

VIRGINIA
Table B – Part C
Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 7 Noncompliance: OSEP’s January 23, 2003 letter accepted the State’s plan to ensure compliance with Part C’s 45-day timeline requirements (34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a)), and required the State to demonstrate compliance one year from the date of that letter. In its 2003 APR, the State indicated that it continued to make progress toward compliance with the 45-day timeline requirement, but acknowledged that data that it gathered in December 2004 indicated that Virginia was not yet in full compliance with that requirement. OSEP’s October 7, 2005 response to the APR required Virginia to submit data in the SPP demonstrating compliance with the 45-day timeline.</p>	<p>On page 25 of the SPP, the State included data showing that for the period of January 1 through June 30, 2005, the State met the 45-day timeline for 92.5% of referrals. Of the 149 eligible children for whom the 45-day timeline was exceeded (due to system reasons) during this period, 40% are from two local systems. Six local systems, together, accounted for 75% of the children for whom the State exceeded the timeline for system reasons. The State targeted five of those six for intensive technical assistance.</p>	<p>The State reported a 92.5% level of compliance for eligible infants and toddlers with IFSPs who were referred to the Part C system between January 1 and June 30, 2005, specifically the requirement at 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a). While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement. The State included strategies to ensure full compliance.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 9B: Noncompliance:</p> <p>OSEP's October 6, 2004 letter accepted the State's plan to ensure compliance with the requirements for a comprehensive evaluation in each of the developmental areas in 34 CFR §303.322(c)(3)(ii), and to have the IFSP reflect the child's present level of functioning in each of these areas as required by 34 CFR §303.344(a). OSEP's letter required a final report within 30 days following one year from the date of the letter. The State's FFY 2003 APR contained a progress report with data indicating that more than 90% of IFSPs included present levels of functioning, but only 86% and 88%, respectively, for vision and hearing data.</p>	<p>In its November 4, 2005 final Progress Report, the State provided data related to the requirements for a comprehensive evaluation and assessment and IFSPs containing present levels of developmental functioning, as required by 34 CFR §303.322(c)(3)(ii) and 303.344(a), including correction data from the four sites identified in the FFY 2003 APR as being in noncompliance with these requirements.</p> <p>In the Progress Report, the State indicated that during July – August 2005, in which 206 records were reviewed, 90% of children were evaluated in all areas and 71% of IFSPs included all levels of developmental functioning.</p> <p>The July–August 2005 record review indicated the following status for the four sites identified in the FFY 2003 APR as out of compliance with the evaluation requirements:</p> <p>Local System 1: 100% of children evaluated in all areas; 75% of IFSPs documented developmental levels in all areas.</p> <p>Local System 2: 100% of children evaluated in all areas; 100% of IFSPs documented developmental levels in all areas.</p> <p>Local System 3: 83% of children evaluated in all areas; 78% of IFSPs documented developmental levels in all areas.</p> <p>Local System 4: 67% of children evaluated in all areas; 67% of IFSPs document developmental levels in all areas.</p> <p>The four sites have not yet had one year to correct the noncompliance.</p>	<p>Comprehensive evaluation in all developmental areas</p> <p>The State reported a 90% level of compliance for Indicator 9B in the SPP, specifically the requirement at 34 CFR §303.322(c)(3)(ii). While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p> <p>Present level of functioning in all required areas</p> <p>The State provided data that demonstrate continuing noncompliance regarding including, in the IFSP, the child's present of level of functioning in each of the areas required by 34 CFR §303.344(a). The level of compliance reported was 71%. Although OSEP initially identified this noncompliance in its October 7, 2004 response to the State's FFY 2002 APR and required correction by November 2005, the State has indicated its one-year timeline for correction by its Local Systems 1, 3 and 4 had not yet, at the time of the SPP, lapsed.</p>	<p>Comprehensive evaluation in all developmental areas</p> <p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p> <p>Present level of functioning in all required areas</p> <p>The State must submit data that demonstrate compliance with this requirement by the FFY 2005 APR due February 1, 2007. Failure to demonstrate compliance at that time will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>