. The State did not meet its FFY 2005 target of 100%.</p> <p>The State submitted data beyond the FFY 2005 reporting period indicating that the seven programs that were noncompliant in FFY 2005 had 93% compliance as of October 2006 (68 of 73 records met the 45-day timeline or delays were due to documented exceptional family circumstances).</p> <p>The State reported that one finding of prior noncompliance from 2004-2005 was corrected in a timely</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 2, 2006 SPP response letter indicated that OSEP looked forward to data in the APR, due February 1, 2007, demonstrating compliance with the requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a). The State submitted FFY 2005 data of 88% compliance, which represents slippage from its FFY 2004 data.</p> <p>On page 21 of the APR, the State reported that one of two programs identified with noncompliance related to this indicator in 2004-2005 achieved timely correction in 2005-2006. The State reported that as of October 2006 the other program had 91% (10 of 11 records met 45-day timeline requirements). The State further indicated that the one-year timeline for correction had not yet expired. However, as discussed below under Indicator 9, it is not clear whether the date the State used for the one-year timeline ensures that State identified noncompliance is corrected within one year of its identification.</p> <p>The State must review its improvement activities and revise the activities, if appropriate, to ensure they will enable the State to include data in the FFY 2006</p>

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	<p>manner and the one-year timeline for the other finding had not yet expired. However, it is not clear that the one-year timeline the State applied ensures the correction of State identified noncompliance within one year of its identification.</p>	<p>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 noncompliance identified in FFY 2005 and the remaining noncompliance identified in FFY 2004.</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 99%. This represents progress from the FFY 2004 data of 97%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p>	<p>OSEP’s March 2, 2006 SPP response letter indicated that OSEP looked forward to data in the APR, due February 1, 2007, demonstrating compliance with the requirements in 34 CFR §§303.148(b)(4) and 303.344(h)(1). The State’s FFY 2005 data demonstrate further progress toward achieving compliance with these requirements.</p> <p>OSEP assumes that the State misstated its calculation when it mentioned “timelines due to family circumstances” (APR page 27), which are not factors applicable to this indicator, and that the State’s FFY 2005 reported data do not include such timelines. If that assumption is incorrect, in the FFY 2006 APR, due February 1, 2008, the State must clarify its FFY 2005 calculation for this indicator and report FFY 2006 data that do not include such timelines.</p> <p>OSEP appreciates the State’s efforts and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in 34 CFR §§303.148(b)(4) and 303.344(h)(1), including correction of noncompliance identified 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</p>	<p>The State’s FFY 2005 reported data for this indicator are 99.6%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p>	<p>On page 28 of the APR, the State indicated that it included family circumstances in its compliance calculation for this sub-indicator. It is unclear from this statement if the State requires parent consent for LEA notification. Unless a State has adopted a written notice and opt-out policy, IDEA section 637(a)(9) and 34 CFR §303.148(b)(1) require the lead agency to notify the LEA where a child resides of a child transitioning from Part B. It is unclear whether the State has adopted an opt-out policy under IDEA section 637(a)(9), 34 CFR §303.148(b)(1), and OSEP’s 2004 Letter to Elder. In the FFY 2006 APR, the State must clarify whether it has adopted such an opt-out policy and exclude</p>

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<p>Part B; and [Compliance Indicator]</p>		<p>from its calculations (in both the numerator and denominator) for Indicator 8B, but provide a numerical count of, those children whose families elected to opt out. In addition, the State must ensure that its opt-out policy is included, as an amendment, in the State's FFY 2007 Part C grant application. If the State has not adopted such a policy, then LEAs must be notified of the child's name, date of birth, and parent contact information as required by IDEA section 637(a)(9) and 34 CFR §303.148(b)(1).</p> <p>OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in 34 CFR §303.148(b)(1), including correction of noncompliance identified in FFY 2005.</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 Part B.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 69%. This represents progress from the FFY 2004 data of 47%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p> <p>The State reported that 9 of 16 findings of prior noncompliance from 2004-2005 were corrected in a timely manner and the one-year timeline for the other findings had not yet expired. However, it is not clear that the one-year timeline the State applied ensures the correction of State identified noncompliance within one year of its identification.</p>	<p>The State revised the improvement activities for this indicator in its APR and OSEP accepts those revisions.</p> <p>OSEP's March 2, 2006 SPP response letter required the State to include in the February 1, 2007 APR data that demonstrate compliance with the requirements in 34 CFR §303.148(b)(2)(i) and its final progress report which was due October 29, 2006. The State's reported FFY 2005 data of 69% show noncompliance, but represent progress from its FFY 2004 data.</p> <p>The State reported that 2 of 16 programs identified with noncompliance in 2004-2005 achieved compliance in 2005-2006. The State provided updated data showing that by October 2006, seven additional (9 of 16) programs had achieved compliance and the overall compliance rate for the 16 programs was 71.4% (40 of 56 records reviewed met the 90 day conference requirement or delays were attributable to documented exceptional family circumstances). The State indicated that the one-year timeline for correction had not expired for the remaining six programs (two programs merged). However, as discussed below under Indicator 9, it is not clear whether the date the State used for the one-year timeline ensures that the State identified noncompliance is corrected within one year of its identification.</p> <p>The State must implement and evaluate its improvement activities and revise the activities, if appropriate, to ensure they will enable the State to include data in FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the</p>

