



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 3 2010

Honorable Joseph Chiaro
Deputy Secretary for Children's Medical Services
Florida Department of Health
4052 Bald Cypress Way, Bin A 06
Tallahassee, Florida 32399-1707

Dear Deputy Secretary Chiaro:

Thank you for the timely submission of Florida's Federal fiscal year (FFY) 2008 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA sections 616(d)(2)(A)(ii) and 642, Florida needs assistance in implementing the requirements of Part C of IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2008 APR and revised SPP, other State-reported data, and, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2010: Part C" for further details.

The specific factors affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for Florida include that its FFY 2008 data reflect 72% compliance with the timely service provision requirements in Indicator 1, and 61% compliance with the timely correction requirements in Indicator 9. For these reasons, we are unable to determine that Florida met requirements for FFY 2008 under IDEA sections 616(d) and 642.

OSEP notes other areas that reflect a high level of performance, which include that Florida reported valid and reliable data for all indicators and FFY 2008 data reflecting a high level of compliance for Indicators 8B (95%), 10 (100%), and 14 (96.3%). We hope that Florida will be able to demonstrate that it meets requirements in its next APR.

The enclosed table provides OSEP's analysis of the State's FFY 2008 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources), and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2008 data; (2) whether such data met the State's FFY 2008 targets and reflect progress or slippage from prior year's data; (3) if applicable, that the State's data are not valid and reliable; and (4) whether the State corrected findings of noncompliance.

The State's determination for the FFYs 2005, 2006, and 2007 APRs was also needs assistance. In accordance with sections 616(e) and 642 of the IDEA, if a State is determined to need assistance for two consecutive years, the Secretary must take one or more of the following

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

actions: (1) advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance; (2) direct the use of State-level funds on the area or areas in which the State needs assistance; or (3) identify the State as a high-risk grantee and impose special conditions on the State's Part C grant award.

Pursuant to these requirements, the Secretary is advising the State of available sources of technical assistance related to Indicators 1 (timely service provision) and 9 (timely correction of noncompliance). A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rrfcnetwork.org/>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator. For the indicator(s) listed above, your State must report with its FFY 2009 APR submission, due February 1, 2011, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. Also, the State must report to OSEP by October 1, 2010 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The extent to which your State takes advantage of available technical assistance for these indicators may affect the actions OSEP takes under sections 616 and 642 should your State not be determined to meet requirements next year. We encourage Florida to take advantage of available sources of technical assistance in other areas as well, particularly if the State is reporting low compliance data for an indicator.

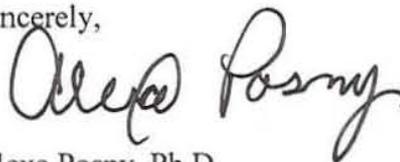
As required by IDEA sections 616(e)(7) and 642, the State must notify the public that the Secretary of Education has taken the above enforcement action. This notification must be sufficient to notify the public within the State and may include such mechanisms as posting on the agency's website, distribution through the media and distribution through public agencies.

As you know, pursuant to IDEA sections 616(b)(2)(C)(ii)(I) and 642, your State must report annually to the public on the performance of each early intervention services program (EIS program) located in the State on the targets in the SPP. In addition, your State must: (1) review EIS program performance against targets in the State's SPP, (2) determine if each EIS program 'meets requirements' of IDEA Part C, or 'needs assistance,' 'needs intervention,' or 'needs substantial intervention' in implementing Part C of the IDEA; (3) take appropriate enforcement actions; and (4) inform each EIS program of its determination. For further information regarding these requirements, see the SPP/APR Calendar at <http://spp-apr-calendar.rrfcnetwork.org/explorer/view/id/656>. Finally, if your State included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that your SPP is updated accordingly and that the updated SPP is posted on the State's website and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642.

OSEP is committed to supporting Florida's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with your State over the next

year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Hillary Tabor, your OSEP State Contact, at 202-245-7813.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexa Posny". The signature is fluid and cursive, with the first name "Alexa" written in a larger, more prominent script than the last name "Posny".

