

**Table A – Vermont 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>The State did not provide baseline data in the SPP in response to this indicator. In the SPP, the State reported that it is revising its current monitoring procedures to be able to gather data regarding the timeliness of the provision of Part C services.</p>	<p>The State must include, in the FFY 2005 APR, due February 1, 2007, both 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 will affect OSEP's determination of the State's status under section 616(d) of the IDEA. OSEP recommends that the State review its revised monitoring procedures with the OSEP State contact to assure that the monitoring of this indicator's requirements is consistent with Part C regulations.</p>
<p>Indicator 2: Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.¹ (20 USC 1416(a)(3)(A) and 1442)</p>	<p>OSEP noted that the State established a target of 100% for natural environments. Section 635(a)(16) of the IDEA requires that a State has policies and procedures to ensure that consistent with section 636(d)(5), to the maximum extent appropriate, early intervention services are provided in natural environments. Section 636(d)(5) requires that the IFSP contain a statement of the natural environments in which early intervention services will be provided appropriately, including a justification of the extent, if any, to which services will not be provided in a natural environment. Depending on the individual needs of particular children and their families, it may not be appropriate to provide all services in natural environments; therefore, achieving a target of 100% may result in a violation of a child's individual right to services in an appropriate environment that is not the natural environment.</p>	<p>The State must revise its target of 100% and submit an adjusted target in the APR, due February 1, 2007. The State may also choose to include procedures to ensure that all determinations made about the environment in which early intervention services are delivered are based on the individual needs of, and outcomes for, the child. The State may adopt a performance target that the number of children who primarily receive Part C services in the home and programs for typically developing children will remain above 95%.</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 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>Other: 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 your 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, you also need to explain how your State addressed the deficiencies in the data collection noted in the attachment to the OSEP memorandum. If you decide not to sample, but rather gather census data, please inform OSEP and revise your 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>Noncompliance: Previously identified issue</p> <p>Other: See Table B for additional discussion of Indicator 7.</p>	<p>See Table B: Previously identified issues.</p>

SPP Indicator	Issue	Required Action
<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> <ul style="list-style-type: none"> A. IFSPs with transition steps and services; B. Notification to LEA, if child potentially eligible for Part B; and C. Transition conference, if child potentially eligible for Part B. <p>(20 USC 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: On page 30 of the SPP, the State reported noncompliance with Indicators 8A and 8C as follows:</p> <ul style="list-style-type: none"> 1. 8A: A zero to 100% level of compliance for Indicator 8A, specifically the requirement at 34 CFR §§303.148(b)(4) and 303.344(h) (transition steps and services on the IFSP). Of the five programs monitored, one was at 100% compliance and the rest were at or below 75%. This shows an overall level of 48.4% compliance. 2. 8C: A zero to 100% level of compliance for Indicator 8C, specifically the requirement at 34 CFR §303.148(b)(2)(i) (transition conference). Of the five programs monitored, two were at 100% and the rest were at or below 50%. This shows an overall level of 60% compliance. <p>3. See Table B regarding the previously identified noncompliance regarding the need for an Interagency Agreement between the lead agency and the SEA regarding transition.</p> <p>Other: 8C: In the State's computation of its baseline data for this compliance indicator, the State may have included children for whom the family did not provide the approval to conduct the transition conference or for whom delays were attributable to documented exceptional child or family circumstances.</p> <p>Other: 8A, 8B and 8C: The State did not use the required measurements for this indicator.</p>	<p>1 and 2: Indicator 8A/C: 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. 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>3. See Table B</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 family did not provide 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 children for whom the family did not provide approval to conduct the conference.</p> <p>Other: The State must use the required measurements in calculating the data and reporting its performance under this indicator in the APR, due 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>

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: 1. On pages 41 and 43 of the SPP, the State reported a 27% level of compliance in FFY 2003. In the monitoring visit conducted within one year of those findings, the level of compliance increased to 56% under Indicator 9B in the SPP, specifically the requirement to provide parents with prior written notice as required in 34 CFR §303.403(a). 2. See Table B for previously identified issues regarding noncompliance with 34 CFR §303.344(a)(1) present level of development. Other: The State did not use the required measurement in reporting its data.</p>	<p>Noncompliance: 1. 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. 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. 2. See Table B: Previously identified issues. 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 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>Other: While the State provided some information that allows OSEP to make inferences regarding the State's intended targets for Indicator 14, the State did not explicitly indicate that its targets are 100% for both timely data and accurate data reports.</p>	<p>The State must revise the targets in the APR, due February 1, 2007, to clarify that it is the State's intent to reach 100% accuracy and 100% timeliness regarding data reported, whether to OSEP or publicly, under section 618 of the IDEA, in the SPP and in the APRs.</p>