

**Delaware Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) targets and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 69.78%. Because the State's actual target data for this indicator are from the same year as the data reported for this indicator in the State's FFY 2007 APR, OSEP cannot comment on whether there is progress or slippage. The State did not meet its FFY 2007 target of 81%.</p> <p>The State provided a narrative that describes the conditions youth must meet to graduate with a regular diploma.</p> <p>The State reported the required graduation rate calculation and timeline established by the Department under the Elementary and Secondary Education Act (ESEA). This means that the State submitted the most recent graduation data that the State reported to the Department as part of its Consolidated State Performance Report (CSPR). In its APR submitted February 1, 2010, the State reported FFY 2007 data for this indicator.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR, due February 1, 2011.</p>
<p>2. Percent of youth with IEPs dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 4.28%. Because the State's actual target data for this indicator are from the same year as the data reported for this indicator in the State's FFY 2007 APR, OSEP cannot comment on whether there is progress or slippage. The State met its FFY 2007 target of 6.8%.</p> <p>The State provided a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs.</p> <p>The State reported the required dropout rate calculation and timeline established by ESEA. This means that the State submitted the most recent dropout data that the State reported to the Department as part of its CSPR. In its APR submitted February 1, 2010, the State reported FFY 2007 data for this indicator.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance of</p>	<p>The State revised the baseline and targets for this indicator and OSEP accepts</p>	<p>OSEP appreciates the State's efforts to</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																																																															
<p>children with IEPs on statewide assessments:</p> <p>A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup.</p> <p>[Results Indicator]</p>	<p>those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are:</p> <table border="1" data-bbox="548 331 1415 597"> <thead> <tr> <th>Level</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> </tr> </thead> <tbody> <tr> <td>Elementary</td> <td>50%</td> <td>48%</td> </tr> <tr> <td>Middle</td> <td>31%</td> <td>48%</td> </tr> <tr> <td>High</td> <td>23%</td> <td>60%</td> </tr> </tbody> </table> <p>OSEP was unable to determine whether there was progress or slippage because the State changed the way data were reported. The State met part of its FFY 2008 targets.</p>	Level	FFY 2008 Data	FFY 2008 Target	Elementary	50%	48%	Middle	31%	48%	High	23%	60%	<p>improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR.</p>																																																			
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<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>B. Participation rate for children with IEPs.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are:</p> <table border="1" data-bbox="548 915 1415 1365"> <thead> <tr> <th>Grade</th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> </tr> </thead> <tbody> <tr> <td></td> <td colspan="3">Reading</td> <td colspan="3">Math</td> </tr> <tr> <td>3</td> <td>99.62%</td> <td>99.15%</td> <td>99.1%</td> <td>99.62%</td> <td>98.73%</td> <td>99.2%</td> </tr> <tr> <td>4</td> <td>99.78%</td> <td>99.14%</td> <td>98.6%</td> <td>99.85%</td> <td>99.28%</td> <td>98.9%</td> </tr> <tr> <td>5</td> <td>99.80%</td> <td>99.21%</td> <td>99.4%</td> <td>99.80%</td> <td>99.43%</td> <td>99.2%</td> </tr> <tr> <td>6</td> <td>99.58%</td> <td>98.05%</td> <td>98.3%</td> <td>99.72%</td> <td>98.12%</td> <td>98.4%</td> </tr> <tr> <td>7</td> <td>98.88%</td> <td>98.06%</td> <td>98.1%</td> <td>98.75%</td> <td>98.35%</td> <td>98.2%</td> </tr> <tr> <td>8</td> <td>98.34%</td> <td>98.18%</td> <td>97.5%</td> <td>98.66%</td> <td>98.05%</td> <td>97.3%</td> </tr> <tr> <td>HS</td> <td>96.42%</td> <td>96.55%</td> <td>95.7%</td> <td>96.60%</td> <td>97.01%</td> <td>95.3%</td> </tr> </tbody> </table> <p>The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from FFY 2007 data. The State met part of its</p>	Grade	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target		Reading			Math			3	99.62%	99.15%	99.1%	99.62%	98.73%	99.2%	4	99.78%	99.14%	98.6%	99.85%	99.28%	98.9%	5	99.80%	99.21%	99.4%	99.80%	99.43%	99.2%	6	99.58%	98.05%	98.3%	99.72%	98.12%	98.4%	7	98.88%	98.06%	98.1%	98.75%	98.35%	98.2%	8	98.34%	98.18%	97.5%	98.66%	98.05%	97.3%	HS	96.42%	96.55%	95.7%	96.60%	97.01%	95.3%	<p>OSEP appreciates the State’s efforts to improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR.</p>
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	<p>FFY 2008 targets.</p> <p>The State provided a web link to 2008 publicly-reported assessment results. <a href="http://www.doe.k12.de.us/aab/Report_and_documents/State_Summary_Reports.shtml">http://www.doe.k12.de.us/aab/Report_and_documents/State_Summary_Reports.shtml</a></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, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are:</p> <table border="1" data-bbox="550 581 1419 1032"> <thead> <tr> <th>Grade</th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> </tr> </thead> <tbody> <tr> <td></td> <td colspan="3">Reading</td> <td colspan="3">Math</td> </tr> <tr> <td>3</td> <td>59.16%</td> <td>58.43%</td> <td>74%</td> <td>50.61%</td> <td>48.07%</td> <td>63%</td> </tr> <tr> <td>4</td> <td>50.15%</td> <td>49.88%</td> <td>62%</td> <td>45.23%</td> <td>43.49%</td> <td>55%</td> </tr> <tr> <td>5</td> <td>54.92%</td> <td>54.08%</td> <td>70%</td> <td>43.54%</td> <td>44.81%</td> <td>60%</td> </tr> <tr> <td>6</td> <td>43.75%</td> <td>41.89%</td> <td>51%</td> <td>37.94%</td> <td>37.09%</td> <td>42%</td> </tr> <tr> <td>7</td> <td>47.31%</td> <td>46.53%</td> <td>52%</td> <td>31.63%</td> <td>32.19%</td> <td>37%</td> </tr> <tr> <td>8</td> <td>37.80%</td> <td>44.76%</td> <td>53%</td> <td>27.60%</td> <td>32.65%</td> <td>38%</td> </tr> <tr> <td>HS</td> <td>28.66%</td> <td>28.65%</td> <td>40%</td> <td>24.53%</td> <td>22.9%</td> <td>33%</td> </tr> </tbody> </table> <p>The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from FFY 2007 data. The State did not meet its FFY 2008 targets.</p> <p>The State did not provide a web link to 2008 publicly-reported assessment results.</p>	Grade	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target		Reading			Math			3	59.16%	58.43%	74%	50.61%	48.07%	63%	4	50.15%	49.88%	62%	45.23%	43.49%	55%	5	54.92%	54.08%	70%	43.54%	44.81%	60%	6	43.75%	41.89%	51%	37.94%	37.09%	42%	7	47.31%	46.53%	52%	31.63%	32.19%	37%	8	37.80%	44.76%	53%	27.60%	32.65%	38%	HS	28.66%	28.65%	40%	24.53%	22.9%	33%	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</p>
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<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year</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 21.05%. Because the State's actual target data for this indicator are from the same year as the data reported for this indicator in the State's FFY 2007 APR, OSEP cannot comment on whether there is progress or slippage. The State met its FFY</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>																																																															

