



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

Honorable Joseph B. Morton  
Interim Superintendent of Education  
State Department of Education  
Gordon Persons Office Building  
50 North Ripley Street, P.O. Box 302102  
Montgomery, AL 36104

**AUG 29 2005**

Dear Dr. Morton:

The purpose of this letter is to respond to Alabama's March 31, 2005, submission of its Federal Fiscal Year (FFY) 2003 Annual Performance Report (APR) under the Individuals with Disabilities Education Act (IDEA) Part B for the grant period July 1, 2003 through June 30, 2004. The APR reflects actual accomplishments that the State made during the reporting period, compared to established objectives. The Office of Special Education Programs (OSEP) has designed the APR under the IDEA to provide uniform reporting from States and result in high-quality information across States. The APR is a significant data source for OSEP in the Continuous Improvement and Focused Monitoring System (CIFMS).

The State's APR should reflect the collection, analysis, and reporting of relevant data, and include specific data-based determinations regarding performance and compliance in each of the cluster areas. This letter responds to the State's FFY 2003 APR. OSEP has set out its comments, analysis and determinations by cluster area.

***Background***

The conclusion of OSEP's September 2004 FFY 2002 APR response letter required the State to submit, within 60 days from the date of OSEP's letter, either documentation that the State had ensured the correction of noncompliance in the following areas, or a plan for ensuring such correction within one year of identification, within a reasonable period of time, not to exceed one year from when OSEP accepted the plan:

1. The evaluation requirements at 34 CFR §§300.530-300.543;
2. The individualized education programs (IEP) requirements at 34 CFR §§300.340-300.350; and
3. The secondary transition requirements at 34 CFR §§300.29, 300.344(b), 300.345(b)(3), 300.347(b), and 300.348.

The State provided the required documentation and analysis related to the noncompliance regarding evaluations, IEPs, and secondary transition to OSEP on December 29, 2004. OSEP

reviewed the documentation and determined that all of the noncompliance had been corrected and responded to the Alabama State Department of Education (ALSDE) in a letter dated January 5, 2005.

OSEP's September 2004 letter further directed the State to provide, within 60 days from the date of OSEP's letter, either documentation that the State was in compliance with the early childhood transition requirements at 34 CFR §300.132(b), or a plan for ensuring such compliance within a reasonable period of time, not to exceed one year from when OSEP accepted the plan. In addition, in the FFY 2003 APR, OSEP directed the State to include data and analysis demonstrating progress toward compliance, and submit a report with data and analysis demonstrating compliance as soon as possible, but no later than 30 days following the end of the one-year timeline.

In the September 2004 letter, OSEP also directed Alabama to include the following information in the FFY 2003 APR:

1. An analysis of compliance data related to the requirements of 34 CFR §§300.347(a)(5) and 300.138;
2. Data and analysis responsive to the personnel and the collection and timely reporting of accurate data probes;
3. Data and analysis demonstrating progress in compliance with 34 CFR §300.132(b);
4. Revised targets for disproportionality as required by 34 CFR §300.755;
5. Requested information regarding suspensions and expulsions; and
6. Preschool performance data (whether collected through sampling, monitoring, individual IEP review, or other methods).

Further comments on these submissions are included in the appropriate sections below.

### ***General Supervision***

#### Identification and timely correction of noncompliance

On pages 8-9 of the FFY 2003 APR, the State provided data from the first year of two different monitoring cycles in which the same 61 local educational agencies (LEAs) were monitored. ALSDE reported that in 2001-2002, of the 61 LEAs monitored: (1) 60, or 98 percent, had findings of noncompliance regarding individual student folders; (2) 61, or 100 percent, had findings of noncompliance regarding systemic issues<sup>1</sup>; (3) 59 corrected all the noncompliance; and (4) two LEAs "had unique circumstances that warranted special consideration by the State."

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<sup>1</sup> ALSDE indicated that some systemic and 30-day items of noncompliance (e.g., required evaluations and documentation of evaluations on the eligibility report) were based on the Alabama Administrative Code (AAC) and not necessarily on the Federal requirements.

ALSDE noted that, “many citations from the focused monitoring report had been corrected and cleared for both LEAs in a timely manner” and that “only a few issues remained in need of correction.” The State further noted that it “worked with LEAs to develop individualized corrective action plans with designated benchmarks.” For those two LEAs, the State indicated that the noncompliance that was not corrected after one year was the result of a violation of a requirement of the Alabama Administrative Code (AAC), not a Federal requirement.