Alexa Posny, Ph.D.
Acting Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator

Florida Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 72%. These data represent progress from the FFY 2007 data of 70%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that none of the three findings of noncompliance identified in FFY 2007 were corrected in a timely manner, but that all were subsequently corrected by February 1, 2010.</p> <p>The State reported that the two findings of noncompliance identified in FFY 2006 for this indicator were corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, with the FFY 2008 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2005 APR. In addition to reporting with the FFY 2008 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2009 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on October 1, 2009.</p>	<p>The State must demonstrate, in the FFY 2009 APR due February 1, 2011, that the State is in compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>

Florida Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps												
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 77%. These data represent progress from the FFY 2007 data of 75%. The State met its FFY 2008 target of 76%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>												
<p>3. Percent of infants and toddlers with IFSPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationship);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator]</p>	<p>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) and OSEP accepts those revisions.</p> <p>The State provided FFY 2008 baseline data, targets, and improvement activities for this indicator and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2008 reported baseline data for this indicator are:</p> <table border="1" data-bbox="548 743 1444 1318"> <thead> <tr> <th data-bbox="548 743 919 911">08-09 Infant and Toddler Outcome Baseline Data</th> <th data-bbox="919 743 1192 911"><u>Summary Statement 1</u>¹</th> <th data-bbox="1192 743 1444 911"><u>Summary Statement 2</u>²</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 911 919 1049">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="919 911 1192 1049">36.0</td> <td data-bbox="1192 911 1444 1049">75.6</td> </tr> <tr> <td data-bbox="548 1049 919 1219">Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td data-bbox="919 1049 1192 1219">52.6</td> <td data-bbox="1192 1049 1444 1219">49.6</td> </tr> <tr> <td data-bbox="548 1219 919 1318">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td data-bbox="919 1219 1192 1318">52.4</td> <td data-bbox="1192 1219 1444 1318">75.8</td> </tr> </tbody> </table>	08-09 Infant and Toddler Outcome Baseline Data	<u>Summary Statement 1</u> ¹	<u>Summary Statement 2</u> ²	Outcome A: Positive social-emotional skills (including social relationships) (%)	36.0	75.6	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	52.6	49.6	Outcome C: Use of appropriate behaviors to meet their needs (%)	52.4	75.8	<p>The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.</p>
08-09 Infant and Toddler Outcome Baseline Data	<u>Summary Statement 1</u> ¹	<u>Summary Statement 2</u> ²												
Outcome A: Positive social-emotional skills (including social relationships) (%)	36.0	75.6												
Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	52.6	49.6												
Outcome C: Use of appropriate behaviors to meet their needs (%)	52.4	75.8												

¹ Summary Statement 1: Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned three years of age or exited the program.

² Summary Statement 2: The percentage of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned three years of age or exited the program.

Florida Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
<p>4. Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights; B. Effectively communicate their children’s needs; and C. Help their children develop and learn.</p> <p>[Results Indicator]</p>	<p>The State’s reported data for this indicator are:</p> <table border="1" data-bbox="550 293 1482 686"> <thead> <tr> <th></th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>A. Know their rights (%)</td> <td>65</td> <td>67</td> <td>58</td> <td>2.00%</td> </tr> <tr> <td>B. Effectively communicate their children’s needs (%)</td> <td>61</td> <td>64</td> <td>55</td> <td>3.00%</td> </tr> <tr> <td>C. Help their children develop and learn (%)</td> <td>75</td> <td>78</td> <td>60</td> <td>3.00%</td> </tr> </tbody> </table> <p>These data represent progress from the FFY 2007 data. The State met all of its FFY 2008 targets for this indicator.</p>		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	A. Know their rights (%)	65	67	58	2.00%	B. Effectively communicate their children’s needs (%)	61	64	55	3.00%	C. Help their children develop and learn (%)	75	78	60	3.00%	<p>OSEP appreciates the State’s efforts to improve performance.</p>
	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress																		
A. Know their rights (%)	65	67	58	2.00%																		
B. Effectively communicate their children’s needs (%)	61	64	55	3.00%																		
C. Help their children develop and learn (%)	75	78	60	3.00%																		
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are .59%. These data represent progress from the FFY 2007 data of .58%. The State did not meet its FFY 2008 target of .70%.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR.</p>																				
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 1.91%. These data represent progress from the FFY 2007 data of 1.66%. The State met its FFY 2008 target of 1.88%.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>																				
<p>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>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 91%. These data represent progress from the FFY 2007 data of 80%. The State did not meet its</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). Because the State reported less than 100% compliance for FFY 2008,</p>																				

