

Montana Part B FFY 2008 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. [Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and targets for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 76.8%. 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 70%.</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 appreciates the State's efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [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 4.5%. 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 5.6%.</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 the Department under the 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</p>	<p>The State's FFY 2008 reported data for this indicator are 8.8%. These data</p>	<p>OSEP looks forward to the State's data</p>

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<p>of 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>represent slippage from the FFY 2007 data of 44.3%. The State did not meet its FFY 2008 target of 41%.</p>	<p>demonstrating improvement in performance in the FFY 2009 APR, due February 1, 2011.</p>
<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 targets for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 95% for reading and 95.4% for math. The data for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from the State's reported FFY 2007 data. The State met its FFY 2008 targets of 95% for reading and math.</p> <p>The State provided a web link to FFY 2007 publicly-reported assessment results at www.opi.mt.gov/Reports&Data/Index.html#gpm1_9.</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>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 targets for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 46% for reading and 27.8% for math. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from the State's reported FFY 2007 data. The State met its FFY 2008 target of 33% for reading and did not meet its FFY 2008 target of 33% for math.</p> <p>The State provided a web link to FFY 2007 publicly-reported assessment results at www.opi.mt.gov/Reports&Data/Index.html#gpm1_9.</p>	<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>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts that have a significant discrepancy in the rate of</p>	<p>The State's FFY 2007 reported data for this indicator are 0%. 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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suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and [Results Indicator]	2007 target of 0%. The State reported its definition of “significant discrepancy.”						
4. Rates of suspension and expulsion: 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. [Compliance Indicator; New for FFY 2009]	The State is not required to report on this indicator in the FFY 2008 APR.	Indicator 4B is new for FFY 2009. Baseline data from 2008-2009, targets (0%), and improvement activities must be submitted with the FFY 2009.					
5. Percent of children with IEPs aged 6 through 21 served: A. Inside the regular class 80% or more of the day; B. Inside the regular class less than 40% of the day; or C. In separate schools, residential facilities, or homebound/hospital placements. [Results Indicator]	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. The State’s reported data for this indicator are: <table border="1" data-bbox="550 1230 1467 1377"> <tr> <td></td> <td>FFY 2007 Data</td> <td>FFY 2008 Data</td> <td>FFY 2008 Target</td> <td>Progress</td> </tr> </table>		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	OSEP appreciates the State’s efforts to improve performance.
	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress			

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	A. % Inside the regular class 80% or more of the day	51	52.2	49	1.20%	
	B. % Inside the regular class less than 40% of the day	11.7	11.7	12	0.00%	
	C. % In separate schools, residential facilities, or homebound/hospital placements	1.4	1.5	1.5	-0.10%	
	These data represent progress for 5A and slippage for 5C and remain unchanged for 5B from the FFY 2007 data. The State met all of its FFY 2008 targets for this indicator.					
<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 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>	The State is not required to report on this indicator in the FFY 2008 APR.					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>7. Percent of preschool children aged 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>The State revised the measurement language for this indicator (consistent with revisions in the Indicator Measurement Table) and OSEP accepts those revisions.</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>					The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.

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<p>C. Use of appropriate behaviors to meet their needs. [Results Indicator]</p>	<p>08-09 Preschool Outcome Baseline Data</p>	<p align="center"><u>Summary Statement 1</u>¹</p>	<p align="center"><u>Summary Statement 2</u>²</p>	
	<p>Outcome A: Positive social-emotional skills (including social relationships) (%)</p>	<p align="center">61.4</p>	<p align="center">59.2</p>	
	<p>Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</p>	<p align="center">70.3</p>	<p align="center">31.6</p>	
	<p>Outcome C: Use of appropriate behaviors to meet their needs (%)</p>	<p align="center">58.1</p>	<p align="center">64.1</p>	
<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's FFY 2008 reported data for this indicator are 72.9%. These data represent progress from the FFY 2007 data of 62%. The State met its FFY 2008 target of 66%.</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. [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 reported that one district was identified with disproportionate representation of racial and ethnic groups in special education and related</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 if there are questions or concerns.</p>

¹ 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.

