



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

Honorable Cecil J. Picard
State Superintendent
Louisiana Department of Education
P.O. Box 94064
Baton Rouge, Louisiana 70804-9064

SEP 15 2004

Dear Superintendent Picard:

The purpose of this letter is to respond to Louisiana's March 30, 2004 submission of its Federal Fiscal Year (FFY) 2002 Annual Performance Report (APR) for the Individuals with Disabilities Education Act (IDEA) Part B funds used during the grant period July 1, 2002 through June 30, 2003. The APR reflects actual accomplishments made by the State during the reporting period, compared to established objectives. The APR for IDEA is designed to provide uniform reporting from States and result in high-quality information across States.

The APR is a significant data source utilized in the Continuous Improvement and Focused Monitoring System (CIFMS) implemented by the Office of Special Education Programs (OSEP), within the U.S. Department of Education. The APR falls within the third component of OSEP's four-part accountability strategy (i.e., supporting States in assessing their performance and compliance, and in planning, implementing, and evaluating improvement strategies) and consolidates the self-assessing and improvement planning functions of the CIFMS into one document. OSEP's Memorandum regarding the submission of Part B APRs directed States to address five cluster areas: General Supervision; Early Childhood Transition, Parent Involvement; Free Appropriate Public Education in the Least Restrictive Environment; and Secondary Transition.

Background

The July 20, 2001 OSEP Monitoring Report, based on the February 2000 OSEP monitoring visit, identified the following areas of noncompliance: (1) the State did not issue a written decision for all complaints; (2) the State's monitoring system did not ensure correction of identified noncompliance; (3) the State did not provide needed special education and related services due to personnel shortages; (4) some public agencies were not completing initial evaluations within the State's timeline of 60 days, and were not completing reevaluations within three years; (5) not all children with disabilities who required extended school year services as part of a free appropriate public education were provided extended school year (ESY) services; (6) students with disabilities in general education classrooms did not receive necessary program modifications and accommodations; (7) students with disabilities were not being placed in the least restrictive environment (LRE); (8) some alternative schools did not provide all of the services in the Individualized Education Program (IEP), and students with disabilities in these schools were not involved in the general curriculum because of teacher training and limited curriculum availability; (9) transition services were not included on IEPs; and (10) in one district, assistive

technology devices and services were not available to children with disabilities and not all required participants attended IEP meetings.

In its February 25, 2003 letter, OSEP responded to Louisiana's February 2002 Part B Improvement Plan, accepting the plan contingent on the State revising the plan to address certain areas of noncompliance that were not addressed in the initial Improvement Plan, and to ensure correction of all areas of noncompliance identified in the 2001 Monitoring Report by February 24, 2004. The Louisiana Department of Education (LDE) submitted an Improvement Plan and a Progress Report on April 29, 2003, and further Progress Reports on July 1, 2003 and January 15, 2004. OSEP reviewed the Progress Reports to determine if the areas of noncompliance had been corrected. In its April 5, 2004 letter, OSEP informed the State that: (1) no further progress reports were required regarding the finding related to written decisions for all complaints, but the State must continue to report on compliance and performance in this area as required as part of the APR; and (2) the State would need to submit, by June 4, 2004, further documentation to show that it had completed correction of the remaining nine areas of noncompliance listed above. In its April 30, 2004 response to OSEP's letter, LDE requested a six-month extension to submit a final Progress Report. Through telephone conferencing, OSEP responded by asking the State to submit as much of the documentation as possible in June 2004, and all of the remaining documentation as quickly as possible thereafter. LDE submitted some documentation regarding the areas on noncompliance on June 28, 2004.

OSEP conducted a visit to Louisiana during the week of September 22, 2003, to verify the effectiveness of the State's systems for general supervision, data collection under section 618 of IDEA, and State-wide assessment. In its December 10, 2003 letter to the State reporting on the verification visit, OSEP directed the State to submit a plan for ensuring: (1) that district-level personnel and discipline data, required under Section 618, are accurate; and (2) correction of noncompliance that public agencies identify through the self-review process. In its May 6, 2004 letter, OSEP accepted the State's February 2, 2004 plan for addressing these two issues.

