

Delaware Part B FFY 2009 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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2009 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 73.26%. These data represent progress from the FFY 2008 reported data of 69.78%. The State did not meet its FFY 2009 target of 82.5%.</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).</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>																
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012. The State revised the improvement activities for FFY 2009 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 3.3%. These data represent progress from the FFY 2008 data of 4.28%. The State met its FFY 2009 target of 5.6%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>																
<p>3. Participation and performance of children with IEPs on statewide assessments: 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. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="548 1230 1478 1497"> <thead> <tr> <th>Level</th> <th>FFY 2008 Data</th> <th>FFY 2009 Data</th> <th>FFY 2009 Target</th> </tr> </thead> <tbody> <tr> <td>Elementary</td> <td>50%</td> <td>0%</td> <td>53%</td> </tr> <tr> <td>Middle</td> <td>31%</td> <td>0%</td> <td>53%</td> </tr> <tr> <td>High</td> <td>23%</td> <td>9%</td> <td>63%</td> </tr> </tbody> </table>	Level	FFY 2008 Data	FFY 2009 Data	FFY 2009 Target	Elementary	50%	0%	53%	Middle	31%	0%	53%	High	23%	9%	63%	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
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<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>B. Participation rate for children with IEPs.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="548 578 1583 1016"> <thead> <tr> <th><u>Grade</u></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td></td> <td align="center" colspan="3"><u>Reading</u></td> <td align="center" colspan="3"><u>Math</u></td> </tr> <tr> <td>3</td> <td>99.15%</td> <td>99.8%</td> <td>99.2%</td> <td>98.73%</td> <td>99.9%</td> <td>99.3%</td> </tr> <tr> <td>4</td> <td>99.14%</td> <td>99.7%</td> <td>98.7%</td> <td>99.28%</td> <td>99.7%</td> <td>99.0%</td> </tr> <tr> <td>5</td> <td>99.21%</td> <td>99.5%</td> <td>99.5%</td> <td>99.43%</td> <td>9.7%</td> <td>99.3%</td> </tr> <tr> <td>6</td> <td>98.05%</td> <td>98.3%</td> <td>98.4%</td> <td>98.12%</td> <td>98.3%</td> <td>98.5%</td> </tr> <tr> <td>7</td> <td>98.06%</td> <td>98.3%</td> <td>98.2%</td> <td>98.35%</td> <td>98.6%</td> <td>98.3%</td> </tr> <tr> <td>8</td> <td>98.18%</td> <td>98.9%</td> <td>97.6%</td> <td>98.05%</td> <td>99.1%</td> <td>97.4%</td> </tr> <tr> <td>HS</td> <td>96.55%</td> <td>96.2%</td> <td>95.8%</td> <td>97.01%</td> <td>96.6%</td> <td>95.4%</td> </tr> </tbody> </table> <p>These data represent progress from the FFY 2008 data. The State met part of its FFY 2009 targets.</p> <p>The State provided a Web link to 2009 publicly-reported assessment results. However, the data posted at the Web link provided by the State do not show that the State met the reporting requirements in 34 CFR §300.160(f), for the following reasons: (1) the data do not provide the number of children with disabilities in regular assessments, and the number of those children who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments at the State, district or school levels; and (2) the data do not provide the number of children with disabilities, if any, participating in alternate assessments based on alternate academic achievement standards, at the school levels.</p>	<u>Grade</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>		<u>Reading</u>			<u>Math</u>			3	99.15%	99.8%	99.2%	98.73%	99.9%	99.3%	4	99.14%	99.7%	98.7%	99.28%	99.7%	99.0%	5	99.21%	99.5%	99.5%	99.43%	9.7%	99.3%	6	98.05%	98.3%	98.4%	98.12%	98.3%	98.5%	7	98.06%	98.3%	98.2%	98.35%	98.6%	98.3%	8	98.18%	98.9%	97.6%	98.05%	99.1%	97.4%	HS	96.55%	96.2%	95.8%	97.01%	96.6%	95.4%	<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 2010 APR, due February 1, 2012.</p> <p>The State did not report publicly on the participation of children with disabilities on statewide assessments at the district and school level with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 CFR §300.160(f). Specifically, the State has not reported the number of children with disabilities in regular assessments, and the number of those children who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments at the State, district and school levels. In addition, the State has not reported the number of children with disabilities, if any, participating in alternate assessments based on alternate academic achievement standards, at the school levels. The failure to publicly report as required under 34 CFR §300.160(f) is</p>
