

Kentucky Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 67.34%. These data represent progress from the FFY 2006 data of 65.15%.</p> <p>The State did not meet its FFY 2007 target of 71.3%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 4.24%. These data represent progress from the FFY 2006 data of 4.94%.</p> <p>The State met its FFY 2007 target of 4.54%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>The State revised the baseline, targets, and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State explained that changes to the baseline data for this indicator were necessary due to extensive revisions to the State's assessment system. For this reason, the prior baseline and targets are no longer consistent with the current assessment data. The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are less rigorous than the previously established targets.</p> <p>The State recalculated the baseline for this indicator using FFY 2006 assessment data. The revised FFY 2006 reported baseline is 31%.</p> <p>The State's FFY 2007 reported data for this indicator are 47%. These data represent progress from the revised FFY 2006 data of 31%.</p> <p>The State met its revised FFY 2007 target of 47%.</p> <p>The State was identified as being in Needs Assistance for two consecutive years based on the State's FFY 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

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	received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.	
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>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.</p> <p>[Results Indicator]</p>	<p>The State revised the baseline for this indicator and OSEP accepts that revision.</p> <p>The State's FFY 2007 reported data for this indicator are 100%. These data represent progress from the revised FFY 2006 data of 99.99%.</p> <p>The State met its FFY 2007 target of 100%.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p><u>Special Conditions</u></p> <p>The Special Conditions attached to the State's July 1, 2008 Part B grant award letter required that, by May 15, 2009, Kentucky demonstrate to the Department that that the State publicly reports with the same frequency and in the same detail (i.e., in its statewide, media, district and school reports) the disaggregated numbers of students with disabilities, if any, who participated in the: 1) regular assessment and the number of those who were provided accommodations that did not result in an invalid score; 2) alternate assessment based on grade-level academic achievement standards; 3) alternate assessment based on modified academic achievement standards; and 4) alternate assessment based on alternate academic achievement standards, as required by 20 U.S.C. 1412(a)(16) and 34 CFR §300.160.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p> <p>Under the FFY 2008 <u>Special Conditions</u>, the State is required to demonstrate to the Department that the State publicly reports with the same frequency and in the same detail the disaggregated numbers of students with disabilities, if any, who participated in the: 1) regular assessment and the number of those who were provided accommodations that did not result in an invalid score; 2) alternate assessment based on grade-level academic achievement standards; 3) alternate assessment based on modified academic achievement standards; and 4) alternate assessment based on alternate academic achievement standards, as required by 20 U.S.C. 1412(a)(16) and 34 CFR §300.160. OSEP will respond to the State's submission of that information with the State's FFY 2009 IDEA Part B grant award.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement</p>	<p>The State revised the baseline and targets for this indicator and OSEP accepts those revisions.</p> <p>The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are less rigorous than the previously established targets.</p> <p>The State's FFY 2007 reported data for this indicator are 39.62% for reading</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>standards. [Results Indicator]</p>	<p>and 33.91% for math.</p> <p>These data remain unchanged from the FFY 2006 data of 39.62% for reading and represent progress from the FFY 2006 data of 28.50% for math.</p> <p>The State met its FFY 2007 targets of 39.62% for reading and 28.50% for math.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	
<p>4. Rates of suspension and expulsion: A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and [Results Indicator]</p>	<p>The State revised its definition of significant discrepancy and improvement activities for this indicator and recalculated FFY 2005 and FFY 2006 data using the revised definition. OSEP accepts those revisions.</p> <p>The State reported FFY 2007 data for this indicator were 7.38%. This represents progress from the FFY 2006 recalculated data of 9.04%.</p> <p>The State met its FFY 2007 target of 7.95%.</p> <p>OSEP’s June 6, 2008 FFY 2006 APR response table required that the State either submit with its FFY 2007 APR, due February 2, 2009, the revised FFY 2004 baseline data using the revised measurement or maintain the FFY 2004 baseline data using the old measurement. The State provided revised FFY 2004 baseline data using its revised definition.</p> <p>OSEP’s FFY 2006 response table also required the State to submit, with the FFY 2007 APR, a description of how it reviewed and if appropriate revised, policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the LEAs identified as having significant discrepancies based on data from FFY 2005 and FFY 2006. The State reported that all Kentucky school districts revised their policies and procedures in FFY 2007 to align with IDEA 2004 and Kentucky’s new special education regulations. KDE reported that it did not review district policies, procedures and practices that were in effect in</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p> <p>As noted in the revised Part B Indicator Measurement Table, in reporting on this indicator in the FFY 2008 APR, due February 1, 2010, the State must again describe the results of the State’s examination of data from FFY 2007 (2007-2008).</p>