The State's APR should reflect the collection, analysis, and reporting of relevant data and document databased determinations regarding performance and compliance in each of the cluster areas (as well as any other areas identified by the State to ensure improvement). OSEP's comments regarding the State's FFY 2002 APR, and the documentation submitted by the State on June 28, 2004, are listed by cluster area below.

General Supervision

In its July 2001 Monitoring Report, OSEP identified two areas of noncompliance in this cluster. The first area of noncompliance was the State's failure to issue written decisions for all complaints, as required by 34 CFR §300.661. As noted above, OSEP informed the State in its April 2004 letter that the State was not required to submit further progress reports regarding this finding, but that the State must continue to report on compliance and performance in this area as a part of the APR.

The second area of noncompliance was the State's failure to ensure correction of identified noncompliance, as required by 20 U.S.C. 1232d(b)(3). In its April 2004 letter, OSEP stated that LDE must demonstrate that it is correcting identified noncompliance, and must provide

documentation regarding LDE's monitoring activities (including, but not limited to, any corrective action plans, follow-up visits, technical assistance and, if used, sanctions) that the State has used to ensure correction of the noncompliance in all of the local education agencies (LEAs) monitored in 2000–2001 where noncompliance continued to be listed for 2002 – 2003 in the chart titled "Louisiana Continuous Improvement Monitoring Process – Areas of Noncompliance," submitted to OSEP in September 2003. According to that chart, the LEAs that were monitored in 2000 – 2001 where noncompliance continued to be listed for 2002 – 2003 were: Jefferson Parish, Ouachita Parish, Rapides Parish, DeSoto Parish, City of Monroe, Pointe Coupee Parish, Iberville and Richland.

On June 28, 2004, LDE submitted to OSEP letters that it had written to each of those LEAs except Iberville and Richland. The documentation that LDE submitted on June 28, 2004, showed that: (1) LDE was conducting detailed follow-up reviews to determine the extent to which LEAs had corrected noncompliance; (2) LDE had determined that the noncompliance had been corrected in Desoto Parish; (3) five of the parishes had not fully corrected the noncompliance; and (4) LDE did not provide documentation regarding the status of the noncompliance in Iberville and Richland Parishes. The documentation submitted by LDE regarding the five parishes that had not fully corrected the noncompliance specified: (a) the remaining noncompliance; (b) the corrective actions to be completed by the parish and timelines for those actions; and (c) that an LDE staff member would be assigned to contact the parish, and that LDE would continue to follow up with the Parish. Within three months of the date of this letter, LDE must submit to OSEP data and analysis that support the conclusion that the identified noncompliance has been corrected in the following LEAs: Iberville, Jefferson, Ouchita, Pointe Coupee, Rapides, City of Monroe, and Richland. LDE may satisfy this requirement by providing further documentation, for each LEA, of the LEA corrective action plan developed to correct the noncompliance and subsequent follow-up activities with documentation demonstrating that correction occurred.

As noted above, OSEP's December 2003 letter directed the State to submit a plan for ensuring correction of noncompliance that public agencies identify through the self-review process. In its May 6, 2004 letter, OSEP accepted the State's February 2, 2004 plan for addressing this issue. In its May 2004 letter, OSEP requested that the LDE submit to OSEP any changes made to the State's monitoring process that include, as outlined in LDE's February 2, 2003 letter, new procedures for ensuring correction in those districts with noncompliance identified through the self-review process. OSEP looks forward to reviewing the data and analysis demonstrating that the State is ensuring correction resulting from the implementation of the accepted plan in the next APR.

As stated in OSEP's December 2003 letter, OSEP determined from its verification visit to the State, including its review of complaint logs and its interviews with the Division of Special Populations (DSP) and Legal Division staff, that LDE issues written decisions on Part B complaints within 60 calendar days from its receipt of the complaint, unless the timeline is extended due to exceptional circumstances that exist with regard to a particular complaint. In Attachment 1 of the APR, the State provided information on numbers of complaints and hearings but did not provide data on meeting timelines. The State must report on the timelines for complaints and due process hearings in the next APR.