On page 8, ALSDE reported a decrease in the number of LEAs with findings of noncompliance regarding individual student folders and systemic issues in 2003-2004. Of the same 61 LEAs monitored: (1) 51, or 84 percent, had findings of noncompliance regarding individual student folders; (2) 45, or 74 percent, had findings of noncompliance regarding systemic issues; (3) 47 LEAs were closed with correction of all noncompliance; and (4) fourteen LEAs did not complete correction of all noncompliance. On page 10, the State reported that these 14 LEAs either had not reached the designated timeline for corrective action established by the State, had not exhausted documented extensions granted by the State, or had corrective action plans in place that were approved by the State and were meeting required benchmarks. It is also OSEP’s understanding, based on telephone conversations with the State, that in instances where the State granted extensions for meeting corrective actions, the requirements at issue were State requirements, not Federal requirements. The State included strategies to improve performance and compliance. OSEP looks forward to reviewing updated information in the State Performance Plan (SPP), due December 2, 2005, including the implementation of strategies to improve performance and compliance and resulting data and analysis demonstrating improvement.

#### Identification of systemic issues through analysis of data from all available sources

On page 24 of the FFY 2003 APR, ALSDE provided data and information that demonstrated “that mechanisms currently used and its efforts to identify and remediate systemic areas of noncompliance with IDEA requirements are effective.” The State reported that it uses the Continuous Improvement Focused Monitoring System in multiple ways to identify and correct, in a timely manner, systemic areas of noncompliance. Some of these include: (1) review of tracking logs for mediation, due process, and formal complaints; (2) review of information collected through the system profile; and (3) the assignment of staff to monitor the implementation of a corrective action plan or the progress of the LEA toward full compliance. The State also included strategies and activities to improve performance in this area. OSEP appreciates the State’s efforts and looks forward to reviewing data and information in the SPP.

#### Dispute resolution

Data on page 23 and in Attachment 1 of the FFY 2003 APR on page 19 showed that for the reporting period January 1, 2003 through December 31, 2003, of the 40 complaints that the State received, two were not investigated or were withdrawn, 27 had decisions issued within timelines, and 11 had a documented extension. Of Alabama’s 162 hearing requests, 17 had hearings, two had decisions issued within timelines, 15 had documented extensions, and two decisions or hearings were pending as of March 31, 2005. In an e-mail attachment dated August 8, 2005, ALSDE reported that, “testimony had begun for both due process hearings but had not concluded

by the end of the reporting period.” In addition, the State reported that of the 162 hearing requests, 145 “were either settled by agreement of the parties without the need of a formal hearing or the person requesting the hearing withdrew their request.” It is not clear to OSEP whether the number of hearing requests exceeded 162. In the SPP, Alabama should provide the precise number of hearings that resulted in decisions within the 45-day timeline or within properly extended timelines granted at the request of a party to the hearing (34 CFR §300.511(a) and (c)).

With respect to mediation, ALSDE stated on page 23 that, “mediation has been very successful in Alabama and most due process hearing requests that go to mediation first are settled without the necessity of proceeding to the due process hearing.” OSEP appreciates the State’s efforts in this area and looks forward to reviewing data and information in the SPP.

### Personnel

The State did not address this probe in its FFY 2002 APR, and the conclusion of OSEP’s September 2004 response required the State to address this probe in the FFY 2003 APR. On pages 36-37 of the FFY 2003 APR, the State included data and analysis demonstrating that there were adequate numbers of administrators, related services providers, paraprofessionals and other providers to meet the identified needs of children with disabilities. The State reported that it would review the total number of children with disabilities and the total number of teachers (rather than by individual teacher or school) to monitor compliance with State caseload requirements. The State provided data for school years 2001-2002 and 2003-2004 that demonstrated a caseload of fifteen per case manager for children with disabilities. The State also included strategies and activities to increase personnel. OSEP appreciates the State’s efforts in this area.

### Collection and timely reporting of accurate data

The State did not address this probe in the FFY 2002 APR, and in the conclusion of the September 2004 response OSEP required the State to address this probe in the FFY 2003 APR. On pages 41-43 of the FFY 2003 APR, the State included information indicating a need to improve performance related to the procedures and practices for collecting data. Some of these improvements included: a data calendar, tracking logs, a help document, verification processes, professional development opportunities, and the statewide information management/student information management system. The State reported that, “the statewide information management/student information management system will vastly improve access to data at all levels in the state and will also improve the manner in which data are collected and reported in a timely manner.” The State also included strategies to improve performance. OSEP looks forward to reviewing updated information in the SPP, including the implementation of strategies and resulting data and analysis.

