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**FFY 2009
Report
to the
Legislature**

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Minnesota Part C Annual Performance Report FFY 2009 (July 1, 2009 – June 30, 2010)

Executive Summary

Background

The reauthorization of the Individuals with Disabilities Education Act (IDEA) of 2004 includes a number of educational standards and provisions requiring states and local school districts to report on the learning outcomes of all students, including those enrolled in early childhood early intervention. Beginning in 2006, all states were required to develop a comprehensive statewide plan, State Performance Plan, to evaluate and improve the implementation of early intervention services for infants and toddlers with disabilities under age three (also known as Part C services).

In alignment with IDEA, the federal Office of Special Education Programs (OSEP) has identified four monitoring priorities and 14 indicators presented throughout this document which states can measure the effectiveness of their Part C systems. For each of the indicators, states are required to identify how they will meet measurable and rigorous targets and specify improvement activities over a six-year period in the *State Performance Plan* (SPP) found at <http://education.state.mn.us/mdeprod/groups/Compliance/documents/Report/030882.pdf>.

Every subsequent year, state performance in each indicator area is measured against a target. The targets are either compliance targets which are set by OSEP (100 percent or 0 percent) or performance targets which are set by the Minnesota Governor's Interagency Coordinating Council on Early Childhood Intervention (ICC) in conjunction with the lead agency for Part C, the Minnesota Department of Education (MDE). States must report on their performance within each indicator in the *Annual Performance Report* (APR) due February 1 each year.

The following report is a summary of the Minnesota Part C FFY 2009 Annual Performance Report (APR). Please note that trend data is provided for each indicator when it is available in order to provide information on changes in Minnesota's Part C system over time.

Overview of the Annual Performance Report Development

The Governor's Interagency Coordinating Council (ICC) supported staff from the Minnesota Department of Education (MDE) in the development of the FFY 2009 APR. The full ICC established extended targets for Indicators 2, 5 and 6. A subcommittee was formed to advise and assist department staff in further development of the APR including discussion of the data, giving meaning to the results, identifying areas of strength and addressing areas of concern. During the ICC meeting in January 2011, the following steps were taken:

- Data was shared for the indicators,
- Activities were reviewed,
- Extended targets were set for indicators 2-6,

- Progress/slippage was discussed,
- Recommendations were made for the continued inclusion of the APR in the priorities of the ICC, and
- Final approval of the APR was granted.

Data included in the APR came from five primary sources: (1) the Minnesota Automated Reporting Student System (MARSS), (2) Minnesota's 618 data submitted during the reporting year, (3) monitoring data, (4) the Family Outcomes Survey, and (5) the ECSE Outcomes online data system that allows MDE to collect data for indicator 3 for all applicable children served under Part C.

State staff charged with responsibility for the annual development of the APR received invaluable technical assistance from the North Central Regional Resource Center, the National Early Childhood Technical Assistance Center (NECTAC), the Data Accountability Center (DAC), and the Early Childhood Outcomes Center (ECO).

The FFY 2009 APR is posted on the MDE website and can be found under Accountability Programs on the Compliance and Assistance landing page under the heading "Federal Communications." The appropriately revised State Performance Plan is posted in the same location on the MDE website.

The Department also posts the performance of local educational agencies (LEAs/early intervention program sites) on its website each year. District Data Profiles can be accessed under Learner Support on the Special Education Policy landing page and the heading "State and Local Performance." Data are not reported to the public in instances where cell sizes are small and the publication of the data would result in the disclosure of personally identifiable information about individual children or where the data is insufficient to yield statistically reliable information. Many of the state's LEAs serve a small population and it is not possible to report the data. In these instances, reporting of data will be done jointly with other LEAs in larger administrative units, such as special education cooperatives. The data profiles will be posted in March 2011. Training will be provided for LEA staff on accessing and utilizing their data in program improvement.

Monitoring Priority: Early Intervention Services in Natural Environments

Indicator 1: Percent of infants and toddlers with Individualized Family Service Plans (IFSPs) who receive the early intervention services on their IFSPs in a timely manner.

Annual Compliance Target of 100 percent (OSEP Requirement)

Baseline FFY 2004	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009
90.4%	91% ¹	98.8%	98.0%	99.4%	98.8%

In order to ensure that the needs of children with disabilities are being met, it is important that those eligible for Part C receive the services within a timely manner. The ICC defines “timely” as being not more than 30 calendar days after the initial IFSP team meeting.