In the General Supervision section of the APR, the State indicated that LDE's procedures and practices ensure the collection and reporting of accurate and timely data. As noted above, however, during the September 2003 verification visit, LDE staff reported that, while in general they have a high level of confidence in the accuracy of the data reported by the State's student data system, they were less confident in the accuracy of the data regarding discipline and personnel. OSEP's December 2003 letter directed the State to submit its plan for ensuring that the discipline and personnel data provided as part of the next required submission of section 618 data would be accurate. In its May 2004 letter, OSEP accepted the State's February 2004 plan for revising its data collection processes to ensure the accuracy of the discipline and personnel data. Under that plan, the State agreed to take steps to ensure that the next submission of the personnel data for section 618 reporting would be accurate, and to redesign its system to ensure the accuracy of personnel and discipline data in the future. OSEP looks forward to reviewing those data in the State's next section 618 submissions.

Early Childhood Transition

In this section of the APR, the State indicated that, because of a change in Lead Agency in 2003, no baseline information had been established in this area. OSEP has not previously identified noncompliance in this cluster. LDE included a plan to establish three years of baseline data beginning July 2003- June 2004. In the next APR, Louisiana should include this first year of data and its analysis, along with a determination of compliance or noncompliance in this area. OSEP looks forward to reviewing the State's data regarding this issue, and any strategies the State implements based on those data, as part of the next APR.

Parent Involvement

In the APR, the State did not include baseline data or analysis to identify barriers to increasing parent involvement. It did include activities and timelines for collecting baseline data and establishing targets. Activities included developing a comprehensive tool, using the National Center for Special Education Accountability Monitoring (NCSEAM) model, to measure parent involvement. OSEP looks forward to reviewing the State's data regarding this issue, and any strategies the State implements based on those data, as part of the next APR.

Free Appropriate Public Education in the Least Restrictive Environment

In its July 2001 Monitoring Report, OSEP identified the following seven areas of noncompliance in this cluster: (1) providing needed special education and related services (34 CFR §§300.300, 300.13, and 300.347(a)(3)); (2) completing initial evaluations within the State's timelines, and reevaluations at least once every three years (34 CFR §§300.530-.536); (3) ESY services, when required to provide FAPE (34 CFR §300.309); (4) necessary program modifications and accommodations (34 CFR §§300.342(b) and 300.347); (5) placement in the LRE (34 CFR §§300.550 and 300.552); (6) provision of all IEP services to students with disabilities in alternative schools, and the involvement of students with disabilities in alternative schools in the general curriculum (34 CFR §300.347(a)); and (7) the availability of assistive technology devices and services, and the required participants attending IEP meetings, in Orleans Parish (34 CFR §300.308 and 300.344(a)).

As noted above, OSEP informed LDE in its April 2004 letter that the State had not submitted documentation that demonstrated the State had been effective in ensuring the correction of these seven areas of noncompliance. OSEP instructed LDE to provide to OSEP, within 60 days of the April 2004 letter, specific documentation regarding the actions LDE had taken to correct these areas of noncompliance.

With regard to the areas of noncompliance in this cluster area, the following are OSEP's comments regarding the documentation submitted by the State on June 28, 2004:

