

**Table B – Rhode Island Part C  
Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 1:</b> Whether eligible children receive the early intervention services listed on their IFSPs.</p> <p>Based on OSEP’s review of Rhode Island’s Self-Assessment, the FFY 2002 APR, and OSEP’s verification visit, OSEP identified this as an area of potential noncompliance (34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1)).</p> <p>OSEP’s October 4, 2005 letter responding to the FFY 2003 APR required the State to submit updated data, with respect to implementation of IFSPs, and if the data indicated noncompliance then the State was required to submit a plan, ensuring correction of the noncompliance within one year from OSEP’s acceptance of the plan.</p>	<p>The State reported, in Indicator 1 on page 8 of the SPP, data indicating that 59.57% of infants and toddlers with IFSPs receive the early intervention services listed on their IFSP in a timely manner.</p> <p>On pages 9 and 10 of the SPP, the State submitted improvement activities, timelines and resources for ensuring that eligible children receive the early intervention services listed on their IFSPs.</p>	<p>The State provided data that demonstrate noncompliance with the requirement that eligible children receive the early intervention services listed on their IFSPs (34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1)). The level of compliance reported was 59.57%.</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 section 616(d) of the IDEA.</p> <p>See Table A for issues identified in the State Performance Plan also relating to this indicator.</p>
<p><b>Indicator 2:</b> Whether the State has demonstrated that infants and toddlers receive services in the natural environment.</p> <p>OSEP’s October 4, 2005 letter required the State to clarify the section 618 natural environment data that was submitted in the FFY 2003 APR.</p>	<p>The State reported under Indicator 2, on page 12, information from its December 1, 2004 child count data that describe the natural environment and other settings where early intervention services were provided.</p>	<p>The State provided the information required.</p>	<p>No further action is required.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 7:</b> Whether the State conducts an evaluation, assessment and an initial IFSP meeting within the 45-day timeline required by 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a).</p> <p>In its January 2005 verification visit letter, OSEP required the State to demonstrate in the FFY 2003 APR that the initial evaluation was completed within the 45-day timeline 34 CFR §303.321(e)(2)(i). The data, submitted in the 2003 APR, continued to show noncompliance.</p> <p>In its September 2004 letter, OSEP identified potential noncompliance with the requirement that the State convene the initial IFSP meeting within the 45-day timeline required by 34 CFR §§303.321(e)(2)(ii) and 303.342(a). OSEP was unable to determine from the data submitted in the FFY 2003 APR whether the IFSP meeting was held in the required timeline.</p> <p>In its October 4, 2005 letter, OSEP required the State to submit 1) a plan that ensures correction of noncompliance with the timely evaluation requirement; and 2) data on the number and percentages of initial IFSP meetings convened within the 45-day timeline and a plan ensuring correction of any noncompliance.</p>	<p>1. The State submitted a plan in the SPP, on pages 38 through 39, with improvement activities, timelines and resources to ensure that the requirements of the 45-day timeline, including the completion of an evaluation and initial IFSP meeting, are met.</p> <p>2. In Indicator 7, pages 37 through 38, the State submitted data indicating that 26.49% of eligible infants and toddlers have an evaluation, assessment and an initial IFSP meeting within the 45-day timeline.</p>	<p>1. The State's plan includes strategies that appear to ensure compliance with the requirements of 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a).</p> <p>2. The State provided data that demonstrated noncompliance with the requirement that an initial IFSP meeting must be convened within the 45-day timeline required by 34 CFR §§303.321(e)(2); 303.321(e)(1); and 303.342(a). The level of compliance reported is 26.49%.</p>	<p>1 and 2. 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 the requirements at 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a), especially with the requirement that eligible infants and toddlers with IFSPs have an evaluation and initial IFSP meeting conducted within Part C's 45-day timeline. 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>See Table A for issues identified in the State Performance Plan also relating to this indicator.</p>

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<p><b>Indicator 9:</b> Whether the State's general supervision system identifies and corrects noncompliance within the timeframe required by 34 CFR §303.501.</p> <p>1. OSEP's January 2005 verification visit letter indicated that OSEP could not determine if the new lead agency had a monitoring system reasonably designed to identify noncompliance. OSEP noted that the previous lead agency had a system reasonably designed to identify noncompliance (with an exception in the area of timely evaluations). In its October 4, 2005 letter, OSEP directed the State to submit: 1) data identifying any noncompliance with Part C requirements; and 2) a plan ensuring identification of noncompliance.</p> <p>2. The January 2005 verification visit letter also found that the State appeared not to have a system that ensured timely correction of identified noncompliance, and directed the State to provide a plan in its FFY 2003 APR. OSEP's October 4, 2005 letter accepted the State's plan and directed the State to submit, in the SPP, data and the status of any noncompliance identified, with a final report demonstrating compliance, no later than 30 days following one year from the date of the letter, which would be November 3, 2006.</p>	<p>1. In Indicator 9, pages 49 through 51, the State reported data indicating identification of noncompliance in monitoring priorities and indicators and in other areas.</p> <p>2. On pages 47 and 48, the State reported data that showed 24 findings of noncompliance related to monitoring priority areas and indicators. However, the State did not report evidence of correction of the identified noncompliance, as the year to correct the noncompliance had not yet lapsed.</p>	<p>1. The State reported data demonstrating that it has a system reasonably designed to identify noncompliance as required by 34 CFR §303.501.</p> <p>2. Since there was a change in the lead agency on July 1, 2004 and the data were not yet available, the State did not provide data that demonstrate compliance with the requirement regarding correction of identified noncompliance in a timely manner as required by 34 CFR §303.501.</p>	<p>1. No further action required.</p> <p>2. The State's final progress report demonstrating compliance with this requirement, which was due November 3, 2006, may be submitted with the APR, due February 1, 2007. In that APR, the State must ensure that it is implementing its improvement strategies to enable the State to include data in the APR that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

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<p><b>Indicator 9B:</b> Whether the State is in compliance with the prior written notice requirements of 34 CFR §303.403(a). In its October 4, 2005 letter, OSEP asked the State to confirm that it had revised the prior written notice documents and provided the notice to parents as required under Part C of the IDEA.</p>	<p>On pages 54 and 55 of the SPP, the State reported that it had revised the prior written notice documents, and assured that all certified providers must provide these documents to parents.</p>	<p>The State reported data showing full compliance with the prior notice requirements at 34 CFR §303.403(a). OSEP appreciates the State's efforts in ensuring compliance with this requirement.</p>	<p>No further action is required.</p>
<p><b>Indicator 14:</b> Whether State reported data are timely and accurate as required by 34 CFR §303.540.</p> <p>OSEP's January 2005 verification visit letter expressed concern that Rhode Island's data system did not collect all of the required section 618 data. In its October 4, 2005 letter, OSEP accepted the State's plan ensuring that its reported data are timely and accurate. The letter also directed the State to include in the SPP, data and analysis demonstrating progress toward compliance, with a final report demonstrating compliance, no later than 30 days following one year from the date of the letter, which would be November 3, 2006.</p>	<p>In Indicator 14, pages 62 through 65, the State generally addressed its requirements for ensuring the collection of accurate data.</p>	<p>The State submitted information regarding the requirements of timely and accurate data as required by 34 CFR §303.540 and section 618 of IDEA.</p>	<p>The State's final progress report demonstrating compliance with this requirement, which was due November 3, 2006, may be submitted with the APR, due February 1, 2007. In that APR, the State must specifically confirm that its 618 data and the data in the APR are accurate. Failure to demonstrate compliance at that time will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>See Table A for issues identified in the State Performance Plan also relating to this indicator.</p>