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

JUN 2 0 2011

Honorable Kimberly A. Berfield
Deputy Secretary
Florida Department of Health
4052 Bald Cypress Way, Bin A06
Tallahassee, Florida 32399-1701

Dear Deputy Secretary Berfield:

Thank you for the timely submission of Florida's Federal fiscal year (FFY) 2009 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 2009 APR and revised SPP (including targets and improvement activities for each year through FFY 2012), other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2011: Part C" for further details.

The specific factor affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for Florida was that Florida's FFY 2009 data for Indicator 9, which measures the timely correction of findings of noncompliance, reflect 88% compliance. For this reason, we were unable to determine that Florida met requirements for FFY 2009 under IDEA sections 616(d) and 642.

OSEP notes other areas that reflect a high level of performance, including that Florida reported valid and reliable data for all indicators and a high level of compliance for Indicators 1 (98%), 8B (96%), 10 (100%), and 14 (100%). We hope that Florida will be able to demonstrate that it meets requirements with its FFY 2010 APR.

The enclosed table provides OSEP's analysis of the State's FFY 2009 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 2009 data; (2) whether such data met the State's FFY 2009 targets and reflect progress or slippage from the 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 determinations for FFYs 2005, 2006, 2007 and 2008 were also needs assistance. In accordance with sections 616(e)(1) 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 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 Indicator 9, which measures the timely correction of findings 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 Right IDEA" Web site at: http://therightidea.tadnet.org/technicalassistance. 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 2010 APR submission, due February 1, 2012, 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 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 Web site, distribution through the media and distribution through public agencies.

As you know, pursuant to IDEA sections 616(b)(2)(C)(ii)(l) 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 Right IDEA" Web site at: http://therightidea.tadnet.org/determinations. Finally, please ensure that your updated SPP is posted on the State lead agency's Web site and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(l) 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,

Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 98%. These data represent progress from the FFY 2008 data of 72%. The State did not meet its FFY 2009 target of 100%. The State reported that seven of 12 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that the remaining findings subsequently were corrected by February 1, 2011. The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 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. The State was also identified as being in need of assistance based on its FFY 2005 and FFY 2006 APRs. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to 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 State submitted the required information on October 1, 2010.	OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it 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 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 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 a review of 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

<table>
<tr><th>Monitoring Priorities and Indicators</th><th>Status of APR Data/SPP Revision Issues</th><th>OSEP Analysis/Next Steps</th></tr>
<tr><td></td><td></td><td>program, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</td></tr>
<tr><td>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.

[Results Indicator]</td><td>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the targets for FFY 2009 and FFY 2010, and improvement activities for FFY 2010, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are less rigorous than the previously-established targets.

The State’s FFY 2009 reported data are 67%. These data represent progress from the revised FFY 2008 data of 61%. The State met its FFY 2009 target of 65%.</td><td>OSEP appreciates the State’s efforts to improve performance.</td></tr>
<tr><td>3. Percent of infants and toddlers with IFSPs who demonstrate improved:

A. Positive social-emotional skills (including social relationship);
B. Acquisition and use of knowledge and skills (including early language/communication); and
C. Use of appropriate behaviors to meet their needs.

[Results Indicator]</td><td>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.

The State’s FFY 2009 reported data for this indicator are:
<table>
<tr><th><u>Summary Statement 1</u></th><th><u>FFY 2008 Data</u></th><th><u>FFY 2009 Data</u></th><th><u>FFY 2009 Target</u></th></tr>
<tr><td>Outcome A:
Positive social-emotional skills (including social relationships) (%)</td><td>36</td><td>33.7</td><td>36</td></tr>
<tr><td>Outcome B:
Acquisition and use of</td><td>52.6</td><td>53</td><td>52.6</td></tr>
</table></td><td>OSEP appreciates the State’s efforts to improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.

The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.</td></tr>
</table>

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps

knowledge and skills (including early language/ communication) (%)			
Outcome C: Use of appropriate behaviors to meet their needs (%)	52.4	54.8	52.4
Summary Statement 2	**FFY 2008 Data**	**FFY 2009 Data**	**FFY 2009 Target**
Outcome A: Positive social-emotional skills (including social relationships) (%)	75.6	76.1	75.6
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	49.6	49.9	49.6
Outcome C: Use of appropriate behaviors to meet their needs (%)	75.8	75.9	75.8

These data represent progress and slippage from the FFY 2008 data. The State met part of its FFY 2009 targets for this indicator.

OSEP Analysis/Next Steps

4. Percent of families participating in Part C who report that early intervention services have helped the family:

A. Know their rights;
B. Effectively communicate their children's needs; and
C. Help their children develop and learn.

[Results Indicator]

The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.