Data for this indicator was collected through the Minnesota Continuous Improvement Monitoring Process (MNCIMP) web-based data system. The MNCIMP web-based data system is used in part for gathering data from record reviews completed as part of compliance monitoring. Compliance monitoring of Early Intervention (EI) programs occurs through the monitoring of the Local Education Agencies (LEAs) through special education administrative units (SEAUs) scheduled on a five-year cycle. In year one of the cycle, the LEA conducts a self-review of records. In year two, the LEA must demonstrate correction of any noncompliance identified in the self-review consistent with the requirements of OSEP Memo 09-02. In year three, MDE conducts an on-site review of the LEA including a review of student records, facilities, and the LEA’s Total Special Education System (TSES). In year four of the cycle, the LEA must demonstrate correction of noncompliance identified during the MDE review and implement any corrective action, again consistent with the requirements of OSEP Memo 09-02. The fifth year of the cycle is used to verify results of the implemented corrective action plan. In any given year, data is collected through the self-review of records for 20 percent of the LEAs in Minnesota.

As part of the record review, a computer-generated sample is used to determine the student records to be reviewed. Records are selected from the most recent SEAU enrollment data and are chosen in order to be accurately representative of the SEAU as a whole. Selection is based on a stratified random sampling with consideration given to race/ethnicity, age, gender, and primary disability of the student. During the record review, the most current Evaluation Report (ER) or Individual Family Service Plan (IFSP) and corresponding due process documentation are monitored to determine that legal standards are met.

Data for this indicator are gathered from examining records of children receiving Part C services and determining whether the services were provided in a timely manner.

The timely delivery of services is a strength of Minnesota’s Part C system. Both the FFY 2008 and FFY 2009 data indicates a substantial degree of compliance as defined by OSEP as 95 percent or higher.

¹ The data submitted before FFY 2006 were not complete and are not useful in making year-to-year comparisons.

Infants and toddlers with IFSPs receiving Timely Early Intervention Services

a. Number of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner	486
b. Total number of infants and toddlers with IFSPs	492
Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner	98.8%

The data collection method used in FFY 2009 is very different from the method used in FFY 2008. Previously, data was gathered from the MARSS reporting system, which is an educational enrollment system and is not based on an actual review of student records. The FFY 2009 data are based on MDE reviews and SEAU self-review of 167 SEAUs. In analyzing the occurrences of non-timely initiation of services, approximately 2.4 percent of the SEAUs reviewed were found to have concerns in this area. Of those four SEAUs, two (50 percent) were found to have only one individual student file that did not demonstrate timely initiation of services. The other two SEAUs (50 percent) had two individual student files that did not demonstrate timely initiation of services.

Completed Activities from the State Performance Plan (SPP)

During the reporting year, MDE completed activities intended to increase the state's capacity to provide timely services for infants and toddlers and their families. Please note that these are all ongoing activities as stated in the State Performance Plan (SPP):

- Instituted a process of training SEAU and LEA staff during the year of scheduled Self-Review or MDE Review. Training of SEAUs will continue as a critical component of the State's general oversight responsibility.
- Gathering data for this indicator from record review data collected by MDE Review and Self-Review SEAUs based on MDE's monitoring cycle. All compliance data is gathered through the web-based MNCIMP system. Status of local system is reported through a revised ECSE data profile format.

Indicator 2: Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community settings.

FFY 2009 Performance Target set by ICC of 92.5 percent

FFY 2004 Baseline	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009
89.2%	90.3%	92.3%	93.8%	94.5%	95.5%

Part C promotes the delivery of early intervention services in environments that are routinely used by all young children and their families. Natural environments in Minnesota include the child’s home and community-based programs, such as childcare settings, where infants and toddlers without disabilities typically spend their day.

A total of 4,749 infants and toddlers were included in the annual count of children in FFY 2009. Of those children, 4,369 received early intervention services at home. An additional 164 children received services in community-based settings such as child care, Early Head Start or Early Childhood Family Education. Only 216 children received services in settings that would not be considered “natural” for infants or toddlers. Minnesota has exceeded its established target and improved statewide performance on this indicator for the fifth consecutive year.

Completed Activities from the State Performance Plan

During the reporting year, MDE completed activities intended to increase the state’s capacity to serve infants and toddlers in natural environments and to enhance the quality of early intervention provided in natural environments. Please note that these are ongoing activities as stated in the SPP:

- Developed guidance documents and provided training throughout the state that included a strong emphasis on the use of natural environments.
- Partnering with the OSEP-funded Technical Assistance Center on Social –Emotional Intervention (TACSEI) to build statewide capacity to enhance social emotional development within homes and other natural environments.

