

**Table B – California Part C
Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 7 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a).</p> <p>OSEP’s September 30, 2005 response to the APR noted that the State’s January 12, 2005 Improvement Plan identified improvement in ensuring compliance with the 45-day timeline requirements of 34 CFR §303.322(e)(1), 303.322(e)(2) and 303.342(a). OSEP’s September 30, 2005 letter required the State to submit, as part of its SPP: (1) updated progress; and (2) to the extent that the data and analysis did not demonstrate correction of the noncompliance, a revised Improvement Plan.</p>	<p>On page 19 of the SPP, the State reported that baseline data from 2004-2005 indicated that 72.38% of children had their evaluation and assessment completed and an initial IFSP meeting held within 45 days of referral. The State further reported the percentage for FFY 2003 was 87.66%, and the percentage for FFY 2002 was 84.5%</p> <p>The State further indicated that, “often during the first IFSP meeting, it is determined that additional assessments in specific areas are needed to determine additional service needs.” In addition, the State indicated that they will “continue to dialogue with OSEP regarding the evaluations and assessments required within the first 45 days, as it is likely that California is much closer to the required standard than the reported percent for this indicator.”</p> <p>The State included strategies for ensuring compliance on pages 4, 19, and 20.</p>	<p>The State provided data in response to Indicator 7 that demonstrate continuing noncompliance with the requirements of 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). The level of compliance reported was 72.38%.</p> <p>Although the State included strategies on pages 4, 19, and 20 for ensuring compliance, OSEP is concerned about the data reflecting slippage in this area</p>	<p>The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, 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 §616(d) of the IDEA.</p>
<p>Indicator 9B: 34 CFR §303.344(a)(1)</p> <p>Data in the State’s FFY 2003 APR indicated noncompliance with the requirement at 34 CFR §303.344(a)(1) (85.74% of IFSPs reviewed included a statement of the child’s present level of development in five areas). OSEP’s September 30, 2005 response to the State’s FFY 03 APR required the State to include, in its SPP, an improvement plan.</p>	<p>The State did not include the required plan in the SPP, and has provided no documentation that it has corrected the noncompliance.</p>	<p>The State did not submit a plan for ensuring correction of this specific area of noncompliance. The State did, however, include strategies under Indicator 9 for correcting identified noncompliance.</p>	<p>In the APR, due February 1, 2007, the State must provide data demonstrating full compliance with the requirement in 34 CFR §303.344(a)(1). Failure to demonstrate compliance or submit a plan at that time may impact OSEP’s determination of the State’s status under §616(d) of the IDEA.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 9A and B: 34 CFR §303.501</p> <p>The monitoring data in the State's FFY 2003 APR represented several years and OSEP could not determine what percent of items requiring follow-up were cleared for each year, or whether all identified noncompliance was corrected within a one-year time frame. OSEP's September 30, 2005 response required the State to include in its SPP, data and analysis that demonstrated both the identification and correction of noncompliance for each Regional Center for a specific fiscal or calendar year.</p>	<p>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.</p>	<p>See discussion regarding indicator 9 in Table A.</p>	<p>See discussion regarding Indicator 9 in Table A.</p>
<p>Indicator 11: 34 CFR §303.423(b)</p> <p>OSEP's September 30, 2005 letter required the State to submit a plan in the SPP to ensure compliance with the requirement that the due process hearing decision is issued within 30 days as required by 34 CFR §303.423(b).</p>	<p>The State submitted data demonstrating full compliance and clarified that all decisions were issued in the 30-day timeline with the extremely limited documented circumstances for which an extension was granted are limited family illness, family absence from the geographical area, and family request in order to secure evidence pertaining to the complaint.</p>	<p>While Part C's 30-day timeline does not allow extensions generally, the very limited exceptions identified in California's do not reflect noncompliance. The State's standard makes clear that the 30-day timeline is not subject to extensions other than the very limited documented family circumstances to ensure the family's ability to exercise its rights under 34 CFR §§303.420 through 303.425.</p>	<p>No further action required.</p>