



OHIO DEPARTMENT OF HEALTH

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Ted Strickland/Governor

Alvin D. Jackson, M.D./Director of Health

APR 4 2008

U.S. Department of Education
ATTN: Ruth Ryder / Mail Stop 2600
7100 Old Landover Road
Landover, MD, 20785-1506

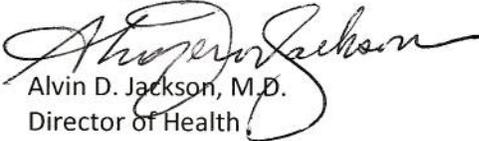
Dear Ms. Ryder:

Attached is Ohio's revised FFY 2006 Annual Performance Report (APR) as required on the status of the Part C Early Intervention system in Ohio. The revised APR includes a revised table for indicator #3 (page 12) with activities that extend through FFY 2010, missing attachments for indicator #4 i.e. the Ohio Family Survey (starting after page 17) and for indicators #10-13 i.e. Table 7 – Dispute Resolution (after page 41). We have also provided further clarification for indicator #8C in the APR related to the Transition Interagency Agreement with ODE and the Transition Policy (pages 32-34) and indicator #9 (page 37). The Ohio response to OSEPs comments/clarification table is based on the fact that OSEP did not acknowledge Ohio's December 31, 2007 Compliance Agreement quarterly report that was submitted and the February version of the APR which included data tables for indicators 1, 7, 8A and 8B per Ohio's Compliance Agreement.

ODH staff had a conference call with Brenda Wilkins, OSEP state contact for Ohio on Thursday April 10, 2008 to discuss the table. Based on this call, Ohio was notified that OSEP would revise their response to Ohio's report to include information submitted in the December 31, 2007 Compliance Agreement quarterly report.

If you have any questions or need additional information, please contact Debbie Cheatham, Ohio's Part C Coordinator in the Bureau of Early Intervention Services, at 614.644.8389.

Sincerely,


Alvin D. Jackson, M.D.
Director of Health

Enclosures
ADJ/dc

cc: Dennis Schreiber, Co-chair, Ohio Help Me Grow Advisory Council
Kim Johnson, Co-chair, Ohio Help Me Grow Advisory Council

Ohio Part C FFY 2006 SPP/APR Status Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	ODH Response/Clarification
<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 submitted FFY 2006 baseline data and improvement activities for this indicator and OSEP accepts these data and revisions. The State's FFY 2006 reported data for this indicator are 72.37%. OSEP was unable to determine whether there was progress or slippage because the State did not submit data for FFY 2005. The State did not meet its FFY 2006 target of 100%. The State provided in the State's October 31, 2007 progress report under the Compliance Agreement between ODH and the Department the State's monitoring data for this indicator from its initial monitoring during FFY 2007 of four "pilot" counties, the results of which are described in Indicator 9 below.</p>	<p>ODH takes exception to the following statement: "OSEP was unable to determine whether there was progress or slippage because the State did not submit data for FFY 2005." Because ODH was instructed by OSEP to not include data for this indicator in it's FFY 2005 APR and to include the following statement: "This indicator is included in the Compliance Agreement. The Compliance Agreement requires revision of the monitoring process. The revised monitoring process will be piloted in at least four (4) counties. Data for the 4 pilot counties will be submitted by 12/31/2007. Statewide data for this indicator will be submitted with the FFY 2006 APR due February 1, 2008." ODH submitted statewide data for this indicator in it's December 31, 2007 Compliance Agreement quarterly report and in Ohio's FFY 2006 APR in Table B.</p>
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children. [Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2006 reported data for this indicator are 86%. These data represent progress from the FFY 2005 data of 84%. The State met its FFY 2006 target of 78%.</p>	