Needed special education and related services were not provided due to personnel shortages. In its 2001 Monitoring Report, OSEP found that needed special education and related services were not provided due to personnel shortages.¹ In its April 2004 letter, OSEP directed LDE to submit to OSEP the results of the audit (targeted follow-up monitoring) that the State was planning to conduct and any subsequent documentation of actions that LDE took in response to the audit, or other documentation showing that the noncompliance OSEP found in its 2001 Monitoring Report had been corrected, including whether all related services necessary for children with disabilities to receive FAPE were provided. In its letter, OSEP also directed the State to submit documentation explaining how it is ensuring the provision of all related services necessary for children with disabilities to receive a free appropriate public education when there are personnel shortages. It does not appear that the State's June 28, 2004 submission addressed the general issue of needed special education and related services. (Although the State mentioned related services in the last section of the chart that it included in that submission, the accompanying citations are to content in Attachments 2 and 8, which deal with transition and alternative school issues, rather than the provision of related services.) Within three months of the date of this letter, LDE must submit to OSEP documentation regarding how LDE monitors to ensure that needed special education and related services are being provided to students with disabilities. LDE can satisfy this requirement by providing documentation of LDE's procedures for monitoring the provision of needed special education and related services, and any LEA corrective action plans developed to correct identified noncompliance and subsequent follow-up activities with documentation demonstrating that correction occurred.

Some public agencies are not completing initial evaluations within the State timeline of 60 days, and are not completing reevaluations within three years. In its 2001 Monitoring Report, OSEP found that some public agencies were not completing initial evaluations within the State timeline of 60 days, and were not completing reevaluations within three years. In LDE's April 2003 submission, the State included a chart titled "Evaluation Management Report" (Enclosure 4). In its April 2004 letter, OSEP stated that it was not clear how LDE had arrived at some of the percentages included on that chart. For example, although the year-to-date percentage for East Baton Rouge, as of April 3, 2003, was 97.91, the monthly percentages for January 10, 2003, January 31, 2003, February 28, 2003, and April 3, 2003 were 80.57, 85.20, 81.75, and 92.80, which were all lower than 97.91. Therefore, in its April 5, 2004 letter, OSEP requested further information, which LDE provided in its June 28, 2004 submission.

¹ The No Child Left Behind Act of 2001 also has requirements regarding personnel, but OSEP is only commenting on the requirements of the IDEA.

ESY services are not provided to all students who require such services, in accordance with an appropriate IEP. In its 2001 Monitoring Report, OSEP found that not all children with disabilities who required ESY services as part of FAPE were provided those services, in accordance with an appropriate IEP. The chart that LDE provided to OSEP in September 2003 regarding its monitoring findings showed that ESY was a noncompliance issue in Jefferson Parish in 2000-2001, and the complaint log that LDE provided to OSEP in September 2003 says a complaint regarding ESY services in Tangipahoa Parish was filed in 2003. OSEP's April 2004 letter directed the State to provide: (1) documentation showing how the noncompliance identified in Jefferson Parish during the 2000-2001 School Year was corrected; (2) documentation regarding the resolution of the complaint in Tangipahoa Parish; and (3) the results of the audit that LDE indicated it would be conducting, and any subsequent documentation regarding the actions LDE took in response to the audit, or some other documentation showing that the noncompliance OSEP found in its 2001 Monitoring Report had been corrected, including whether all children with disabilities who require ESY services as part of FAPE were provided those services, in accordance with an appropriate IEP. In its June 2004 submission, LDE included a decision from a complaint in Tangipahoa Parish, in which LDE found that there was not a violation, and the student was receiving ESY services. The chart that LDE included with that submission did not specifically reference any documents related to the noncompliance in Jefferson Parish in the area of ESY, but indicated that LDE staff were conducting audits of 5 LEAs during the summer of 2004, and that reports would be submitted to OSEP upon completion and analysis of the audits. LDE does not need to submit further information to OSEP regarding the complaint in Tangipahoa Parish. However, within three months of the date of this letter, LDE must submit to OSEP the audit reports and LDE's analysis, along with any further documentation necessary to show that the noncompliance found in the 2001 Monitoring Report has been corrected, including the ESY noncompliance found in Jefferson Parish.