The State's FFY 2009 reported data for this indicator are:

	FFY 2008 Data	FFY 2009 Data	FFY 2009 Target	Progress
A. Know their rights (%)	67	68	60	1.00%
B. Effectively communicate	64	65	56	1.00%

OSEP appreciates the State's efforts to improve performance.

The State reported that the data for this indicator were based on a response group that was not representative of the population. In the FFY 2010 APR, due February 1, 2012, the State must report whether its FFY 2010 data are based on a response group that is representative of its population, and if not, the actions the State is taking to address this issue.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<table><tr><td>their children's needs (%)</td><td></td><td></td><td></td><td></td></tr><tr><td>C. Help their children develop and learn (%)</td><td>78</td><td>80</td><td>61</td><td>2.00%</td></tr></table> These data represent progress from the FFY 2008 data. The State met all of its FFY 2009 targets for this indicator. The State reported that the data for this indicator were collected from a response group that was not representative of the population. OSEP notes that the State included strategies or improvement activities to address this issue in the future.	
5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data. [Results Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2009 and FFY 2010 for this indicator and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 0.64%. These data represent progress from the FFY 2008 data of 0.59%. The State did not meet its FFY 2009 target of 0.71%.	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.
6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data. [Results Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2009 and FFY 2010 for this indicator and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 2.06%. These data represent progress from the FFY 2008 data of 1.91%. The State met its FFY 2009 target of 1.885%.	OSEP appreciates the State's efforts to improve performance.
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. [Compliance Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 92%. These data represent progress from the FFY 2008 data of 91%. The State did not meet its FFY 2009 target of 100%. The State reported that nine of 12 findings of noncompliance identified in FFY 2008	The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, 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 2009, the

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	were corrected in a timely manner and that the remaining findings subsequently were corrected by February 1, 2011.	State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 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 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
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: A. IFSPs with transition steps and services; [Compliance Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 94%. These data represent progress from the FFY 2008 data of 92%. The State did not meet its FFY 2009 target of 100%. The State reported that all nine of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.	The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) (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

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.
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 potentially eligible for Part B; and [Compliance Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 96%. These data represent progress from the FFY 2008 data of 95%. The State did not meet its FFY 2009 target of 100%. The State reported that all seven of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.	OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, 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 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009 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

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		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 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.
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 potentially eligible for Part B. [Compliance Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 85%. These data represent progress from the FFY 2008 data of 80%. The State did not meet its FFY 2009 target of 100%. The State reported that nine of ten findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that the remaining finding subsequently was corrected by February 1, 2011.	The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, 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 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		program with noncompliance reflected in the FFY 2009 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 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.
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.	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 88%. These data represent progress from the FFY 2008 data of 61%. The State did not meet its FFY 2009 target of 100%. The State reported that 95 of 108 findings of noncompliance identified in FFY 2008	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 2010 APR, due February 1, 2012, demonstrating that the State

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]	were corrected in a timely manner and that the 13 remaining findings subsequently were corrected by February 1, 2011. The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 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. The State was also identified as being in need of assistance based on its FFY 2005 and FFY 2006 APRs. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to 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 State submitted the required information on October 1, 2010.	timely corrected findings of noncompliance identified in FFY 2009 in accordance with IDEA section 635(a)(10)(A), 34 CFR §303.501, and OSEP Memo 09-02. In reporting on correction of findings of noncompliance in the FFY 2010 APR, the State must report that it verified that each EIS program with noncompliance identified in FFY 2009: (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 2010 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 9 in the FFY 2010 APR, the State must use the Indicator 9 Worksheet. In addition, in responding to Indicators 1, 7, 8A, 8B and 8C in the FFY 2010 APR, the State must report on correction of the noncompliance described in this

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		table under those indicators.
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. [Compliance Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2009 and FFY 2010 for this indicator and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 100%. These data are based on one complaint. The State met its FFY 2009 target of 100%.	OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §303.512.
11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline. [Compliance Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State reported that it did not receive any requests for due process hearings during the reporting period.	OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.
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). [Results Indicator]	Not applicable.	Not applicable.
13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State provided improvement activities through FFY 2012, and OSEP accepts those revisions. The State reported that no mediations (of the one requested) resulted in mediation agreements. The State reported fewer than ten mediations held in FFY 2009. The State is not required to provide targets or improvement activities except in any fiscal year in which ten or more mediations were held.	OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.
14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 100%. These data represent progress from the FFY 2008 data of 96.3%. The State met its FFY 2009 target of	OSEP appreciates the State's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]	100%.	CFR §§76.720 and 303.540. In reporting on Indicator 14 in the FFY 2010 APR, the State must use the Indicator 14 Data Rubric.