² 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>services. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services.</p> <p>The State provided its definition of disproportionate representation.</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 reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories.</p> <p>The State provided its definition of disproportionate representation.</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 if there are questions or concerns.</p>
<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. [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 90.1%. These data represent slippage from the FFY 2007 data of 91.1%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that all 13 of its incidents of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the timely initial evaluation requirement 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 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</p>

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		<p>whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, 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 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 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>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 70.5%. These data represent slippage from the FFY 2007 data of 71.5%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that it did not make findings of noncompliance for FFY 2007 related to this indicator. The State reported that by the time it collected data for this indicator for FFY 2007, 100% of the 37 incidents of noncompliance identified in FFY 2007 for this indicator had already been corrected.</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State 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. When reporting 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 – including LEAs for which the State has not made findings of noncompliance, but has identified instances of noncompliance: (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</p>

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		<p>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 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 is not required to provide actual target data for FFY 2008 for this indicator.</p> <p>The State reported that all 33 of its instances of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>In the FFY 2009 APR, the State must provide a revised baseline using data from 2009-2010. Targets must remain 100%.</p>
<p>14. Percent of youth who are no longer in secondary school, had</p>	<p>The State is not required to provide actual target data, targets or improvement</p>	<p>In the FFY 2009 APR the State must report a new baseline, targets, and, as needed,</p>

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<p>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 other employment within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>activities for FFY 2008 for this indicator.</p>	<p>improvement activities.</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 100%. These data represent progress from the FFY 2007 data of 96.6%. The State met its FFY 2008 target of 100%.</p> <p>The State reported that all five of its findings of noncompliance identified in FFY 2007 were corrected in a timely manner.</p> <p>OSEP's January 27, 2010 verification visit letter found that the State did not have a general supervision system that is reasonably designed to ensure correction of identified noncompliance in a timely manner using its different components. OSEP based "its finding on the fact that when the State identifies noncompliance as child-specific, rather than systemic, it does not review updated data or otherwise monitor to ensure that the LEA is currently implementing the specific regulatory requirements that formed the basis of the finding of noncompliance." OSEP's letter required the State to submit, within 60 days from receipt of the verification visit letter, revised policies and procedures that confirm that the State is verifying correction of noncompliance consistent with OSEP Memo 09-02.</p> <p>In its March 1, 2010 letter to OSEP, the State provided additional information</p>	<p>OSEP appreciates the State's efforts in timely correcting noncompliance identified in FFY 2007.</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 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 addition, OSEP accepts the State's</p>

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	<p>about its procedures for verifying correction of noncompliance. The State reported that it reviews updated data or otherwise monitors to ensure that an LEA is currently implementing the specific regulatory requirements that formed the basis of the finding of noncompliance even in instances where the State has only found instances or findings of child-specific noncompliance.</p> <p>The State provided further information and clarification in its FFY 2008 APR, and reported that the State looks at updated data to verify correction of noncompliance regardless of whether the State has identified child specific or systemic noncompliance and regardless of whether the LEA has corrected child specific noncompliance prior to making a finding of noncompliance.</p>	<p>description of its method of verifying correction of child-specific noncompliance. No further action is required relative to this finding from OSEP’s January 27, 2010 verification visit letter.</p> <p>OSEP recommends that the State work closely with its State Contact to ensure that it properly describes the specific actions that were taken to verify the correction of noncompliance, consistent with the reporting requirements for the FFY 2009 APR.</p> <p>In reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 Worksheet.</p> <p>Further, in responding to Indicators 4A, 10, 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>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 revised the indicator language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 100%. These data are based on two complaints. The State met its FFY 2008 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 adjudicated due</p>	<p>The State revised the measurement language (consistent with revisions in the</p>	<p>OSEP looks forward to reviewing the State’s</p>

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<p>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>Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State reported that it did not receive any requests for due process hearings during the reporting period.</p>	<p>data in the FFY 2009 APR.</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 one of one resolution session resulted in a settlement agreement.</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 three of three mediations resulted in mediation agreements.</p> <p>The State reported fewer than ten mediation 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 mediation sessions 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 100%. These data represent progress from the FFY 2007 data of 93.5%. The State met its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).</p> <p>In reporting on Indicator 20 in the FFY 2009 APR, the State must use the Indicator 20 Data Rubric.</p>