Students with disabilities in general education classrooms did not receive necessary program modifications and accommodations. In its 2001 Monitoring Report, OSEP found that some students with disabilities in general education classrooms did not receive necessary program modifications and accommodations. The charts that LDE provided to OSEP in July and September 2003 regarding its monitoring findings show that LDE is monitoring for FAPE and IEP issues, but those charts do not specify whether the "FAPE" and "IEP" designations include monitoring for program modifications and accommodations. In its April 2004 letter, OSEP directed LDE to provide further documentation regarding how LDE monitors to ensure that students with disabilities in general education classrooms receive the necessary program modifications and accommodations. The chart that LDE included with its June 2004 submission does not appear to include a reference to any documentation that LDE was submitting with regard to this issue. Within three months of the date of this letter, LDE must submit to OSEP documentation regarding how LDE monitors to ensure that students with disabilities in general education classrooms receive the necessary program modifications and accommodations. LDE can satisfy this requirement by providing documentation of LDE's procedures for monitoring the provision of necessary program modifications and accommodations, and any LEA corrective action plans developed to correct identified noncompliance and subsequent follow-up activities with documentation demonstrating that correction occurred.

Children with disabilities were not being placed in the least restrictive environment. In its 2001 Monitoring Report, OSEP found that children with disabilities were not being placed in the least restrictive environment. LDE submitted improvement-planning goals to OSEP regarding this issue in April 2003. In its April 2004 letter, OSEP directed the State to revise part of that Improvement Plan in order to be consistent with Federal law. In its June 2004 submission, LDE included revisions to its Improvement Plan, adding the following underlined language to Goal 2: “Louisiana will (a) increase the number of students with disabilities served in ‘regular settings’ 10% per year for the next three years (+3.2% per year); (b) decrease by 10% per year for the next three years the number of students in separate classes (less than 40% of the time in regular classes), and will ensure through the state’s system of general supervision that decisions are made on an individual basis by IEP committees.” LDE also deleted the following “desired result” from the Improvement Plan: “Louisiana will reduce the percent of students with disabilities who are Black in separate (self-contained) classrooms from 18.42% to 11% in the next three years.”

In its April 2005 letter, OSEP also directed LDE to submit documentation showing how LDE has ensured that students are appropriately placed in the least restrictive environment in the following parishes: Jefferson Parish, East Carroll Parish, Ouachita Parish, Rapides Parish, Desoto Parish, Orleans Parish, City of Monroe, Pointe Coupee Parish, and Union Parish. As part of its June 2004 submission, LDE provided letters that it had written to each of those LEAs. In the letters to the Desoto and East Carroll Parishes, LDE indicated that those parishes had corrected the LRE noncompliance. In the letters to the other parishes, LDE indicated that the noncompliance was not corrected, and delineated the steps that the LEAs and LDE must take, and timelines for those steps. Within three months of the date of this letter, LDE must submit to OSEP, data and analysis that support the conclusion that the identified noncompliance has been corrected in the following LEAs: Jefferson, Ouachita, Rapides, Orleans, Pointe Coupee, and Union Parishes, and the City of Monroe. LDE can satisfy this requirement by providing further documentation, for each LEA, of the LEA corrective action plan developed to correct the noncompliance and subsequent follow-up activities with documentation demonstrating that correction occurred.

Provision of All IEP Services to Students with Disabilities in Alternative Schools, and the Involvement of Students with Disabilities in Alternative Schools in the General Curriculum. In its 2001 Monitoring Report, OSEP found that some alternative schools did not provide all of the services in students’ IEPs, and students with disabilities in these schools were not involved in the general curriculum because of teacher training and limited curriculum. Enclosure 6 in LDE’s April 2003 submission included letters from LDE to Rapides, Orleans, Jefferson, and East Baton Rouge Parishes documenting LDE’s visits to alternative schools. These letters indicated that LDE would continue to monitor these parishes for continued correction of the noncompliance, including specific references to on-site visits to East Baton Rouge Parish and Jefferson Parrish in the fall (2002) and spring (2003). In its April 2004 letter, OSEP stated that LDE must provide to OSEP further information regarding its follow-up monitoring to ensure correction of the noncompliance in this area. In Attachment 2 of its June 2004 submission, LDE included letters to Rapides and Orleans Parishes indicating they had corrected the noncompliance. The State also included a letter to East Baton Rouge Parish, in which the State indicated that it was continuing to follow up on the noncompliance in alternative schools. The State did not address alternative schools in its letter to Jefferson Parish. Within three months of the date of this letter,

LDE must submit to OSEP, data and analysis that support the conclusion that the identified noncompliance has been corrected in the following LEAs: Jefferson and East Baton Rouge. LDE can satisfy this requirement by providing further documentation, for each LEA, of the LEA corrective action plan developed to correct the noncompliance and subsequent follow-up activities with documentation demonstrating that correction occurred.

