

Virginia 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) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 44%. 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 45%.</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. [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 2.4%. 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 1.89%.</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 looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: A. Percent of the districts with a</p>	<p>The State's FFY 2008 reported data for this indicator are 71.9%. These data represent progress from the FFY 2007 data of 59.8%. The State met its FFY 2008 target of 67%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

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<p>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>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) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 99% for reading and 99% 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 targets of 95%.</p> <p>The State provided a web link to 2008 publicly-reported assessment results. http://www.doe.virginia.gov/federal_programs/esea/applications/consolidated/consolidated_app_account_wkbk/accountability_workbook.pdf</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 improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 73% for reading and 71% 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 did not meet its FFY 2008 targets of 81% for reading and 79% for Math.</p> <p>The State provided a web link to 2008 publicly-reported assessment results. http://www.doe.virginia.gov/federal_programs/esea/applications/consolidated/consolidated_app_account_wkbk/accountability_workbook.pdf</p>	<p>OSEP 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 18.2% for suspensions and 7.6% for expulsions. 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 12% for</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</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and</p> <p>[Results Indicator]</p>	<p>suspensions, but met its FFY 2007 target of 8% for expulsions.</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 LEA’s 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, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies for FFY 2007.</p>	<p>2009 APR.</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]</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>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
<p>5. Percent of children with IEPs 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>The State revised the indicator and measurement language for this indicator (consistent with revisions in the Indicator Measurement Table) 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="548 415 1467 883"> <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 align="center">57</td> <td align="center">56</td> <td align="center">64</td> <td align="center">-1.00%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">16</td> <td align="center">16</td> <td align="center">10</td> <td align="center">0.00%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td align="center">3.5</td> <td align="center">3.6</td> <td align="center">≥1</td> <td align="center">-0.10%</td> </tr> </tbody> </table> <p>These data represent slippage for 5A and 5C, and remain unchanged for 5B from the FFY 2007 data. The State did not meet any of its FFY 2008 targets for this indicator.</p>		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	A. % Inside the regular class 80% or more of the day	57	56	64	-1.00%	B. % Inside the regular class less than 40% of the day	16	16	10	0.00%	C. % In separate schools, residential facilities, or homebound/hospital placements	3.5	3.6	≥1	-0.10%	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</p>
	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress																		
A. % Inside the regular class 80% or more of the day	57	56	64	-1.00%																		
B. % Inside the regular class less than 40% of the day	16	16	10	0.00%																		
C. % In separate schools, residential facilities, or homebound/hospital placements	3.5	3.6	≥1	-0.10%																		
<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>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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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps												
[Results Indicator; New]														
<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>C. Use of appropriate behaviors to meet their needs.</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 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 reported baseline data for this indicator are:</p> <table border="1" data-bbox="548 597 1444 1125"> <thead> <tr> <th data-bbox="548 597 919 711">08-09 Preschool Outcome Baseline Data</th> <th data-bbox="919 597 1192 711"><u>Summary Statement 1</u>¹</th> <th data-bbox="1192 597 1444 711"><u>Summary Statement 2</u>²</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 711 919 849">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="919 711 1192 849">82</td> <td data-bbox="1192 711 1444 849">55</td> </tr> <tr> <td data-bbox="548 849 919 1019">Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td data-bbox="919 849 1192 1019">83</td> <td data-bbox="1192 849 1444 1019">38</td> </tr> <tr> <td data-bbox="548 1019 919 1125">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td data-bbox="919 1019 1192 1125">82</td> <td data-bbox="1192 1019 1444 1125">61</td> </tr> </tbody> </table>	08-09 Preschool Outcome Baseline Data	<u>Summary Statement 1</u> ¹	<u>Summary Statement 2</u> ²	Outcome A: Positive social-emotional skills (including social relationships) (%)	82	55	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	83	38	Outcome C: Use of appropriate behaviors to meet their needs (%)	82	61	<p>The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.</p>
