UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

June 23, 2014

Celeste Philip, MD, MPH
Deputy Secretary for Health
Florida Department of Health
4052 Bald Cypress Way, Bin A 19
Tallahassee Florida 323991701

Dear Deputy Secretary Philip:

I am writing to advise you of the U. S. Department of Education's (Department) 2014 determination, under sections 616 and 642 of the Individuals with Disabilities Education Act (IDEA). The Department has determined that Florida needs assistance in meeting the requirements of Part C of the IDEA. This determination is based on the totality of the State's data and information, including the State's Federal fiscal year (FFY) 2012 Annual Performance Report (APR) and revised State Performance Plan (SPP), other State-reported data, and other publicly available information.

As you know, the Office of Special Education Programs (OSEP) is implementing a revised accountability framework designed to more directly support States in improving results for infants, toddlers, children and youth with disabilities, and their families. Sections 616(a)(2) and 642 of the IDEA require that the primary focus of IDEA monitoring be on improving early intervention results and functional outcomes for children with disabilities, and ensuring that States meet the IDEA program requirements.

OSEP's previous accountability system placed a heavy emphasis on compliance and we have seen an improvement in States' compliance over the past seven years of IDEA determinations. OSEP's new accountability framework, called Results Driven Accountability (RDA), brings into focus the early intervention results and functional outcomes for children with disabilities while balancing those results with the compliance requirements of the IDEA. Protecting the rights of infants and toddlers with disabilities and their families is a key responsibility of State lead agencies and local early intervention services (EIS) programs and providers, but it is not sufficient if infants and toddlers are not meeting the developmental goals that maximize their capacity to live independently in society.

From the start, OSEP committed to several key principles to guide the development of a new accountability framework, including transparency, stakeholder involvement, and burden reduction. In keeping with those principles, over the past two years we have solicited input from stakeholders on multiple occasions and published a new SPP/APR for FFYs 2013 through 2018. The revised SPP/APR significantly reduces data collection and reporting burden by States, and shifts the focus to improving early intervention results and functional outcomes for infants and toddlers with disabilities by requiring each State to develop and implement a State Systemic Improvement Plan (SSIP).

The Department is committed to supporting States in the development and implementation of the SSIP which is designed to improve results for all children, including children with disabilities, and is investing significant resources toward that commitment. OSEP is implementing a system of differentiated monitoring and support, using data on performance (i.e., results data) and other information about a State to determine the appropriate intensity, focus, and nature of the oversight and support that each State will receive as part of RDA. OSEP's technical assistance network will be a key component of differentiated support to States and, through States, to local EIS programs and providers. We believe that only through a coordinated effort across the early childhood and education systems will we positively affect the early childhood, school, and life trajectories of infants, toddlers, and young children with disabilities.

In making determinations in 2013, the Department used a compliance matrix that included compliance data on multiple factors, thereby allowing us to consider the totality of a State's compliance data. In the 2013 determination letters, OSEP informed States that it would use results data when making its determinations in 2014. In winter 2014, OSEP published a Request for Information to solicit comments regarding how results data could be used in making IDEA determinations in 2014 and beyond. OSEP carefully reviewed these comments and plans to use results data as part of its determination process for IDEA Part C in 2015. For the 2014 IDEA Part C determinations, the Department is continuing to use the compliance matrix to consider the totality of a State's compliance data.

Your State's 2014 determination is based on the data reflected in the State's "2014 Part C Compliance Matrix." Enclosed with this determination letter are the following: (1) the State's "2014 Part C Compliance Matrix;" (2) a document entitled, "How the Department Made Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2014: Part C," which provides a detailed description of how OSEP evaluated States' data using the Compliance Matrix; (3) your State's FFY 2012 Response Table, which provides OSEP's analysis of your State's FFY 2012 APR and revised SPP; and (4) a Data Display which presents certain State-reported data in a transparent, user-friendly manner. The Data Display will be posted on OSEP's Web site and will be helpful for the public in getting a broader picture of State performance in key areas.

As noted above, the State's 2014 determination is Needs Assistance. A State's 2014 determination is Needs Assistance if its matrix percentage was at least 75%, but less than 90%, or was below 75%, but the State does not also meet one of the following criteria for Needs Intervention: (1) compliance is below 50% for one or more of the following Compliance Indicators (Indicators 1, 7, 8A, 8B, 8C, or 9), or for timely State complaint decisions or timely due process hearing decisions; (2) the State provided no data or did not provide valid and reliable data for Compliance Indicators 1, 7, 8A, 8B, 8C, or 9; or (3) the State has been subject to Special Conditions for multiple years for failing to comply with key IDEA requirements, the noncompliance has been long-standing, the State's data in response to the Department's FFY 2013 Special Conditions demonstrate continued noncompliance, and those Special Conditions are in effect at the time of the Department's 2014 determination.

