



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 27 2012

Honorable Michelle R. B. Saddler
Secretary
Illinois Department of Human Services
100 South Grand Avenue, E
Harris Building, 3rd Floor
Springfield, Illinois 62762

Dear Secretary Saddler:

Thank you for the timely submission of Illinois' Federal fiscal year (FFY) 2010 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA sections 616(d)(2)(A)(ii) and 642, Illinois needs assistance in implementing the requirements of Part C of IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2010 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2012: Part C" for further details.

The specific factors affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for Illinois were that: (1) Illinois' FFY 2010 data for Indicator 1, which measures the timely provision of services, reflect 94.06% compliance, and the State did not report that it corrected FFY 2009 findings of noncompliance; (2) Illinois' FFY 2010 data for Indicator 8A, which measures the transition plan requirement, reflect 92.3% compliance, and the State did not report that it corrected FFY 2009 findings of noncompliance; and (3) Illinois' FFY 2010 data for Indicator 9, which measures the timely correction of findings of noncompliance, reflect 84.8% compliance. For these reasons, we were unable to determine that Illinois met requirements for FFY 2010 under IDEA sections 616(d) and 642.

OSEP notes other areas that reflect a high level of performance, including that Illinois reported valid and reliable data for all indicators and a high level of compliance for Indicators 7 (99.77%), 8B (100%), 8C (99.1%), 10 (100%), and 14 (100%). We hope that Illinois will be able to demonstrate that it meets requirements with its FFY 2011 APR.

The enclosed table provides OSEP's analysis of the State's FFY 2010 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2010 data; (2) whether such data met the State's FFY 2010 targets and reflect progress or slippage from the prior year's data; (3) if applicable, that the State's data are not valid and reliable; and (4) whether the State corrected findings of noncompliance.

The State's determination for FFY 2009 was also needs assistance. In accordance with sections 616(e)(1) and 642 of the IDEA, if a State is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions: (1) advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance; (2) direct the use of State-level funds on the area or areas in which the State needs assistance; or (3) identify the State as a high-risk grantee and impose Special Conditions on the State's Part C grant award.


Pursuant to these requirements, the Secretary is advising the State of available sources of technical assistance related to Indicators 1 (the timely provision of services), 8A (the transition plan requirement), and 9 (the timely correction of findings of noncompliance). A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of "The Right IDEA" Web site at: <http://therightidea.tadnet.org/technicalassistance>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, Web seminars and other sources of relevant technical assistance for that indicator. For the indicator(s) listed above, your State must report with its FFY 2011 APR submission, due February 1, 2013, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The extent to which your State takes advantage of available technical assistance for these indicators may affect the actions OSEP takes under sections 616 and 642 should your State not be determined to meet requirements next year. We encourage Illinois to take advantage of available sources of technical assistance in other areas as well, particularly if the State is reporting low compliance data for an indicator.

As required by IDEA sections 616(e)(7) and 642, the State must notify the public that the Secretary of Education has taken the above enforcement action. This notification must be sufficient to notify the public within the State and may include such mechanisms as posting on the agency's Web site, distribution through the media and distribution through public agencies.

As you know, pursuant to IDEA sections 616(b)(2)(C)(ii)(I) and 642, your State must report annually to the public on the performance of each early intervention services program (EIS program) located in the State on the targets in the SPP. Pursuant to 34 CFR §303.702(b)(1)(A) in the final Part C regulations published on September 28, 2011, beginning with its reporting on the FFY 2011 performance of EIS programs in 2013, the State must report to the public by June 1. OSEP encourages the State to complete its reporting on the FFY 2010 performance of EIS programs as soon as practicable, if it has not already done so. In addition, your State must: (1) review EIS program performance against targets in the State's SPP; (2) determine if each EIS program 'meets requirements' of IDEA Part C, or 'needs assistance,' 'needs intervention,' or 'needs substantial intervention' in implementing Part C of the IDEA; (3) take appropriate enforcement actions; and (4) inform each EIS program of its determination. For further information regarding these requirements, see "The Right IDEA" Web site at: <http://therightidea.tadnet.org/determinations>. Finally, please ensure that your updated SPP is posted on the State lead agency's Web site and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642.