08-09 Preschool Outcome Baseline Data	<u>Summary Statement 1</u> ¹	<u>Summary Statement 2</u> ²												
Outcome A: Positive social-emotional skills (including social relationships) (%)	82	55												
Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	83	38												
Outcome C: Use of appropriate behaviors to meet their needs (%)	82	61												
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of</p>	<p>The State’s FFY 2008 reported data for this indicator are 63.5%. These data represent slippage from the FFY 2007 data of 68.4%. The State did not meet its FFY 2008 target for this indicator of 65%.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR.</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>improving services and results for children with disabilities.</p> <p>[Results Indicator]</p>	<p>The State reported that the data for this indicator were collected from a response group that was not representative of the population.</p>	<p>The State reported that the response group was not representative of the population. In the FFY 2009 APR, the State must report whether its FFY 2009 data are from a group representative of the population, and if not, the actions the State is taking to address this issue.</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'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 94 districts were identified with disproportionate overrepresentation of racial and ethnic groups in special education and related services and that 132 districts were identified with disproportionate underrepresentation of racial and ethnic groups in special education and related services. The State reported that no districts were determined in FFY 2008 to have disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.</p> <p>In the FFY 2008 APR, the State provided its definition of disproportionate representation of racial and ethnic groups in special education and related services. This definition is different from the definition in the State's SPP.</p> <p>In its January 15, 2010 verification visit letter, OSEP found that the State's failure to consider underrepresentation when determining whether school divisions have disproportionate representation represents noncompliance with requirements in section 616(a)(3)(C) and 34 CFR §300.600(d)(3).</p> <p>OSEP's January 15, 2010 letter required the State to provide, within 60 days from the date of OSEP's letter, a written assurance that its analysis for Indicator 9 was based on a review of data for both underrepresentation and overrepresentation. In its March 11, 2010 response and its FFY 2008 APR, the State specifically confirmed that it had met those requirements.</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>10. Percent of districts with disproportionate representation of</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</p>	<p>OSEP appreciates the State's efforts regarding this indicator.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>2008 target of 0%.</p> <p>The State reported that 110 districts were identified with disproportionate overrepresentation of racial and ethnic groups in specific disability categories and that 129 districts were identified with disproportionate underrepresentation of racial and ethnic groups in specific disability categories. The State reported that no districts were determined in FFY 2008 to have disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>The State provided in its FFY 2008 APR its definition of disproportionate representation of racial and ethnic groups in specific disability categories. This definition is different from the definition in the State’s SPP.</p> <p>In its January 15, 2010 verification visit letter, OSEP found that the State’s failure to consider underrepresentation when determining whether school divisions have disproportionate representation represents noncompliance with requirements in section 616(a)(3)(C) and 34 CFR §300.600(d)(3).</p> <p>OSEP’s January 15, 2010 letter required the State to provide, within 60 days from the date of OSEP’s letter, a written assurance that its analysis for Indicator 10 was based on a review of data for both underrepresentation and overrepresentation. In its March 11, 2010 response and its revised FFY 2008 APR, the State specifically confirmed that it had met those requirements.</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.</p> <p>[Compliance Indicator]</p>	<p>The State revised the measurement 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 97.5%. These data represent progress from the FFY 2007 data of 96.8%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that 14 of 21 findings of noncompliance identified in FFY 2007 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</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>If the State does not report 100% compliance in the FFY 2009 APR, the</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>State must review its improvement activities and revise them, if necessary.</p> <p>The State must demonstrate, in the FFY 2009 APR, that the remaining seven uncorrected noncompliance findings identified in FFY 2007 were corrected.</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 and the LEAs with the remaining seven uncorrected noncompliance findings identified in FFY 2007: (1) are 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) have 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 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>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>The State revised the measurement language (consistent with the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 data for this indicator are 99%. These data represent progress from the FFY 2007 data of 97%. 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 early childhood transition requirements in 34 CFR §300.124(b). Because the State</p>