### ***Early Childhood Transition***

In its September 2004 letter, OSEP required ALSDE to submit: (1) data demonstrating compliance or a plan to correct identified noncompliance, within 60 days of the date of the

September 2004 letter; (2) as part of the FFY 2003 APR, data and analysis demonstrating progress toward compliance with 34 CFR §300.132(b) regarding children transitioning from Part C to Part B; and (3) a report, including data and analysis, demonstrating compliance with those requirements, within 30 days following one year from when OSEP accepted the plan.

The State did not provide OSEP with any data or its plan to correct identified noncompliance as instructed in the FFY 2002 APR letter. The instructions to this cluster ask States to determine whether children who previously participated in the Part C program and are found eligible for services under Part B have an IEP or individualized family services plan (IFSP) in effect by their third birthdays, as required by 34 CFR §300.132(b). On pages 49-54 of the FFY 2003 APR, data and information indicated continued noncompliance in this area. On page 54, ALSDE reported that 97 percent of all eligible children that transitioned from Part C were served through Part B, and that “all of these children did not have an IEP in place by their third birthdays” but did receive services subsequent to transitioning to Part B. The State attributed the high rate for service provision and the slippage in IEP implementation to the factors described below.

On page 54, the State reported a discrepancy in the time spans for when Early Intervention (EI) Services captures data (from October 1 through September 30) and Child Count (December 1 through November 30), and indicated that “concurrent data cannot be completed for the two reporting agencies” because the data are collected from two different sources. As a result, there is a two-month period for which all children may not be reflected in the current data accumulation process, as evidenced by a total of seven percent of unavailable data for the 2002-2003 reporting period.

On page 49, the State reported a ten percent decrease, from 73 percent in 2000-2001 to 63 percent in 2002-2003, for children transitioning from Part C who had IEPs developed by their third birthdays. ALSDE also reported on page 54 that, “the 2002-2003 data contained seven percent unaccounted for/incorrect responses within the data.” Therefore, according to ALSDE, the decrease may be less than what is reflected in this information and may be at least in part attributed to the disparity in data collection mechanisms between EI and the ALSDE.

The State also included strategies, proposed evidence of change, targets and timelines designed to ensure compliance with 34 CFR §300.132(b) within a reasonable period of time. On page 55, the State included a projected target that “all eligible children will have IEPs in place by their third birthdays, by June 30, 2005.” The State also reported that it is in the process of developing a new statewide tracking system and will have in place a new reporting mechanism to more accurately capture discrepant data, increase training for LEAs regarding the requirements for having IEPs in place by the third birthday regardless of the source of the referral, and collaborate more closely with EI to ensure that the components of the two sources of data may be more closely aligned. OSEP has reviewed and accepts this plan. This is an indicator in the State Performance Plan (SPP) under section 616 that is due December 2, 2005. In preparation for the submission of the SPP on December 2, 2005, the State should carefully consider its current data collection against the requirements related to this indicator in the SPP packet to ensure that data will be responsive to those requirements. The State must submit responsive baseline data regarding the percentage of children referred by Part C prior to age 3 and who are found eligible for Part B and receive special education and related services by their third birthday in the SPP.

The absence of baseline data in this area will be considered in OSEP's decision about approval of the State's SPP.

OSEP assumes that any Part C to Part B tracking system that Alabama develops will not involve the disclosure of personally identifiable information from students' education records, or if it will, that it is consistent with the IDEA and the Family Educational Rights and Privacy Act (FERPA). OSEP has enclosed for your information a copy of its February 11, 2004, letter to Mary Elder, Executive Director, Texas Interagency Council on Early Childhood Intervention, which discusses the limited disclosure of personally identifiable information for purposes of meeting IDEA's child find mandate.

### ***Parent Involvement***

On pages 58 and 61 of the FFY 2003 APR, the State included data and information regarding the level of parent involvement in special education services. ALSDE reported on page 58 that for 2001-2002, of 390 parents interviewed as part of the focused monitoring process: (1) 91 percent were ongoing participants in the decisions regarding their children's educational program; (2) nine percent infrequently participated in any aspects of the IEP process; (3) 98 percent were satisfied with the supports and services they were receiving; and (4) two percent indicated dissatisfaction with their interaction and experiences with service personnel. ALSDE reported that for 2003-2004, of 259 parents interviewed: (1) 95 percent were ongoing participants in the decisions regarding their children's educational program; (2) five percent infrequently participated in any aspects of the IEP process; (3) 95 percent were satisfied with the supports and services they were receiving; and (4) five percent indicated dissatisfaction with their interaction and experiences with service personnel.