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		requirements in 34 CFR §303.148(b)(2)(i) as modified by IDEA section 637(a)(9), including correction of noncompliance identified in FFY 2005 and the remaining noncompliance identified in FFY 2004.
<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>The State's FFY 2005 reported data for this indicator are 71%. This represents progress from the revised FFY 2004 data of 63%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p>	<p>The State revised its FFY 2004 baseline data and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 2, 2006 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 the February 1, 2007 APR, the State reported that:</p> <p>(1) noncompliance identified in 2004-2005 was partially corrected in a timely manner for Indicators 1, 7, 8C and fully corrected for Indicator 8A (APR pages 21 and 36);</p> <p>(2) noncompliance identified in 2004-2005 for one non-priority area (IFSP services listed) was timely corrected in 6 of 8 programs and the corrective action plans for two programs are scheduled to be completed in June 2007 (APR pages 36 and 37); and</p> <p>(3) noncompliance identified in 2003-2004 for Indicator 1, which had not been corrected in 2004-2005, was partially corrected in 2005-2006 with 2 of 4 programs achieving compliance (APR page 36)</p> <p>However, in the APR on pages 21, 24 and 30 (relating to Indicators 7 and 8C), the State indicated that it made the one year period for correction of the noncompliance identified in 2004-2005 as one year from OSEP's March 2, 2006 SPP response letter. In the FFY 2006 APR, due February 1, 2008, the State must confirm that its policies and procedures ensure that noncompliance is corrected within one year from when the State (rather than OSEP) identifies the noncompliance, which is one year from the date the State informs the early intervention service program through a monitoring report or similar mechanism about the noncompliance the State has identified.</p> <p>The State must also review its improvement activities and revise the activities, if</p>

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		<p>appropriate, to ensure they will enable the State report to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in IDEA sections 616(a), 642, and 635(a)(10) and 34 CFR §303.501(b), including data on the correction of remaining noncompliance identified in FFY 2004 and the remaining noncompliance from FFY 2003 relating to Indicator 1.</p> <p>In its response to Indicator 9 in the FFY 2006 APR, due February 1, 2008, 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, 8C, 10 and 14, specifically identify and address the noncompliance identified in this table under those indicators that demonstrate compliance with the requirements in section 635(a)(10) of the IDEA and 34 CFR §303.501(b).</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. [Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 0%, based on two written complaints that were not resolved within the 60-day timeline and the timelines were not extended for exceptional circumstances. This represents slippage from the FFY 2004 data of 100%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p>	<p>The State reported that the two written complaints it received in FFY 2005 were not resolved within the 60-day timeline and the timelines were not extended for exceptional circumstances. The State described complaint investigation activities to prevent future noncompliance.</p> <p>The small number of complaints filed may disproportionately negatively impact the State's compliance rate for this indicator. While the State is required to ensure that all complaints/due process hearings are timely resolved, the State's compliance percentage for this indicator may not fully describe its compliance level.</p> <p>The State must review its improvement activities 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 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>Not applicable.</p>	<p>The State reported that it did not receive any requests for due process hearings in FFY 2005.</p>

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[Compliance Indicator]		
<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>	Not applicable.	The State has not adopted Part B due process procedures.
<p>13. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	The State reported that it did not hold any mediations in FFY 2005.	The State is not required to provide targets or improvement activities until any FFY in which 10 or more mediations were conducted. The State described improvement activities that were implemented during the reporting period (not required).
<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 2005 reported data for this indicator are 83%. This represents slippage from the FFY 2004 data of 100%.</p> <p>The State did not meet its FFY 2005 target of 100%.</p>	<p>The State's slippage represents two required 618 tables that were accurate, but not submitted to OSEP in a timely manner. The State described how it planned to ensure timely submission of 618 data in the future.</p> <p>The State must review its improvement activities 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 requirements in sections 616, 618 and 642 of the IDEA and 34 CFR §§303.176 and 303.540.</p>