Indicator 3: Percent of infants and toddlers with IFSPs who demonstrate improved

- A. positive social-emotional skills (including social relationships);**
- B. acquisition and use of knowledge and skills (including early language/communication);**
- C. use of appropriate behaviors to meet their needs (e.g., adaptive behaviors).**

FFY 2009 Performance Targets set by ICC of

A1. 66 percent, A2. 41 percent, B1. 70 percent, B2. 42 percent, C1. 70 percent, C2. 44 percent

Minnesota has used the Child Outcome Summary Form (COSF) and process as developed by the Early Childhood Outcome Center (ECO) since 2006. Children rated as 6 or 7 on the COSF scale are deemed to be meeting developmental expectations for same-age peers. District IFSP teams use multiple sources of information to inform their COSF ratings including information reported by parents, teacher observations and any of the evaluation and assessment tools that have been cross-walked by ECO. MDE collects data on each child receiving early intervention for 6 months or more. Data are collected by LEAs throughout the year and reported to MDE annually through a web-based application.

MDE has collaborated with ECO and with NECTAC throughout the development of our state’s child outcome measurement system. The technical assistance and support provided through written guidance, conference calls, webinars and the face-to-face meetings have been invaluable to our work and progress. MDE is currently working with ECO on their “framework” initiative and as a partner state in the Enhance project. Enhance was funded by the Institute for Education Sciences to conduct necessary studies on the validity of the COSF. The Minnesota districts of Anoka-Hennepin, Elk River and Minneapolis are included in the study.

Rigorous and Measurable Targets and Actual Target Data for FFY 2009:

A total of 2,468 children were included in the calculation of this indicator for FFY 2009.

<i>Summary Statements</i>	<i>FFY 2009 Target</i>	<i>FFY 2009 Actual</i>
<i>Outcome A: Positive social-emotional skills (including social relationships)</i>		
<i>Summary 1: Of those infants and toddlers who entered or exited early intervention below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.</i>	66%	63.8%
<i>Summary 2: The percent of infants and toddlers who were functioning within age expectations in Outcome A by the time they turned 3 years of age or exited the program.</i>	41%	42.2%
<i>Outcome B: Acquisition and use of knowledge and skills</i>		
<i>Summary 1: Of those infants and toddlers who entered or exited early intervention below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.</i>	70%	65.1%

<i>Summary 2: The percent of infants and toddlers who were functioning within age expectations in Outcome B by the time they turned 3 years of age or exited the program.</i>	42%	42.2%
Outcome C: Use of appropriate behaviors to meet their needs		
<i>Summary 1: Of those infants and toddlers who entered or exited early intervention below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.</i>	70%	67.3%
<i>Summary 2: The percent of infants and toddlers who were functioning within age expectations in Outcome C by the time they turned 3 years of age or exited the program.</i>	44%	44.2%

Completed Activities from the State Performance Plan

During the reporting year, MDE and its interagency partners completed activities intended to increase the state’s capacity to support child outcomes. All of these activities are ongoing as noted in the SPP:

- Conducted a statewide survey with assistance from the Early Childhood Outcomes Center (ECO) to measure the fidelity of implementation of our established child outcome measurement system across districts and personnel categories. The survey results helped focus technical assistance efforts.
- Conducted face-to-face trainings in each region of the state. An online training module nears completion.
- Launched a regionalized system of professional development called the Centers of Excellence. Each “center” employs at least a .5 FTE professional development facilitator to conduct ongoing needs assessment and work across early childhood sectors to meet identified professional development needs. The first of several envisioned training cadres have been initiated focused on family-guided routines-based intervention, social emotional intervention, and more effectively identifying and meeting the needs of infants and toddlers who are culturally or linguistically diverse.
- Partnering with the OSEP-funded Technical Assistance Center on Social-Emotional Intervention (TACSEI) to build statewide capacity to enhance social emotional development within homes and other natural environments.

