

West 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), 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 77.3%. 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 revised FFY 2007 target of 80%.</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. [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 2007 reported data for this indicator are 3.3%. 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 3.65%.</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 did not report the required dropout rate calculation and timeline established by the Department under the ESEA. The State explained that the State “will begin reporting the 4-year adjusted cohort graduation rate in 2011 under ESEA. Until this time, the statewide dropout statistic --which is calculated annually and was submitted in prior APRs -- will continue to be reported.”</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>

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<p>3. Participation and performance 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>The State revised improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 1.9%. These data represent slippage from the FFY 2007 data of 9.3%. The State did not meet its FFY 2008 target of 50%.</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:</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 96.6% for reading and 96.6% 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://wveis.k12.wv.us/nclb/OSEcf/Data/replist1.cfm</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 24.2% for reading and 28.6% 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 63.2% for reading and 62% for math.</p> <p>The State provided a web link to 2008 publicly-reported assessment results. http://wveis.k12.wv.us/nclb/OSEcf/Data/replist1.cfm</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>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in</p>

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<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 for children with IEPs; and</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2007 reported revised data for this indicator are 10.9%. 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 “decrease of 4% (from 13% to 9%) in the number of WV’s districts (from 7 to 5) identified by the State as having significant discrepancies.”</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 revised (or required the affected LEAs to revise), the LEA’s 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.</p> <p>The State reported that it made findings of noncompliance in April 2009 based on the review of policies, procedures, and practices for districts with a significant discrepancy for FFY 2007 and that “final correction of noncompliance is due April 1, 2010 and will be reported in the FFY 2009 APR.”</p>	<p>performance in the FFY 2009 APR.</p> <p>In the FFY 2009 APR, the State must report on the correction of the noncompliance that it identified in FFY 2008 (April 2009) based on the review of policies, procedures, and practices for districts identified with a significant discrepancy for FFY 2007.</p> <p>When reporting on the correction of noncompliance, the State must demonstrate, in the FFY 2009 APR, that it has verified that each LEA with noncompliance identified in FFY 2008 (April 2009) is correctly implementing the specific regulatory requirement(s).</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</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>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>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 (consistent with 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="548 732 1467 1198"> <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>66.7</td> <td>67.8</td> <td>59.5</td> <td>1.10%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td>7.8</td> <td>7.9</td> <td>5.6</td> <td>-0.10%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td>1.8</td> <td>1.9</td> <td>1.2</td> <td>-0.10%</td> </tr> </tbody> </table> <p>These data represent progress for 5A and slippage for 5B and 5C from the FFY 2007 data. The State met its FFY 2008 target for 5A, but did not meet its FFY 2008 targets for 5B and 5C.</p>		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	A. % Inside the regular class 80% or more of the day	66.7	67.8	59.5	1.10%	B. % Inside the regular class less than 40% of the day	7.8	7.9	5.6	-0.10%	C. % In separate schools, residential facilities, or homebound/hospital placements	1.8	1.9	1.2	-0.10%	<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>
	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress																		
A. % Inside the regular class 80% or more of the day	66.7	67.8	59.5	1.10%																		
B. % Inside the regular class less than 40% of the day	7.8	7.9	5.6	-0.10%																		
C. % In separate schools, residential facilities, or homebound/hospital placements	1.8	1.9	1.2	-0.10%																		
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood</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>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>											
<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 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 FFY 2008 reported baseline data for this indicator are:</p> <table border="1" data-bbox="548 878 1444 1300"> <thead> <tr> <th data-bbox="548 878 919 997">08-09 Preschool Outcome Baseline Data</th> <th data-bbox="919 878 1192 997"><u>Summary Statement 1</u>¹</th> <th data-bbox="1192 878 1444 997"><u>Summary Statement 2</u>²</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 997 919 1131">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="919 997 1192 1131">86.1</td> <td data-bbox="1192 997 1444 1131">89.8</td> </tr> <tr> <td data-bbox="548 1131 919 1300">Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td data-bbox="919 1131 1192 1300">84.1</td> <td data-bbox="1192 1131 1444 1300">89.2</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) (%)	86.1	89.8	Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	84.1	89.2	<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) (%)	86.1	89.8									
Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)	84.1	89.2									

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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	Outcome C: Use of appropriate behaviors to meet their needs (%)	86.8	92.7	
<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's FFY 2008 reported data for this indicator are 32%. These data remain unchanged from the FFY 2007 data of 32%. The State did not meet its FFY 2008 target of 34% for this indicator.</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 looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</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 two districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also 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>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>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 1.82%. 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 reported that nine districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that one district was determined 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 its definition of disproportionate representation.</p>			<p>OSEP appreciates the State's efforts and looks forward to reviewing, in the FFY 2009 APR, the State's data 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 district identified in FFY 2008 with</p>