As a reminder, your State must report annually to the public on the performance of each EIS program located in the State on the targets in the SPP as soon as practicable, but no later than 120 days, after the State's submission of its FFY 2012 APR. In addition, your State must: (1) review EIS program performance against targets in the State's SPP; (2) determine if each EIS program "meets the requirements" of Part C, or "needs assistance," "needs intervention," or

"needs substantial intervention" in implementing Part C of the IDEA; (3) take appropriate enforcement action; and (4) inform each EIS program of its determination. Finally, please ensure that your APR, updated SPP, and report on the performance of each EIS program located in the State on the targets in the SPP are posted on the State lead agency's Web site and made available to the public.

OSEP recognizes 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 as we continue our important work of improving the lives of infants, toddlers, and children with disabilities and their families. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Austin Matthews, your OSEP State Contact, at 202-245-7065.

Sincerely,

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

Enclosures

cc: Part C Coordinator

Part C and Part B 619 Data Display: Florida 2012-2013

Identification of Children with Disabilities (CWD)

NUMBER OF CHILDREN RECEIVING EARLY INTERVENTION AND SPECIAL EDUCATION SERVICES UNDER IDEA, BIRTH THROUGH AGE 5		
Student Category	**Children with Disabilities (IDEA), State (#)**	**Children with Disabilities (IDEA), Nation (#)**
Infants and Toddlers with Disabilities, Birth to 3	12,036	333,982
Children with Disabilities, 3 through 5	37,470	750,131

Explanatory Note: The number of children with disabilities (IDEA) in the state and nation as of the state-designated child count date (one day between October 1 and December 1, 2012). Children with disabilities (IDEA) are served by the Individuals with Disabilities Education Act (IDEA). Data reported for IDEA 2012 Part B and Part C Child Count. National counts for infants and toddlers represent the US and Outlying Areas and national counts for children with disabilities represent the US, Outlying Areas, and Freely Associated States. For the purposes of this chart, *infants and toddlers* represents ages birth to 3, *children* represents ages three through five.

States have the option to report the cumulative number of infants and toddlers with disabilities, ages birth to 3, who received early intervention services at any time during the most recent 12-month period for which the data are available. If provided, this state reported that 24,747 infants and toddlers with disabilities, birth to 3, received early intervention services during the time period of 1-Jul-11 to 30-Jun-12.

PERCENT OF POPULATION CHILDREN WITH DISABILITIES (IDEA) BY AGE				
Age	**State (%) 2010**	**State (%) 2011**	**State (%) 2012**	**Nation (%) 2012**
Birth to 1	0.69	0.71	0.71	1.06
1 to 2	1.81	1.71	1.69	2.56
2 to 3	3.63	3.26	3.26	4.68
Birth to 3	2.07	1.89	1.89	2.77
3 through 5	5.53	5.68	5.71	6.07

Explanatory Note: The percentage of the population, in the designated age range, who are children with disabilities (IDEA) in the state and nation as of the state-designated child count date, for the ages birth through 5. Data reported for IDEA 2012 Part B and Part C Child Count and Census. National counts for infants and toddlers, birth to age 3 represent the US and Outlying Areas; national counts for children with disabilities, ages 3 through 5 represent the US, Outlying Areas, and Freely Associated States; and national Census counts represent the 50 states, DC, and PR (including BIE).

RACE/ETHNICITY BY PERCENT, BIRTH THROUGH AGE 5								
Disability Category	**Hispanic/ Latino (%)**	**Black or African American (%)**	**White (%)**	**Asian (%)**	**American Indian or Alaska Native (%)**	**Native Hawaiian or Other Pacific Islander (%)**	**Two or More Races (%)**	**All Race/ Ethnicities (%)**
All Infants and Toddlers, Birth to 3	29.72	20.59	42.61	2.55	0.24	0.09	4.19	100.00
Infants and Toddlers with Disabilities, Birth to 3	34.55	24.03	36.07	1.92	0.25	0.13	3.06	100.00
All Children, 3 through 5	29.56	20.82	43.01	2.52	0.25	0.07	3.77	100.00
Children with Disabilities, 3 through 5	29.54	24.64	40.68	1.76	0.20	0.10	3.07	100.00

Explanatory Note: The percentage of infants and toddlers with disabilities, birth to 3, and children with disabilities (IDEA), ages 3 through 5, in a particular race/ethnicity category in the state. The numerator is the number of infants and toddlers with disabilities or children with disabilities (IDEA) in a race/ethnicity category as of the state-designated child count date (one day between October 1 and December 1, 2012) and the denominator is the total number of infants and toddlers with disabilities, birth to 3, or children with disabilities (IDEA), ages 3 through 5. The "All Infants and Toddlers" row is calculated using the total number of infants and toddlers in the population and the "All Children" row is calculated using the total number of children in the population. Data reported for IDEA 2012 Part B and Part C Child Count and 2011-12 Census.

