

Table B Chart – Part C (Arkansas)

Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 1:</b></p> <p>In its FFY 2002 and 2003 APRs, the State submitted parent survey data regarding the parents' satisfaction with the Part C services provided to their children. OSEP's November 14, 2005 letter regarding the FFY 2003 APR did not identify noncompliance in this area, but indicated that OSEP could not determine from the State's data whether eligible children and their families receive the early intervention services on their IFSPs, and directed the State to provide data responsive to Indicator 1 in the SPP.</p>	<p>The State did not provide baseline data in the SPP in response to this indicator.</p> <p>On page 2 of the SPP, ADHHS indicated that they are noncompliant in this area and are currently not able to collect the data because they do not have a definition of timely receipt of services. ADHHS further indicated that, "it has been the practice in Arkansas for delivery of service to begin within fourteen (14) days after the IFSP is completed."</p>	<p>The State did not submit the requested data and analysis.</p> <p>The State's current practice for providing services in a timely manner begins with the IFSP completion date. The Part C regulations at 34 CFR §§303.342(e) and 303.344(f)(1) require that the lead agency provide the early intervention services that are consented to by the parent as soon as possible after the IFSP meeting. OSEP assumes that the IFSP completion date is when a parent consents to the provision of early intervention services under 34 CFR §303.404(a)(2).</p>	<p>The State must include, in the FFY 2005 APR, due February 1, 2007, both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to include both types of these data may affect OSEP's determination in 2007 of the State's status under section 616(d) of the IDEA.</p> <p>The State's baseline and progress data should reflect the State's timely standard, which is currently its practice of providing services within 14 days after the IFSP is completed, unless the State adopts a different policy.</p> <p>If the State adopts a policy regarding its standard of timely that is different from its current practice, the State must ensure that its starting point is consistent with the Part C regulations (for example, the point when a parent consents to the provision of early intervention services under 34 CFR §303.404(a)(2)), and explain that policy in its FFY 2005 APR, due</p>

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			<p>February 1, 2007.</p> <p>If the State continues to use its current practice for its standard of timely, the State must confirm in the FFY 2005 APR, due February 1, 2007, that the IFSP completion date is when a parent consents to the provision of early intervention services under 34 CFR §303.404(a)(2).</p>
<p><b>Indicator 8B and C:</b></p> <p>OSEP's FFY 2003 APR letter to ADHHS identified potential noncompliance with the requirements in 34 CFR §303.148(b)(1) and (b)(2)(i) (Indicators 8 B and C) and directed the State to submit data regarding those transition requirements, as requested in Indicator 8 of the SPP. If the data indicated noncompliance, the State was required to include with the SPP a plan, including strategies, proposed evidence of change, targets and timelines designed to ensure correction of the noncompliance.</p>	<p>Indicator 8B and C: On page 24 of the SPP, the State reported a 35% level of compliance for Indicator 8B in the SPP, and a 51% level of compliance for Indicator 8C in the SPP.</p> <p>See Table A for issue regarding Indicator 8 A.</p>	<p>Indicator 8B and C: On page 24 of the SPP, ADHHS submitted data demonstrating noncompliance with Indicators 8B and C, specifically the requirements at 34 CFR §303.148(b)(1) and (b)(2)(i).</p> <p>Other: Indicator 8C - In the State's computation of its baseline data for this compliance indicator (8C), the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record. In the State's computation of its baseline</p>	<p>Indicator 8B and C: 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</p>

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		<p>data for this compliance indicator (8C), the State may have also included children for whom the family did not provide approval to conduct the conference.</p>	<p>the State's status under section 616(d) of the IDEA.</p> <p>Indicator 8C: 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 or children for whom the family did not provide approval. 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 and the number of children for whom the family did not provide approval to conduct the conference.</p> <p>See Table A for issue regarding Indicator 8 A.</p>

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<p><b>Indicator 9:</b></p> <p>The State has previously identified noncompliance regarding this indicator because it was not monitoring all non-ADHHS entities that provide Part C services. OSEP's August 2000 Monitoring Report found noncompliance because the State did not have effective Part C compliance monitoring procedures, as required by 34 CFR §303.501(b). OSEP's April 2003 letter responded to the State's Improvement Plan, indicating that the State must demonstrate correction of the noncompliance by April 15, 2004. OSEP's February 24, 2004 verification visit letter noted that, at the time of OSEP's October 2003 verification visit; ADHHS was not monitoring all non-ADHHS entities that provide Part C services.</p> <p>In OSEP's FFY 2003 APR letter to ADHHS, the State was directed to submit data indicating that it monitors all programs used by the State to carry out Part C, whether or not those programs are receiving assistance under Part C, including non-ADHHS entities. The State was also directed to submit a description of its monitoring procedures for reviewing Children's Health Management Services (CHMS) sites, and the monitoring findings it has made</p>	<p>On page 27 of the SPP, ADHHS provided data to indicate <u>total number of incidents</u> of noncompliance identified in response to 9A, 9B and 9C. ADHHS did not disaggregate this data as to its source, i.e., independent providers, center based providers, CHMS, etc.</p> <p>In response to Indicator 9, the State provided a few general statements regarding its monitoring system. The State indicated that DHHS/DDS is responsible for "monitoring of programs and activities used by the state to carry out the Part C program, whether or not these programs or activities are receiving assistance under Part C to ensure compliance with the regulations, policies, and procedures adopted by the State of Arkansas." (p. 29). The State also indicated that DDS has established a Quality Assurance section (p.29). The State also reported that it has developed a General Supervision Task Force that has been given the charge to develop and implement recommendations to improve the general supervision system, and indicated that the Task Force will receive technical assistance from NECTAC, SERRC and NCSEAM. (p. 32).</p>	<p>The State did not submit the requested data and analysis to demonstrate that ADHHS monitors all programs used by the State to carry out Part C, whether or not those programs are receiving assistance under Part C, including non-ADHHS entities, to ensure that the State complies with Part C.</p>	<p>The State did not submit the requested data and analysis regarding the requirements of 34 CFR §303.501.</p> <p>By June 1, 2006, the State must submit to OSEP a description of its monitoring procedures for reviewing CHMS sites, and the monitoring findings it has made at those sites. Failure to demonstrate that it has taken actions to monitor the CHMS sites at that time may result in the State being identified as a "high risk" grantee or otherwise affect the State's FFY 2006 grant award.</p>

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at those sites.	However, the State did not provide its monitoring procedures for reviewing CHMS sites.		
<p><b>Indicator 11:</b></p> <p>In OSEP's FFY 2003 APR letter, it directed the State to provide certain information in its SPP regarding timely hearing decisions.</p>	On page 36 of its SPP, the State provided information regarding a court case that is in litigation, and did not provide any data regarding any other due process hearing requests.	From the State's comments on page 36 of the SPP, OSEP assumes that no due process hearings were requested during FFY 2004 - 2005.	No further action required. OSEP looks forward to reviewing the State's updated data in the APR, due February 1, 2007.
OSEP's FFY 2003 APR directed ADHHS to submit confirmation, in the SPP submitted on December 5, 2005, that it is using its revised procedures to determine eligibility, and that it is not requiring an additional determination of developmental delay for infants and toddlers with diagnosed conditions.	On page 46 of the SPP, the State indicated that they did not have "revised procedures" and that their practice is to evaluate children with diagnosed conditions to determine what services they need and not for an additional determination of developmental delay for eligibility. The State also indicated that it will re-train staff on these procedures for better eligibility clarification.	The State provided the information requested by OSEP.	No further action required.