The State also indicated on page 61 that parents were involved in many training activities, including: Positive Behavioral Supports (PBS), Beginning Reading Models, Dynamic Indicators of Basic Early Literacy Skills (DIBELS), Language Level I, and Paraeducator Training. In preparation for submission of the SPP on December 2, 2005, the State should carefully consider data and information collected for the APRs, along with OSEP's responses, against the requirements related to this indicator in the SPP packet. The State must make a determination whether data collected related to this area will be responsive to those requirements.

### ***Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)***

#### **Disproportionality**

In the September 2004 letter, OSEP directed the State to submit revised targets for reducing disproportionality on the basis of race and provide, in the FFY 2003 APR, the results of the review of policies, procedures, and practices used in the identification and placement of children with disabilities to ensure that they are consistent with the requirements of Part B and are race-neutral, for those districts with data that indicated significant disproportionality in the identification of children with disabilities in specific disability categories and the placement of children with disabilities in particular educational settings. Section 300.755(b) requires that when the State determines that there is significant disproportionality regarding the identification

or placement of children with disabilities, the State provides for the review and, if appropriate, revision of the policies, procedures, and practices used in identification or placement to ensure that the policies, procedures, and practices comply with the requirements of Part B and are race-neutral.

On pages 66 and 67 and Attachment 2 of the FFY 2003 APR, the State reported that, “the only statewide overrepresentation issues identified are with Black children in the disability category of mental retardation (MR) and American Indians in the disability category of traumatic brain injury (TBI).” The State reported that, in addressing disproportionality, it continued to emphasize and monitor to ensure that children determined eligible for special education were placed in appropriate settings and received the needed services. The State also reported three-year trend data that indicated “a positive trend toward the reduction of disproportionate representation of Black children in MR.” For 2003-2004, the data on page 67 demonstrated that Black children accounted for 36.27 percent of the total school enrollment, and White children represented 60 percent. The State further indicated that Black children accounted for 62 percent (7,807) of the enrollment of children with MR, and White children represented 37 percent (4,692). While the State-reported data indicated only a slight reduction of one percentage point per year for Black children identified as MR, total enrollment in this disability area decreased considerably from 10,687 in 2001 to 7,804 in 2003.

On pages 73-75, the State attributed its continuing progress in reducing disproportionate representation in the MR category to several factors. Some of these included the expansion of the Building-Based Student Support Team (BBSST) model, the Alabama Reading Initiative (ARI), PBS training, and development of Awareness Training. On page 73 of the APR, the State revised its target “to ensure that policies, practices, procedures and instruments/tools are race/ethnicity neutral, thereby resulting in all students determined eligible for special education services being appropriately identified, placed, and served in the least restrictive environment with no significant disproportionality.” OSEP finds that this revised target is consistent with 34 CFR §300.755.

The State included strategies and activities consistent with this target to improve performance in this area. On page 75 of the FFY 2003 APR, the State reported that as part of the effort to reduce disproportionate representation, a major focus of the focused monitoring program was the review of the practices and procedures used to identify students with mental retardation in every LEA during 2001-2003. OSEP appreciates the State’s efforts in this area and looks forward to reviewing information in the SPP.

#### Graduation and drop-out rates

On pages 94-96 of the FFY 2003 APR, ALSDE included data and information regarding graduation and drop-out rates in Alabama. The State’s data showed improvement in the percentage of children with disabilities graduating with a high school diploma from 17.4 percent in 2002-2003 to 28.8 percent in 2003-2004. In addition, the data showed a slight increase in the percentage of children with disabilities graduating with the Alabama Occupational Diploma (AOD) from 21.4 percent in 2002-2003 to 22.5 percent in 2003-2004. The State attributed the increase in the percentage of children with disabilities graduating with an Alabama High School

Diploma (AHSD) to several factors from increased involvement in the general education curriculum in response to No Child Left Behind (NCLB) to alternate routes for children with disabilities to receive the AHSD. For children with disabilities dropping out of high school, the State reported a steady drop-out rate of 4.9 percent from 2002-2003 to 2003-2004. The State views this as progress “since the students responded to the higher academic standards positively” without increasing the drop-out rate. The State included projected targets and future activities to continue to improve performance. OSEP appreciates the State’s efforts in this area and looks forward to reviewing data and information in the SPP.