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		<p>disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification is in compliance with the requirements of 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that the one district with noncompliance: (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 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>
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial	The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those	OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2009 APR, the State’s data demonstrating

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<p>evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p>	<p>revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 95.8%. These data represent progress from the FFY 2007 data of 92.7%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that 30 of 31 findings of noncompliance identified in FFY 2007 were corrected in a timely manner. The State reported that it verified that the one LEA with remaining noncompliance 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, but did not verify that that LEA is correctly implementing 34 CFR §300.301(c). The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that nine findings of noncompliance identified in FFY 2006 for this indicator were corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, with the FFY 2008 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2005 APR. In addition to reporting with the FFY 2008 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2009 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on September 30, 2009.</p>	<p>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 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 finding of uncorrected noncompliance identified in FFY 2007 was corrected.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that: (1) each LEA with noncompliance reflected in the FFY 2008 data the State reported for this indicator and the one LEA with remaining noncompliance identified in FFY 2007 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) each LEA with noncompliance reflected in the FFY 2008 data the State reported for this indicator 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</p>

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		<p>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>[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 95%. These data represent slippage from the FFY 2007 data of 97.28%. The State did not meet its FFY 2008 target of 100%.</p> <p>Although not required to report on the correction of noncompliance based on FFY 2008 data, the State reported that each LEA with noncompliance reflected in the FFY 2008 data has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely.</p> <p>The State reported that 12 of 13 findings of noncompliance based on FFY 2007 data and identified in FFY 2008 (January 2009) were corrected in a timely manner. The State reported that it verified that the one LEA with remaining noncompliance based on FFY 2007 data has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely. However, the State also reported that it did not verify that this LEA is correctly implementing 34 CFR §300.124(b). The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that one remaining finding of noncompliance identified in FFY 2006 for this indicator was corrected.</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 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 one uncorrected noncompliance finding identified in FFY 2008 was 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 remaining noncompliance identified in FFY 2008 based on FFY 2008 data and each LEA with remaining noncompliance identified in FFY 2008 based on FFY 2007 data are correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data</p>

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		subsequently collected through on-site monitoring or a State data system, 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>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 that all 268 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner, the State also reported that it verified that noncompliance identified in FFY 2007 in 14 out of 29 LEAs was corrected in a timely manner and that the remaining noncompliance subsequently was corrected by February 1, 2010.</p> <p>The State reported that all 407 findings of noncompliance identified in FFY 2006 were corrected.</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 IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education</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>

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<p>within one year of leaving high school. B. Enrolled in higher education or competitively employed within one year of leaving high school. 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>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 data for this indicator are 99.8%. 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 1,246 of 1,249 findings of noncompliance identified in FFY 2007 were corrected in a timely manner. For the remaining three findings of noncompliance that were not corrected, the State reported on the actions it took to address the uncorrected noncompliance. The State did not report, as required by OSEP Memo 09-02, that it verified that each LEA with noncompliance identified in FFY 2007: (1) is correctly implementing the specific regulatory requirements; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.</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 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 the 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>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</p>

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		<p>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>The State must demonstrate, in the FFY 2009 APR, that the remaining three findings of noncompliance identified in FFY 2007 that were not reported as corrected in the FFY 2008 APR were corrected.</p> <p>In addition, 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</p>	<p>The State revised the indicator language (consistent with revisions in the Indicator Measurement Table) for this 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 92%. The State met its FFY 2008 target of 100%.</p> <p>The State was identified as being in need of assistance for two consecutive</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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>years based on the State’s FFYs 2006 and 2007 APRs, was advised of available technical assistance, and was required to report, with the FFY 2008 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2005 APR. In addition to reporting with the FFY 2008 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2009 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on September 30, 2009.</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 revised the indicator language (consistent with revisions in the Indicator Measurement Table) for this indicator.</p> <p>The State’s FFY 2008 reported data for this indicator are 100%. These data are based on three due process hearings. The State met its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the State’s efforts in achieving 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 four of four resolution sessions resulted in settlement agreements.</p> <p>The State reported fewer than ten resolution sessions 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 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’s FFY 2008 reported data for this indicator are 62.5%. These data represent slippage from the FFY 2007 data of 67%. The State did not meet its FFY 2008 target of 81%.</p>	<p>OSEP looks forward to reviewing the State’s data in the FFY 2009 APR.</p>

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<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 remain unchanged from the FFY 2007 data of 100%. 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>