

**Table B Chart – Part B**  
**Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 3A:</b>  <b>34 CFR §§300.138, 300.139, 300.347(a)(5).</b>            The Special Conditions attached to the State's FFY 2005 Part B grant award and OSEP's November 2005 response to the State's FFY 2003 APR, required the State to submit, by February 17, 2006, a final report demonstrating full compliance with the requirements of 34 CFR §§300.138 and 300.347(a)(5), as they relate to ensuring that all children with disabilities who take the alternate to the statewide assessment participate in all of the same areas of assessment as children who take the State's general assessment.</p>	<p>On page 4 of its February 15, 2006 Progress Report, the Missouri Department of Elementary and Secondary Education (DESE) described the procedures it is implementing to ensure that all children with disabilities participate in the Spring 2006 Missouri Assessment Program-Alternate (MAP-A). On page 2 of the Progress Report, DESE provided the numbers of children that were enrolled in the MAP-A for Communication Arts and Mathematics.</p> <p>DESE reported that, since implementing revised monitoring procedures, it reviewed self-assessments from 117 LEAs during 2005-2006 and will conduct 28 on-site visits during the school year. The State further reported that, as of February 15, 2006, two LEAs had findings of noncompliance in the area of children with disabilities participating in MAP-A, and neither of these districts had corrected the noncompliance.</p>	<p>In its February 2006 Progress Report, the State showed that: (1) it provided guidance to LEAs regarding assessing children with disabilities who participate in alternate assessments in the same areas as children participating in the State's general assessment; (2) it is monitoring to ensure compliance; (3) two of the 117 LEAs submitting self-assessments identified noncompliance in this area; and (4) those two LEAs had not corrected the noncompliance. The State also included its procedures for correcting the identified noncompliance. While this level of compliance (98%) is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p>	<p>With its FFY 2005 APR, due February 1, 2007, the State must submit documentation that it ensured full compliance with this requirement.</p>
<p><b>Indicator 3A:</b>  <b>34 CFR §§300.138, 300.139, 300.347(a)(5).</b>            The Special Conditions attached to the State's FFY 2005 Part B grant award and OSEP's November 2005 response to the State's FFY 2003 APR, required the State to submit, by February 17, 2006, a final report demonstrating full compliance with the requirements of 34 CFR §§300.138, 300.139, 300.347(a)(5), as they relate to districtwide assessments.</p>	<p>On page 4 of its February 15, 2006 Progress Report, DESE reported that it requires districts to list all districtwide assessments that occur at each grade level, as part of their self-assessments. Districts must report the number of children whose IEP teams have determined that the districtwide assessment is inappropriate, and indicate the alternate assessment being used to assess those students.</p> <p>DESE reported that, since implementing revised monitoring procedures, it reviewed self-assessments from 117 LEAs during 2005-2006 and will conduct 28 on-site visits during the school year. The State further reported that, as of February 15, 2006, five LEAs had findings of noncompliance in the area of participation of children</p>	<p>In its February 2006 Progress Report, the State showed that: (1) it provided guidance to LEAs regarding participation of children with disabilities in districtwide assessments; (2) it is monitoring to ensure compliance; (3) noncompliance in this area was identified in five of 117 (4%) districts submitting self-assessments; and (4) those five districts had not corrected the noncompliance. The State also included its procedures for correcting the identified noncompliance. While this level of compliance (96%) is below 100% and requires continued implementation of</p>	<p>With its FFY 2005 APR, due February 1, 2007, the State must submit documentation that it ensured full compliance with this requirement.</p>