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<p>for children with IEPs; and [Results Indicator]</p>	<p>2007 target of 36.8%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that it reviewed the LEA’s 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, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies for FFY 2007.</p> <p>The State reported that it did not revise (and did not require the affected LEAs to revise) the LEA’s 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 pursuant to 34 CFR §300.170(b) for the LEAs identified with significant discrepancies for FFY 2007, because it identified no noncompliance.</p>	
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator; New for FFY 2009]</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR.</p>	<p>Indicator 4B is new for FFY 2009. Baseline data from 2008-2009, targets (0%), and improvement activities must be submitted with the FFY 2009 APR.</p>
<p>5. Percent of children with IEPs</p>	<p>The State revised the indicator and measurement language (consistent with</p>	<p>OSEP appreciates the State’s efforts to</p>

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<p>aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 367 1467 834"> <thead> <tr> <th></th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td>53.2</td> <td>55.90</td> <td>59</td> <td>2.70%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td>18.3</td> <td>17.58</td> <td>18.7</td> <td>0.72%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td>6.4</td> <td>4.98</td> <td>4.0</td> <td>1.42%</td> </tr> </tbody> </table> <p>These data represent progress from the FFY 2007 data. The State met its FFY 2008 target for 5B, but did not meet its FFY 2008 targets for 5A and 5C.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the State to submit documentation within 60 days demonstrating that Delaware's funding mechanism had been revised and implemented to ensure the appropriate placement of students in the least restrictive environment, or otherwise demonstrate that it is meeting the requirements of 20 U.S.C 1412(a)(5)(B). On July 14, 2009, the State submitted documentation indicating that a needs-based funding model would be used to provide support for special education services in all districts and charter schools during the 2009-2010 school year. In addition, the State reported that it expected that the needs-based funding structure would be finalized through statutory changes by June 30, 2010.</p>		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	A. % Inside the regular class 80% or more of the day	53.2	55.90	59	2.70%	B. % Inside the regular class less than 40% of the day	18.3	17.58	18.7	0.72%	C. % In separate schools, residential facilities, or homebound/hospital placements	6.4	4.98	4.0	1.42%	<p>improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</p> <p>As noted in OSEP's correspondence to the State dated September 11, 2009, the State must submit documentation by July 1, 2010, demonstrating that the needs-based funding structure has been finalized through statutory changes.</p>
	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress																		
A. % Inside the regular class 80% or more of the day	53.2	55.90	59	2.70%																		
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C. % In separate schools, residential facilities, or homebound/hospital placements	6.4	4.98	4.0	1.42%																		
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR.</p>	<p>The instruction package for the FFY 2009 APR/SPP will provide guidance regarding the information that States must report for this indicator in their FFY 2009 APRs.</p>																				