Assistive Technology Devices and Services were not Available to Children with Disabilities, and not all Required Participants Attended IEP Meetings, in Orleans Parish. In its 2001 Monitoring Report, OSEP found that assistive technology devices and services were not available to children with disabilities, and not all required participants attended IEP meetings, in Orleans Parish. OSEP's April 2004 letter directed LDE to provide documentation showing that the noncompliance OSEP found in its 2001 Monitoring Report had been corrected, including whether students who required assistive technology in Orleans Parish received the appropriate services and devices and that the required participants attended IEP meetings. The April 2004 letter also directed LDE to provide a copy of the audit that LDE had referenced in its Improvement Plan, and any subsequent documentation regarding the actions LDE had taken in response to the audit, or some other documentation showing that the noncompliance OSEP found in its 2001 Monitoring Report has been corrected, including whether students who required assistive technology in Orleans Parish receive the appropriate services and devices and that the required participants attended IEP meetings. The chart that LDE included with its June 2004 submission stated that, "the Department is issuing correspondence to Orleans Parish School Board requesting documentation of increased compliance in these two issues." In that June 2004 submission, LDE included a draft letter to the Orleans Parish School Board stating that LDE still found noncompliance in these two areas, and asking the school district to submit further information by October 1, 2004 (Attachment 4.a). Within three months of the date of this letter, LDE must submit to OSEP any further documentation it receives from the Orleans Parish School Board, or some other documentation showing that the noncompliance OSEP found in its 2001 Monitoring Report has been corrected, including whether students who require assistive technology in Orleans Parish receive the appropriate services and devices and that the required participants attend IEP meetings.

In addition to the above comments, OSEP provides the following comments regarding other information that the State included in its FFY 2002 APR:

In Cluster BFI and in Attachment 2 of the APR, the State included data on disproportionality, and indicated that, for those districts that determine that their data illustrate significant disproportionality, the State would require them to analyze their data and procedures for the identification and placement of children with disabilities to determine whether they comply with the requirements of IDEA, and are race neutral. Part B requires, at 34 CFR §300.755(b), that "In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational setting of these children, in accordance with [§300.755(a)], the State ... shall provide for review and, if appropriate revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with Part B of the Act." LDE's FFY 2003 APR must include the results of the review of the policies, procedures, and practices used in the identification and placement of students with disabilities to ensure that they are consistent with the requirements of Part B.

In this section of the APR, LDE included trend data indicating: (1) a drop in graduation rate from 25.8% in 2000-2001 to 21.0% in 2001-2002, followed by an increase to 22.6% in 2002-2003; and (2) a significant decrease in the dropout rate from 41.5% in 2000-2001 to 24.4% in 2002-2003, exceeding the State's targets. The APR included strategies and timelines for improving performance as measured by both graduation rate and dropout rate. OSEP looks forward to reviewing the State's data regarding this issue, and any strategies the State implements based on that data, as part of the next APR.