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	<p>FFY 2005 and 2006, since they were developed prior to the 2004 IDEA Reauthorization. The State reported that one district's individualized policies and procedures were not in compliance with the relevant IDEA requirements under Indicator 4A. The State reported that the district made the required changes and is in compliance.</p> <p>The State reported that it reviews practices through the self-assessment; that districts describe practices they are using that are designed to prevent or reduce suspensions/expulsions of students with disabilities; and that it conducts KCMP verification visits on-site, investigates discipline practices through desk reviews or on-site visits as part of its complaint investigation process, and monitors informal parent complaints involving behavior and discipline issues. The State reported that special education cooperative behavior consultants assigned to each district "used the information obtained through KDE's review of district practices to provide individualized technical assistance to districts that did not meet the State's targets for this indicator."</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported that although it had "accessed considerable technical assistance in FFY 2007, none was required to comply with Indicator 4A."</p>	
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator]</p>	<p>States were not required to report on this indicator for FFY 2007.</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.</p>
<p>5. Percent of children with IEPs</p> <p>Percent of children with IEP's aged</p>	<p>The State's reported data for this indicator are:</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps					
<p>6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>		FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress					
	A. % Removed from regular class less than 21% of the day.	66.83	68.69	63.5	1.86%					
	B. % Removed from regular class greater than 60% of the day.	10.25	9.93	11.2	0.32%					
	C. % Served in public or private separate schools, residential placements, or homebound or hospital placements.	2.24	2.09	2.15	0.15%					
	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>These data represent progress for 5A, 5B, and 5C from the FFY 2006 data.</p> <p>The State met all of its FFY 2007 targets for this indicator.</p>									
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	States were not required to report on this indicator for FFY 2007.					The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.				
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of</p>	<p>The State's FFY 2007 reported progress data for this indicator are:</p> <table border="1" data-bbox="548 1295 1419 1466"> <tr> <td data-bbox="548 1295 1062 1466">07-08 Preschool Outcome Progress Data</td> <td data-bbox="1062 1295 1178 1466">Social Emotional</td> <td data-bbox="1178 1295 1293 1466">Knowledge & Skills</td> <td data-bbox="1293 1295 1419 1466">Appropriate Behavior</td> </tr> </table>					07-08 Preschool Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior	The State reported the required progress data and improvement activities. The State must provide baseline data, targets and improvement activities with the FFY 2008 APR, due February 1, 2010.
07-08 Preschool Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior							

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<p>knowledge and skills (including early language/ communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]</p>	a. % of preschoolers who did not improve functioning.	2.1	1.9	2.0	
	b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	17.0	8.7	7.2	
	c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.	3.0	10.8	6.0	
	d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.	11.2	15.5	18.5	
	e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.	66.4	63.1	66.3	
	Total (approx. 100%)	99.70%	100.00%	100.00%	
<p>8. 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. [Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 23%. These data represent slippage from the FFY 2006 data of 29%. The State did not meet its FFY 2007 target of 29%.</p>				<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. [Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 0%. These data represent progress from the FFY 2006 data of 1.15%. The State met its FFY 2007 target of 0%. The State reported that no districts were identified as having disproportionate representation of racial or ethnic groups in special education and related services based on the State's calculation of the data. The State reported that both findings of noncompliance identified in FFY</p>				<p>The State reported that noncompliance identified in FFY 2006 with the requirements in 34 CFR §§300.173, 300.111, 300.201, and 300.301 through 300.311 was corrected in a timely manner. OSEP appreciates the State's efforts regarding this indicator.</p>

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	<p>2006 related to this indicator were corrected in a timely manner.</p> <p>OSEP's June 6, 2008 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, the baseline data from FFY 2005 and the compliance data for FFY 2006 on the percent of districts identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification. The State reported that the two LEAs identified in FFY 2005 and the two LEAs identified in FFY 2006 as having disproportionate representation of racial or ethnic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 0%. These data represent progress from the FFY 2006 data of 11.49%.</p> <p>The State met its FFY 2007 target of 0%.</p> <p>The State reported that no districts were identified in FFY 2007 as having disproportionate representation of racial or ethnic groups in specific disability categories based on the State's calculation of the data.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, the baseline data from FFY 2005 and the compliance data for FFY 2006 on the percent of districts identified with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. The State reported that the 18 LEAs identified in FFY 2005 and the 20 LEAs</p>	<p>The State reported that noncompliance identified in FFYs 2005 and 2006 with the requirements in 34 CFR §§300.173, 300.111, 300.201, and 300.301 through 300.311 was corrected.</p> <p>OSEP appreciates the State's efforts regarding this indicator.</p>