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 child’s needs;**
- C. Help their children develop and learn.**

FFY 2009 Performance Targets set by ICC of A. 90 percent, B. 88 percent, and C. 96 percent

Family Outcomes	FFY 2005 Baseline	FFY 2006	FFY 2007	FFY 2008	FFY 2009
A. Know their rights	74.2%	75 %	76.6%	81%	82%
B. Effectively communicate their children’s needs	82.1%	87%	83.1%	87%	89%
C. Help their children develop and learn	86.8%	90%	86.7%	90%	92%

During FFY 2009 a total of 2,415 children exited Part C services after receiving a minimum of six months of early intervention service. The parents of each of these children received a Family Outcomes Survey from the child’s primary service provider or other member of the child’s IFSP team. Completed surveys that included a child’s MARSS number were received from 620 families. An additional 128 surveys were completed by families but did not include a MARSS number. This represents a response rate of 31 percent. Responses were matched with demographic data using the MARSS number displayed on each returned survey and weighted based on the proportion of each racial/ethnic group within the set of potential respondents.

Completed Activities from the State Performance Plan

During the reporting year, MDE and its interagency partners completed activities intended to increase the state’s capacity to help families know their rights, effectively communicate their needs, and help their children develop and learn. All of these activities are ongoing as noted in the SPP:

- Implemented ECO’s new Family Outcome Survey beginning October 1, 2010. To facilitate responses from all potential respondents, the survey has been translated into 13 languages and posted on MDE’s website with an informational cover letter for parents.

Monitoring Priority: Effective General Supervision for Part C/ Child Find

Indicator 5: Percent of infants and toddlers birth to 1 year of age with IFSPs compared to national data.

**FFY 2009 Performance Target set by ICC of 0.85 percent of the general population
birth to 1 year**

Minnesota served 543 out of an estimated 73,019 infants under age 1 on December 1, 2008 representing 0.74 percent. Minnesota serves proportionately fewer infants than the 1.03 percent national rate.

Performance on this indicator exceeded the target set by the ICC. Steady progress has been made in this indicator beginning with the 2004 baseline rate as seen below:

Baseline FFY 2004	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009
0.41%	0.46%	0.63%	0.62%	0.793%	0.74%

Minnesota has made remarkable progress in efforts to identify and serve infants under age 1 since the State Performance Plan was first submitted as demonstrated by Figure 5.1. The most dramatic increase occurred between FFY 2007 and FFY 2008 when the number of infants served by the state's programs increased from 450 to 583. This represented a year-to-year increase of almost 30 percent. MDE attributed this to full understanding of the revised eligibility criteria by primary referral sources and members of initial evaluation teams paired with improved outreach.

Completed Activities from the State Performance Plan

During the reporting year, MDE and its interagency partners completed activities intended to increase the state's capacity to identify and service children under age 1. All of these activities are ongoing as noted in the SPP:

- Established an online referral portal to make it easier for primary referral sources, especially physicians, to make referrals to *Help Me Grow*, Minnesota's interagency early intervention system. The number of referrals received through the statewide toll-free number and the online referral portal increases monthly. Short videos of typical child development have been posted on a MDE informational website www.MNparentsknow.info as a way of educating parents and other primary referral sources about typical child development and thereby making atypical development more evident. Billboards, public service announcements, pod-casts and the *Watch Me Grow* scrapbook help to inform parents and the public of services available through *Help Me Grow* and simple ways to make referrals.

Indicator 6: Percent of infants and toddlers from birth to age 3 with IFSPs compared to national data.

FFY 2009 Performance Target set by ICC of 2.25 percent of the general population birth through age 2

Minnesota served 4,479 children out of an estimated 220,718 infants and toddlers age birth to age 3 on December 1, 2008 representing 2.15 percent of the state’s infants and toddlers. Minnesota serves proportionately fewer infants and toddlers than the 2.67 percent national rate.

Minnesota has shown consistent progress in the area of child find for children under age 3 from the 2004 baseline.

Baseline FFY 2004	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009
1.50%	1.56%	1.70%	1.83%	2.1%	2.15%

Completed Activities from the State Performance Plan

During the reporting year, MDE and its interagency partners completed activities intended to increase the state’s capacity to identify and service children under age 3. All of these activities are ongoing as noted in the SPP:

- Established an online referral portal to make it easier for primary referral sources, especially physicians, to make referrals to *Help Me Grow*, Minnesota’s interagency early intervention system. The number of referrals received through the statewide toll-free number and the online referral portal increases monthly. Short videos of typical child development have been posted on a MDE informational website www.MNparentsknow.info as a way of educating parents and other primary referral sources about typical child development and thereby making atypical development more evident. Billboards, public service announcements, pod-casts and the *Watch Me Grow* scrapbook help to inform parents and the public of services available through *Help Me Grow* and simple ways to make referrals.

