

Table A – Kansas 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><u>Noncompliance:</u> The State reported a 92% level of compliance for Indicator #1 in the SPP, specifically the requirement at 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1), that all eligible children with IFSPs receive the early intervention services on their IFSPs that are consented to by their parents in a timely manner. However, KDHE’s baseline data was based on family surveys, which are not reliable as the sole source of data in determining compliance with this Indicator. KDHE reported that the State verified the family survey data by using narrative information on semi-annual reports, network assurances, and during program reviews, but did not provide data. KDHE reported it was planning to collect service provider information and correlate the data with family survey data.</p>	<p><u>Noncompliance:</u> The State must ensure that this noncompliance is corrected within one year of its identification and must also 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>

SPP Indicator	Issue	Required Action
	<p><u>Other:</u></p> <p>The State’s 30-day timely standard begins from when the IFSP “was written”. 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 commencement date is when a parent consents to the provision of early intervention services under 34 CFR §303.404(a)(2).</p>	<p><u>Other:</u></p> <p>The State must confirm in the FFY 2005 APR due February 1, 2007 that its timeline commences from when a parent consents to the provision of early intervention services under 34 CFR §303.404(a)(2).</p>
<p>Indicator 2:</p> <p>Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.¹</p> <p>(20 USC 1416(a)(3)(A) and 1442)</p>	<p><u>Other:</u></p> <p>While the State’s targets for provision of services to infants and toddlers in natural environments do not demonstrate an increase, because the State reported more than 95% of infants and toddlers receiving services in natural environments, there is no expectation that an increase in that percentage is necessary. OSEP appreciates the State’s efforts to serve infants and toddlers with disabilities in natural environments to the maximum extent appropriate to the child’s needs.</p>	<p><u>Other:</u></p> <p>No action required.</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.

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><u>Other:</u></p> <p>The State provided baseline data in response to this Indicator, including the data that 51.9% of parents reported that they know their rights and a corresponding large number (>45%) indicated that they did not. Although this is a performance indicator that does not measure the compliance element of whether the lead agency is informing parents of their rights under 34 CFR §303.403, the State may wish to review its activities to determine whether review or revisions to its prior written notice, dissemination policies, and service coordinator training are needed to improve performance.</p>	<p><u>Other:</u></p> <p>OSEP looks forward to the State's progress data in its FFY 2005 APR, due February 1, 2007.</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><u>Noncompliance:</u></p> <p>KDHR reported a baseline data of 85.6% 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), that an evaluation and assessment and initial IFSP meeting is conducted within 45 days for all children referred to Part C. However, KDHR also reported that of the 18% that exceeded 45 days (548 of 3045), as much as 85% may have been attributable to exceptional documented child or family circumstances, which according to OSEP's calculation would reflect a revised baseline of approximately 96% or 97% level of compliance with this Indicator.</p>	<p><u>Noncompliance:</u></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.</p> <p>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>

SPP Indicator	Issue	Required Action
	<p>Other:</p> <p>(1) 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 and also children for whom the 45-day timeline was still pending and thus did not yet have an IFSP.</p> <p>(2) The State also reported in Indicator #9 on its SPP that it had made virtually all of its findings of noncompliance with the requirements of this Indicator, yet did not report evidence of correction.</p> <p>(3) OSEP assumes that although not specifically identified in its data, the State is tracking not only whether the initial IFSP meeting is convened within 45 days of referral, but also that the child's evaluation and assessment are conducted within the 45 days.</p>	<p>Other:</p> <p>(1) 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 exceptional child or family circumstances.</p> <p>Children recently referred and for whom the 45-day timeline was still pending and thus, who do not have an IFSP should also not be included in the calculation, but reported separately in the narrative to account for all children.</p> <p>(2) OSEP looks forward to reviewing in Indicator #9 of the FFY 2005 APR due February 1, 2007 the State's reporting of timely correction of the findings it made with respect to the 45-day timeline.</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).</p> <p>(20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>Other:</p> <p>The State reported that it did not establish targets for this Indicator because the number of due process hearing requests was fewer than 10.</p>	<p>Other:</p> <p>In a reporting period when the number of due process hearing requests reaches ten or greater, the State must develop targets and improvement activities, and report them in the corresponding 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>	<p><u>Other:</u> The State reported that it did not establish targets for this Indicator because the number of due process hearing requests was fewer than 10. However, the threshold number of requests applies to mediation requests and not due process hearing requests.</p>	<p><u>Other:</u> Although the State reported only one mediation request during FFY 2004, in a reporting period when the number of mediation requests reaches ten or greater, the State must develop targets and improvement activities, and report them in the corresponding APR.</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><u>Other:</u> KDHE discussed a reliance on family survey data as the primary source of data for various indicators (i.e., Indicator 1). Although family survey data is appropriate in obtaining baseline data for Indicator #4, it cannot be the sole source of data for compliance indicators (i.e., 1, 7, 8, 9, 10, 11 and 14) as it is not reliable data for measuring indicators such as timeliness.</p>	<p><u>Other:</u> In the FFY 2005 APR due February 1, 2007, KDHE must ensure that, it submits valid and reliable data for all Indicators and identifies the additional source(s) of data used other than family surveys for each Indicator (e.g., child records, monitoring data, service coordinator or provider interviews).</p>