In this section of the APR, the State also included data and analysis regarding the number of students with disabilities suspended or placed in out of school expulsions, along with strategies and timelines for improving performance. The State provided detailed data, analysis, and projected targets and activities to address this area. 34 CFR §300.146 requires that States examine data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities either among LEAs in the State or compared to the rates for nondisabled children within the agencies. Where the State determines that significant discrepancies are occurring, it must review and, if appropriate, revise (or require the affected State agency or LEA to revise) its policies, procedures and practices relating to the development and implementation of individualized education programs (IEPs), the use of behavioral interventions, and procedural safeguards to ensure that the policies procedures and practices comply with Part B. The instructions to the 2002 APR direct each State to describe which of these comparisons it made, as well as the method the State used to determine possible discrepancies, what constitutes a discrepancy, the number of agencies with significant discrepancies, and, if significant discrepancies are occurring, a description of those discrepancies and how the State plans to address them. The State's 2002 APR did not, however, include information regarding significant discrepancies that may be occurring at the district level, or how the State plans to address those discrepancies. In the next APR, the State must include the information required by the instructions. If the 2003 APR does not include information indicating that the State has examined all data for all LEAs to determine whether significant discrepancies are occurring in the LEAs based on either one of comparisons described above, and that when it identifies significant discrepancies it reviews and, if appropriate, revises (or requires the affected State agency or LEA to revise) its policies, procedures and practices consistent with 34 CFR §300.146, then OSEP will conclude that the State is not complying with the regulation.

In this cluster, the State provided data regarding the participation of students with disabilities in the State-wide assessment system, including baseline data and targets for participation in on-level assessments. From a baseline of 77% set in 2000-2001, the State had shown an increase of 6.8% of students with disabilities participating in the general assessment at the 4th and 8th grade levels. The data further showed that most students with disabilities in 4th and 8th grades participated in the regular assessment (with or without accommodations), in the out-of-level assessment, or in an alternate assessment. However, of the 4,916 10th grade students with IEPs, the APR stated that 1,449 were "exempted" from the English/Language Arts (ELA) tests, and 1,450 were "exempted" from the Math tests. The exempt codes provided by the State appear to indicate that many students with disabilities were leaving the regular education program during their 10th grade year. Given that information, the State may want to examine ways to encourage

them to stay in the regular program. In addition, a comparison of the enrollment data for the math and reading assessments, in Sections A and D of Attachment 3, and the participation data for those assessments, in Sections B and E of Attachment 3, identifies discrepancies in the data. For the 4th and 10th grades, the participation numbers are higher than the enrollment numbers, and for the 8th grade, the participation numbers are lower than the enrollment numbers. The State must ensure that the information reported in the next APR is accurate.

The State also provided data (including Attachment 3) and analysis on the performance of students with disabilities in the Louisiana State-wide assessment and alternate assessment. The data reported indicated an increase in the performance of students with disabilities at the 4th and 8th grade levels in Math and ELA since the 2000-2001 school year. However, the data indicated a drop in ELA performance at the 4th and 8th grade levels during the 2002-2003 school year.

In this section of the APR, the State explained that 2002-2003 is the first of three years the State would use to establish a baseline and yearly targets for determining compliance and performance in the area of preschool LRE. Also, beginning with the 2002-2003 school-year, the State began collecting LRE data based on the eight settings required in Table Three, and revised the model IEP form to include those eight Early Childhood settings. During the three years, Louisiana will continue intensive training to ensure FAPE in the LRE for children with disabilities and developmental delays, ages three-five. The State included the December 2002 LRE data in the APR, along with activities, timelines, and resources to address preschool placement.

In this section, the APR noted that the State did not currently collect data on whether the early language/communication, pre-reading and social-emotional skills of preschool children with disabilities receiving special education and related services are improving. The APR indicated that the State would investigate options and develop a plan for data collection. Under the Government Performance and Results Act of 1993, 31 U.S.C. 1116, the effectiveness of the IDEA section 619 program is being measured based on the extent to which early language/communication, pre-reading, and socio-emotional skills of preschool children with disabilities receiving special education and related services are improving. In the FFY 2003 APR, OSEP expects States to include either data (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan.

Secondary Transition

OSEP stated, in its 2001 Monitoring Report, that statements of transition service needs (beginning no later than age 14) and of needed transition services (beginning no later than age 16) were not being included on students' IEPs, as required by 34 CFR §300.347(b)(1) and (2). In its April 2004 letter, OSEP instructed LDE to provide to OSEP specific documentation regarding the actions LDE has taken to correct these areas of noncompliance and documentation that the noncompliance has been corrected.

