

**Table B – West Virginia Part C  
Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 7:</b> Whether the State conducted an evaluation and assessment and an initial IFSP meeting within Part C's 45-day timeline for all eligible infants and toddlers with IFSPs.</p> <p>In the September 29, 2005 letter responding to the State's FFY 2003 APR, OSEP required the lead agency to provide data on compliance with the 45-day timeline from its new monitoring processes. If the data indicated noncompliance, the lead agency was to include in the SPP a plan designed to correct the noncompliance.</p>	<p>In the SPP under Indicator 7, pages 25-31, the lead agency reported improvement in this area but it was still below 100% compliance. The baseline for FFY 2004-2005 was 54% and the State reported that for July and August of FFY 2005-2006 the State was at 74% of children receiving their initial IFSP within 45 days.</p>	<p>The State reported a 54% level of compliance for Indicator 7 in the SPP, specifically the requirements at 34 CFR §§303.321(e)(1), 303.322(e)(1) and 303.342(a).</p> <p>In the State's computation of its baseline data for this compliance indicator, the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record.</p>	<p>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary, revise its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR 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> <p>In the FFY 2005 APR, due February 1, 2007, the State should not include in the calculation children for whom the State has identified the cause for delay as exceptional family circumstances documented in the child's record. The State must include in its discussion of data, the numbers it used to determine its calculation under this indicator and report separately the number of documented delays attributable to family circumstances.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 8C:</b> Transition Conferences. The State's FFY 2003 APR showed 45% of the transition meetings occurred later than the required 90 days. The lead agency had included a plan in the APR to correct the noncompliance within one year. In its September 29, 2005 letter, OSEP required the lead agency to include data and analysis regarding the 90-day timeline for transition planning conferences in the SPP and provide a final Progress Report by October 29, 2006.</p>	<p>The SPP under Indicator 8, pages 32-37, shows continuing noncompliance regarding the transition meeting (77%). This is improvement but still below the 100% compliance standard. As part of its strategies in the SPP, the lead agency is implementing follow up on the corrections and ongoing technical assistance to the provider agencies.</p>	<p>The State reported a 77% level of compliance for Indicator 8C in the SPP, specifically the requirement at 34 CFR §303.148(b)(2)(i).</p> <p>In the State's computation of its baseline data for this compliance indicator (8C), the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record. In the State's computation of its baseline data for this compliance indicator (8C), the State may have also included children for whom the family did not provide approval to conduct the conference.</p>	<p>The State's final progress report demonstrating compliance with this requirement, which was due October 29, 2006, may be submitted with the State's FFY 2005 APR on February 1, 2007. The State must review and, if necessary, revise its improvement strategies to ensure they will 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> <p>In the FFY 2005 APR, due February 1, 2007, the State should not include in the calculation children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record or children for whom the family did not provide approval. The State must include in its discussion of data, the numbers it used to determine its calculation under this indicator and report separately the number of documented delays attributable to family circumstances and the number of children for whom the family did not provide approval to conduct the conference.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 9:</b> Whether the State identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>In the September 29, 2005 letter responding to the State's FFY 2003 APR, OSEP required the lead agency to clarify that the standard the State is using in its monitoring process is correction of State-identified noncompliance within one year from the lead agency's identification of the noncompliance.</p>	<p>In the SPP, under Indicator 9, pages 40 - 41, the State refers to the requirement to correct noncompliance within one-year from the lead agency's identification of the noncompliance, and provides data regarding the number of "corrections within 1 year."</p>	<p>OSEP assumes that the State requires noncompliance it identifies to be corrected within one year from when the State identifies the noncompliance (and not one year from when the corrective action plan is approved).</p>	<p>No further action required, see analysis column.</p>