PERCENT OF CHILDREN WITH DISABILITIES BY DISABILITY CATEGORY, AGES 3 THROUGH 5		
Disability Category	**CWDs (IDEA), Ages 3-5 State (%)**	**CWDs (IDEA), Ages 3-5, Nation (%)**
All disabilities	100.00	100.00
Autism	8.08	7.77
Deaf-blindness	0.01	0.03
Developmental delay	46.38	37.22
Emotional disturbance	0.21	0.40
Hearing impairment	1.37	1.26
Intellectual disability	1.91	1.95
Multiple disabilities	-	1.10
Orthopedic impairment	0.99	0.95
Other health impairment	1.80	2.87
Specific learning disabilities	0.21	1.17
Speech or language impairment	38.61	44.68
Traumatic brain injury	0.08	0.15
Visual impairment	0.34	0.44

Explanatory Note: The percentage represents a distribution of children with disabilities (IDEA) by disability category for ages 3 through 5. For this calculation, the denominator is all children with disabilities (IDEA), ages 3 through 5. National data represent the US, Outlying Areas, and Freely Associated States. Data reported for IDEA 2012 Part B Child Count.

Early Intervention Settings and Preschool Educational Environments

PERCENTAGE OF INFANTS AND TODDLERS WITH DISABILITIES BY SETTINGS AND AGE, BIRTH TO 3						
Age	**Community-based Setting, State (%)**	**Community-based Setting, Nation (%)**	**Home, State (%)**	**Home, Nation (%)**	**Other Settings, State (%)**	**Other Settings, Nation (%)**
Birth to 1	3.11	3.70	76.82	93.27	20.07	3.03
1 to 2	6.04	6.02	76.83	89.81	17.13	4.17
2 to 3	10.12	9.31	76.61	84.67	13.27	6.00
Birth to 3	8.02	7.59	76.70	87.35	15.28	5.06

Explanatory Note: The percentage of infants and toddlers with disabilities in the state by age receiving early intervention services primarily in a community-based setting, home setting, or other setting. The numerator is the number of infants and toddlers with disabilities in a specific setting and age category as of the state-designated child count date (one day between October 1 and December 1, 2012) and the denominator is the total number of infants and toddlers with disabilities in the specified age category. National counts for infants and toddlers represent the US and Outlying Areas. Data reported for IDEA 2012 Part C Settings.

PERCENTAGE OF INFANTS AND TODDLERS WITH DISABILITIES BY SETTINGS AND RACE/ETHNICITY, BIRTH TO 3						
	Community-based Setting, State (%)	Community-based Setting, Nation (%)	Home, State (%)	Home, Nation (%)	Other Settings, State (%)	Other Settings, Nation (%)
Hispanic/Latino	7.84	8.74	79.20	86.68	12.96	4.57
American Indian or Alaska Native	0.00	10.17	83.33	87.30	16.67	2.53
Asian	3.03	9.76	79.22	84.79	17.75	5.45
Black or African American	11.24	8.59	71.68	85.21	17.08	6.21
Native Hawaiian or Other Pacific Islander	0.00	7.40	75.00	87.87	25.00	4.73
White	6.43	6.63	77.33	88.36	16.24	5.01
Two or More Races	7.61	7.16	78.53	87.75	13.86	5.17

Explanatory Note: The percentage of infants and toddlers with disabilities in the state by race/ethnicity category receiving early intervention services primarily in a community-based setting, home setting, or other setting. The numerator is the number of infants and toddlers with disabilities in a specific setting and race/ethnicity category as of the state-designated child count date (one day between October 1 and December 1, 2012) and the denominator is the total number of infants and toddlers with disabilities in a specified race/ethnicity category. National counts for infants and toddlers represent the US and Outlying Areas. Data reported for IDEA 2012 Part C Settings.

