

Table A – Part C (Arkansas)
Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p>Indicator 1: Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. (20 USC 1416(a)(3)(A) and 1442)</p>	<p>Noncompliance: See Table B.</p>	<p>See Table B.</p>
<p>Indicator 2: Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.¹ (20 USC 1416(a)(3)(A) and 1442)</p>	<p>As reported on page 6 of the SPP, the Arkansas Department of Health & Human Services (ADHHS) will more fully and closely monitor this indicator to make sure that children are not in segregated settings. ADHHS is not sure that children counted in settings for typically developing children are actually in settings that are for “Programs Designed for Typically Developing Children” as required to be reported in section 618. Therefore, the current rate of 77% reported by ADHHS may not be accurate.</p>	<p>ADHHS must ensure that the State’s analysis of the Part C settings data conforms to the definitions as required to be reported in section 618.</p>
<p>Indicator 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. (20 USC 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: On page 22 of the SPP, the State reported a 55% level of compliance for Indicator 7 in the SPP, specifically the requirement at 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a).</p>	<p>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>

¹ At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

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	<p>Other:</p> <p>In the State's computation of its baseline data for this compliance indicator, the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record.</p>	<p>In the FFY 2005 APR, due February 1, 2007, the State should not include in the calculation children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record. The State must include in its discussion of data, the numbers it used to determine its calculation under this Indicator and report separately the number of documented delays attributable to family circumstances.</p>
<p>Indicator 8:</p> <p>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> <ul style="list-style-type: none"> A. IFSPs with transition steps and services; B. Notification to LEA, if child potentially eligible for Part B; and C. Transition conference, if child potentially eligible for Part B. <p>(20 USC 1416(a)(3)(B) and 1442)</p>	<p>Indicator 8A: Noncompliance:</p> <p>On page 24 of the SPP, the State reported an 88% level of compliance for Indicator 8A as related to the requirements at 34 CFR §303.344(h).</p> <p>See Table B for issue regarding Indicator 8B and C.</p> <p>8B: On page 27 of its SPP, the State indicated that under the new automation system, the State education agency will have the capability to make the transition process a seamless process by giving access, to both the Part C and Part B agencies, to a child's records.</p>	<p>Indicator 8A:</p> <p>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>See Table B for issue regarding Indicator 8 B and C.</p> <p>8B: Arkansas must ensure that its data system does not permit the disclosure of personally identifiable information from a child's Part C or Part B records without the appropriate prior written parental consent as required under IDEA and FERPA. OSEP has enclosed, for your information, a copy of its February 11, 2004 Letter to</p>

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		Elder, which describes the circumstances when personally identifiable information may be disclosed for purposes of meeting IDEA's child find mandate.
<p>Indicator 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. (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: See Table B for prior noncompliance issue.</p> <p>Other:</p> <ol style="list-style-type: none"> 1. On page 28 of the SPP, the State reported the total number of findings of noncompliance for Indicators 9A (530), 9B (426), and 9C (0). The State indicated that it had just identified those numbers. The State did not report the percentage of noncompliance corrected within one year of identification for Indicators 9A, 9B and 9C (presumably because the one year had not passed for the findings it reported in the SPP). 2. The State indicates that all Division of Developmental Services (DDS) licensed programs are monitored each year. However, the State has independent service providers. The State did not indicate whether those providers are monitored each year, or describe the process for selecting early intervention services (EIS) providers for 	<p>See Table B for prior noncompliance issue.</p> <ol style="list-style-type: none"> 1. The State must ensure that all noncompliance is corrected within one year of identification, and include correction data in the APR, due February 1, 2007. Failure to include this information may affect OSEP's determination of the State's status under section 616(d) of the IDEA. 2, 3, and 4. The State must include this information in the APR, due February 1, 2007. Failure to include this information may affect OSEP's determination of the State's status under section 616(d) of the IDEA.

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	<p>monitoring.</p> <p>3. The State did not indicate the number of EIS Programs monitored related to the monitoring priority areas and indicators, and the number of EIS Programs monitored related to areas not included in monitoring priority areas and indicators.</p> <p>4. In the measurement for B, the State did not group areas of noncompliance topically.</p>	
<p>Indicator 12:</p> <p>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). (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>1. The State reported that no due process hearings were requested during FFY 2004-2005. OSEP guidance on developing the SPP indicated that targets and improvement activities were not needed until the total number of due process hearings requested totaled ten or greater.</p> <p>2. The State established a target of 100% for resolution sessions. A target of 100% is inappropriate for this indicator. In looking at data on other forms of alternate dispute resolution, the consensus among mediation practitioners is that 75-85% is a reasonable rate of mediations that result in agreements and is consistent with national mediation success rate data. A higher resolution session goal, while appropriate for some States, may not be appropriate if it results in a high rate of agreements, but the agreements are not durable over time. It is better to have a lower percentage of viable, implemented agreements than a higher percentage of agreements that are not durable.</p>	<p>1. The State may remove the targets and improvement activities related to resolution sessions in the APR, due February 1, 2007, if the number of due process hearings for 2005-2006 is less than 10. In a reporting period when the number of due process hearings reaches ten or greater, the State must develop targets and improvement activities, and report them in the corresponding APR.</p> <p>2. If the State is required to establish a target in a future APR because it meets the threshold of ten or more due process hearing requests, the State may want to review its targets to determine if an adjustment is needed and submit the revised targets in that APR.</p>

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<p>Indicator 13: Percent of mediations held that resulted in mediation agreements. (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<ol style="list-style-type: none"> 1. The State included targets and improvement activities regarding mediation; however, baseline data indicated that the total number of mediations requested was fewer than ten. OSEP guidance on developing the SPP indicated that targets and improvement activities were not needed until the total number of mediations requested totaled ten or greater. 2. OSEP noted that the State established a target of 100% for mediation. A target of 100% for this indicator is inappropriate. The consensus among mediation practitioners is that 75-85% is a reasonable rate of mediations that result in agreements and is consistent with national mediation success rate data. A higher mediation goal, while appropriate for some States, may not be appropriate if it results in agreements that are not voluntarily implemented. It is better to have a lower percentage of viable, implemented agreements than a higher percentage of agreements, some of which are not voluntarily implemented. 	<ol style="list-style-type: none"> 1. The State may remove the targets and improvement activities related to mediation in the APR, due February 1, 2007, if the number of mediations for FFY 2005 is less than 10. In a reporting period when the number of mediations reaches ten or greater, the State must develop targets and improvement activities, and report them in the corresponding APR. 2. If the State is required to establish a target in a future APR because it meets the threshold of ten or more mediation requests, the State may want to review its target, to determine if an adjustment is needed and submit the revised target in that APR.