Florida Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]	<p>FFY 2008 target of 100%.</p> <p>The State reported that two of five findings of noncompliance identified in FFY 2007 were corrected in a timely manner and that the remaining findings subsequently were corrected by February 1, 2010.</p>	<p>the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45-day timeline was not met, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>
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>The State's FFY 2008 reported data for this indicator are 92%. These data represent progress from the FFY 2007 data of 79%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that four of six findings of noncompliance identified in FFY 2007 were corrected in a timely manner and that the remaining findings subsequently were corrected by February 1, 2010.</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of</p>

Florida Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>A. IFSPs with transition steps and services; [Compliance Indicator]</p>		<p>correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed an IFSP with transition steps and services for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State’s Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>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: B. Notification to LEA, if child</p>	<p>The State’s FFY 2008 reported data for this indicator are 95%. These data represent progress from the FFY 2007 data of 86%. The State did not meet its target of 100%.</p> <p>The State reported that four of eight findings of noncompliance identified in FFY 2007 were corrected in a timely manner and that the remaining findings subsequently were corrected by February 1, 2010.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2009 APR, the State’s data demonstrating that it is in compliance with the LEA notification requirements in 34 CFR §303.148(b)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of</p>

Florida Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>potentially eligible for Part B; and [Compliance Indicator]</p>		<p>correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has provided notification to the LEA for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State’s Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>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: C. Transition conference, if child</p>	<p>The State’s FFY 2008 reported data for this indicator are 80%. These data remain unchanged from the FFY 2007 data of 80%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that six of nine findings of noncompliance identified in FFY 2007 were corrected in a timely manner and that the remaining findings subsequently were corrected by February 1, 2010.</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance</p>

Florida Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>potentially eligible for Part B. [Compliance Indicator]</p>		<p>reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has conducted a transition conference, although late, for any child potentially eligible for Part B whose transition conference was not timely, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>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. [Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 61%. These data represent slippage from the FFY 2007 data of 73%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that 40 of 66 findings of noncompliance identified in FFY 2007 were corrected in a timely manner and that 26 of 26 remaining findings</p>	<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2009 APR, demonstrating that the State timely corrected noncompliance identified in FFY 2008 in accordance with IDEA section 635(a)(10)(A), 34 CFR §303.501, and</p>

Florida Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>subsequently were corrected by February 1, 2010.</p> <p>The State reported that the two findings of noncompliance identified in FFY 2006 were corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, with the FFY 2008 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2005 APR. In addition to reporting with the FFY 2008 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2009 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on October 1, 2009.</p>	<p>OSEP Memo 09-02.</p> <p>In reporting on correction of noncompliance in the FFY 2009 APR, the State must report that it verified that each EIS program with noncompliance identified in FFY 2008: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>In responding to Indicators 1, 7, 8A, 8B, and 8C in the FFY 2009 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>In addition, in reporting on Indicator 9 in the FFY 2009 APR, the State must use the Indicator 9 Worksheet.</p>
<p>10. 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>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 100%. These data are based on five complaints. The State met its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §303.512.</p>
<p>11. Percent of fully adjudicated due</p>	<p>The State reported that it did not receive any requests for due process hearings</p>	<p>OSEP looks forward to reviewing the</p>

Florida Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>process hearing requests that were fully adjudicated within the applicable timeline.</p> <p>[Compliance Indicator]</p>	<p>during the reporting period.</p>	<p>State's data in the FFY 2009 APR.</p>
<p>12. 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>[Results Indicator]</p>	<p>Not applicable.</p>	<p>Not applicable.</p>
<p>13. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State reported that one of two mediations resulted in a mediation agreement.</p> <p>The State reported fewer than ten mediations held in FFY 2008. The State is not required to provide targets or improvement activities except in any fiscal year in which ten or more mediations were held.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 96.3%. These data represent slippage from the FFY 2007 data of 100%. The State did not meet its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540. If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p> <p>In reporting on Indicator 14 in the FFY 2009 APR, the State must use the Indicator 14 Data Rubric.</p>