EDUCATIONAL ENVIRONMENTS, AGES 3 THROUGH 5						
Disability Category	Number of CWDs (IDEA), State (#)	Number of CWDs (IDEA), Nation (#)	CWDs (IDEA) Attending and Receiving the Majority of Special Education and Related Services in a Regular Early Childhood Program, State (%)	CWDs (IDEA) Attending and Receiving the Majority of Special Education and Related Services in a Regular Early Childhood Program, Nation (%)	CWDs (IDEA) Attending a Separate Special Education Class, Separate School, or Residential Facility, State (%)	CWDs (IDEA) Attending a Separate Special Education Class, Separate School, or Residential Facility, Nation (%)
All disabilities	37,470	750,131	27.25	42.43	51.33	26.36
Autism	3,028	58,305	18.69	32.07	73.48	48.66
Deaf-blindness	5	214	20.00	31.31	60.00	50.93
Developmental delay	17,377	279,225	29.56	42.75	60.21	35.70
Emotional disturbance	77	2,985	15.58	47.74	77.92	22.85
Hearing impairment	513	9,486	22.42	35.56	61.40	42.52
Intellectual disability	716	14,640	10.89	31.24	82.12	45.57
Multiple disabilities	-	8,221	-	23.84	-	50.72
Orthopedic impairment	372	7,122	25.27	42.71	59.95	35.31
Other health impairment	675	21,557	22.96	44.82	51.70	28.97
Specific learning disabilities	80	8,798	48.75	51.49	23.75	11.80
Speech or language impairment	14,467	335,128	27.46	44.66	33.83	12.76
Traumatic brain injury	31	1,113	16.13	38.27	67.74	35.49
Visual impairment	129	3,337	27.91	44.74	57.36	32.57

Explanatory Note: The percentage of children with disabilities (IDEA) in the state and nation by disability category attending and receiving the majority of special education and related services in a regular early childhood program, or a separate special education class, separate school, or residential facility. Note that this table does not include all reported preschool educational environment categories. The denominator is all children with disabilities (IDEA), ages 3 through 5, in a specified disability category. National data represent the US, Outlying Areas, and Freely Associated States. Data reported for IDEA 2012 Part B Child Count & Educational Environments.

Exiting Part C

EXITING BY PERCENTAGE RACE/ETHNICITY, BIRTH TO 3, 2011-2012																
Exit Code	**All Race/ Ethnicities, State (%)**	**All Race/ Ethnicities, Nation (%)**	**Hispanic/ Latino, State (%)**	**Hispanic/ Latino, Nation (%)**	**Black or African American, State (%)**	**Black or African American, Nation (%)**	**White, State (%)**	**White, Nation (%)**	**Asian, State (%)**	**Asian, Nation (%)**	**American Indian or Alaska Native, State (%)**	**American Indian or Alaska Native, Nation (%)**	**Native Hawaiian or Other Pacific Islander, State (%)**	**Native Hawaiian or Other Pacific Islander, Nation (%)**	**Two or More Races, State (%)**	**Two or More Races, Nation (%)**
Completion of IFSP prior to max age	7.34	13.52	6.52	10.69	5.91	9.40	9.00	16.48	10.83	10.60	0.00	8.10	0.00	9.89	6.67	12.98
Part B eligible – exiting Part C	38.44	38.51	41.41	37.35	33.83	35.15	38.83	39.51	44.77	40.98	16.67	39.67	48.00	36.32	38.27	43.84
Part B eligible - continuing in Part C	-	2.90	-	2.59	-	3.55	-	2.94	-	3.26	-	.85	-	.83	-	2.40
Not eligible Part B - exit with referrals to other program	2.71	6.81	4.40	9.29	2.21	5.71	1.79	5.75	1.81	8.53	0.00	6.04	4.00	6.19	0.74	4.98
Not eligible Part B - exit with no referrals	1.92	3.58	1.79	2.57	1.63	3.36	2.28	4.23	2.53	3.21	5.56	3.13	4.00	3.60	0.74	3.50
Part B eligibility not determined	9.41	10.88	11.62	14.83	8.38	13.34	8.27	8.22	8.66	13.26	22.22	7.24	8.00	10.72	8.40	7.09
Deceased	0.73	0.36	0.83	0.35	0.95	0.57	0.54	0.31	0.72	0.28	0.00	.36	0.00	0.83	0.00	0.32
Moved out of state	3.86	3.81	3.35	3.29	2.34	3.38	5.25	4.06	5.42	4.67	11.11	4.76	0.00	6.01	4.44	4.64
Withdrawal by parent	5.94	11.07	5.56	10.33	6.28	9.99	5.66	11.73	10.11	11.22	16.67	14.20	4.00	13.22	7.65	10.35
Attempts to contact unsuccessful	29.66	8.56	24.51	8.72	38.48	15.55	28.37	6.77	15.16	3.99	27.78	15.66	32.00	12.38	33.09	9.90
Total exiting	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Explanatory Note: The percent of infants and toddlers with disabilities who exit Part C by race/ethnicity category. The numerator is the number of infants and toddlers with disabilities in a particular exit category and race/ethnicity category and the denominator is the number of infants and toddlers with disabilities in the particular race/ethnicity category. National counts for infants and toddlers represent the US and Outlying Areas. Data reported for IDEA 2011-12 Part C Exiting.