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<p><b>Indicator 15</b>  <b>34 CFR §300.600</b>  OSEP's November 14, 2005 response to the State's June 2005 Progress Report and FFY 2003 APR, required the State to report, with the SPP or within 60 days of the date of OSEP's letter, on the status of the corrective action plans for the four districts in noncompliance with respect to the provision of services to youth with disabilities incarcerated in local city/county jails.</p>	<p>with disabilities in districtwide assessments and that, to date, none of the districts corrected the noncompliance.</p> <p>On page 42 of the SPP, DESE reported that three of four districts provided sufficient documentation of adequate procedures to identify and offer services to students with disabilities under their jurisdiction that are incarcerated in local city/county jails. DESE further reported that the remaining district continued to be noncompliant in this area, and that the State declared the district unaccredited and took over operation of the district. The State further reported that representatives of all divisions of DESE, including special education, were assigned to this district to ensure that all State and Federal standards and regulations are being met. In addition, DESE reported that the special education compliance consultant is working with the district to identify and develop a plan for correction of any noncompliance, including identification and provision of services to incarcerated youth.</p>	<p>improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p> <p>The State provided the required information regarding the four districts. OSEP understands the statement in the SPP that "three of the districts have provided sufficient documentation that they have adequate procedures in place to identify and offer the provision of services to students with disabilities under their jurisdiction incarcerated in local city/county jails" to mean that those three districts are now compliant and that they have adequate procedures in place to remain compliant. The State further reported on the steps that it is taking to ensure compliance in the fourth district.</p>	<p>With its FFY 2005 APR, due February 1, 2007, the State must provide data showing correction of the noncompliance in the remaining district.</p>
<p><b>Indicator 15</b>  <b>34 CFR §300.600</b>  OSEP's 2004 verification letter ensuring the timely correction of noncompliance. OSEP's November 14, 2005 response to the State's FFY 2003 APR, required the State to report, with the SPP or within 60 days of the date of that letter, on the extent to which it ensured that public agencies corrected noncompliance identified in 2003-2004 within one year from identification. OSEP further stated that it would review the data in the SPP, and determine whether the State needed to submit additional data by February 17, 2006.</p>	<p>On pages 39-41 of the SPP, the State provided data showing that, in its monitoring of 107 agencies during the 2003-2004 school year, it: (1) made 364 findings related to SPP monitoring priorities, and ensured the correction of 297 (81.6%) within one year from identification; and (2) made 337 findings in other monitoring areas, and ensured the correction of 201 (59.6%) within one year from identification. The State further reported that it conducted follow-up reviews for all of the agencies with outstanding noncompliance after one year. In addition, all agencies have been assigned to a special education regional compliance consultant and will have received a contact by January 15, 2006, to assist in the correction of noncompliance. Follow-up reviews are scheduled to be completed by June 30, 2006. All agencies have been advised that should they be unwilling or unable to correct outstanding areas of noncompliance by the date indicated, DESE may initiate proceedings to invoke sanctions, including the withholding of State and/or Federal funds.</p>	<p>The State provided data demonstrating that, while the State is working closely with districts with persistent noncompliance, there is continuing noncompliance by the State, with the requirements regarding timely correction of noncompliance, at 34 CFR §300.600 and 20 U.S.C. 1232d(b)(3). The levels of compliance reported were as follows:  15A: 81.6%  15B: 59.6%</p>	<p>The State must submit data that demonstrate compliance with this requirement by June 1, 2006. Failure to demonstrate compliance at that time may result in the State being identified as a "high-risk" grantee or may otherwise affect the State's FFY 2006 grant award.</p>

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<p><b>Indicator 15</b>  <b>34 CFR §§300.600 and 300.661(b)(2)</b>  OSEP's November 14, 2005 letter required the State, with the SPP or within 60 days of the date of that letter, to continue to report progress toward ensuring that corrective actions resulting from complaint investigations are completed in a timely manner, and to provide documentation of compliance by 30 days following one year from the date of that letter.</p>	<p>The State included data on page 40 of the SPP that showed all 118 findings that it made through other mechanisms (complaints, due process hearings, mediations, etc.) in 2003-2004 were corrected within one year from identification.</p>	<p>The State reported data showing full correction of the previously identified noncompliance with the requirement at 34 CFR §§300.600 and 300.661(b)(2), regarding the timely correction of noncompliance identified through the resolution of complaints. OSEP appreciates the State's efforts in ensuring compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data for indicator 15C in the APR, due February 1, 2007, demonstrating continued compliance with this requirement.</p>
<p><b>Indicator 15</b>  <b>34 CFR §300.600 and 20 U.S.C. 1232d(b)(3)</b>  OSEP's November 14, 2005 letter directed the State, with the SPP, or within 60 days of the date of that letter, to provide data and analysis showing that it ensured correction of noncompliance regarding parent involvement, or describe the sanctions imposed.</p>	<p>With an e-mail message dated December 29, 2005, the State provided documentation that all districts corrected the noncompliance in this area.</p>	<p>The State reported data showing that all districts in which the State identified noncompliance related to parent involvement had corrected the noncompliance. OSEP appreciates the State's efforts in ensuring such correction.</p>	<p>No further action required.</p>