Indicator 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.

Annual Compliance Target of 100 percent (OSEP requirement)

FFY 2004 Baseline	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009
79.5%	83.4%	86.3%	83.9%	83.4%	77.3%

Data for this indicator is gathered from looking at all the files with documented parental consent for an initial evaluation completed within the district. Noncompliance is identified for this indicator when the evaluation and assessment and initial IFSP team meeting were not conducted within Part C’s 45-day timeline.

A total of 415 files documenting initial Part C evaluations that took place between July 1, 2009 and June 30, 2010 were reviewed. Three hundred and twenty one files included evaluations or IFSP meetings conducted between July 1, 2009 and June 30, 2010 which were found to be timely (303) or were untimely due to exceptional child/family circumstances (18). Therefore, the performance for FFY 2009 was 77.3 percent.

The data collection methods used in FFY 2009 are consistent with those used in compilation of FFY 2008 data and allow for a valid comparison of percentages between these years. The FFY 2009 data are based on MDE reviews and LEA self-review of 167 LEAs.

In analyzing the identified noncompliance, approximately 18 percent of the LEAs reviewed were found to have noncompliance in this area. Of those 30 LEAs in noncompliance, 23 (77 percent) were found to have only one occurrence of individual student noncompliance in this area. Four LEAs had two occurrences of individual student noncompliance and one LEA had four. There was one LEA with 26 occurrences of individual student noncompliance and one with 33. These are two of Minnesota’s largest LEAs. The LEAs reviewed 83 and 53 individual Part C files, respectively. For these districts, the noncompliance represents 31 percent and 62 percent, respectively. It is believed that the inclusion of these two districts, with their large number of findings of individual student noncompliance, accounts for much of the slippage in FFY 2009. If these two districts were not included in the calculations, the 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, would be 88.2 percent.

Infants and toddlers evaluated and assessed and for whom an initial IFSP meeting was held within Part C’s 45-day timeline:

a. Number of infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting was conducted within Part C’s 45-day timeline	321
b. Number of infants and toddlers with IFSPs evaluated and assessed for whom an initial IFSP meeting was required to be conducted	415
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	77%

Completed Activities from the State Performance Plan

During the reporting year, MDE and its interagency partners completed activities intended to increase the state’s capacity to ensure that evaluation timelines are met for infants and toddlers and their families. These activities are ongoing as noted in the SPP:

- Modified and updated the system to make it more user-friendly and ensure that MDE is getting the information needed in order to be able to accurately track when Corrective Action Plans are ordered and completed.
- Provided parents and stakeholders with information on timeline requirements.
- Streamlined the referral and intake process among Interagency Early Intervention Committees.

Monitoring Priority: Effective General Supervision for Part C/Effective Transition

Indicator 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:

- A. IFSPs with transition steps and services;**
- B. Notification to LEA, if the child is potentially eligible for Part B;**
- C. Transition conference, if the child is potentially eligible for Part B.**

Annual Compliance Targets of 100 percent (OSEP requirement)

Baseline FFY 2004	FFY 2005	FFY 2006	FFY2007	FFY 2008	FFY 2009
A. 100% ²	A. 80%	A. 87%	A. 91%	A.95.3%	A. 99%
B. 100%	B. 100%	B. 100%	B. 100%	B. 100%	B. 100%
C. NA ³	C. 30%	C. 50%	C. 59% ⁴	C.95.6%	C. 92%

Data for this indicator were gathered from examining all the files for children with a third or fourth birthday within the reporting period. Data was reviewed to determine which records were reviewed after the child was at least 2 years, 9 months old, which children had previously received Part C services, which children had IFSPs with transition steps and services, and which children had a timely transition conference, if potentially eligible for Part B. The data was also examined to identify children referred to Part C less than 90 days before their third birthday. Because the state education agency is the lead agency for Part C in Minnesota, the LEA is always notified of Part C children potentially eligible for Part B given that the LEA provides services for both Part B and Part C.

The data collection method used in FFY 2009 is very different from the method used in FFY 2008. Previously, data was gathered from the MARSS reporting system, which is an educational enrollment system and is not based on an actual review of student records. While the target remains 100 percent compliance, the slippage on 8C is not entirely unexpected as the data is collected through different means. The FFY 2009 data are based on MDE reviews and SEAU self-review of 167 SEAUs. In analyzing the identified noncompliance, it was found that approximately 8 percent of the SEAUs reviewed were found to have noncompliance in this area. Of those 14 SEAUs in noncompliance, 11 (79 percent) were found to have only one occurrence of individual student noncompliance in this area and two (18 percent) had two occurrences of individual student noncompliance. The remaining SEAU

² Data for this Indicator was taken from monitoring for FFY 2004 and is not comparable with subsequent years.