Family Involvement

PART C, INDICATOR 4: FAMILY INVOLVEMENT (FFY 2012 APR, 2014)	
Summary Statement: Percent of families participating in Part C who report that early intervention services have helped the family.	**State (%)**
Know their rights	74.7
Effectively communicate their children's current needs	71.7
Help their children develop and learn	86.0
Explanatory Note: State selected data source. Sampling is allowed. Sample must yield valid and reliable data and must be representative of the population sampled.	

Infants and Toddlers Outcomes

PART C, INDICATOR 3: INFANTS AND TODDLERS OUTCOMES (FFY 2012 APR, 2014)	
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 in the outcome of:	**State (%)**
Positive social-emotional skills	31.8
Acquisition and use of knowledge and skills	54.2
Use of appropriate behaviors to meet their needs	54.1
Summary Statement 2: The percent 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.	**State (%)**
Positive social-emotional skills	68.8
Acquisition and use of knowledge and skills	44.0
Use of appropriate behaviors to meet their needs	69.4
Explanatory Note: State selected data source. Sampling of children for assessment is allowed. Sample must yield valid and reliable data and must be representative of the population sampled. The Early Childhood Technical Assistance Center provides a national summary of the outcomes for children served through IDEA's early childhood programs annually at http://ectacenter.org/default.asp.	

Preschool Outcomes

PART B, INDICATOR 7: PRESCHOOL OUTCOMES (FFY 2012 APR, 2014)	
Summary Statement 1: Of those preschool children who entered or exited the preschool program below age expectations in each of the following outcome, the percent who substantially increased their rate of growth by the time they turned six years of age or exited the program in the outcome of:	**State (%)**
Positive social-emotional skills	63.1
Acquisition and use of knowledge and skills	63.4
Use of appropriate behaviors to meet their needs	54.9
Summary Statement 2: The percent of preschool children who were functioning within age expectations in each of the following outcomes by the time they turned six years of age or exited the program	**State (%)**
Positive social-emotional skills	81.9
Acquisition and use of knowledge and skills	68.4
Use of appropriate behaviors to meet their needs	79.0
Explanatory Note: State selected data source. Sampling of children for assessment is allowed. Sample must yield valid and reliable data and must be representative of the population sampled. The Early Childhood Technical Assistance Center provides a national summary of the outcomes for children served through IDEA's early childhood programs annually at http://ectacenter.org/default.asp.	

References:

x Data have been suppressed to protect personally identifiable information due to small cell counts.

- Data not available.

* Data flagged due to questionable data quality. These data violated data quality edit checks. Additional information explaining the discrepancies in the data may be available in the accompanying data note documents.

Note: Sum of percentages may not equal 100 percent because of rounding.

References: Additional state-level data on children with disabilities (IDEA) can be found at: http://www.ideadata.org/tools-and-products, http://www.data.gov, and http://factfinder2.census.gov . Information on U.S. Department of Education Special Education funding can be found at: http://www2.ed.gov/fund/grant/apply/osep/2012apps.html.

FLORIDA Part C Compliance Matrix			
Part C Compliance Indicator[1]	**Performance**	**Full Correction of Findings of Noncompliance Identified in FFY 2011**	**Score**
Indicator 1: Timely service provision	**89.00%**	**Y**	**1**
Indicator 7: 45-day timeline	**96.00%**	**Y**	**2**
Indicator 8A: Timely transition plan	**90.00%**	**Y**	**2**
Indicator 8B: Transition notification	**86.00%**	**Y**	**1**
Indicator 8C: Timely transition conference	**93.00%**	**Y**	**2**
Indicator 9: Timely correction	**100.00%**		**2**
Indicator 14: Timely and accurate State-reported data	**100.00%**		**2**
Timely State Complaint Decisions	**N/A**		**N/A**
Timely Due Process Hearing Decisions	**N/A**		**N/A**
Longstanding Noncompliance			**2**
Special Conditions	**NONE**		
Uncorrected identified noncompliance	**NONE**		
	Total Compliance Score		**14**

Points Earned	Total Possible Points	%	Determination
14	**16**	**87.50%**	**NEEDS ASSISTANCE (yellow)**

1. The complete language for each indicator is located on page one of the State's Part C FFY 2012 SPP/APR Response Table.

Florida Part C FFY 2012 SPP/APR Response Table

Part C SPP/APR Indicators

1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]
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]
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]
5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data. [Results Indicator]
6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data. [Results Indicator]
7. Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: A. Developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday; [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: B. Notified (consistent with any opt-out policy adopted by the State) the SEA and the LEA where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: C. Conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's birthday for toddlers potentially eligible for Part B preschool services. [Compliance 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. [Compliance Indicator]
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]
13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
14. State-reported data (IDEA Section 618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]

Timeliness of State Complaint and Due Process Hearing Decisions (Collected as Part of IDEA Section 618 Data rather than through an SPP/APR Indicator)
Timely Resolution of State Complaints: 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, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.
Timely Adjudication of Due Process Hearing Requests: Percent of adjudicated due process hearing requests that were adjudicated within the timeline or a timeline that is properly extended by the hearing officer at the request of either party.

