



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

JUN - 3 2010

Honorable Clyde L. Reese, III, Esq.
Commissioner
Georgia Department of Community Health
2 Peachtree Street, NW
Suite 15-470
Atlanta, GA 30303-3142

Dear Commissioner Reese:

Thank you for the timely submission of Georgia's Federal fiscal year (FFY) 2008 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)(iii) and 642, Georgia needs intervention in implementing the requirements of Part C of the IDEA. The Department's determination is based on the totality of the State's data and information, including Georgia's FFY 2008 APR and revised SPP, other State-reported data, the Office of Special Education Programs' (OSEP's) February 23, 2009 verification visit letter, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2010: Part C" for further details.

The specific factor affecting the determination by OSEP of needs intervention for Georgia under Part C of the IDEA is that Georgia failed to report data under Indicator 9 in its FFY 2008 APR regarding the requirements to timely correct findings of noncompliance in IDEA section 635(a)(10)(A) and 34 CFR §303.501. Under these provisions, the Georgia Department of Community Health (DCH), as the lead agency, must monitor all programs and activities (including early intervention service (EIS) programs and EIS providers) that are used to carry out Part C in Georgia to ensure compliance with Part C requirements, enforce obligations required by Part C, and correct any deficiencies identified through monitoring. In its FFY 2008 APR, Georgia reported that, in FFY 2007, the State neither identified noncompliance by, nor issued any findings of noncompliance to, EIS programs and providers. OSEP's February 23, 2009 verification visit letter to the prior lead agency concluded that Georgia did not have a general supervision system that was reasonably designed to identify and timely correct noncompliance with Part C requirements. For these reasons, OSEP has determined that Georgia needs intervention in implementing the requirements of Part C of the IDEA.

The enclosed table provides OSEP's analysis of Georgia's FFY 2008 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by Georgia to its targets, improvement activities (timelines and resources), and baseline data in Georgia's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2008 data; (2) whether such data met the State's FFY 2008 targets and reflect progress or slippage from 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.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Under IDEA sections 616(e)(2) and 642, if the Secretary determines a State to need intervention for three or more consecutive years, the Secretary may take certain actions referenced in IDEA sections 616(e)(2)(A) and 642 and must take one or more of the six enforcement actions identified in IDEA section 616(e)(2)(B) and may, under IDEA section 616(e)(2)(A) take one of the three enforcement actions identified in IDEA section 616(e)(1). Georgia also received a determination of needs intervention for FFYs 2005 and 2006, and this is the third consecutive year that Georgia is receiving a determination of needs intervention. Accordingly, under IDEA sections 616(e)(2) and 642, the Secretary is requiring Georgia to submit a corrective action plan (CAP) and to utilize available sources of technical assistance.

The Secretary is requiring Georgia to submit a CAP because the Secretary has determined that Georgia should be able to correct the problem that is the basis for its “needs intervention” determination by February 1, 2011 (which is within one year from this determination letter) and that other enforcement remedies identified in IDEA section 616(e)(2)(B) are not appropriate at this time. Georgia, in response to OSEP’s February 23, 2009 verification visit letter, submitted with its FFY 2008 APR, a list of findings identified and corrected in FFY 2008. As a result, the Secretary has determined that Georgia should be able to submit with its FFY 2009 APR valid and reliable data for Indicator 9.

Georgia must submit a CAP by August 1, 2010 that ensures that it can submit with its FFY 2009 IDEA Part C APR valid and reliable data for Indicator 9 on timely correction of findings identified in FFY 2008 and corrected in FFY 2009 (including verification of correction consistent with OSEP Memorandum 09-02, dated October 17, 2008. Georgia’s CAP must include the specific actions (including utilizing available technical assistance sources) and timelines by which it will ensure that it will submit, with the State’s FFY 2009 APR, due February 1, 2011, valid and reliable data from FFY 2009 for Indicator 9 (i.e., timely correction of findings identified in FFY 2008). The CAP must include provisions for Georgia to submit by October 1, 2010: (1) a list of findings identified by Georgia DCH in FFY 2008 and 2009; (2) a copy of three monitoring reports, letters, or other documents in which Georgia DCH notified an EIS program or provider of a finding of noncompliance; and (3) a summary of the data that Georgia requires of EIS programs and providers and that it reviews to determine that the EIS program or provider has demonstrated correction of the finding, consistent with OSEP Memo 09-02.