³ Data for this Indicator was not available for FFY 2004.

⁴ Of those children who transitioned out of Part C on or after April 1, 2008, the rate of compliance increases slightly to 62%.

had four individual occurrences of noncompliance. This SEAU is a large metropolitan district for which a larger number of records are included in the sample.

Completed Activities from the State Performance Plan

During the reporting year, MDE completed activities intended to increase the state's capacity to ensure that the transition requirements are met for infants and toddlers and their families. Please note that these are ongoing activities and will continue as noted in the SPP:

- Provided training to IEICs and local IFSP teams to promote inclusion of transition activities.
- Monitored Part C records for transition to Part B requirements.
- Provided information on transition to parents.

Monitoring Priority: Effective General Supervision for Part C/ General Supervision

Indicator 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.

Annual Compliance Target of 100 percent (OSEP requirement)

Baseline FFY 2004	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009
NA ⁵	91.3%	96.6%	100%	92.1%	97.4%

Compliance monitoring of EIS programs is done through Special Education Administrative Units (SEAU). Each SEAU is scheduled on a five-year cycle. SEAUs were assigned to a group in the cycle based on previous participation in MDE's Minnesota Continuous Improvement Monitoring Process (MNCIMP), the date of their most recent MDE on-site monitoring visit, geographic location, and demographics of the SEAU.

The noncompliance that was not corrected within one year was all from noncompliance identified through monitoring and individual student record review. A total of 218 findings of noncompliance were identified through record review. Of those findings, six were not corrected within one year.

The noncompliance not corrected within one year can be traced back to four individual SEAUs. Each of the SEAUs corrected all but one or two findings of noncompliance within one year. Two SEAUs (50 percent) had only one remaining finding of noncompliance to be corrected after the one year. Two SEAUs had two remaining findings (50 percent). These four SEAUs accounted for about 20 percent of the total findings of noncompliance, yet account for 100 percent of all findings of noncompliance not corrected within one year. MDE has worked continually with these SEAUs to submit correction of noncompliance and correction has now been approved. MDE will continue to work with these cooperatives with increased oversight to ensure timely correction of noncompliance. MDE is pleased with the progress on this Indicator.

⁵ The reporting requirements for Indicator 9 have changed and it is not feasible to compare data from FFY 2004 to subsequent years.

Timely Correction of FFY 2008 Findings of Noncompliance (corrected within one year from identification of the noncompliance):

1. Number of findings of noncompliance the state made during FFY 2008 (the period from July 1, 2008, through June 30, 2009)	229
2. Number of findings the state verified as timely corrected (corrected within one year from the date of notification to the EIS programs of the finding)	223
3. Number of findings <u>not</u> verified as corrected within one year	6

Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance) and/or Not Corrected:

4. Number of FFY 2008 findings not timely corrected	6
5. Number of FFY 2008 findings the state has verified as corrected beyond the one-year timeline (“subsequent correction”)	6
Number of FFY 2008 findings <u>not</u> yet verified as corrected	0

Completed Activities from the State Performance Plan

During the reporting year, MDE completed activities intended to increase the state’s capacity to ensure that noncompliance is identified and corrected as soon as possible. Please note that these are ongoing activities and will continue as noted in the SPP:

- Trained SEAUs on the new requirements for Corrective Action Plans and how the Corrective Action Plans will be ordered and tracked through the MNCIMP web-based system.
- Implemented the web-based system for tracking correction of all identified record-based noncompliance. Ongoing changes improve function and ease of use.
- Created the monitoring report template.

Indicator 10: Percent of signed written complaints resolved within 60-day timeline, including a timeline extended for exceptional circumstances with respect to a particular complaint.

Annual Compliance Target of 100 percent (OSEP requirement)

Baseline FFY 2004	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009
100%	100%	100%	NA	100%	100%

Minnesota Complaint Procedures

Minnesota continues to emphasize timeliness for its complaint investigations and decisions, while at the same time issuing legally accurate and meaningful decisions. In Minnesota, any individual or organization may file a complaint alleging that an LEA has violated provisions of federal or state special education laws or rules. Complaints must be in writing, signed by the individual or organization filing the complaint and sent to MDE. Complaints must allege violations of state or federal special education laws or rules that occurred not more than one year prior to the date that the complaint is received. Complainants must include the facts upon which they base their allegations of violations.