The chart that LDE included with its June 2004 submission stated that "noncompliance has been corrected in two of the five LEAs that were federally monitored. The remaining three districts

are required to establish goals and target expenditures in applications for IDEA for funds to continue efforts to correct noncompliance. Should LEAs neglect to submit applications containing these requirements, the Department will instigate interventions and sanctions as outlined in Bulletin 1922, attached.” In Attachment 2 of LDE’s June 2004 submission, LDE included letters to the following parishes: Rapides, Orleans, Jefferson, East Carroll and East Baton Rouge. In those letters, the State found that the noncompliance had been corrected in the Rapides and East Carroll Parishes, and the State indicated it was continuing to follow up on the noncompliance in Orleans, Jefferson and East Baton Rouge Parishes. Within three months of the date of this letter, LDE must submit to OSEP, data and analysis that support the conclusion that the identified noncompliance has been corrected in the following LEAs: Orleans, Jefferson and East Baton Rouge. LDE can satisfy this requirement by providing further documentation, for each LEA, of the LEA corrective action plan developed to correct the noncompliance and subsequent follow-up activities with documentation demonstrating that correction occurred.

Conclusion

As stated above, within three months from the date of this letter, Louisiana must submit to OSEP:

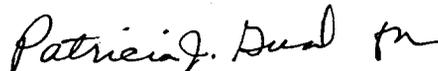
1. Further follow-up information regarding the monitoring activities that the State has used to ensure correction of the noncompliance in Iberville, Jefferson, Ouchita, Pointe Coupee, Rapides, Richland, and City of Monroe;
2. Documentation regarding how LDE monitors to ensure that needed special education and related services are being provided to students with disabilities;
3. The audit reports and LDE’s analysis, along with any further documentation necessary to show that the noncompliance regarding ESY found in the 2001 Monitoring Report has been corrected, including the noncompliance regarding ESY found in Jefferson Parish;
4. Documentation regarding how LDE monitors to ensure that students with disabilities in general education classrooms receive the necessary program modifications and accommodations;
5. Further follow-up information regarding the monitoring activities that the State has used to ensure correction of LRE noncompliance in Jefferson, Ouachita, Rapides, Orleans, Pointe Coupee, and Union Parishes, and the City of Monroe;
6. Further follow-up information regarding the monitoring activities that the State has used to ensure correction of the noncompliance regarding alternative schools in Jefferson and East Baton Rouge Parishes;
7. Further documentation it receives from the Orleans Parish School Board, or some other documentation showing that the noncompliance OSEP found in its 2001 Monitoring Report has been corrected, including whether students who require assistive technology in Orleans Parish receive the appropriate services and devices, and that the required participants attend IEP meetings; and
8. Further follow-up information regarding the monitoring activities that the State has used to ensure correction of the noncompliance regarding secondary transition in the Orleans, Jefferson and East Baton Rouge Parishes.

In addition, in the FFY 2003 APR, Louisiana must include:

1. The timelines for complaints and due process hearings;
2. For those districts that determine that their data illustrate significant disproportionality, the results of the review of the policies, procedures, and practices used in the identification and placement of students with disabilities to ensure that they are consistent with the requirements of Part B;
3. Information regarding the comparison the State did to determine whether significant discrepancies are occurring in the rate of long term suspensions or expulsions, and if significant discrepancies are occurring, a description of those discrepancies and how the State plans to address them;
4. Accurate enrollment and participation data for students with disabilities taking State assessments; and
5. Preschool performance data (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan.

OSEP recognizes that the APR and its related activities represent only a portion of the work in your State and we look forward to collaborating with you as you continue to improve results for children and youth with disabilities and their families. If you have questions, please contact Cynthia Bryant at (202) 245-7284.

Sincerely,



Stephanie Smith Lee
Director
Office of Special Education Programs

cc: Virginia C. Beridon