Florida Part C FFY 2012 SPP/APR Results Data Summary

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET
2. Infants and Toddlers Served in Natural Environments	84.00%	85.00%	≥ 80.00%[1]
3. Early Childhood Outcomes Data	See Attached Table	See Attached Table	See Attached Table
4. Percent of families participating in Part C who report that early intervention services have helped the family: A. Know their rights;	72.70%	75.20%	≥ 68.00%
B. Effectively communicate their children's needs; and	70.80%	72.30%	≥ 64.00%
C. Help their children develop and learn.	84.60%	86.40%	≥ 79.00%
5. Infants and Toddlers Served Birth to One	.70%	.71%	≥ 0.72%
6. Infants and Toddlers Served Birth to Three	1.88%	1.89%	≥ 1.89%
12. Hearing Requests Resolved through Resolution Session Agreements	Not Applicable	Not Applicable	Not Applicable
13. Mediations Held that Resulted in Mediation Agreements	None	None	None

[1] As used in this table, the symbol "≥"means that, to meet the target, the State's data must be greater than or equal to the established target.

3. Percent of Infants and Toddlers with IFSPs Who Demonstrate Improved Outcomes

Summary Statement 1[2]	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	32.90%	31.80%	≥ 36.30%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	54.60%	54.20%	≥ 52.90%
Outcome C: Use of appropriate behaviors to meet their needs (%)	56.60%	54.10%	≥ 52.70%
Summary Statement 2[3]	**FFY 2011 Data**	**FFY 2012 Data**	**FFY 2012 Target**
Outcome A: Positive social-emotional skills (including social relationships) (%)	68.90%	68.80%	≥ 75.90%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	45.70%	44.00%	≥ 49.90%
Outcome C: Use of appropriate behaviors to meet their needs (%)	70.70%	69.40%	≥ 76.10%

[2] **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 3 years of age or exited the program.
[3] **Summary Statement 2:** The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.

Florida FFY 2012 Results Data Summary Notes

INDICATOR 3: **REQUIRED ACTIONS** The State must report progress data and actual target data for FFY 2013 in the FFY 2013 APR.
INDICATOR 13: The State reported that no mediations were held during the reporting period. The State reported fewer than ten mediations held in FFY 2012. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more mediations were held.

Florida Part C FFY 2012 SPP/APR Compliance Data Summary

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011
1. Timely provision of early intervention services	90.00%	89.00%	100%	The State reported that all fourteen of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
7. 45-day timeline for evaluation and assessment and initial IFSP meeting	92.00%	96.00%	100%	The State reported that both of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
8. A. IFSPs with transition steps and services	98.00%	90.00%	100%	The State reported that all four of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
8. B. Notification to LEA and SEA, if child potentially eligible for Part B	100%	86.00%	100%	The State reported that the one finding of noncompliance identified in FFY 2011 was corrected in a timely manner.
8. C. Transition conference, if child potentially eligible for Part B	90.00%	93.00%	100%	The State reported that all six of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
9. Timely correction	100%	100%	100%	The State reported that all 42 of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
14. Timely and accurate data	100%	100%	100%	

Florida Part C FFY 2012 State Complaint and Hearing Data from IDEA Section 618 Data Reports

REQUIREMENT	FFY 2011 DATA	FFY 2012 DATA
Timely resolution of complaints	The State reported that it did not receive any signed written complaints during the reporting period.	The State reported that it did not receive any signed written complaints during the reporting period.
Timely adjudication of due process hearing requests	The State reported that it did not receive any requests for due process hearings during the reporting period.	The State reported that it did not receive any requests for due process hearings during the reporting period.

Florida FFY 2012 Compliance Data Summary Notes

INDICATOR 1:

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 for this indicator: (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 or provider, consistent with OSEP Memo 09-02.[4] In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 7:

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 for this indicator: (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 or provider, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

[4] OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the State report that it verified that each EIS program with noncompliance: (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 or provider.

INDICATOR 8A:

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 for this indicator: (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 or provider, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 8B:

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 for this indicator: (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 or provider, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 8C:

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each EIS program or provider with noncompliance identified in FFY 2012 for this indicator: (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 or provider, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 9:

REQUIRED ACTIONS

In responding to Indicators 1, 7, 8A, 8B, and 8C in the FFY 2013 SPP/APR, the State must report on the correction of the noncompliance describe in this table under those indicators.