#### Suspension and expulsion

In its September 2004 letter, OSEP required ALSDE to submit in the FFY 2003 APR, information indicating that the State examined all data for all LEAs to determine whether significant discrepancies were occurring in the rates of suspensions of children with disabilities across LEAs in the State or compared to the rates for nondisabled children based on the requirements of 34 CFR §300.146. On pages 103-104 of the FFY 2003 APR, the State reported that the long-term suspension/expulsion rate for 2002-2003 was reduced in 2003-2004 by .81 percent for children with disabilities (from .91 percent to .10 percent) and by .35 percent for children without disabilities (from .48 percent to .13 percent). ALSDE also reported a .18 percent increase in unilateral placements for children with disabilities, from .58 percent in 2002-2003 to .76 percent in 2003-2004, which is equivalent to the State rate for unilateral removals. The data further indicated that 26 LEAs had unilateral removal rates greater than 1 percent of the total special education enrollment.

For 2003-2004, the State reported on page 104 that it reviewed and analyzed disciplinary data by LEAs and determined that only one LEA had a significant discrepancy in the rate of long-term suspension/expulsion between children with and without disabilities. In an e-mail attachment dated July 7, 2005, the State included strategies indicating that the LEA had revised its policies, procedures and practices consistent with 34 CFR §300.146. The State reported that: (1) it would conduct a focused-monitoring on-site visit to the LEA during 2004-2005; (2) all teachers and administrators in the LEA would participate in a three-hour classroom management workshop through the State sponsored PBS program; (3) all administrators in the LEA would participate in the PBS training designed specifically for administrators; (4) the PBS program would be implemented system-wide in the LEA in all schools in 2005-2006; (5) the State would provide ongoing technical assistance related to PBS to the LEA; and (6) the LEA would evaluate the effectiveness of the program at the end of 2005-2006, submit data to the State, and make program refinements as appropriate. OSEP has determined that this information satisfies the requirements of 34 CFR §300.146. OSEP looks forward to reviewing updated information in the SPP, including the implementation of strategies to improve performance and resulting data and analysis.

#### Statewide and districtwide assessment

In its September 2004 letter, OSEP required ALSDE to submit an analysis of compliance data related to the requirements of 34 CFR §§300.347(a)(5) and 300.138. Although the State’s data



indicated relatively high numbers of children with disabilities as being “Absent” and/or “Exempt for Other Reasons,” the State did account for all children with IEPs in Attachment 3.

On pages 108-109 and in Attachment 3 of the FFY 2003 APR, the State included participation and performance data and analysis indicating a need to improve participation of children with disabilities on the math and reading assessments at the fourth, sixth, eighth (for reading), and eleventh grade levels. The State’s data for the math assessment demonstrated participation rates of 90 percent, 88 percent, and 68 percent for children with disabilities in grades four, six, and eleven respectively. The State did not report participation rates for the eighth grade math assessment. Similarly, the State reported participation data for the reading assessment demonstrating rates of 89 percent, 86 percent, 83 percent, and 64 percent for children with disabilities in grades four, six, eight, and eleven, respectively. The State included strategies, proposed evidence of change, targets and timelines designed to improve participation rates and performance data for children with disabilities, including monitoring the assessment practices of all 130 LEAs, additional training for administrators, general and special education teachers, and parents on the collection and use of assessment data, scaling-up efforts with the State Improvement Grant (SIG), and training on the Alabama Alternate Assessment (AAA) (including student participation requirements to new teachers, testing coordinators, counselors, general and special education teachers, and parents). On page 111, the State described its future activities in this regard, including improved data collection through the statewide implementation of a web-based student information tracking system. OSEP appreciates the State’s efforts in this area and looks forward to reviewing data and information in the SPP.

Note that the regulations under NCLB provide at 34 CFR §200.20(c), that in order to make adequate yearly progress (AYP), a school or LEA must ensure that not less than 95 percent of its children with disabilities in the grades tested participate in the State assessments under 34 CFR §200.2.