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[Compliance Indicator]	<p>The State reported that nine of 11 findings of noncompliance identified in FFY 2007 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>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>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>The State must demonstrate, in the FFY 2009 APR, that the remaining two uncorrected noncompliance findings identified in FFY 2007 data were corrected.</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 FFY 2008 data the State reported for this indicator and the LEAs with the two uncorrected noncompliance findings identified in FFY 2007: (1) are 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) have 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</p>

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<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>Although the State reported less than 100% compliance for this indicator for FFY 2007, the State did not provide information on the number of findings of noncompliance it identified for this indicator in FFY 2007 or the number of those findings that were timely or subsequently corrected. Rather, the State described the process it used to verify correction of findings of noncompliance, and reported only that, “VDOE verified the timely correction of noncompliance findings for most but not all LEAs that reported noncompliance and that did not have an on-site monitoring visit.”</p>	<p>correction.</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>In the FFY 2009 APR, the State must also report: (1) the number of findings of noncompliance it made in FFY 2007 based on the FFY 2007 data for this indicator, the number of those findings timely corrected, and the number of findings subsequently corrected; and (2) the number of findings of noncompliance it made in FFY 2008 based on the FFY 2007 data for this indicator, the number of those findings timely corrected, and the number of findings subsequently corrected.</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 identified in FFY 2007 or FFY 2008: (1) is correctly implementing 34 CFR §300.320(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 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>

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<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 other employment within one year of leaving high school.</p> <p>[Results Indicator]</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 a new baseline, targets, and, as needed, 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's FFY 2008 reported data for this indicator are 89.5%. 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 225 of 256 findings of noncompliance identified in FFY 2007 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>OSEP's January 15, 2010 verification visit letter found that the State's procedure for determining timely correction for findings of noncompliance for Indicators 11, 12, and 13 based solely on whether a child subsequently received a required benefit, without also determining whether the school division is currently in compliance with regard to the specific regulatory requirement, is inconsistent with sections 612(a)(11) and 616 of the IDEA, 34 CFR §§300.149 and 300.600, and 20 U.S.C. 1232d(b)(3)(E), and with the guidance in OSEP Memo 09-02.</p> <p>OSEP's January 15, 2010 letter required the State to provide, within 60 days</p>	<p>The State must demonstrate, in the FFY 2009, that the remaining 31 findings of noncompliance identified in FFY 2007 that were not reported as corrected in the FFY 2008 APR were corrected.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2009 APR, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2008 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>In reporting on correction of noncompliance in the FFY 2009 APR, the</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>from the date of OSEP’s letter, a written assurance that:</p> <p>It has revised its policies and procedures for determining timely correction of noncompliance, so that it only determines that a finding of noncompliance has been corrected when the school division has both: (1) correctly implemented the specific regulatory requirements; and (2) corrected each individual case of student-specific noncompliance (even if late for timeline requirements); and if the State finds noncompliance in an LEA, its written notification to the LEA of the noncompliance explicitly requires correction as soon as possible, and in no case later than one year from the State’s identification.</p> <p>In its March 11, 2010 response, the State specifically confirmed that it had met those requirements.</p> <p>In its January 15, 2010 verification visit letter, OSEP also found that the State’s use of percentage thresholds below 100% (less than 96% for making findings and requiring correction related to compliance Indicators 11, 12, and 13 and less than 90% for making findings and requiring correction related to Indicators 9 and 10) was inconsistent with sections 612(a)(11) and 616 of the IDEA, 34 CFR §§300.149 and 300.600, and 20 U.S.C. 1232d(b)(3)(E). OSEP’s letter required the State to provide, within 60 days from the date of OSEP’s letter, a written assurance that it revised its procedure for making findings of noncompliance, removing the 90% and 96% thresholds, and making findings when a school division’s performance is below 100% for a compliance indicator. In its March 11, 2010 response, the State specifically confirmed that it had met those requirements.</p>	<p>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, in reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 Worksheet.</p> <p>In responding to Indicators 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 the FFY 2009 APR, the State must also report, in the specific indicator and in Indicator 15, on the timely correction of all noncompliance identified in FFY 2008, including in situations where the school division reported at least 96% compliance for Indicators 11, 12, and 13, or 90% for Indicators 9 and 10, but less than 100%.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day</p>	<p>The State revised the indicator language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those</p>	<p>OSEP appreciates the State’s efforts in achieving compliance with the timely complaint resolution requirements in 34</p>

Virginia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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>revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 100%. These data remain unchanged from the FFY 2007 data of 100%. The State met its FFY 2008 target of 100%.</p>	<p>CFR §300.152.</p>
<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 did not revise 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 93%. 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 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's FFY 2008 reported data for this indicator are 39%. These data represent progress from the FFY 2007 data of 30%. The State met its FFY 2008 target of 35%.</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's FFY 2008 reported data for this indicator are 84%. These data represent progress from the FFY 2007 data of 80%. The State met its FFY 2008 target of 76-80%.</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</p>	<p>The State's FFY 2008 reported data for this indicator are 100%. These data represent progress from the FFY 2007 data of 90.1%. The State met its FFY</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely and</p>

Virginia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
Performance Report) are timely and accurate. [Compliance Indicator]	2008 target of 100%.	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.