

Table B – Part C - Mississippi

Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 1 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1) OSEP’s February 27, 2004 letter accepted the State’s plan to ensure compliance with the requirement that all early intervention services to which parental consent is obtained are provided, and required a final progress report 30 days following one year from the date of that letter. In its FFY 2003 APR (submitted in March 2005), the State reported that 37.96% of children waited over 90 days to begin receiving services identified on their individualized family service plans (IFSPs). In its September 30, 2005 response to the State’s FFY 2003 APR, OSEP required the State to submit, in the SPP, data and analysis to demonstrate how the State ensures that all early intervention services to which parental consent is obtained are provided.</p>	<ol style="list-style-type: none"> 1. On page 5 of the SPP, the State reported baseline data from 2004-2005 indicating that 336 (28%) of children received their first service in more than 30 days. 2. On page 6 of the SPP, the State defined timely provision of service as “within 30 days of the projected initiation date as indicated on the IFSP.” 	<ol style="list-style-type: none"> 1. The State reported a 72% 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). These data, while demonstrating improvement over previously reported data from the FFY 2003 APR, indicate continued significant noncompliance. It is unclear whether, in reporting data on this indicator, the State is reporting on the timeliness of all early intervention services on a child’s IFSP. States must report either monitoring or aggregated data on timeliness of (not just one) early intervention services on the child’s IFSP for which the parent has provided consent. 2. The State’s timely standard begins with a starting point that is not consistent with the Part C regulations at 34 CFR §§303.342(e) and 303.344(f)(1). (Specifically, the State reported on page 6 of the SPP, that the starting point is “within 30 days of the projected initiation date as indicated on the IFSP.”) The “IFSP service initiation date” is established by the IFSP team, which includes the parent, and may serve as the standard but the State may not add an additional period to this date. 	<ol style="list-style-type: none"> 1. The State must submit data to demonstrate full compliance by June 1, 2006. Failure to demonstrate compliance 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. In the FFY 2005 APR due February 1, 2007, the State must confirm that its data for this indicator are based on the timely provision of <i>all</i> early intervention services on the IFSP and provide data that is consistent with the requirements of this indicator. 2. The State must revise its timely standard and may use a starting point consistent with the Part C regulations, such as when a parent consents to the provision of early intervention services under 34 CFR §303.404(a)(2). Alternatively, the State may use “IFSP initiation date” as its standard but must monitor the implementation of this standard to ensure that this date is reasonable when applied to individual IFSPs. The State must submit its revised standards and data in the FFY 2005 APR due February 1, 2007.

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 2 34 CFR §§303.12, 303.18 and 303.344(d)(1)(ii)</p> <p>In its April 2005 focused monitoring letter, OSEP identified noncompliance with Part C's requirements regarding the provision of services in natural environments. In its September 30, 2005 response to the State's FFY 2003 APR, OSEP accepted the State's plan to correct the noncompliance, and required the State to: (1) ensure compliance as soon as possible, but no later than one year from the date of the letter; (2) include data and analysis demonstrating progress toward compliance in its SPP and in a progress report by April 14, 2006; and (3) provide a final report, with data and analysis demonstrating compliance, as soon as possible, but not later than 30 days following one year from the date of that letter.</p>	<p>In the SPP, the State reported improved performance data indicating that 82% of children received early intervention services primarily in the home or programs for typically developing children.</p>	<p>Although the State provided performance data for Indicator 2 in the SPP, the State did not, as required by OSEP's September 2005 response to the State's FFY 2003 APR, provide data and analysis demonstrating progress toward compliance with the requirement that IFSPs include appropriate child-outcome based justifications when an early intervention service was identified as not being provided in the natural environment as required by 34 CFR §303.344(d)(1)(ii).</p>	<p>As required by OSEP's September 2005 letter, the State must submit a progress report by April 14, 2006, demonstrating compliance with the requirement that IFSPs include appropriate child-outcome based justifications when an early intervention service was identified as not being provided in the natural environment as required by 34 CFR §303.344(d)(1)(ii).</p> <p>OSEP's September 2005 letter required the State to submit the final progress report on this issue by October 30, 2006, but the State may submit its final progress report with data demonstrating compliance with this requirement with its FFY 2005 APR due February 1, 2007. 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>