As required by IDEA sections 616(e)(7) and 642, Georgia must notify the public that the Secretary of Education has taken the above enforcement action, including, at a minimum, by posting a public notice on the State lead agency’s website and distributing the notice to the media and through public agencies. In addition, pursuant to IDEA sections 616(b)(2)(C)(ii)(1) and 642, Georgia must report annually to the public on the performance of each early intervention services program (EIS program) located in Georgia on the targets in its SPP and by posting your FFY 2008 APR on the State’s website and making it available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(1) and 642. Also, Georgia 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 action; and (4) inform each EIS program of its determination. For further information regarding these requirements, see the SPP/APR Calendar at <http://spp-apr-calendar.rrfcnetwork.org/explorer/view/id/656>. Finally, if your State included revisions to baseline, targets or improvement activities in your APR

submission, and OSEP accepted those revisions, please ensure that your SPP is updated accordingly and that the updated SPP is posted on the State's website and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642.

Pursuant to section 616(d)(2)(B) of the IDEA and 34 CFR §300.603(b)(2), a State that is determined to need intervention or need substantial intervention, and does not agree with this determination, may request an opportunity to meet with an appropriate Department official, as designated by the Department, to demonstrate why the Department should change the State's determination. To request a hearing, submit a letter to "IDEA Determination Appeal," Office of the Assistant Secretary for OSERS, United States Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202 within 15 days of the date of this letter. The letter must include the basis for your request for a change in the State's determination.

OSEP is committed to supporting Georgia's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with Georgia over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Jennifer Simpson, your OSEP State Contact for Georgia, at 202-245-6042.

Sincerely,

A handwritten signature in black ink that reads "Alexa Posny". The signature is written in a cursive, flowing style.

Alexa Posny, Ph.D.
Acting Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator

Georgia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 92.6%. These data represent progress from the FFY 2007 data of 89%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that two of three findings of noncompliance identified in FFY 2005 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>The State must demonstrate, in the FFY 2009 APR, due February 1, 2011, 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 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is 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) has 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 2009 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 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>

Georgia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>The State must demonstrate, in the FFY 2009 APR, that the remaining one uncorrected noncompliance finding identified in FFY 2005 was corrected. The State's failure to correct longstanding noncompliance 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 2009 APR, that it has corrected this noncompliance.</p>
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 99%. The State's data reflect a high level of performance for this indicator. The State met its FFY 2008 target of 96%.</p>	<p>The State's actual target data for provision of services to infants and toddlers in natural environments are at or greater than 95%. There is no expectation that an increase in that percentage is necessary. OSEP appreciates the State's efforts to improve performance and assumes that the State is monitoring to ensure that IFSP teams are making service setting decisions on an individualized basis and in compliance with 34 CFR §§303.12, 303.18, and 303.344(d)(1)(ii).</p>
<p>3. Percent of infants and toddlers with IFSPs who demonstrate improved: A. Positive social-emotional skills (including social relationship); B. Acquisition and use of knowledge and skills (including early language/communication); and</p>	<p>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts that revision.</p> <p>The State provided its baseline data, targets, and improvement activities for this indicator and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2008 reported baseline data for this indicator are:</p>	<p>The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.</p>

