

Table A – Part B

Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p><b>Indicator 3:</b> Participation and performance of children with disabilities on statewide assessments:</p> <ul style="list-style-type: none"> <li>A. Percent of districts meeting the State's AYP objectives for progress for disability subgroup.</li> <li>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</li> <li>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</li> </ul> <p>(20 U.S.C. 1416 (a)(3)(A))</p>	<p>The State set a target in FFY 2005 to, "Increase the number of counties that make AYP for the disability subgroup by six (6) counties." OSEP was unable to determine whether this target means that six more counties make AYP over the current baseline of three in the first year, six over the new baseline of nine in the second year and so forth, or what the target for 2006 would be if six additional LEAs do not meet AYP in FFY 2005.</p>	<p>The State should revise the Measurable and Rigorous Targets for indicator 3A to clarify how many counties making AYP the State expects to increase each year.</p>
<p><b>Indicator 7:</b> Percent of preschool children with IEPs who demonstrate improved:</p> <ul style="list-style-type: none"> <li>A. Positive social-emotional skills (including social relationships);</li> <li>B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and</li> <li>C. Use of appropriate behaviors to meet their needs.</li> </ul> <p>(20 U.S.C. 1416 (a)(3)(A))</p>	<p>OSEP was unable to determine if the State plans to use sampling in collecting data for this indicator. If so, it is important that the State have a technically sound sampling plan to ensure that data used for entry, baseline, or to report on progress are valid and reliable. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>	<p>If you intend to collect information through sampling, your SPP must include sampling methodology to ensure the collection of valid and reliable data on which to base your targets and improvement activities. The State must submit the revised sampling methodology that describes how data were collected with the State's FFY 2005 APR that is due February 1, 2007. If you decide not to sample, but rather gather census data, please inform OSEP and revise your SPP accordingly.</p>

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<p><b>Indicator 8:</b> Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (20 U.S.C. 1416(a)(3)(A))</p>	<p>An evaluation of the sampling plan for indicator 8 indicated that it was not technically sound (see OSEP's February 14, 2006 memorandum). Data will lack validity if based on a sampling plan that is not technically sound. OSEP is concerned because your plan is to use these invalid data to establish baseline data for this indicator. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>	<p>As indicated in the February 14, 2006 OSEP memorandum, if a revised sampling plan has not been accepted by OSEP by the time the State submits its FFY 2005 APR on February 1, 2007, the State must submit a revised sampling methodology that describes how data were collected with the State's FFY 2005 APR. In the FFY 2005 APR, you also need to explain how your State addressed the deficiencies in the data collection noted in the attachment to the OSEP memorandum. If you decide not to sample, but rather gather census data, please inform OSEP and revise your SPP accordingly.</p>
<p><b>Indicator 12:</b> Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. (20 U.S.C. 1416(a)(3)(B))</p>	<p><b>Noncompliance:</b> Please refer to Table B. <b>Other:</b> The State did not include the range of days beyond the third birthday when eligibility was determined or reasons for the delays.</p>	<p>The State must include information regarding the range of days beyond the third birthdays when eligibility was determined along with reasons for the delays, in the APR, due February 1, 2007. Failure to include this information may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p><b>Indicator 15:</b> General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. (20 U.S.C. 1416 (a)(3)(B))</p>	<p>Improvement activities for 15A do not extend past June 2007. The State did not provide improvement activities for 15B.  On-site visits can be generated based on analysis of performance on the four key indicators. In addition, districts can be selected for on-site focused monitoring (FM) visits based on data review/analysis of priority areas. OSEP was unable to determine how all districts will be monitored, even if they do not fall into FM categories.</p>	<p>The State must revise the improvement activities for indicator 15A-B to include activities that extend through the 2010-2011 school year.</p>
<p><b>Indicator 16:</b> Percent of signed written complaints with reports issued</p>	<p><b>Noncompliance:</b> The State reported a 93.3% level of compliance with the requirement at 34 CFR §300.661. While this level of compliance is below 100% and</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>

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<p>that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. (20 U.S.C. 1416(a)(3)(B))</p>	<p>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><b>Indicator 19:</b> Percent of mediations held that resulted in mediation agreements. (20 U.S.C. 1416(a)(3)(B))0</p>	<p>OSEP noted that the State established targets from 75% - 98% for mediation. The consensus among mediation practitioners is that 75-85% is a reasonable rate of mediations that result in agreements and is consistent with national mediation success rate data. A higher mediation goal, while appropriate for some States, may not be appropriate if it results in agreements that are not voluntarily implemented. It is better to have a lower percentage of viable, implemented agreements than a higher percentage of agreements, some of which are not voluntarily implemented.</p>	<p>For rates above 85%, the State may want to review its targets, determine if an adjustment is needed and submit the revised targets in the APR, due February 1, 2007.</p>