Upon receipt of a signed, written complaint, the 60-day time period for issuance of a final decision begins. Initially, a complaint is reviewed by the supervisor and is assigned to a complaint investigator based on investigator workload. Support staff members immediately perform procedural duties, setting up files for each complaint, gathering district information and calculating time frames.

A complaint investigator, with the permission of the complainant, contacts the district's special education director to determine if it is possible to resolve the complaint at the district level. Calls to the special education director are routine as this facilitates early settlement, assures that the district is the appropriate party to address the issues set forth in the complaint and helps determine if there are additional issues that should be addressed.

The complaint investigator then contacts the complainant and confirms receipt of the complaint. This call also allows the investigator to clarify and confirm the issues set forth in the written complaint and assures that the proper parties are named.

Following confirmation, the investigator drafts an issue letter, which is mailed to the complainant, the superintendent and the special education director. The supervisor and the complaint investigator have biweekly meetings regarding each complaint being handled by the investigator.

MDE requires complaint investigators to present draft complaint reports to the supervisor 45 days after receipt of the complaint. The supervisor and the investigator determine at the 45-day mark whether or not an extension is necessary. Extensions are issued when complaints present situations, such as unduly complex issues or systemic problems, which require additional time for thorough investigation and thoughtful resolution.

While an extension was not necessary for the single Part C complaint received, MDE may issue extensions for complaints that involved systemic or complex issues. In those cases where an extension

is necessary, MDE informs the parties by letter of the extension and sets a new deadline based on the anticipated date the report will be completed. If the report is delayed by a few days, sometimes a note is made to the file and parties are notified, but no letter is sent.

One complaint was filed for which a report was issued. The report associated with this complaint was issued within 60 days.

(1) Written, signed complaints total	1
(1.1) Complaints with reports issued	1
(a) Reports with findings	1
(b) Reports within timelines	1
(c) Reports within extended timelines	0
(1.2) Complaints withdrawn or dismissed	0
(1.3) Complaints pending	0
(a) Complaints pending a due process hearing	0

Completed Activities from the State Performance Plan

During the reporting year, MDE completed activities intended to increase the state’s capacity to ensure that written complaints are addressed in a timely manner. Please note that these are ongoing activities and will continue as noted in the SPP:

- Utilized assistance from technical assistance and national centers such as Consortium for Appropriate Dispute Resolution in Special Education (CADRE), and the Mountain Plains Regional Resource Center’s website.
- Seeking ways to increase outreach generally and specifically to underrepresented communities.

Indicator 11: Percent of due process hearing requests fully adjudicated within the applicable timeline.

Annual Compliance Target of 100 percent (OSEP requirement)

Baseline FFY 2004	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009
No hearing requests	No hearing requests	No hearing requests	No hearing requests	No hearing requests	No hearing requests

MDE had no Part C hearing requests or hearings in FFY 2009.

MDE continues to emphasize with LEAs the important role that IFSP teams play in helping parents to fully understand their rights under Part C. The MDE hearing system is prepared to receive and render decisions on Part C issues in a timely manner.

Completed Activities from the State Performance Plan

During the reporting year, MDE completed activities intended to increase the state’s capacity to ensure that the due process hearing requests are addressed in a timely manner. Please note that these are ongoing activities and will continue as noted in the SPP:

- Tracking the status of hearings and automatically alerting due process staff to approaching deadlines in the new due process database.
- Completed the development and implementation of the due process database.

Indicator 12: Percent of hearing requests resolved through resolution session settlement agreements.

(Applicable if Part B due process procedures are adopted)

FFY 2004 Baseline	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009
No hearing requests	No hearing requests	No hearing requests	No hearing requests	No hearing requests	No hearing requests

There were no Part C hearing requests during the reporting period, therefore there were no resolution sessions. Because there have been no Part C hearing requests during FFYs 2004 – 2009, Minnesota has not yet established a baseline for this indicator.

Completed Activities from the State Performance Plan

During the reporting year, MDE completed activities intended to increase the state’s capacity to support the resolution of hearing requests. Please note that these are ongoing activities and will continue as noted in the SPP:

- Developing and distributing handouts for parents on due process hearing process, including resolution sessions; translate handout into Hmong, Somali, and Spanish languages.