OSEP is committed to supporting Illinois' 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. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Barbara Thomas, your OSEP State Contact, at 202-245-7386.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melody Musgrove', with a long horizontal flourish extending to the right.

Melody Musgrove, Ed.D.

Director

Office of Special Education Programs

Enclosures

cc: Part C Coordinator

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>The IDEA Part C regulations cited in this APR Response Table as 34 CFR §303.xxx are those regulations which were in effect during FFY 2010. If the State has chosen to implement any of the new regulations published in 76 Federal Register 60140 (September 28, 2011) prior to the required implementation date of July 1, 2012 for a regulation that impacts the measurements for an SPP/ APR indicator, the State must so indicate in its FFY 2011 APR, due February 1, 2013.</p>		
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 94.06%. These data represent progress from the FFY 2009 data of 93.96%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that it used data from a State database to report on this indicator. The State further reported that it did not use data for the full reporting period (July 1, 2010-June 30, 2011), and the State described how the time period in which the data were collected accurately reflect data for infants and toddlers with IFSPs for the full reporting period.</p> <p>The State reported that two of four findings of noncompliance identified in FFY 2009 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that none of the remaining 20 findings of noncompliance identified in FFY 2008 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>The State must demonstrate, in the FFY 2011 APR, that the State is in compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>OSEP is concerned about the State's failure to correct longstanding noncompliance from FFY 2008. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR that it has corrected the remaining 20 findings identified in FFY 2008. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State's explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each</p>

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010 for this indicator, and the EIS programs with the remaining two uncorrected noncompliance findings identified in FFY 2009 and the remaining 20 uncorrected noncompliance findings identified in FFY 2008: (1) are correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) have initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2011 APR, the State must describe the</p>

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps				
		<p>specific actions that were taken to verify the correction.</p> <p>The State’s failure to correct longstanding noncompliance (from FFY 2008) raises serious questions about the effectiveness of the State’s general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR, that it has corrected this noncompliance.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>				
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data are 94.6%. These data represent progress from the FFY 2009 data of 92.9%. The State met its FFY 2010 target of 90%.</p> <p>OSEP’s FFY 2009 SPP/APR Response Table, dated June 20, 2011, required the State to confirm in the FFY 2010 APR, due February 1, 2012, that it has made findings of noncompliance when it found noncompliance with a legal requirement related to provision of Part C services in natural environments and not solely based on the percentage of children receiving services in natural environments. The State provided all of the required information.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>				
<p>3. Percent of infants and toddlers with IFSPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationship);</p> <p>B. Acquisition and use of knowledge and skills (including early</p>	<p>The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s reported data for this indicator are:</p> <table><tr><td><u>Summary Statement 1</u></td><td><u>FFY 2009 Data</u></td><td><u>FFY 2010 Data</u></td><td><u>FFY 2010 Target</u></td></tr></table>	<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<p>OSEP appreciates the State’s efforts to improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</p> <p>The State must report progress</p>
<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>			

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues					OSEP Analysis/Next Steps	
language/communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]	Outcome A: Positive social-emotional skills (including social relationships) (%)	65.6	66.4	65.6	data and actual target data for FFY 2011 in the FFY 2011 APR.		
	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	77.0	78.2	77.0			
	Outcome C: Use of appropriate behaviors to meet their needs (%)	75.5	76.4	74.5			
	<u>Summary Statement 2</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>			
	Outcome A: Positive social-emotional skills (including social relationships) (%)	63.3	63.1	63.3			
	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	49.6	50.3	48.0			
	Outcome C: Use of appropriate behaviors to meet their needs (%)	56.0	56.8	55.0			
	These data represent progress from the FFY 2009 data, except for Summary Statement 2- Outcome A. The State met part of its FFY 2010 targets for this 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	The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions. The State’s reported data for this indicator are:					OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.	
		<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>		