How the Department Made Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2014: Part C

In making our determination for each State under sections 616(d) and 642 of the Individuals with Disabilities Education Act (IDEA), we considered the totality of the information we have about a State. This includes the State's FFY 2012 Annual Performance Report (APR)/State Performance Plan (SPP); information from monitoring and other public information, such as Special Conditions on the State's grant award under Part C; and other issues related to State compliance with the IDEA.

As further detailed below, in making each State's 2014 determination, the Department used a Compliance Matrix, reflecting the following data:

1. The State's FFY 2012 data for Part C Compliance Indicators 1, 7, 8A, 8B, 8C, 9, and 14 (including whether the State reported valid and reliable data for each indicator); and, if the FFY 2012 data the State reported under Indicators 1, 7, 8A, 8B, and 8C reflected compliance between 90% and 95%, whether the State demonstrated correction of all findings of noncompliance it had identified in FFY 2011 under such indicators;
2. The State's FFY 2012 data, reported under section 618 of the IDEA, for the timeliness of State complaint and due process hearing decisions;
3. Whether the Department imposed Special Conditions on the State's FFY 2013 IDEA Part C grant award and those Conditions are in effect at the time of the 2014 determination, and the number of years for which the State's Part C grant award has been subject to Special Conditions; and
4. Whether there are any findings of noncompliance identified in FFY 2010 or earlier by either the Department or the State that the State has not yet corrected.

As further detailed below, the Compliance Matrix indicates a score of 0, 1, or 2 for each of the compliance indicators in item one above and for the additional factors listed in items two through four above. Using the cumulative possible number of points as the denominator, and using as the numerator the actual points the State received in its scoring under these factors, the Compliance Matrix reflects a percentage that was used to calculate the 2014 determination as follows:

1. Meets Requirements – a State's 2014 determination is Meets Requirements if the matrix percentage was at least 90%,[1] unless the Department imposed Special Conditions on the State's last three (FFYs 2011, 2012, and 2013) IDEA Part C grant awards, and those Special Conditions are in effect at the time of the Department's 2014 determination.
2. Needs Assistance -- a State's 2014 determination is Needs Assistance if its matrix percentage was at least 75%, but less than 90%, or was below 75% but the States does not meet the criteria for Needs Intervention set forth below. A State would also be Needs

[1] In determining whether a State has met this 90% matrix criterion, the Department will round up from 89.5% (but no lower) to 90%. Similarly, in determining whether a State has met the 75% matrix criterion discussed below, the Department will round up from 74.5% (but no lower) to 75%.

Assistance if its matrix percentage was at least 90%, but the Department imposed Special Conditions on the State's last three (FFYs 2011, 2012, and 2013) IDEA Part C grant awards, and those Special Conditions are in effect at the time of the Department's 2014 determination.

3. Needs Intervention -- a State's 2014 determination is Needs Intervention if the matrix percentage was less than 75%, and the State met one or more of the following criteria (which were the criteria for a determination of Needs Intervention in 2013):
    a. Compliance is below 50% for one or more of the following Compliance Indicators (Indicators 1, 7, 8A, 8B, 8C, or 9); or for timely State complaint decisions or timely due process hearing decisions;
    b. The State provided no data or did not provide valid and reliable data for the following Compliance Indicators: Indicators 1, 7, 8A, 8B, 8C, or 9; or
    c. The State has been subject to Special Conditions for multiple years for failing to comply with key IDEA requirements, the noncompliance has been long-standing, the State's data in response to the Department's FFY 2013 Special Conditions demonstrate continued noncompliance, and those Special Conditions are in effect at the time of the Department's 2014 determination.
4. Needs Substantial Intervention – The Department did not make a determination of Needs Substantial Intervention for any State in 2014.

Detailed Discussion of the 2014 Part C Compliance Matrix

Scoring of the Matrix for Compliance Indicators 1, 7, 8A, 8B, and 8C

In the attached State-specific 2014 Part C Compliance Matrix, a State received points as follows for each of Compliance Indicators 1, 7, 8A, 8B, and 8C[2]:

- Two points, if either:
    - The State's FFY 2012 data for the indicator were valid and reliable, and reflect at least 95%[3] compliance; or
    - The State's FFY 2012 data for the indicator were valid and reliable, and reflect at least 90% compliance; and the State identified one or more findings of noncompliance in FFY 2011 for the indicator, and has demonstrated correction of all findings of noncompliance identified in FFY 2011 for the indicator. Such full correction is indicated in the matrix

[2] A notation of "N/A" (for not applicable") in the "Performance" column for an indicator denotes that the indicator is not applicable to that particular State. The points for that indicator are not included in the denominator for the matrix, and the indicator does not impact the final matrix percentage for the State or its determination.

