

**Table A – California Part C
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: The State reported a 96.54% level of compliance for Indicator 1 in the SPP, specifically the requirements at 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1). While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement. It is unclear if this data excludes any delays attributable to documented exceptional child or family circumstances.</p> <p>Other: On page 3 of the SPP, the State defines timeliness in this measure as “provision of service within 75 days of initial referral.” 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 early intervention services on the IFSP are provided to an eligible child as soon as possible after parent consent. Because the Part C regulations require the initial IFSP meeting to be held within 45 days under 34 CFR §303.342(a), OSEP assumes that if parent consent for Part C services is obtained at the earliest possible date (the initial IFSP meeting), the maximum period from parent consent for Part C IFSP services until when a child begins to receive those services is 30 days.</p>	<p>Noncompliance: OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. In the FFY 2005 APR, due February 1, 2007, the State should not include in the calculation of compliance for this Indicator 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>Other: No further action required unless the State adopts a different timely standard or OSEP’s assumptions are incorrect.</p>
<p>Indicator 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>(20 USC 1416(a)(3)(A) and 1442)</p>	<p>An evaluation of the sampling plan for Indicator 3 indicated that it was not technically sound (see OSEP’s February 14, 2006 memorandum). Data will lack validity if based on a sampling plan that is not technically sound. OSEP is concerned because the State’s plan is to use these invalid data to establish entry level data for this Indicator. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>	<p>As indicated in the February 14, 2006 OSEP memorandum, if a revised sampling plan has not been accepted by OSEP by the time the State submits its FFY 2005 APR on February 1, 2007, the State must submit a revised sampling methodology that describes how data were collected with the State’s FFY 2005 APR. In the FFY 2005 APR, the State also needs to explain how the State addressed the deficiencies in the data collection noted in the attachment to the OSEP memorandum. If the State decides not to sample, but rather gather census data, please inform OSEP and revise the SPP accordingly.</p>

SPP Indicator	Issue	Required Action
<p>Indicator 4: Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights;</p> <p>B. Effectively communicate their children's needs; and</p> <p>C. Help their children develop and learn.</p> <p>(20 USC 1416(a)(3)(A) and 1442)</p>	<p>An evaluation of the sampling plan for Indicator 4 indicated that it was not technically sound (see OSEP's February 14, 2006 memorandum). Data will lack validity if based on a sampling plan that is not technically sound. OSEP is concerned because the State's plan is to use these invalid data to establish entry level data for this Indicator. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>	<p>As indicated in the February 14, 2005 OSEP memorandum, if a revised sampling plan has not been accepted by OSEP by the time the State submits its FFY 2005 APR on February 1, 2007, the State must submit a revised sampling methodology that describes how data were collected with the State's FFY 2005 APR. In the FFY 2005 APR, the State also needs to explain how the State addressed the deficiencies in the data collection noted in the attachment to the OSEP memorandum. If the State decides not to sample, but rather gather census data, please inform OSEP and revise the SPP accordingly.</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.</p> <p>(20 USC 1416(a)(3)(B) and 1442)</p>	<p>See Table B for discussion of Indicator 7.</p>	<p>See Table B for discussion of Indicator 7.</p>
<p>Indicator 8: 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>B. Notification to LEA, if child potentially eligible for Part B: and</p> <p>C. Transition conference, if child potentially eligible for Part B.</p> <p>(20 USC 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance:</p> <p><u>Indicator 8A</u> – The State reported a 90.24% level of compliance for this Indicator, specifically the requirements at 34 CFR §§303.148(b)(4) and 303.344(h).</p> <p><u>Indicator 8B</u> – The State reported a 91.89% level of compliance for this Indicator, specifically the requirement at 34 CFR §303.148(b)(1).</p> <p><u>Indicator 8C</u> – The State reported a 88.37% level of compliance for this Indicator, specifically the requirement at 34 CFR §303.148(b)(2)(i).</p> <p>While these levels of compliance are below 100% and require improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with each of these requirements.</p> <p>Other: It is unclear if the data reported in 8C exclude children for whom family approval was not obtained for the conference and any delays attributable to documented exceptional child or family circumstances.</p>	<p>Noncompliance: OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with the requirements of Indicators 8A, 8B, and 8C.</p> <p>Other (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 lack of a timely conference attributable either to exceptional family circumstances documented in the child's record or lack of family 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>

SPP Indicator	Issue	Required Action
<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: The State reported a 62.15% level of compliance with this Indicator, specifically the requirement to correct noncompliance within one year of identification as required under 34 CFR §303.501(b).</p> <p>Other: On p. 25 the State provided a "Monitoring Matrix" with a list of findings and follow-up for each Regional Center. In this matrix, the State indicates 2004-2005 findings that were corrected during that same year, but the State did not, as directed by the SPP directions, indicate the percentage of findings that were corrected within one year from identification. The State did not use the required measurement in reporting its data.</p>	<p>Noncompliance: The State must ensure that this noncompliance is corrected within one year of its identification and include valid and reliable 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>Other: The State must include the required data and calculations in reporting its performance on this Indicator in the APR due by 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.</p>
<p>Indicator 11: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline. (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>See Table B for discussion of Indicator 11.</p>	<p>See Table B for discussion of Indicator 11</p>
<p>Indicator 13: Percent of mediations held that resulted in mediation agreements. (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>The State established a target of 55% for mediation and reported baseline data for FFY 2004 as 51.2%. 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.</p>	<p>The State may wish to review its mediation targets after it obtains progress data for FFY 2005 to reflect improvement for future years and submit the revised target(s) in the FFY 2005 APR due February 1, 2007.</p>
<p>Indicator 14: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>The State did not submit baseline data regarding the accuracy of its data reported to OSEP under Sections 616 and 618 and other data.</p>	<p>In the FFY 2005 APR due February, 1, 2007, the State must provide both baseline data from FFY 2004 and progress data from FFY 2005 confirming the accuracy of data reported under Sections 616 and 618. Failure to include this information may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>