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues					OSEP Analysis/Next Steps
learn. [Results Indicator]	A. Know their rights (%)	78.58	67.82	78.0	-10.76%	
	B. Effectively communicate their children’s needs (%)	85.63	76.51	85.8	-9.12%	
	C. Help their children develop and learn (%)	83.28	74.31	85.0	-8.97%	
	These data represent slippage from the FFY 2009 data. The State did not meet its FFY 2010 targets for this indicator. OSEP’s FFY 2009 SPP/APR Response Table, dated June 20, 2011, required the State to include in the FFY 2010 APR, due February 1, 2012, its sampling methodology for this indicator as soon as possible to ensure that its FFY 2010 data would be valid and reliable. If the State did not intend to sample, but intended to use census data, the State was required to inform OSEP and revise its SPP accordingly. The State clarified how it is collecting data for this indicator. The State provided all of the required information.					
5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data. [Results Indicator]	The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions. The State’s FFY 2010 reported data are 1.09%. These data represent progress from the FFY 2009 data of 1.08%. The State met its FFY 2010 target of 1.08%.					OSEP appreciates the State’s efforts to improve performance.
6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data. [Results Indicator]	The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions. The State’s FFY 2010 reported data are 3.41%. These data represent progress from the FFY 2009 data of 3.38%. The State met its FFY 2010 target of 3.37%.					OSEP appreciates the State’s efforts to improve performance.
7. 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. [Compliance Indicator]	The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions. The State’s FFY 2010 reported data for this indicator are 99.77%. These data represent progress from the FFY 2009 data of 99.46%. The State did not meet its FFY 2010 target of 100%. The State reported that 11 of 12 findings of noncompliance identified in FFY 2009 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.					OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2011 APR, the State’s data demonstrating that it is in compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). Because the State reported less

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>The State reported that the two remaining findings of noncompliance identified in FFY 2008 were not corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>OSEP is concerned about the State's failure to correct longstanding noncompliance from FFY 2008. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR that it has corrected the remaining two findings identified in FFY 2008. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State's explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance</p>

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>identified in FFY 2010 for this indicator and the EIS programs with the remaining one uncorrected noncompliance finding identified in FFY 2009, and the remaining two uncorrected noncompliance findings identified in FFY 2008: (1) are correctly implementing 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (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) have conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45-day timeline was not met, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other</p>	<p>The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 92.3%. These data represent</p>	<p>The State must demonstrate, in the FFY 2011 APR, that the State is in compliance with the IFSP transition content</p>

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>appropriate community services by their third birthday including:</p> <p>A. IFSPs with transition steps and services;</p> <p>[Compliance Indicator]</p>	<p>slippage from the FFY 2009 data of 98.2%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that three of four findings of noncompliance identified in FFY 2009 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that neither of the remaining two findings of noncompliance identified in FFY 2008 was corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>requirements in 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) and (d)(8). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>OSEP is concerned about the State's failure to correct longstanding noncompliance from FFY 2008. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR that it has corrected the remaining two findings identified in FFY 2008. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State's explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.</p>

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010 for this indicator and the EIS programs with the remaining one uncorrected noncompliance finding identified in FFY 2009 and the remaining two uncorrected noncompliance findings identified in FFY 2008: (1) are correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) and (d)(8) (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) have developed an IFSP with transition steps and services for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State's Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and</p>

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		revise them, if necessary to ensure compliance.
<p>8. 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> <p>B. Notification to LEA, if child potentially eligible for Part B; and</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 100%. These data remain unchanged from the FFY 2009 data of 100%. The State met its FFY 2010 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the LEA notification requirements in 34 CFR §303.148(b)(1).</p>
<p>8. 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> <p>C. Transition conference, if child potentially eligible for Part B.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 99.1%. The State's FFY 2009 data for this indicator were 99.4%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that 12 of 13 findings of noncompliance identified in FFY 2009 were corrected in a timely manner and the one remaining finding subsequently was corrected by February 1, 2012.</p> <p>The State reported that three of the four remaining findings of noncompliance identified in FFY 2008 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that the one remaining finding of noncompliance identified in FFY 2007 was not corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2011 APR the State's data demonstrating that it is in compliance with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>OSEP is concerned about the State's failure to correct longstanding noncompliance from FFY 2007 and FFY 2008. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR that it has corrected the remaining one finding identified in FFY</p>

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>2007 and the remaining one finding identified in FFY 2008. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State's explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each EIS program with noncompliance identified in FFY 2010 for this indicator, the EIS program with the remaining one uncorrected noncompliance finding identified in FFY 2008, and the remaining one uncorrected noncompliance finding identified in FFY 2007: (1) are correctly implementing 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (i.e., achieved 100% compliance) based on a review of updated</p>