Ohio Part C FFY 2006 SPP/APR Status Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																								
<p>3. Percent of infants and toddlers with IFSPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/ communication); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator; New]</p>	<p>The State's FFY 2006 reported progress data for this indicator are:</p> <table border="1" data-bbox="568 546 1258 1428"> <thead> <tr> <th></th> <th>Social Emotional</th> <th>Knowledge & Skills</th> <th>Appropriate Behavior</th> </tr> </thead> <tbody> <tr> <td>a. % of infant & toddlers who did not improve functioning.</td> <td align="center">2%</td> <td align="center">2%</td> <td align="center">2%</td> </tr> <tr> <td>b. % of infant & toddlers who improved but not sufficient to move nearer to functioning comparable to same age peers.</td> <td align="center">22%</td> <td align="center">28%</td> <td align="center">24%</td> </tr> <tr> <td>c. % of infant & toddlers who improved to a level nearer to same-aged peers but did not reach it.</td> <td align="center">14%</td> <td align="center">17%</td> <td align="center">17%</td> </tr> <tr> <td>d. % of infant & toddlers who improved functioning to reach a level comparable to same aged peers.</td> <td align="center">17%</td> <td align="center">17%</td> <td align="center">23%</td> </tr> <tr> <td>e. % of infant & toddlers who maintained functioning at a level comparable to same-aged peers.</td> <td align="center">45%</td> <td align="center">36%</td> <td align="center">35%</td> </tr> </tbody> </table> <p>The State provided improvement activities for this indicator. OSEP cannot approve those improvement activities because they do not cover the remaining years of the SPP (through FFY 2010).</p>		Social Emotional	Knowledge & Skills	Appropriate Behavior	a. % of infant & toddlers who did not improve functioning.	2%	2%	2%	b. % of infant & toddlers who improved but not sufficient to move nearer to functioning comparable to same age peers.	22%	28%	24%	c. % of infant & toddlers who improved to a level nearer to same-aged peers but did not reach it.	14%	17%	17%	d. % of infant & toddlers who improved functioning to reach a level comparable to same aged peers.	17%	17%	23%	e. % of infant & toddlers who maintained functioning at a level comparable to same-aged peers.	45%	36%	35%	<p>ODH is submitting a revised APR with improvement activities specifically stated in a table with timelines. It should be noted that these activities were included in the initial APR in a narrative version.</p>
	Social Emotional	Knowledge & Skills	Appropriate Behavior																							
a. % of infant & toddlers who did not improve functioning.	2%	2%	2%																							
b. % of infant & toddlers who improved but not sufficient to move nearer to functioning comparable to same age peers.	22%	28%	24%																							
c. % of infant & toddlers who improved to a level nearer to same-aged peers but did not reach it.	14%	17%	17%																							
d. % of infant & toddlers who improved functioning to reach a level comparable to same aged peers.	17%	17%	23%																							
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Ohio Part C FFY 2006 SPP/APR Status Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																
<p>4. Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights; B. Effectively communicate their children's needs; and C. Help their children develop and learn.</p> <p>[Results Indicator: New]</p>	<p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="889 562 1208 1430"> <thead> <tr> <th></th> <th>FFY 2005 Data</th> <th>FFY 2006 Data</th> <th>FFY 2006 Target</th> </tr> </thead> <tbody> <tr> <td>A. Know their rights</td> <td>90.5%</td> <td>95%</td> <td>91%</td> </tr> <tr> <td>B. Effectively communicate their children's needs</td> <td>91.4%</td> <td>95%</td> <td>91%</td> </tr> <tr> <td>C. Help their children develop and learn.</td> <td>90.5%</td> <td>93%</td> <td>91%</td> </tr> </tbody> </table> <p>These data represent progress from the FFY 2005 data. The State met its FFY 2006 targets for 4A, 4B and 4C. The State did not submit a copy of the survey used for this indicator.</p>		FFY 2005 Data	FFY 2006 Data	FFY 2006 Target	A. Know their rights	90.5%	95%	91%	B. Effectively communicate their children's needs	91.4%	95%	91%	C. Help their children develop and learn.	90.5%	93%	91%	<p>A copy of the Family Survey is included in the revised version of the APR.</p>
	FFY 2005 Data	FFY 2006 Data	FFY 2006 Target															
A. Know their rights	90.5%	95%	91%															
B. Effectively communicate their children's needs	91.4%	95%	91%															
C. Help their children develop and learn.	90.5%	93%	91%															
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to:</p> <p>A. Other States with similar eligibility definitions; and B. National data. [Results Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are 1.43%. These data represent progress from the FFY 2005 data of 1.38%. The State met its FFY 2006 target of 1.1%.</p>																	