Georgia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps	
<p>C. Use of appropriate behaviors to meet their needs. [Results Indicator]</p>	<p>08-09 Infant and Toddler Outcome Baseline Data</p>	<p align="center"><u>Summary Statement 1</u>¹</p>	<p align="center"><u>Summary Statement 2</u>²</p>			
	<p>Outcome A: Positive social-emotional skills (including social relationships) (%)</p>	<p align="center">87.1</p>	<p align="center">52.4</p>			
	<p>Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</p>	<p align="center">89.6</p>	<p align="center">49.6</p>			
	<p>Outcome C: Use of appropriate behaviors to meet their needs (%)</p>	<p align="center">89</p>	<p align="center">58.6</p>			
<p>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 learn. [Results Indicator]</p>	<p>The State's reported data for this indicator are:</p>				<p>OSEP appreciates the State's efforts to improve performance.</p>	
		<p align="center">FFY 2007 Data</p>	<p align="center">FFY 2008 Data</p>	<p align="center">FFY 2008 Target</p>		<p align="center">Progress</p>
	<p>A. Know their rights (%)</p>	<p align="center">94</p>	<p align="center">94.3</p>	<p align="center">94</p>		<p align="center">0.30%</p>
	<p>B. Effectively communicate their children's needs (%)</p>	<p align="center">95</p>	<p align="center">94.6</p>	<p align="center">94</p>	<p align="center">-0.40%</p>	

¹ Summary Statement 1: Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned three years of age or exited the program.

² Summary Statement 2: The percentage of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned three years of age or exited the program.

Georgia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps	
	C. Help their children develop and learn. (%)	95	95.4	94	0.40%	
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>These data represent progress for 4A and 4C from the FFY 2007 data. The State met all of its FFY 2008 targets for this indicator.</p> <p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are .47%. These data represent progress from the FFY 2007 data of .46%. The State did not meet its FFY 2008 target of .68%.</p>				<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</p>	
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 1.27%. These data represent progress from the FFY 2007 data of 1.20%. The State did not meet its FFY 2008 target of 1.60%.</p>				<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</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 revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 93.2%. These data represent progress from the FFY 2007 data of 89%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that one finding of noncompliance identified in FFY 2006 for this indicator was corrected.</p>				<p>The State must demonstrate, in the FFY 2009 APR, that the State 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 than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.321(e)(2),</p>	

Georgia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>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) has 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 2009 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 2009 APR, the State must review its improvement activities and revise them, if necessary.</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>A. IFSPs with transition steps and services;</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 94.2%. These data represent progress from the FFY 2007 data of 81.6%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State provided information on the status of correction of the three outstanding FFY 2005 findings of noncompliance under this indicator. The State is not required to report further on the correction of those FFY 2005 findings.</p>	<p>The State must demonstrate, in the FFY 2009 APR that the State is in compliance with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) (i.e., achieved 100%</p>

Georgia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has 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 2009 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 2009 APR, the State must review its improvement activities and revise them, if necessary.</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>B. Notification to LEA, if child potentially eligible for Part B; and</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 67.9%. These data are not comparable to the State's FFY 2007 data of 78.2%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State's FFY 2009 Part C grant award was subject to a specific assurance regarding the State's opt-out policy under IDEA section 637(a)(9)(A), 34 CFR §303.148(b)(1), and OSEP's 2004 <i>Letter to Elder</i>. The State submitted an opt-out policy to OSEP on November 10, 2009. In a memorandum, dated May 12, 2010, OSEP informed the State that it had approved that policy, with an effective date of November 10, 2009.</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the LEA notification requirements in 34 CFR §303.148(b)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site</p>

Georgia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>monitoring or a State data system; and (2) has provided notification to the LEA 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 2009 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 2009 APR, the State must review its improvement activities and revise them, if necessary.</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's FFY 2008 reported data for this indicator are 84.7%. These data represent progress from the FFY 2007 data of 73.1%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that one finding of noncompliance identified in FFY 2005 for this indicator was corrected.</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State 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 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is 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 data such as data subsequently collected</p>