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>data such as data subsequently collected through on-site monitoring or a State data system; and (2) have conducted a transition conference, although late, for any child potentially eligible for Part B whose transition conference was not timely, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 84.8%. These data represent progress from the FFY 2009 data of 59.2%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that 28 of 33 findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that one finding was subsequently corrected by February 1, 2012. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that four of the remaining 29 findings of noncompliance identified in FFY 2008 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that one of two remaining findings of noncompliance identified in FFY 2007 was corrected. The State reported on the actions it took to address the</p>	<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2011 APR, due February 1, 2013, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2010 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02. OSEP is concerned about the State's failure to correct longstanding noncompliance from FFY 2008</p>

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	uncorrected noncompliance.	<p>and FFY 2007. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR that it has corrected the remaining 25 findings identified in FFY 2008 and the remaining one finding identified in FFY 2007. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State's explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.</p> <p>When reporting on correction of findings of noncompliance in the FFY 2011 APR, the State must report that it verified that each EIS program with noncompliance identified in FFY 2010 and the EIS programs with the remaining noncompliance identified in FFY 2009: (1) are correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated</p>

Illinois Part C FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>data such as data subsequently collected through on-site monitoring or a State data system; and (2) have corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 9 in the FFY 2011 APR, the State must use the Indicator 9 Worksheet.</p> <p>Further, in responding to Indicators 1, 7, 8A, and 8C in the FFY 2011 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>
<p>10. 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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 100% based on the timely resolution of 16 complaints. These data remain unchanged from the FFY 2009 data of 100%. The State met its FFY 2010 target of 100%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §303.512.</p>
<p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.</p> <p>[Compliance Indicator]</p>	<p>The State reported, as of January 31, 2012, that it did not receive any requests for due process hearings during the reporting period.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>
<p>12. Percent of hearing requests that</p>	<p>The State reported, as of January 31, 2012, that no resolution sessions were held during</p>	<p>OSEP looks forward to</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).</p> <p>[Results Indicator]</p>	<p>the reporting period.</p> <p>The State reported fewer than ten resolution sessions held in FFY 2010. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more resolution sessions were held.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>reviewing the State's data in the FFY 2011 APR.</p>
<p>13. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State reported, as of January 31, 2012, that no mediations were held during the reporting period.</p> <p>The State reported fewer than ten mediations held in FFY 2010. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more mediations were held.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>
<p>14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for FFY 2010, FFY 2011, and FFY 2012, for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 100%. These data remain unchanged from the FFY 2009 data of 100%. The State met its FFY 2010 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540. In reporting on Indicator 14 in the FFY 2011 APR, the State must use the Indicator 14 Data Rubric.</p>

How the Department Made Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2012: 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 2010 Annual Performance Report (APR)/State Performance Plan (SPP); information from monitoring, including verification visit findings; and other public information, such as the State's performance under any existing special conditions on its FFY 2010 grant or a compliance agreement, longstanding unresolved audit findings, and other State compliance with the IDEA.

FFY 2010 APR/SPP and Other Information

In reviewing a State's FFY 2010 APR/SPP, we considered both the submission of valid and reliable data and the level of compliance, including correction of noncompliance, as described below, as included in the State's final APR/SPP. We also reviewed other information (described below) that reflect the State's compliance with IDEA requirements.

With respect to data, for Indicators 1 through 13, we examined whether the State provided valid and reliable FFY 2010 data (*i.e.*, the State provided all the required data, the data were for the correct year and were consistent with the required measurement and/or the approved SPP, and whether we did not have other information (such as verification visit findings or inconsistent data within the APR) demonstrating that the data were not valid and reliable or the State indicated that the data were not valid and reliable).

With respect to compliance, we examined Indicators 1, 7, 8, 9, 10, 11, and 14 and looked for evidence that the State demonstrated substantial compliance through reporting FFY 2010 data that reflected a very high level of compliance (generally 95% or better). In addition, for Indicators 1, 7, and 8, a State could demonstrate substantial compliance if the State's FFY 2010 compliance data were at or above 75%, and the State reported that it had fully corrected FFY 2009 findings of noncompliance made under those respective indicators. As indicated in OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02), beginning with the Department's determinations in 2010, for Indicators 1, 7, and 8, we considered a State to have demonstrated correction of previously identified noncompliance for any findings identified in FFYs 2007, 2008, and 2009 if the State verified correction of those findings consistent with OSEP Memo 09-02. In addition, we did not consider a State to be in substantial compliance for a compliance indicator based on correction of FFY 2009 findings of noncompliance if its reported FFY 2010 data were low (generally below 75%), consistent with OSEP Memo 09-02.