Ohio Part C FFY 2006 SPP/APR Status Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to:</p> <p>A. Other States with similar eligibility definitions; and</p> <p>B. National data.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are 2.64 %. These data represent progress from the FFY 2005 data of 2.5%.</p> <p>The State met its FFY 2006 target of 2.4 %.</p>	
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State submitted FFY 2006 baseline data and improvement activities for this indicator and OSEP accepts these data and revisions.</p> <p>The State's FFY 2006 reported data for this indicator are 74%.</p> <p>OSEP was unable to determine whether these data represent progress or slippage because the State did not submit data for FFY 2005.</p> <p>The State did not meet its FFY 2006 target of 100%.</p> <p>The State provided in the State's October 31, 2007 progress report under the Compliance Agreement between ODH and the Department the State's monitoring data for this indicator from its initial monitoring during FFY 2007 of four "pilot" counties, the results of which are described in Indicator 9 below.</p>	<p>ODH takes exception to the following statement: "OSEP was unable to determine whether there was progress or slippage because the State did not submit data for FFY 2005." ODH was instructed by OSEP to not include data for this indicator in it's FFY 2005 APR and to include the following statement:</p> <p><i>"This indicator is included in the Compliance Agreement. The Compliance Agreement requires revision of the monitoring process. The revised monitoring process will be piloted in at least four (4) counties. Data for the 4 pilot counties will be submitted by 12/31/2007. Statewide data for this indicator will be submitted with the FFY 2006 APR due February 1, 2008."</i></p> <p>ODH submitted statewide data for this indicator in it's December 31, 2007 Compliance Agreement quarterly report <u>and</u> in Ohio's FFY 2006 APR in Table B.</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</p>	<p>The State submitted FFY 2006 baseline data for this indicator and OSEP accepts these data.</p> <p>The State's FFY 2006 reported data for this indicator are 94%.</p> <p>OSEP was unable to determine whether these data represent progress or slippage because the State did not submit data for FFY 2005.</p>	<p>ODH takes exception to the following statement: "OSEP was unable to determine whether there was progress or slippage because the State did not submit data for FFY 2005." ODH was instructed by OSEP to not include data for this indicator in it's FFY</p>

Ohio Part C FFY 2006 SPP/APR Status Table

<p>including: A. IFSPs with transition steps and services; [Compliance Indicator]</p>	<p>The State did not meet its FFY 2006 target of 100%. The State provided in the State's October 31, 2007 progress report under the Compliance Agreement between ODH and the Department the State's monitoring data for this indicator from its initial monitoring during FFY 2007 of four "pilot" counties, the results of which are described in Indicator 9 below.</p>	<p>2005 APR and to include the following statement: "Indicators 8A and 8C are included in the Compliance Agreement. The Compliance Agreement requires revision of the monitoring process. The revised monitoring process will be piloted in at least four (4) counties. Data for the 4 pilot counties will be submitted by 12/31/2007. Statewide data for this indicator will be submitted with the FFY 2006 APR due February 1, 2008." On November 9, 2007 ODH participated in a conference call with OSEP, one of the items discussed was clarification on what information to include in the APR since the Compliance Agreement activities for transition had different timelines for this area of data submission. OSEP instructed ODH to follow the timelines in the Compliance Agreement.</p>
<p>Monitoring Priorities and Indicators</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: B. Notification to LEA, if child potentially eligible for Part B; and [Compliance Indicator]</p>	<p>Status of APR Data/SPP Revision Issues</p> <p>The State's FFY 2006 reported data for this indicator are 97%. These data represent slippage from the FFY 2005 data of 100%. The State did not meet its FFY 2006 target of 100%. OSEP cannot determine if the State's FFY 2006 data are valid and reliable because the State did not provide the information required by OSEP's June 15, 2007 FFY 2005 APR response table requesting clarification as to whether the State has adopted an opt-out policy and thus appropriately excluded from the calculation for this indicator children for whom notification was not provided due to a parent's opting out.</p>	<p>OSEP Analysis/Next Steps</p> <p>ODH takes exception to the following statement: "OSEP cannot determine if the State's FFY 2006 data are valid and reliable because the State did not provide the information required by OSEP's June 15, 2007 FFY 2005 APR response table ..." OSEP conducted a technical assistance visit to Ohio in September 2007, where the draft revised Transition Policy was shared. OSEP provided additional guidance and changes required in the policy. On November 9, 2007 ODH participated in a conference call with OSEP regarding the Interagency Agreement between ODE and ODH and the following guidance was provided in an e-mail from OSEP: "The interagency agreement also needs to be consistent with the transition policy submitted by ODH on 9-28-07 regarding whether Ohio has adopted an opt-out policy under Letter to Elder. Specifically, sections 1(b) and 4(b) of the agreement need to be consistent with paragraph 3 of the 9-28-07 Transition policy. If</p>