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<p>Indicator 7 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a).</p> <p>The State's FFY 2005 Part C grant award included Special Conditions related to the longstanding noncompliance with the requirement to conduct evaluations and assessments and convene the initial IFSP within 45 days of a child's referral, and specified the documentation that the State must submit in progress reports to OSEP on October 28, 2005 and April 14, 2006.</p>	<p>In its letter of November 21, 2005, OSEP responded to the State's October 28, 2005 progress report. On page 30 of the SPP, the State reported data showing that, of the 1331 children who were referred, evaluated, and found to be eligible, 959 (72%) had an IFSP meeting in 45 days or less; 372 (28%) had an IFSP meeting in more than 45 days. On page 31 the State reported that the number of family-based "justifiable" reasons for delays was not given because the data system was not configured to allow for electronic quantification of the justifications.</p>	<p>The data in the SPP show that while the State has made progress, it has not yet corrected the noncompliance and satisfied the Special Conditions on its FFY 2005 grant award.</p>	<p>Under the Special Conditions, a final progress report is due April 14, 2006, with the data specified in OSEP's October 24, 2004 letter. Failure to demonstrate compliance with this requirement in the final progress report may result in the State's continuing identification as a "high risk" grantee or otherwise affect the State's FFY 2006 grant award.</p>
<p>Indicator 9B</p> <p>OSEP's February 27, 2004 letter accepted the State's plan to ensure compliance with Part C's service coordination requirements in 34 CFR §303.23(a)(2) and required a final report with data demonstrating compliance by March 2005. OSEP's September 30, 2005 letter responding to the State's March 2005 FFY 2003 APR required the State to include in the SPP data and analysis demonstrating full compliance specific to service coordination that meets the requirements of Part C in accordance with 34 CFR §303.23(a)(2). This noncompliance was first identified in OSEP's 1999 monitoring report.</p>	<p>The State did not submit the required data and analysis.</p>	<p>The State did not submit the required data and analysis, specifically the requirements for service coordination at 34 CFR §303.23(a)(2).</p>	<p>The State must submit data (monitoring, child record review or other data) to demonstrate full compliance with the service coordination requirement in 34 CFR §303.23(a)(2) by June 1, 2006. Failure to demonstrate compliance 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>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 9A & B 34 CFR §303.501(b)(4)</p> <p>In its 1999 monitoring report, OSEP identified noncompliance regarding the State's failure to ensure the timely correction of identified noncompliance. In its February 27, 2004 response to the State's FFY 2001 APR, OSEP accepted the State's Improvement Plan to ensure timely correction and required the State to submit a progress report with its FFY 2002 and FFY 2003 APRs and a final progress report one year from the date of the letter that demonstrated full compliance with each of the areas of noncompliance identified in the letter.</p> <p>The State's FFY 2003 APR included a description of the State's technical assistance and corrective action activities, but provided no data as to whether noncompliance was corrected or what corrective actions were required. As noted in OSEP's September 30, 2005 response to the State's FFY 2003 APR, OSEP required the State to submit, with the SPP, data and analysis to demonstrate compliance with the timely correction of identified noncompliance.</p>	<p>On page 37 of the SPP, the State reported that baseline data from 2004-2005 were not quantifiable and thus unavailable for SPP priority areas (Indicator 9A) and for areas not included in the SPP priorities (Indicator 9B).</p> <p>On pages 36-39 the State described both its current monitoring processes and the transition to a focused monitoring system that will begin in May 2006.</p>	<p>The State did not: (1) as required by OSEP's September 30, 2005 response to the State's FFY 2003 APR, submit with the SPP, data and analysis to demonstrate compliance with the timely correction of identified noncompliance; or (2) as required by the SPP instructions, provide data for Indicators 9A and 9B, regarding the percentage of noncompliance identified in 2003-2004 that was corrected in 2004-2005.</p> <p>Without additional information, OSEP cannot determine whether the new focused monitoring procedures described in the SPP appear to be a reasonable approach to the identification and correction of noncompliance.</p>	<p>The State must submit data to demonstrate full compliance with the requirement to ensure the timely correction of noncompliance (i.e., within one year from identification) by June 1, 2006. Failure to demonstrate compliance 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> <p>Further, the State must, for Indicators 9A and 9B, include, in the FFY 2005 APR, due February 1, 2007, 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 these data may affect OSEP's determination in 2007 of the State's status under section 616(d) of the IDEA.</p>