

**Table A – Wyoming – Part C**

Part C Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p><b>Indicator 1:</b> Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. (20 USC 1416(a)(3)(A) and 1442)</p>	<p>(1) Noncompliance: See Table B.</p> <p>(2) Noncompliance: The State’s SPP contains the following standard for timely: “All early intervention services must be initiated within 30 days of when the service is documented on the IFSP.” The State’s timely standard begins with a starting point that is not consistent with the Part C regulations at 34 CFR §§303.342(e) and 303.344(f)(1). The Part C regulations at 34 CFR §§303.342(e) and 303.344(f)(1) require that the lead agency provide the early intervention services that are consented to by the parent as soon as possible after the IFSP meeting.</p> <p>3) Other: 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>(1) See Table B.</p> <p>2) The State must revise its starting point to be consistent with the Part C regulations, which can be the point when a parent consents to the provision of early intervention services under 34 CFR §303.404(a)(2).</p> <p>(3) 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. 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>
<p><b>Indicator 7:</b> 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. (20 USC 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: The State reported a 96.4% level of compliance for Indicator #7 in the SPP, 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.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>

**Table A – Wyoming – Part C**

Part C Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p><b>Indicator 8:</b> 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:</p> <ul style="list-style-type: none"> <li>A. IFSPs with transition steps and services;</li> <li>B. Notification to LEA, if child potentially eligible for Part B; and</li> <li>C. Transition conference, if child potentially eligible for Part B.</li> </ul> <p>(20 USC 1416(a)(3)(B) and 1442)</p>	<p>(1) Noncompliance:</p> <p><u>Indicator 8A</u> - The State reported a 53.7% level of compliance for this indicator, specifically the requirements at 34 CFR §§303.344(h) and 303.148(b)(4).</p> <p><u>Indicator 8C</u> - The State reported a 46.9% level of compliance for this indicator, specifically the requirement at 34 CFR §303.148(b)(2)(i).</p> <p>On page 44 of the SPP, the State reported that, in 2003 – 2004, it made two findings of noncompliance related to transition, and neither finding was corrected within one year.</p>	<p>(1) <u>Indicators 8A and 8C</u> - 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.</p> <p>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.</p> <p>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 A – Wyoming – Part C**

Part C Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
	<p>(2) Other: <u>Indicator 8A</u> - The State did not use the required measurement in reporting its data because the State reported data only on the number of children who have an IFSP with transition steps and services that were potentially eligible for Part B and not all children exiting Part C.</p> <p>(3) <u>Indicator 8B</u> - See Table B.</p> <p>(4) Other: <u>Indicator 8C</u> - 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>2) <u>Indicator 8A</u> - The State must include the required data and calculations (based on all children exiting Part C, and not just children who are potentially eligible for Part B) in reporting its performance on this indicator in the APR due February 1, 2007. Failure to include this information may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>3) <u>Indicator 8B</u> - See Table B.</p> <p>(4) <u>Indicator 8C</u> - 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>

**Table A – Wyoming – Part C**

Part C Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p><b>Indicator 9:</b>                      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.                      (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p><u>Indicator 9A</u> - Noncompliance:                      The State reported that 7 of 10 findings were corrected within one year from identification. The three findings of noncompliance that were not corrected within one year were related to Indicators 7 and 8.</p>	<p>The State must ensure timely correction of State identified noncompliance and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement.</p>
<p><b>Indicator 11:</b>                      Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.                      (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>Other: The State indicated on the SPP, page 54, that it plans to revise its current policies and procedures that incorporate the Part B due process procedures and, instead, adopt the Part C dispute resolution requirements under 34 CFR §303.420.</p> <p>In the SPP, pages 52-53, the State described its policies and procedures and improvement activities relevant to its current adoption of Part B due process procedures, including the requirement that hearing decisions must be rendered in 45 days.</p> <p>The State reported that no due process hearings were requested during FFY 2004-2005.</p>	<p>If the State revises its policies and procedures, the State should review, and revise (as appropriate), its SPP to reflect its adoption of the Part C dispute resolution requirements under 34 CFR §303.420. See also Indicator 12 below.</p>

**Table A – Wyoming – Part C**

Part C Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p><b>Indicator 12:</b> 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). (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>(1) Other: The State indicated on the SPP, page 54, that it plans to revise its current policies and procedures that incorporate the Part B due process procedures and adopt the Part C dispute resolution requirements under 34 CFR §303.420. This indicator concerning hearing requests that are resolved through resolution settlement agreements applies only if Wyoming maintains its current policies and procedures that adopt the Part B due process procedures under 34 CFR §303.420.</p> <p>(2) Other: The State reported that no due process hearings were requested during FFY 2004-2005. OSEP guidance on developing the SPP indicated that targets and improvement activities were not needed until the total number of due process hearings requested totaled ten or greater.</p> <p>(3) Other: The State established a target of 100% for resolution sessions. A target of 100% is inappropriate for this indicator. In looking at data on other forms of alternate dispute resolution, the consensus among mediation practitioners is that 75-85% is a reasonable rate of mediations that result in agreements and is consistent with national mediation success rate data. A higher resolution session goal, while appropriate for some States, may not be appropriate if it results in a high rate of agreements, but the agreements are not durable over time. It is better to have a lower percentage of viable, implemented agreements than a higher percentage of agreements that are not durable.</p>	<p>(1) If the State revises its policies and procedures, the State should review, and revise (as appropriate), its SPP to reflect its adoption of the Part C dispute resolution requirements at 34 CFR §303.420.</p> <p>(2) The State may remove the targets and improvement activities related to resolution sessions in the APR, due February 1, 2007, if the number of due process hearings for 2005-2006 is less than 10. In a reporting period when the number of due process hearings reaches ten or greater, the State must develop targets and improvement activities, and report them in the corresponding APR.</p> <p>(3) If the State is required to establish a target in a future APR because it meets the threshold of ten or more due process hearing requests, the State may want to review its targets to determine if an adjustment is needed and submit the revised targets in that APR.</p>

**Table A – Wyoming – Part C**

Part C Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p><b>Indicator 13:</b> Percent of mediations held that resulted in mediation agreements. (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>(1) Other: The State included targets and improvement activities regarding mediation; however, baseline data indicated that the total number of mediations requested was fewer than ten. OSEP guidance on developing the SPP indicated that targets and improvement activities were not needed until the total number of mediations requested totaled ten or greater.</p> <p>(2) OSEP also noted that the State established a target of 100% for mediation. A target of 100% for this indicator is inappropriate. The consensus among mediation practitioners is that 75-85% is a reasonable rate of mediations that result in agreements and is consistent with national mediation success rate data. A higher mediation goal, while appropriate for some States, may not be appropriate if it results in agreements that are not voluntarily implemented. It is better to have a lower percentage of viable, implemented agreements than a higher percentage of agreements, some of which are not voluntarily implemented.</p> <p>(3) Other: See Table B.</p>	<p>1) The State may remove the targets and improvement activities related to mediation in the APR, due February 1, 2007, if the number of mediations for 2004-2005 is less than 10. In a reporting period when the number of mediations reaches ten or greater, the State must develop targets and improvement activities, and report them in the corresponding APR.</p> <p>(2) If the State is required to establish a target in a future APR because it meets the threshold of ten or more mediation requests, the State may want to review its targets to determine if an adjustment is needed and submit the revised targets in that APR.</p> <p>(3) See Table B.</p>

**Table A – Wyoming – Part C**

Part C Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<b>Indicator 14:</b> State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. (20 U.S.C. 1416(a)(3)(B) and 1442)	Other: See Table B.	See Table B.