Georgia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>through on-site monitoring or a State data system; and (2) has 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 2009 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 2009 APR, the State must review its improvement activities and revise them, if necessary.</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 did not report any FFY 2008 data for this indicator (i.e., the State did not report on the correction in FFY 2008 of findings that it had made in FFY 2007) because the State reported it neither monitored, nor issued findings to, EIS programs and providers in FFY 2007.</p> <p>OSEP’s February 23, 2009 verification letter concluded that the State did not have a general supervision system reasonably designed to timely correct noncompliance under IDEA sections 616(a), 635(a)(10)(A) and 642 and 34 CFR §303.501(a) and (b)(1) because the State had not issued findings since FFY 2006.</p> <p>OSEP’s verification letter required the State to provide with its FFY 2008 APR, due February 1, 2010, a list of findings (and correction) made by the State through December 31, 2009, and to the extent that the one-year timeline for correction had run on any of those findings by December 31, 2009, the number of those findings for which the State verified correction. The State reported that it identified 49 findings during FFY 2008 (in February 2009) and corrected 46 of 49 findings in FFY 2008 (by June 30, 2009).</p> <p>Regarding prior noncompliance, the State reported that one finding of noncompliance identified in FFY 2006 and six of the seven findings of noncompliance identified in FFY 2005 were corrected. The State confirmed that only one remaining FFY 2005 finding was uncorrected. The State</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 2009 APR, demonstrating that the State timely corrected noncompliance identified in FFY 2008 in accordance with IDEA section 635(a)(10)(A), 34 CFR §303.501, and OSEP Memo 09-02.</p> <p>In responding to Indicators 1, 7, 8A, 8B, and 8C in the FFY 2009 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>In reporting on correction of noncompliance in the FFY 2009 APR, the State must report that it verified that each EIS program with noncompliance identified in FFY 2008: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100%</p>

Georgia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>reported on the actions it took to address one uncorrected FFY 2005 finding.</p> <p>As requested in OSEP's verification letter, the State confirmed that it has made local program determinations for FFY 2006 and FFY 2007.</p>	<p>compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has 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 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State must demonstrate, in the FFY 2009 APR, that the remaining one finding of noncompliance identified in FFY 2005 that was not reported as corrected in the FFY 2008 APR was corrected. The State's failure to correct longstanding noncompliance 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 2009 APR, that it has corrected this noncompliance.</p> <p>In addition, in reporting on Indicator 9 in the FFY 2009 APR, the State must use the Indicator 9 Worksheet.</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 reported that the four complaints received in FFY 2008 were withdrawn.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the</p>	<p>The State reported that it did not receive any requests for due process hearings during the reporting period.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>

Georgia Part C FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
applicable timeline. [Compliance Indicator]		
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]	Not applicable.	Not applicable.
13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State reported that no mediations were held during the reporting period. The State reported fewer than ten mediations held in FFY 2008. The State is not required to provide targets or improvement activities except in any fiscal year in which ten or more mediations were held.	OSEP looks forward to reviewing the State's data in the FFY 2009 APR.
14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2008 reported data for this indicator are 100% for timeliness and 100% for accuracy. However, OSEP's calculation of the data for this indicator is 87.5% (in part due to the State's lack of FFY 2008 data for Indicator 9). These data represent slippage from the FFY 2007 data of 94.9%. OSEP has attached a copy of the Indicator C14 Data Rubric. OSEP's February 23, 2009 verification letter required the State to provide a description of how the State ensures that district staff ensures the accuracy and timeliness of monthly data submissions to the State. The Georgia Department of Community Health, (DCH) , the new lead agency effective July 1, 2009, submitted to OSEP a copy of the State's revised monitoring process for the Babies Can't Wait program on February 1, 2010. This document describes enhancements to the State's general supervision system and includes the process by which the State ensures the accuracy and timeliness of local program data.	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 2009 APR, demonstrating that it is in 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 2009 APR, the State must use the Indicator 14 Data Rubric.