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	<p>identified in FFY 2006 as having disproportionate representation of racial or ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline). [Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 94.87%. These data represent progress from the FFY 2006 data of 94.48%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State reported that for the 55 districts with noncompliance based on FFY 2006 data, the State did not make findings of noncompliance until May 9, 2008. The State did not report on correction of findings of noncompliance identified in FFY 2006 under this indicator.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the State to demonstrate in the FFY 2007 APR, due February 2, 2009, that noncompliance identified in FFY 2005 with the timely evaluations requirements in 34 CFR §300.301(c)(1) was corrected in a timely manner or if not corrected in a timely manner, when the noncompliance was corrected. The State reported that 41 of the 55 districts cited in FFY 2005 corrected the noncompliance in a timely manner. The State reported that nine of the remaining 14 districts documented correction of noncompliance for FFY 2007. The State reported that it has revised its improvement activities to address the uncorrected noncompliance for the remaining five districts.</p>	<p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in 34 CFR §300.301(c)(1), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR (i.e., the five LEAs with remaining noncompliance from FFY 2005; the 55 LEAs for which the State made findings of noncompliance in May 2008 based on FFY 2006 data; and the LEAs with findings of noncompliance based on FFY 2007 data).</p> <p>The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance, as reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has completed the initial evaluation, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October</p>

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		<p>17, 2008 (OSEP Memo 09-02).</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>OSEP’s Frequently Asked Questions Regarding Identification and Correction of Noncompliance and Reporting of Correction in the SPP/APR, dated September 3, 2008 (OSEP FAQ) states in Question and Answer #7 that “[w]ritten notification of findings needs to occur as soon as possible after the State concludes that the LEA . . . has noncompliance. Generally, we would expect that written findings be issued less than three months after discovery.” The State ended its collection of data for FFY 2006 on June 30, 2007, but did not notify LEAs of findings of noncompliance until May 2008.</p> <p>As a consequence of the delay in notifying LEAs of findings of noncompliance related to this indicator, the State is unable to provide data on the correction of noncompliance for FFY 2006. Accordingly, OSEP is unable to consider correction of noncompliance for this Indicator when making determinations under section 616 of the IDEA.</p>
<p>12. 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</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 95.69%. The State’s FFY 2006 reported data were 96.56%.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State’s data demonstrating that it is in compliance with the requirements in 34 CFR §300.124(b) including correction of</p>

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<p>birthdays. [Compliance Indicator]</p>	<p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State did not make FFY 2006 findings of noncompliance for this indicator until May 9, 2008. The State did not report on correction of findings of noncompliance identified in FFY 2006 under this indicator.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the State to demonstrate in the FFY 2007 APR, due February 2, 2009 that the noncompliance identified in FFY 2005 with the timely evaluations requirements in 34 CFR §300.124(b) was corrected in a timely manner, or if not corrected in a timely manner, when the noncompliance was corrected. The State reported that 45 of 67 districts with findings of noncompliance identified in FFY 2005 were corrected in a timely manner. The State reported that the remaining 22 districts subsequently corrected the noncompliance.</p>	<p>the noncompliance the State reported under this indicator in the FFY 2007 APR (i.e., each finding of noncompliance based on FFY 2006 data and each finding of noncompliance based on FFY 2007 data).</p> <p>The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has developed and implement the IEP, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary, to ensure compliance.</p> <p>OSEP’s Frequently Asked Questions Regarding Identification and Correction of Noncompliance and Reporting of Correction in the SPP/APR, dated September 3, 2008 (OSEP FAQ) states in Question and Answer #7 that “[w]ritten notification of findings needs to occur as soon as possible after the State concludes that the LEA . . . has noncompliance. Generally, we would expect that written findings be issued less than three months after discovery.” The State ended its collection of data for FFY 2006 on June 30, 2007, but did not notify LEAs of findings of noncompliance until May 2008.</p>

