

**Table A – West Virginia 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>Noncompliance: The State reported a 92% level of compliance for Indicator 1 in the SPP, specifically the requirements at 34 CFR §§303.342(e) and 303.344(f)(1). While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p> <p>Other: 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.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p> <p>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 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 family circumstances.</p>
<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 baseline 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. (20 USC 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: See Table B.</p>	<p>See Table B -- Previously identified issues.</p>

SPP Indicator	Issue	Required Action
<p>Indicator 8:</p> <p>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> <p>A. IFSPs with transition steps and services;</p> <p>B. Notification to LEA, if child potentially eligible for Part B; and</p> <p>C. Transition conference, if child potentially eligible for Part B.</p> <p>(20 USC 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: In the SPP, on page 34 the State reported:</p> <p>A. A 74% level of compliance for Indicator 8A, specifically the requirements at 34 CFR §303.344(h) and 303.148(b)(4) (transition steps and services on the IFSP).</p> <p>B. An 87% level of compliance for Indicator 8B, specifically the requirement at 34 CFR §303.148(b)(1) (notification of the children potentially eligible for Part B). In the SPP, the State reported it had already implemented a strategy that corrected this area of notification to the LEAs to 100% as of 9/2005.</p> <p>C. See Table B.</p>	<p>A. 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 the transition steps and services 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>B. OSEP looks forward to reviewing data in the APR, due February 1, 2007, demonstrating continuing compliance with the notification of the children potentially eligible for Part B requirement.</p> <p>C. See Table B -- Previously identified issues.</p>
<p>Indicator 9:</p> <p>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.</p> <p>(20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: See Table B.</p>	<p>See Table B-- Previously identified issues.</p>
<p>Indicator 10:</p> <p>Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p> <p>(20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: The State reported that it had 6 complaints but only 4 had reports issued within the timeline. This would be a 66% level of compliance for Indicator 10 in the SPP, specifically the requirement at 34 CFR §303.423(b) (timelines of proceedings).</p> <p>On page 45 of the SPP the State reported that it had corrected the issue that caused the delay.</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. 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>