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<p>services in the regular early childhood program; and</p> <p>B. Separate special education class, separate school or residential facility.</p> <p>[Results Indicator; New]</p>														
<p>7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator]</p>	<p>The State did not revise the measurement language for this indicator. However, the State's reported data reflect the correct measurement for this indicator.</p> <p>The State provided FFY 2008 baseline data, targets, and improvement activities for this indicator and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2008 reported baseline data for this indicator are:</p> <table border="1" data-bbox="548 797 1444 1321"> <thead> <tr> <th data-bbox="548 797 921 914">08-09 Preschool Outcome Baseline Data</th> <th data-bbox="921 797 1194 914"><u>Summary Statement 1</u><sup>1</sup></th> <th data-bbox="1194 797 1444 914"><u>Summary Statement 2</u><sup>2</sup></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 914 921 1052"><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="921 914 1194 1052">90.5</td> <td data-bbox="1194 914 1444 1052">60.2</td> </tr> <tr> <td data-bbox="548 1052 921 1219"><b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td data-bbox="921 1052 1194 1219">92.9</td> <td data-bbox="1194 1052 1444 1219">54.3</td> </tr> <tr> <td data-bbox="548 1219 921 1321"><b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)</td> <td data-bbox="921 1219 1194 1321">91.8</td> <td data-bbox="1194 1219 1444 1321">64.8</td> </tr> </tbody> </table>	08-09 Preschool Outcome Baseline Data	<u>Summary Statement 1</u> <sup>1</sup>	<u>Summary Statement 2</u> <sup>2</sup>	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	90.5	60.2	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	92.9	54.3	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	91.8	64.8	<p>The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.</p> <p>The State must provide a revised SPP that reflects the revisions to the measurement language with its FFY 2009 APR.</p>
08-09 Preschool Outcome Baseline Data	<u>Summary Statement 1</u> <sup>1</sup>	<u>Summary Statement 2</u> <sup>2</sup>												
<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	90.5	60.2												
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	92.9	54.3												
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	91.8	64.8												

<sup>1</sup> Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned six years of age or exited the program.

<sup>2</sup> Summary Statement 2: The percentage of preschool children who were functioning within age expectations in each Outcome by the time they turned six years of age or exited the program.

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<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.</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 2008 reported data for this indicator are 85.3%. These data represent progress from the FFY 2007 data of 84%. The State met its FFY 2008 target of 85%.</p> <p>In its description of its FFY 2008 data, the State addressed whether the response group was representative of the population.</p>	<p>OSEP appreciates the State's efforts to improve performance.</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.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 2.78%. These data represent slippage from the FFY 2007 data of 0%. The State did not meet its FFY 2008 target of 0%.</p> <p>The State provided the definition of disproportionate representation.</p> <p>The State reported that nine districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that one district was identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the State to clarify in the FFY 2008 APR, due February 1, 2010, whether the State defined disproportionate representation to be the same as significant disproportionality since the terms were used interchangeably in the State's FFY 2007 APR and SPP. The State provided the required information.</p>	<p>OSEP appreciates the State's efforts regarding this indicator and looks forward to reviewing data in the FFY 2009 APR demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2008 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must demonstrate, in the FFY 2009 APR, that the districts identified in FFY 2008 with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memorandum 09-02 dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State is unable to demonstrate compliance with those requirements in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State if there are questions or concerns.</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 and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 0%. These data remain unchanged from the FFY 2007 data of 0%. The State met its FFY 2008 target of 0%.</p> <p>The State provided the definition of disproportionate representation.</p> <p>The State reported that 13 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the State to clarify in the FFY 2008 APR, due February 1, 2010 whether the State defined disproportionate representation to be the same as significant disproportionality since the terms were used interchangeably in the State's FFY 2007 APR and SPP. The State provided the required information.</p>	<p>OSEP appreciates the State's efforts regarding this indicator.</p> <p>OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State there are questions or concerns.</p>