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		<p>As a consequence of the delay in notifying LEAs of findings of noncompliance related to this indicator, the State is unable to provide data on the correction of noncompliance for FFY 2006. Accordingly, OSEP is unable to consider correction of noncompliance for this indicator when making determinations under section 616 of the IDEA.</p>
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals. [Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 86.98%. These data represent progress from the FFY 2006 data of 67.60%.</p> <p>The State did not meet its FFY target of 100%.</p> <p>The State reported that it provided written notification to districts regarding FFY 2006 noncompliance under this indicator in May 2008. The State did not report on correction of findings of noncompliance identified in FFY 2006 under this indicator.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the State to demonstrate in the FFY 2007 APR, due February 2, 2009, that the noncompliance identified in FFY 2005 with the secondary transition requirements in 34 CFR §300.320(b) was corrected in a timely manner, or if not corrected in a timely manner, when the noncompliance was corrected. The State reported that 42 of 58 districts with findings of noncompliance identified in FFY 2005 corrected that noncompliance in a timely manner. For the uncorrected noncompliance, the State reported that two of 16 remaining findings of noncompliance subsequently were corrected by January 2009. The State reported that 14 districts remain out of compliance with this indicator. As a result, the State has provided targeted technical assistance including on-site record reviews and consultation with the special education co-op representative. The State reported that it will also attach “special conditions” status on each of the 14 districts’ FFY 2009 applications for IDEA Part B funds.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2005 and 2006 APRs, was advised of available</p>	<p>Although the State is not required to report data for this indicator in the FFY 2008 APR, the State must report on the timely correction and subsequent correction of the noncompliance reported by the State under this indicator in the FFY 2007 APR, (i.e., the 14 LEAs with findings of noncompliance based on FFY 2005 data and the LEAs with findings of noncompliance based on FFY 2006 data that were issued notice in May 2008).</p> <p>The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each youth, unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary, to ensure compliance.</p>

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	<p>technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>OSEP’s Frequently Asked Questions Regarding Identification and Correction of Noncompliance and Reporting of Correction in the SPP/APR, dated September 3, 2008 (OSEP FAQ) states in Question and Answer #7 that “[w]ritten notification of findings needs to occur as soon as possible after the State concludes that the LEA . . . has noncompliance. Generally, we would expect that written findings be issued less than three months after discovery.” The State ended its collection of data for FFY 2006 on June 30, 2007, but did not notify LEAs of findings of noncompliance until May 2008.</p> <p>As a consequence of the delay in notifying LEAs of findings of noncompliance related to this indicator, the State is unable to provide data on the correction of noncompliance for FFY 2006. Accordingly, OSEP is unable to consider correction of noncompliance for this indicator when making determinations under section 616 of the IDEA.</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>The State revised the baseline, measurement and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 data for this indicator are 80.8%. OSEP could not determine progress or slippage because the State revised the measurement for this indicator.</p> <p>The State did not meet its FFY 2007 target of 81.3%.</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and</p>	<p>The State’s FFY 2007 reported data for this indicator are 100%. These data represent progress from the FFY 2006 data of 64.92%.</p>	<p>OSEP appreciates the State’s efforts in timely correcting noncompliance reported by the State under this indicator in the FFY</p>

Kentucky Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State met its FFY 2007 target of 100%.</p> <p>The State's FFY 2007 data for this indicator are 100%. The State reported that only FFY 2006 noncompliance related to Indicators 9 and 10 and noncompliance identified through formal complaints or due process hearings were reported under this indicator. Districts were not notified of other findings of noncompliance based on FFY 2006 data until May 2008.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>2007 APR in accordance with 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600(e).</p> <p>In addition, in responding to Indicators 11, 12, and 13 in the FFY 2008 APR due February 1, 2010, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>In reporting on correction of noncompliance, the State must report that it has: (1) corrected all instances of noncompliance (including noncompliance identified through the State's monitoring system, through the State's data system and by the Department); and (2) verified that each LEA with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with OSEP Memo 09-02.</p> <p>In reporting on Indicator 15 in the FFY 2008 APR, the State must use the Indicator 15 Worksheet.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p> <p>[Compliance Indicator]</p>	<p>The State revised an improvement activity for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 100%. These data remain unchanged from the FFY 2006 data of 100%.</p> <p>The State met its FFY 2007 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State reported that there were no fully adjudicated due process hearings during the reporting period.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2008 APR, due February 1, 2010.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
officer at the request of either party. [Compliance Indicator]	The State's FFY 2006 data was 33%.	
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 43%. These data represent slippage from the FFY 2006 data of 80%. The State did not meet its target of 73%.	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State revised its improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 90%. These data represent progress from the FFY 2006 data of 75%. The State met its FFY 2007 target of 68%.	OSEP appreciates the State's efforts to improve performance.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 100%. These data represent progress from the FFY 2006 data of 91.7%. The State met its target of 100%.	OSEP appreciates the State's efforts in achieving compliance with IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2008 APR, the State must use the Indicator 20 Data Rubric.