Ohio Part C FFY 2006 SPP/APR Status Table

<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: C. Transition conference, if child potentially eligible for Part B. [Compliance Indicator]</p>	<p>The State submitted baseline data for this indicator and OSEP accepts these data. The State's FFY 2006 reported data for this indicator are 30%. OSEP was unable to determine whether there was progress or slippage because the State did not submit data for FFY 2005. The State did not meet its FFY 2006 target of 100% The State provided in the State's October 31, 2007 progress report under the Compliance Agreement between ODH and the Department the State's monitoring data for this indicator from its initial monitoring during FFY 2007 of four "pilot" counties, the results of which are described in Indicator 9 below.</p>	<p><i>ODH has adopted an opt-out policy, it must also specify: 1) when parents will be notified; (2) how parents will be notified; (3) the length of time parents have to opt out and (4) whether such opt-out can be orally communicated or whether it must be in writing; and (5) submit such revised policy to OSEP for approval. We would recommend providing the details of this policy in the Policy document and not the interagency agreement so that it can be more easily revised if needed and determined appropriate (e.g. length of time to opt out changing)."</i></p> <p>In Ohio's December 31, 2007 Compliance Agreement quarterly report, ODH reported that the final Interagency Agreement is in the signature process.</p> <p>ODH submitted a signed copy of the Interagency Agreement to OSEP electronically on February 1, 2008 and notified OSEP that the Transition policy is being revised to include the "opt out" option. A hard copy of the signed Interagency Agreement was also sent to OSEP by mail.</p> <p>ODH was instructed by OSEP to not include data for this indicator in it's FFY 2005 APR and to include the following statement: "Indicators 8A and 8C are included in the Compliance Agreement. The Compliance Agreement requires revision of the monitoring process. The revised monitoring process will be piloted in at least four (4) counties. Data for the 4 pilot counties will be submitted by 12/31/2007. Statewide data for this indicator will be submitted with the FFY 2006 APR due February 1, 2008."</p> <p>ODH takes exception with OSEP using the single compliance percentage for one pilot county as Ohio's statewide compliance percentage for this indicator. Ohio requests that the 30% compliance percentage be stricken from the report.</p>
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Ohio Part C FFY 2006 SPP/APR Status Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<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. [Compliance Indicator]</p>	<p>The requirements of this Indicator as well as Indicators 1, 7, 8A and 8C are the subject of the Department's November 2006 Compliance Agreement with the Ohio Department of Health, Ohio's lead agency responsible for implementing Part C under IDEA section 635(a)(10). Under this Compliance Agreement, ODH was required to conduct its initial monitoring and issue reports by November 2007. The State reported in its October 31, 2007 progress report data from its initial monitoring conducted during FFY 2007.</p> <p>The State's October 31, 2007 progress report indicated that ODH identified findings of noncompliance in two counties related to Indicator 1 (the timely provision of services), in one county related to Indicator 8 (transition), and in one county related to Indicator 7 (45-day timeline). ODH reported that it notified each of these counties of the findings of noncompliance in writing in November, 2007 and that correction was due no later than November, 2008.</p>	<p>ODH submitted in its compliance agreement quarterly report to OSEP findings letters and corrective action plans for the pilot counties in its December 31, 2007.</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. [Compliance Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are 100%. These data are based on three complaints. These data remain unchanged from the FFY 2005 data of 100%.</p> <p>The State met its FFY 2006 target of 100%.</p> <p>The State did not attach Table 4.</p>	<p>Table 4 is included in the revised submitted APR.</p>

Ohio Part C FFY 2006 SPP/APR Status Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline. [Compliance Indicator]</p>	<p>The State reported that it did not receive any due process hearing requests during the FFY 2006 reporting period.</p>	
<p>12. 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). [Results Indicator]</p>	<p>Not applicable.</p>	
<p>13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The State reported that three out of three mediations held resulted in mediation agreements. The State reported fewer than 10 mediations requests in FFY 2006. The State is not required to provide targets or improvement activities until any FFY in which 10 or more mediations are conducted. The State did not attach Table 4.</p>	
<p>14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The State's FFY 2006 reported data for this indicator are 100%. However, OSEP's calculation of the data for this calculation are 93.7%. The State did not meet its FFY 2006 target of 100%.</p>	<p>The 618 Data Rubric for this indicator notes that Ohio Part C did not submit Tables 3 & 4 in a timely manner. Ohio did submit these tables on October 31, 2007 – 1 day before the due date. Ohio subsequently noted an error in both Table 3 & Table 4 and resubmitted the corrected data after November 1, 2007. Classifying this corrected data as untimely encourages states to not submit corrected</p>