Indicator 13: Percent of mediations resulting in mediation agreements.

FFY 2009 performance target 85 percent

FFY 2004 Baseline	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009
No mediation requests	No mediation requests	No mediation requests	No mediation requests	3 mediation requests 100%	No mediation requests

MDE had no Part C mediation requests in the reporting period.

Completed Activities from the State Performance Plan

During the reporting year, MDE completed activities intended to increase the state's capacity to support a strong alternative dispute resolution process. Please note that these are ongoing activities and will continue as noted in the SPP:

- Developing and distributing Q&A and other handouts for parents on due process hearing process.
- Developing more accurate tracking of the progress of due process.

Indicator 14: State-reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

Annual Compliance Target of 100 percent (OSEP requirement)

FFY 2004 Baseline	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009
NA	NA	A. 100% B. 100%	A. 100% B. 100%	A. 100% B. 100%	A. 100% B. 100%

- A. 100 percent submitted on or before due dates
- B. 100 percent accurate

MDE submitted data and reports that were both timely and accurate including 618 data, the Part C Annual Performance Report and the updated State Performance Plan.

Completed Activities from the State Performance Plan

During the reporting year, MDE completed activities intended to increase the state’s capacity to ensure that state data is reported timely and accurately. Please note that these are ongoing activities and will continue as noted in the SPP:

- Provided written guidance for local data reporting.
- Provided training to LEAs to ensure data quality and accuracy.
- Revised data collection methodology for the reporting of early intervention services on IFSPs.

MN FFY 2009 Performance on Early Childhood Indicators Summary (July 1, 2009 – June 30, 2010)

Indicator	FFY 2008 Performance	FFY 2009 Target	FFY 2009 Performance	Progress or (Slippage)
C-1: Timely initiation of early intervention (Districts selected as per monitoring cycle)	99.4%	100%	98.8%	(1.2%)
C-2: Early intervention services in natural environments (All Districts)	94.5%	92.5%	95.5%	3%
C-3: Child Outcomes (All Districts)				
Positive social emotional skills				
• Sum 1: Significant progress	64.1%	66%	63.8%	(2.2%)
• Sum 2: Exit at age level	40.4%	41%	42.2%	1.2%
Acquisition and use of knowledge and skills				
• Sum 1: Significant progress	68.2%	70%	65.1%	(4.9%)
• Sum 2: Exit at age level	40.7%	42%	42.2%	.2%
Use of appropriate behavior to meet needs				
• Sum 1: Significant progress	68.0%	70%	67.3%	(2.7%)
• Sum 2: Exit at age level	42.7%	44%	44.2%	.2%
C-4: Family Outcomes (All Districts)				
• Know their rights	A. 81%	90%	A. 82%	(8%)
• Communicate their child's needs	B. 87%	88%	B. 89%	1%
• Know how to help child develop and learn	C. 90%	96%	C. 92%	(4%)
C-5 Children identified birth to 1 (All Districts)	0.793%	0.85%	0.74%	(0.11%)
C-6 Children identified birth to 2 (All Districts)	2.1%	2.25%	2.15%	(0.1%)
C-7 Evaluations conducted within 45 days (Districts selected as per monitoring cycle)	83.9%	100%	77.3%	(22.7%)
C-8 Transition from Part C to Part B (Districts selected as per monitoring cycle)				
A. Documentation of transition steps	8A: 95.3%	100%	8A: 99%	(1%)
B. Notification of LEA	8B: 100%	100%	8B: 100%	0.0%
C. Timely transition conference	8C: 69.2%	100%	8C: 92%	(8%)

B-7: Child Outcomes (All districts)				
Positive social emotional skills				
• Sum 1: Significant progress	81.3%	82%	79.5%	(2.5%)
• Sum 2: Exit at age level	51.6%	55%	50.5%	(4.5%)
Acquisition and use of knowledge and skills	80.7%	81%	77.9%	(3.1%)
• Sum 1: Significant progress	54.8%	55%	52.5%	(2.5%)
• Sum 2: Exit at age level				
Use of appropriate behavior to meet needs	82.1%	83%	80.2%	(2.8%)
• Sum 1: Significant progress	69.9%	71%	66.7%	(4.3%)
• Sum 2: Exit at age level				
B-12 C to B transition (Districts selected as per monitoring cycle)	99.4%	100%	99.4%	(0.6%)