Indicator 9 evaluates the "timely" correction of FFY 2009 findings, so for this indicator we specifically examined both whether the State reported a high level of compliance (generally 95% or better) in timely correcting FFY 2009 findings of noncompliance, and that the State reported that it verified the correction of its FFY 2009 findings of noncompliance consistent with OSEP Memo 09-02. We did not consider Indicators 10 and 11 if the State reported less than 100% compliance, but fewer than 10 complaints or 10 fully adjudicated hearings, in recognition of the inequities in basing decisions regarding dispute resolution indicators on small numbers.

Generally, and absent any other issues (see below), we considered a State to "meet requirements" if the State: (1) Provided valid and reliable FFY 2010 data for all indicators as described above; and

(2) Demonstrated substantial compliance, as described above, for compliance Indicators 1, 7, 8, 9, 10, 11, and 14. If a State did not meet the standards for substantial compliance for only one of these compliance indicator and there were no other factors (see below), we considered the State to “meet requirements” if the compliance level for that indicator was high (generally at or above 90%). In no case, however, did we place a State in “meets requirements” if it failed to provide valid and reliable FFY 2010 data (as defined above) for Indicators 1 through 13.

Generally, and absent any other issues (see below), we considered a State to be “in need of intervention” for one of three reasons that are explained further in this paragraph: very low compliance data, failure to provide valid and reliable data for a compliance indicator, or longstanding noncompliance that was the subject of Departmental enforcement for a key IDEA requirement. First, we identified a State as “in need of intervention” if the State’s FFY 2010 compliance data demonstrated: (1) Very low performance for Indicators 1, 7, 8, 10 or 11 (generally below 50%, regardless of whether it reported correction of previously identified findings of noncompliance); or (2) Very low performance for Indicator 9 (generally below 50%). Second, we identified a State as “in need of intervention” if it did not provide valid and reliable (as defined above) FFY 2010 compliance data for Indicators 1, 7, 8, 9, 10, or 11. Finally, we also identified a State as “in need of intervention” if the State was subject to Departmental enforcement for multiple years for failing to comply with key IDEA requirements, the noncompliance has been longstanding, and the State’s data in response to the Department’s enforcement actions demonstrate continued noncompliance.

We would identify a State as “in need of substantial intervention” if its substantial failure to comply significantly affected the core requirements of the program, such as the delivery of services to children with disabilities or the State’s exercise of general supervision, or if the State informed the Department that it was unwilling to comply with an IDEA requirement. In making this determination, we would consider the impact of any longstanding unresolved issues on the State’s current implementation of the program. We would also consider identifying a State “in need of substantial intervention” for failing to submit its APR/SPP.

Absent any other issues (see below), we determined that States that did not “meet requirements” and were not “in need of intervention” or “in need of substantial intervention” were “in need of assistance.”

Monitoring Data and Other Public Information

We also considered other public information available to the Department, including information from monitoring including verification visit reviews, and other public information, such as the State’s performance under any existing special conditions on its FFY 2011 grant or a compliance agreement, longstanding unresolved audit findings, and other State compliance data under the IDEA. We did not consider a State to “meet requirements” if the State had unresolved special conditions that were imposed as a result of the State being designated as a “high risk” grantee, outstanding OSEP monitoring findings (including verification visit findings) that affected the State’s data under APR indicators, longstanding audit issues, or a compliance agreement.

In determining whether the State should be identified as “in need of assistance,” “in need of intervention,” or “in need of substantial intervention,” we considered the length of time the problem had existed, the magnitude of the problem, and the State’s response to the problem, including progress the State had made to correct the problem.

Possible Changes to Determination Factors in the Future

As a part of our efforts to focus attention more on the results of State's implementation of Parts B and C of the IDEA, OSEP is reexamining its process for making determinations under section 616 of the IDEA. We are considering how we can include State performance on results indicators in addition to those factors (described previously) that are currently considered. We will provide further details regarding our plans in the near future.