Ohio Part C FFY 2006 SPP/APR Status Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>data. Additionally, the time period for Tables 3 & 4, 11/1/07, is outside the scope of the APR's time period, 7/1/06 – 6/30/07. Using the 11/1/07 submission is confusing & inconsistent with the rest of the data included in this APR.</p>

**ANNUAL REPORT CERTIFICATION OF THE
INTERAGENCY COORDINATING COUNCIL
UNDER PART C OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)**

Under IDEA Section 641(e)(1)(D) and 34 CFR §303.654, the Interagency Coordinating Council (ICC) of each jurisdiction that receives funds under Part C of the IDEA must prepare and submit to the Secretary of the U.S. Department of Education (Department) and to the Governor of its jurisdiction an annual report on the status of the early intervention programs for infants and toddlers with disabilities and their families operated within the State. The ICC may either: (1) prepare and submit its own annual report to the Department and the Governor, or (2) provide this certification with the State lead agency's Annual Performance Report (APR)¹ under Part C of the IDEA. This certification (including the annual report or APR) is due no later than February 1, 2008.

On behalf of the ICC of the State/jurisdiction of OHIO,
I hereby certify that the ICC is: [please check one]

1. [] Submitting its own annual report (which is attached); or
2. [X] Using the State's Part C APR for FFY 2006 in lieu of submitting the ICC's own annual report. By completing this certification, the ICC confirms that it has reviewed the State's Part C APR for accuracy and completeness.²

I hereby further confirm that a copy of this Annual Report Certification and the annual report or APR has been provided to our Governor.

[NOTE: Council and Co-Chair Appointments by the Governor are pending. We will submit this form once the appointments are made.]

[Signature] 2/25/08
Signature of ICC Chairperson Date

Address or e-mail

jdscreibers@gmail.com
Daytime telephone number

(614) 774-9487

¹ Under IDEA Sections 616(b)(2)(C)(ii)(II) and 642 and under 34 CFR §80.40, the lead agency's APR must report on the State's performance under its State performance plan and contain information about the activities and accomplishments of the grant period for a particular Federal fiscal year (FFY).

² If the ICC is using the State's Part C APR and it disagrees with data or other information presented in the State's Part C APR, the ICC must attach to this certification an explanation of the ICC's disagreement and submit the certification and explanation no later than February 1, 2008.

ANNUAL REPORT CERTIFICATION OF THE INTERAGENCY COORDINATING COUNCIL UNDER PART C OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

Under IDEA Section 641(e)(1)(D) and 34 CFR §303.654, the Interagency Coordinating Council (ICC) of each jurisdiction that receives funds under Part C of the IDEA must prepare and submit to the Secretary of the U.S. Department of Education (Department) and to the Governor of its jurisdiction an annual report on the status of the early intervention programs for infants and toddlers with disabilities and their families operated within the State. The ICC may either: (1) prepare and submit its own annual report to the Department and the Governor, or (2) provide this certification with the State lead agency's Annual Performance Report (APR)¹ under Part C of the IDEA. This certification (including the annual report or APR) is due no later than February 1, 2008.

On behalf of the ICC of the State/jurisdiction of OHIO, I hereby certify that the ICC is: [please check one]

- 1. [] Submitting its own annual report (which is attached); or
2. [X] Using the State's Part C APR for FFY 2006 in lieu of submitting the ICC's own annual report. By completing this certification, the ICC confirms that it has reviewed the State's Part C APR for accuracy and completeness.²

I hereby further confirm that a copy of this Annual Report Certification and the annual report or APR has been provided to our Governor.

[Signature]
Signature of ICC Chairperson

[Signature]
Date

MCOE-KSS@ACCESS-K12.ORG
Address or e-mail

330 965 7912
Daytime telephone number

1 Under IDEA Sections 616(b)(2)(C)(ii)(II) and 642 and under 34 CFR §80.40, the lead agency's APR must report on the State's performance under its State performance plan and contain information about the activities and accomplishments of the grant period for a particular Federal fiscal year (FFY).

2 If the ICC is using the State's Part C APR and it disagrees with data or other information presented in the State's Part C APR, the ICC must attach to this certification an explanation of the ICC's disagreement and submit the certification and explanation no later than February 1, 2008.