#### Least restrictive environment (LRE)

On pages 86-88 and in Attachment 2 of the FFY 2003 APR, the State included child count and monitoring data and analysis indicating improvement in the percentages of children with disabilities served outside the general education classroom less than 21 percent of the time. The State’s data showed an increase in the participation of children with disabilities in the following educational environments from 2001-2002 to 2003-2004: (1) from 61.2 percent to 61.4 percent for children in natural environments aged 3-5; (2) from 55.8 percent to 57.8 percent for 6- to 11-year-olds served outside the general education classroom less than 21 percent of the time; and (3) from 45.1 percent to 48.5 percent for 6- to 21-year-olds served outside of the general education classroom less than 21 percent of the time.

On page 87, ALSDE reported that significant disproportionality existed for Black children with disabilities in all educational environment categories except those served outside general education classrooms less than 21 percent of the time. The State further reported that this would be an area for concentrated efforts for improvement in the future. In addition, underrepresentation was reported for Hispanic and Asian children with disabilities served outside the general education classroom less than 21 percent, outside the general education classroom

21-60 percent, and outside the general education classroom greater than 60 percent of the time. The State also reported underrepresentation for American Indian children with disabilities served outside the general education classroom less than 21 percent of the time. Finally, insignificant underrepresentation was reported for White and American Indian children with disabilities served outside the general education classroom less than 21 percent of the time. The State views this as positive progress. The State also included strategies to improve performance. OSEP appreciates the State's efforts in this area and looks forward to reviewing data and information in the SPP.

#### Preschool performance outcomes

In the September 2004 letter, OSEP required the State to provide in the FFY 2003 APR preschool performance data (whether collected through sampling, monitoring, individual IEP review, or other methods), or a plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan. On page 128 of the FFY 2003 APR, the State reported that performance data in the areas of language/communication, pre-reading, and social emotional skills for preschool children with disabilities was not available for the 2003-2004 reporting period. However, ALSDE reported that baseline-statewide data for 2003-2004 was collected for preschool children with disabilities only for pre-reading skills via the DIBELS, which is administered before they enter kindergarten, and that baseline data will be established using the 2003-04 DIBELS results. On page 130, the State provided a description of the indicators to assess early language/communication and social-emotional skills in the future activities section, but the State has not identified instruments for collecting data to measure these indicators.

The SPP instructions establish a new indicator in this area, for which States must provide baseline data in the FFY 2005 APR due February 1, 2007. Absence of this information at that time will be considered in OSEP's annual determination on the status of the State's performance and compliance required under section 616(d) of the IDEA. The State should carefully review the instructions to the SPP in developing its plans for this collection.

#### ***Secondary Transition***

ALSDE submitted data and information in its December 2004 Progress Report that demonstrated the correction of the noncompliance related to the secondary transition requirements. OSEP appreciates the State's efforts in completing correction regarding the requirements of 34 CFR §§300.29, 300.344(b), 300.345(b), 300.347(b), and 300.348.

The instructions to this cluster ask States to determine whether post-school outcomes for students with disabilities are comparable to those for students without disabilities. On pages 135-137 of the FFY 2003 APR, the State included survey data and information of a sample of students who participated in postsecondary education/training and employment. ALSDE data indicated that for 2001-2002, 2002-2003, and 2003-2004, 81 percent, 72 percent and 76 percent of the students surveyed one year after exiting high school were either employed and/or participating in postsecondary education/training, respectively. The State noted that for 2001-2002 (N=518), a sample was not drawn, whereas the survey responses for the 2002-2003 (N=174) and 2003-2004

(N=284) years are from a representative sample of 40 LEAs. OSEP appreciates the State's efforts in this area and looks forward to reviewing information in this area in the SPP.

***Conclusion***

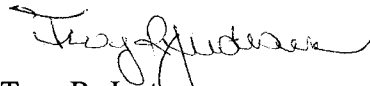
In the SPP, due December 2, 2005, Alabama must submit to OSEP:

1. Responsive baseline data regarding the percentage of children who are referred by Part C prior to age 3 and found eligible for Part B who receive special education and related services by their third birthday as required by 34 CFR §300.132(b).
2. Data in the SPP clarifying the precise number of hearings that resulted in a decision within the 45-day timeline or within a documented extension (34 CFR §300.511(a) and (c)).

IDEA 2004, §616, requires each State to submit an SPP that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators are, for the most part, similar to clusters and probes in the APR. OSEP encourages the State to carefully consider the comments in this letter as it prepares its SPP, due December 2, 2005.

OSEP recognizes that the APR and its related activities represent only a portion of the work in your State and looks 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 Perry Williams at (202) 245-7575.

Sincerely,



Troy R. Justesen  
Acting Director  
Office of Special Education Programs

Enclosure

cc: Dr. Mabrey Whetstone