[3] In determining whether a State has met this 95% criterion, the Department will round up from 94.5% (but no lower) to 95%. Similarly, in determining whether a State has met the 90% criterion discussed below, the Department will round up from 89.5% (but no lower) to 90%. In addition, in determining whether a State has met the 75% criterion discussed below, the Department will round up from 74.5% (but no lower) to 75%.

with a "Y" (for "yes") in the "Full Correction of Findings of Noncompliance Identified in FFY 2011" column.[4]

- One point, if the State's FFY 2012 data for the indicator were valid and reliable, and reflect at least 75% compliance, and the State did not meet either of the criteria above for two points.
- Zero points, under any of the following circumstances:
  - The State's FFY 2012 data for the indicator reflect less than 75% compliance; or
  - The State's FFY 2012 data for the indicator were not valid and reliable;[5] or
  - The State did not report FFY 2012 data for the indicator.[6]

Scoring of the Matrix for Compliance Indicators 9 and 14

In the attached State-specific 2014 Part C Compliance Matrix, a State received points as follows for each of Compliance Indicators 9 and 14:

- Two points, if the State's FFY 2012 data for the indicator were valid and reliable, and reflect at least 95% compliance.
- One point, if the State's FFY 2012 data for the indicator were valid and reliable, and reflect at least 75% and less than 95% compliance.
- Zero points, under any of the following circumstances:
  - The State's FFY 2012 data for the indicator reflect less than 75% compliance; or
  - The State's FFY 2012 data for the indicator were not valid and reliable; or
  - The State did not report FFY 2012 data for the indicator.
- Not Applicable (N/A) under Indicator 9 if the State reported under Indicator 9 on its monitoring efforts and further reported in the Indicator 9 Worksheet that it identified no findings of noncompliance in FFY 2011 or reported pre-finding correction of noncompliance for FFY 2011.

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[4] An "N" (for "no") in that column denotes that the State has one or more remaining findings of noncompliance identified in FFY 2011 for which the State has not yet demonstrated correction. An "NA" (for "not applicable") in that column denotes that the State did not identify any findings of noncompliance in FFY 2011 for the indicator.

[5] If a State's FFY 2012 data for any compliance indicator are not valid and reliable, the matrix so indicates in the "Performance" column, with a corresponding score of 0. The explanation of why the State's data are not valid and reliable is contained in the attached compliance data summary notes of the Part C FFY 2012 SPP/APR Response Table.

[6] If a State reported no FFY 2012 data for any compliance indicator, the matrix so indicates in the "Performance" column, with a corresponding score of 0.

Scoring of the Matrix for Timely State Complaint Decisions and Timely Due Process Hearing Decisions

In the attached State-specific 2014 Part C Compliance Matrix, a State received points as follows for timely State complaint decisions and for timely due process hearings, as reported by the State under section 618 of the IDEA:

- Two points, if the State's FFY 2012 data were valid and reliable, and reflect at least 95% compliance.
- One point, if the State's FFY 2012 data reflect at least 75% and less than 95% compliance.
- Zero points, if the State's FFY 2012 data reflect less than 75% compliance.
- Not Applicable (N/A), if the State's data reflect less than 100% compliance, <u>and</u> there were fewer than ten State complaint decisions or ten due process hearing decisions.

<u>Scoring of the Matrix for Long-Standing Noncompliance (Includes both Uncorrected Identified Noncompliance and Special Conditions)</u>

In the attached State-specific 2014 Part C Compliance Matrix, a State received points as follows for the Long-Standing Noncompliance component:

- Two points, if the State has:
    - No remaining findings of noncompliance identified in FFY 2010 or earlier, by OSEP or the State; and
    - No Special Conditions on its FFY 2013 grant award that are in effect at the time of the 2014 determination.
- One point, if either or both of the following occurred:
    - The State has remaining findings of noncompliance, identified by OSEP or the State, in FFY 2010, FFY 2009, and/or FFY 2008, for which the State has not yet demonstrated correction (see the FFY 2012 Response Table for specific information regarding these remaining findings of noncompliance); and/or
    - The Department has imposed Special Conditions on the State's FFY 2013 Part C grant award and those Special Conditions are in effect at the time of the 2014 determination.
- Zero points, if either or both of the following occurred:
    - The State has remaining findings of noncompliance, identified by OSEP or the State, in FFY 2007 or earlier, for which the State has not yet demonstrated correction (see the FFY 2012 SPP/APR Response Table for specific information regarding these remaining findings of noncompliance); and/or
    - The Department has imposed Special Conditions on the State's last three (FFYs 2011, 2012, and 2013) IDEA Part C grant awards, and those Special Conditions are in effect at the time of the 2014 determination.