



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Janie Miller
Cabinet for Health and Family Services
Office of the Secretary
275 East Main Street, 5W-A
Frankfort, KY 40621-0001

Dear Secretary Miller:

Thank you for the timely submission of Kentucky's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also acknowledge the revisions to Kentucky's APR received on April 14, 2008. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA sections 616(d) and 642, Kentucky needs assistance in meeting the requirements of Part C of the IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2006 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2008" for further details.

Specific factors affecting OSEP's determination of needs assistance for Kentucky include: (1) for Indicator 1, the State reported 80% compliance with the timely service provision requirements and did not report correction of prior findings of noncompliance; (2) for Indicator 3, the State reported progress data that do not reflect the correct measurement, but the State reported a plan to collect data; (3) for Indicator 7, the State reported 92.5% compliance with the 45-day timeline requirements, which represents progress from the State's FFY 2005 data of 61%, and did not report correction of prior findings of noncompliance; (4) for Indicator 8A, the State reported 74.5% compliance with IFSP transition content requirements; (5) for Indicator 8B, the State reported 93.9% compliance with the LEA notification requirements, which represents progress from the State's FFY 2005 data of 92.7%; (6) for Indicator 8C, the State reported 78% compliance with timely transition conference requirements, which represents progress from the State's FFY 2005 data of 52.4%, and did not report correction of prior findings of noncompliance. In addition, for Indicator 9, the State's FFY 2006 data reflect 28.26% compliance with timely correction requirements, but these data are incomparable with its FFY 2005 data because the State is now reporting findings by EIS program, which is the local district instead of each local EIS provider; thus, OSEP could not determine whether there was progress or slippage. For these reasons, we were unable to determine that your State met requirements under IDEA sections 616(d) and 642. We hope that your State will demonstrate in next year's APR that it meets requirements.

The enclosed table provides OSEP's analysis of the State's FFY 2006 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's

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SPP. It also identifies, by indicator, the State's status in meeting its targets, whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data.

Your State may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rfcnetwork.org/>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator.

As you know, your State must report annually to the public on the performance of each early intervention service (EIS) program located in the State on the targets in the SPP under IDEA sections 616(b)(2)(C)(ii)(I) and 642. In addition, your State must review EIS program performance against targets in the State's SPP, determine if each EIS program meets the requirements of the IDEA and inform each EIS program of its determination. For further information regarding these requirements, see the SPP/APR Calendar at <http://spp-apr-calendar.rfcnetwork.org/>. Finally, if you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.

OSEP is committed to supporting Kentucky's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call David Steele, your OSEP State Contact, at 202-245-6520.

Sincerely,



William W. Knudsen

Acting Director

Office of Special Education Programs

Enclosures

cc: Part C Coordinator