

Table B – New Jersey – Part C

Previously identified issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 7: OSEP’s October 4, 2005 letter responding to the State’s FFY 2003 APR accepted the State’s plan to ensure compliance with Part C’s 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). In the FFY 2004 APR the State reported that six (of 21 counties) demonstrated 86.3% compliance for holding IFSP meetings within 45 days of referral. OSEP requested that the State provide data in the SPP demonstrating progress toward compliance with holding the initial IFSP meeting within 45 days of referral as required by 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) and a final progress report with data demonstrating compliance within 30 days following one year of OSEP’s letter, or by November 3, 2006.</p>	<p>In the SPP, page 28, the State reported that its level of compliance for this indicator was 86% in FFY 2004 and also indicated that (1) three counties corrected noncompliance and demonstrated 100% compliance with the 45 day referral provisions in Part C and (2) three counties were continuing to implement corrective action plans.</p> <p>In the SPP, page 43, (on Indicator #10) the State reported that of the 145 issues it had “informally” resolved, 39% were due to “Delay/disruption of services.”</p>	<p>The State provided data indicating the level of compliance was 86% for this indicator, specifically with the requirements regarding holding the initial IFSP meeting within 45 days of referral as required by 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). This data indicates continuing noncompliance. The State’s final progress report demonstrating compliance is not due until November 3, 2006.</p>	<p>The State may submit its final progress report due on November 3, 2006 with its FFY 2005 APR, due February 1, 2007. The State must ensure that it is implementing its improvement strategies to enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>

Table B – New Jersey – Part C

Previously identified issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 8A: OSEP’s April 11, 2003 letter accepted the State’s plan to ensure compliance with OSEP’s 2001 monitoring finding regarding the IFSP transition plan requirements in 34 CFR §§303.148(b)(4) and 303.344(h). OSEP’s March 24, 2004 letter clarified that a final progress report with data demonstrating compliance was due by June 30, 2004. The State included data in its FFY 2002 APR, due by June 30, 2004, indicating continued noncompliance, but did not provide data in its FFY 2003 APR, due by March 31, 2005. In its October 4, 2005 APR response letter, OSEP requested that the State provide updated data demonstrating compliance with the requirement to include steps on the IFSP to support the transition of the child and family as required by 34 CFR §§303.148(b)(4) and 303.344(h).</p>	<p>In the SPP, page 40, the State reported it had corrected all findings of noncompliance identified in the State’s FFY 2003 APR, related to transition steps on IFSPs as required by 34 CFR §§303.148(b)(4) and 303.344(h).</p>	<p>The State reported it had corrected its noncompliance referenced in OSEP’s October 4, 2005 APR response letter related to including steps on the IFSP to support the transition of the child and family as required by 34 CFR §§303.148(b)(4) and 303.344(h).</p> <p>The State reported a 94% level of compliance with the requirement at 34 CFR §§303.148(b)(4) and 303.344(h). While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with the requirements in 34 CFR §§303.148(b)(4) and 303.344(h).</p>

Table B – New Jersey – Part C
Previously identified issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 8C: OSEP's April 11, 2003 letter accepted the State's plan to ensure compliance with OSEP's 2001 monitoring finding regarding the IFSP transition conference requirements in 34 CFR §§303.148(b)(2)(i). OSEP's March 24, 2004 letter clarified that a final progress report with data demonstrating compliance was due by June 30, 2004. The State included data in its FFY 2003 APR that 11 of 21 counties (or 53%) had not met the requirements in 34 CFR §§303.148(b)(2)(i). In its October 4, 2005 APR response letter, OSEP requested that the State provide updated data demonstrating progress toward compliance for holding a transition conference, with the approval of the family, at least 90 days before the child's third birthday as required by 34 CFR §303.148(b)(2)(i).</p>	<p>In the SPP, page 40, the State reported that of nine counties that still had outstanding findings of noncompliance with the Part C requirements for holding transition meetings, four counties had achieved 100% compliance and five other counties were continuing to implement corrective action plans.</p> <p>The State's 2004-2005 compliance level was 92% (SPP, page 31).</p>	<p>The State reported a 92% level of compliance with the requirement for holding transition conferences as required by 34 CFR §303.148(b)(2)(i). While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>

Table B – New Jersey – Part C

Previously identified issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 9: In its October 4, 2005 Annual Performance Report (APR) response letter, OSEP requested that the State submit data and analysis demonstrating compliance with the Part C provisions that the State is implementing a monitoring system that ensures correction of noncompliance as required by 34 CFR §303.501(b), a finding for which the State was required to demonstrate compliance by June 30, 2004.</p>		<p>As noted above, the State has demonstrated its ability to correct noncompliance identified in its FFY 2003 APR.</p> <p>The State has: (1) made progress in correcting noncompliance that ensures IFSP meetings were held within 45 days of referral as described above in Indicator #7; (2) achieved a 94% level of compliance for ensuring transition steps were included in each child’s IFSP as described above in Indicator #8A; (3) achieved a 92% level of compliance for ensuring transition planning conferences were held as described above in Indicator #8C; (4) resolved 145 issues and concerns raised by families in a timely manner (usually 10 calendar days) through its procedural safeguards office and parent liaisons (SPP, pages 37-38 and page 43); and (5) developed a mechanism to collect “real time” data from all early intervention providers to identify <i>potential</i> noncompliance and <i>prevent</i> systemic noncompliance from occurring through timely technical assistance to those regions with potential noncompliance; and (6) developed a system for monitoring the progress of corrective actions to ensure correction as soon as possible.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with the requirement to implement a monitoring system that ensures correction of noncompliance as required by 34 CFR §303.501.</p>