

Part C State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development: See Overview of Kentucky's State Performance Plan Development Process document

(The following items are to be completed for each monitoring priority/indicator.)

Monitoring Priority: **EFFECTIVE GENERAL SUPERVISION PART C / GENERAL SUPERVISION**

Indicator 11 – Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline. (20 U.S.C. 1416(a)(3)(B) and 1442)

Measurement: Percent = (3.2(a) + 3.2(b)) divided by (3.2) times 100.

Overview of Issue/Description of System or Process:

The due process hearing request measurement system for Kentucky includes:

1. Policies and procedures to guide due process hearing request measurement practices
2. Provision of training and technical assistance supports to administrators and service providers in due process hearing request data collection, reporting, and use
3. Quality assurance and monitoring procedures to ensure the accuracy of the due process hearing request data
4. Data system elements for due process hearing request data input and maintenance, and due process hearing request data analysis functions

Each of these is described below:

Each new family is given the "Family Rights Handbook" upon entry into the program. This handbook is intended to outline their rights and addresses the various ways that a family can file a complaint, mediation, or due process. A parent or provider may file a request for due process hearing on any matter relating to services that were not given to families or children in the First Steps Program. The alleged violation must have occurred not more than three (3) years before the person filing the request knew or should have known about the alleged violation. This 3-year timeline will not apply if the parent was prevented from filing the request due to:

- Specific misrepresentations by the First Steps Program that the problem had been resolved; or
- First Steps withheld information from the parent that was required by IDEA to be provided.

1. Policies and procedures to guide due process hearing request measurement practices

The Program Evaluation Section XI as well as the Family Rights Handbook outline the procedures for fully adjudicated due process hearings. This Handbook outlines their rights and describes the various ways that a family can file a complaint, mediation or due process. Then at each IFSP meeting, the family is again given a summary of those rights which includes how to file a complaint, mediation or due process. As required, families may go immediately to mediation or due process. The Hearings Branch Coordinator sends a copy of the request for Due Process to the Part C Coordinator within twenty-four (24) hours of receipt of request. The Hearing Branch sets up a Due Process Hearing

date and assigns a Hearing Officer. The Hearing Officer conducts the hearing and sends the written report within forty-five (45) days of the receipt of request for due process.

2. Provision of training and technical assistance supports to administrators and service providers in due process hearing request data collection, reporting, and use

The Point of Entry (POE) provides the Statement of Assurances and the Family Rights Handbook to families upon entrance into the First Steps system. In addition, these are also reviewed at each IFSP meeting. The Technical Assistance Teams also provide information on due process hearings in the Family Orientation training.

3. Quality assurance and monitoring procedures to ensure the accuracy of the due process hearing request data

Kentucky has had no Due Process Hearings during this reporting year. If Kentucky were to have a due process hearing filed, the findings from that hearing will be shared with the state and local staff. These findings will by be used as appropriate in training materials and policy language.

4. Data system elements for due process hearing request data input and maintenance, and due process hearing request data analysis functions

In the event that a hearing occurs it will be added into a spreadsheet and maintained by the Quality Assurance Administrator.

Baseline Data for FFY 2004 (2004-2005): There were no due process hearings conducted during this reporting period.

Discussion of Baseline Data: There were no due process hearings conducted during this reporting period.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of due process hearing requests will be fully adjudicated within the applicable timeline.
2006 (2006-2007)	100% of due process hearing requests will be fully adjudicated within the applicable timeline.
2007 (2007-2008)	100% of due process hearing requests will be fully adjudicated within the applicable timeline.
2008 (2008-2009)	100% of due process hearing requests will be fully adjudicated within the applicable timeline.

<p>2009 (2009-2010)</p>	<p>100% of due process hearing requests will be fully adjudicated within the applicable timeline.</p>
<p>2010 (2010-2011)</p>	<p>100% of due process hearing requests will be fully adjudicated within the applicable timeline.</p>

Improvement Activities/Timelines/Resources:

<p>IMPROVEMENT ACTIVITY</p>	<p>TIMELINE</p>	<p>RESOURCES</p>
<p>1. Review policies and procedures for obtaining a Due Process Hearing with Technical Assistance Teams.</p>	<p>June 2006</p>	<p>Quality Assurance Administrator, State Training Coordinator</p>
<p>2. Monitor Family Orientation Trainings to ensure procedures are explained to families regarding obtaining a Due Process Hearing</p>	<p>June 2006</p>	<p>State Training Coordinator</p>