**Delaware Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p>	<p>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 97%. These data represent progress from the FFY 2007 data of 94.9%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that all 42 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that it is in compliance with the timely initial evaluation requirements in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>12. Percent of children referred by</p>	<p>The State revised the measurement language (consistent with revisions in the</p>	<p>OSEP appreciates the State's efforts and</p>

**Delaware Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 99%. These data represent progress from the FFY 2007 data of 97.7%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that all seven of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that it is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>13. Percent of youth with IEPs aged 16 and above with an IEP that</p>	<p>The State is not required to provide actual target data for FFY 2008 for this indicator.</p>	<p>In the FFY 2009 APR, 2011, the State must provide a revised baseline using data from</p>

**Delaware Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</p> <p>[Compliance Indicator]</p>	<p>The State reported that all four of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner. However, the State did not report that it verified that each LEA with noncompliance identified in FFY 2007 has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. The State reported that its monitoring protocols implemented during FFY 2007 did not include provisions to identify students by name, therefore the State does not have a mechanism to retrieve the names of the students with the IEPs that were identified as noncompliant in FFY 2007. Therefore, the State has not demonstrated that it corrected the noncompliance.</p>	<p>2009-2010. Targets must remain 100%.</p>
<p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school.</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some</p>	<p>The State is not required to provide actual target data, targets or improvement activities for FFY 2008 for this indicator.</p>	<p>In the FFY 2009 APR the State must report baseline, targets, and, as needed, improvement activities.</p>

**Delaware Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>other employment within one year of leaving high school.</p> <p>[Results Indicator]</p>		
<p>15. 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.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 98%. These data represent slippage from the FFY 2007 data of 100%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that 59 of 60 findings of noncompliance identified in FFY 2007 were corrected in a timely manner. For the remaining finding of noncompliance that was not corrected, the State reported on the actions it took to address the uncorrected noncompliance.</p> <p>Although the State reported that it verified correction of noncompliance, The State did not report that it verified that each LEA identified with noncompliance under Indicator 13 in FFY 2007 has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.</p> <p>OSEP's March 25, 2010 verification letter required the State to submit within 60 days, documentation demonstrating that: (1) it has developed, and is implementing revised general supervision procedures to monitor all IDEA Part B requirements and identify all noncompliance discovered, regardless of the level of compliance; (2) it has revised its statewide IEP to contain all of the components required under 34 CFR §§300.320(a)(4)(ii)-(iii) and 300.320(a)(5). The State was also required, within 60 days, to provide written assurance that it has revised its procedures for timely correction of noncompliance. On May 24, 2010 the State submitted: (1) a revised on-site monitoring protocol; (2) a compliance tracking worksheet; and (3) a copy of the revised statewide IEP.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that the State timely corrected noncompliance identified in FFY 2008 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP's Memo 09-02.</p> <p>Although the State did not report for this indicator that it verified correction of noncompliance identified in FFY 2007 consistent with OSEP Memo 09-02, OSEP accepted the data for this indicator this year because this indicator measures timely correction of noncompliance and OSEP Memo 09-02 was issued after the beginning of the FFY 2008 correction period.</p> <p>The State must demonstrate, in the FFY 2009 APR, that the remaining one finding of noncompliance identified in FFY 2007 that was not reported as corrected in the FFY 2008 APR was corrected.</p> <p>In reporting on correction of noncompliance in the FFY 2009 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2008: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site</p>

**Delaware Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>In responding to Indicators 9, 11, and 12 in the FFY 2009 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>In addition, in reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 Worksheet.</p> <p>OSEP is currently reviewing the State's submission of materials in response to OSEP's March 25, 2010 verification letter and will respond under separate cover.</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, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 87.5%. These data are based on eight complaints. The State did not meet its FFY 2008 target of 100%.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2009 APR, demonstrating that the State is in compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>

**Delaware Part B FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 0%. These data are based on two due process hearings. The State did not meet its FFY 2008 target of 100%.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2009 APR demonstrating that the State is in compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State reported that no resolution sessions were held during the reporting period.</p> <p>The State reported fewer than ten resolution sessions held in FFY 2008. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more resolution sessions were held.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State reported that two of three mediations resulted in mediation agreements.</p> <p>The State reported fewer than ten mediations held in FFY 2008. The State is not required to meet its targets or provide improvement activities in any fiscal year in which fewer than ten mediations were held.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 95%. These data represent progress from the FFY 2007 data of 84%. The State did not meet its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2009 APR, the State must use the Indicator 20 Data Rubric.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		State must review its improvement activities and revise them, if necessary.