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		<p>noncompliance.</p> <p>Within 90 days of the receipt of this response table, the State must provide a Web link that demonstrates it has reported to the public on the statewide assessments of children with disabilities in accordance with 34 CFR §300.160(f). In addition, OSEP reminds the State that in the FFY 2010 APR, the State must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f).</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="548 980 1583 1425"> <thead> <tr> <th><u>Grade</u></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td></td> <td align="center" colspan="3"><u>Reading</u></td> <td align="center" colspan="3"><u>Math</u></td> </tr> <tr> <td>3</td> <td>58.43%</td> <td>45%</td> <td>77%</td> <td>48.07%</td> <td>46%</td> <td>66%</td> </tr> <tr> <td>4</td> <td>49.88%</td> <td>37%</td> <td>70%</td> <td>43.49%</td> <td>39%</td> <td>61%</td> </tr> <tr> <td>5</td> <td>54.08%</td> <td>41%</td> <td>75%</td> <td>44.81%</td> <td>39%</td> <td>64%</td> </tr> <tr> <td>6</td> <td>41.89%</td> <td>30%</td> <td>59%</td> <td>37.09%</td> <td>33%</td> <td>49%</td> </tr> <tr> <td>7</td> <td>46.53%</td> <td>41%</td> <td>59%</td> <td>32.19%</td> <td>28%</td> <td>43%</td> </tr> <tr> <td>8</td> <td>44.76%</td> <td>34%</td> <td>59%</td> <td>32.65%</td> <td>29%</td> <td>44%</td> </tr> <tr> <td>HS</td> <td>28.65%</td> <td>21%</td> <td>45%</td> <td>22.9%</td> <td>22%</td> <td>39%</td> </tr> </tbody> </table> <p>These data represent slippage from the FFY 2008 data. The State did not meet its FFY 2009 targets.</p>	<u>Grade</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>		<u>Reading</u>			<u>Math</u>			3	58.43%	45%	77%	48.07%	46%	66%	4	49.88%	37%	70%	43.49%	39%	61%	5	54.08%	41%	75%	44.81%	39%	64%	6	41.89%	30%	59%	37.09%	33%	49%	7	46.53%	41%	59%	32.19%	28%	43%	8	44.76%	34%	59%	32.65%	29%	44%	HS	28.65%	21%	45%	22.9%	22%	39%	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>The State did not report publicly on the performance of children with disabilities on statewide assessments at the district and school level with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 CFR §300.160(f). Specifically, the State has not reported, compared with the achievement of all children, including children with disabilities, the performance results of children with disabilities on regular</p>
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	<p>The State provided a Web link to 2009 publicly-reported assessment results. However, the data posted at the Web link provided by the State do not show that the State met the reporting requirements in 34 CFR §300.160(f), because the data do not provide, compared with the achievement of all children, including children with disabilities, the performance results of children with disabilities on regular assessments, alternate assessments based on alternate academic achievement standards, at the State, district and school levels.</p>	<p>assessments, alternate assessments based on alternate academic achievement standards, at the State, district and school levels. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.</p> <p>Within 90 days of the receipt of this response table, the State must provide a Web link that demonstrates it has reported to the public on the statewide assessments of children with disabilities in accordance with 34 CFR §300.160(f). In addition, OSEP reminds the State that in the FFY 2010 APR, the State must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f).</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 18.92%. These data represent progress from the FFY 2008 data of 21.05%. The State did not meet its FFY 2009 target of 13.5%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that four of 37 districts did not meet the State-established minimum “n” size requirement of 15 children with disabilities who were expelled or suspended for more than ten days and were excluded from the calculation.</p> <p>The State reported that it reviewed the local educational agencies’ (LEAs’) policies, procedures, and practices relating to the development and implementation of IEPs, the</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>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 based on FFY 2008 data. The State did not identify any noncompliance through this review.</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]</p>	<p>The State provided FFY 2009 baseline, using FFY 2008 data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator.</p> <p>The State’s FFY 2009 baseline data for this indicator are 0%.</p> <p>The State reported that four districts were identified as having a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs. The State also reported that no districts were identified as having 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>The State reported its definition of “significant discrepancy.”</p> <p>The State reported on the number of districts that did not meet the State-established minimum “n” size requirement of 15 or more children with disabilities expelled or suspended for more than ten days in a racial or ethnic category and were excluded from the calculation for each racial and ethnic category.</p> <p>The State reported that it reviewed the LEAs’ 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 based on FFY 2008 data. The State did not identify any noncompliance through this review.</p>	<p>OSEP appreciates the State’s efforts regarding this indicator.</p> <p>OSEP will be carefully reviewing each State’s methodology for identifying “significant discrepancy” and will contact the State if there are questions or concerns.</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>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2009 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are:</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 2010 APR, due February 1, 2012.</p>

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<p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>		<p align="center"><u>FFY 2008</u> <u>Data</u></p>	<p align="center"><u>FFY 2009</u> <u>Data</u></p>	<p align="center"><u>FFY 2009</u> <u>Target</u></p>	<p align="center"><u>Progress</u></p>	
	<p>A. % Inside the regular class 80% or more of the day</p>	<p align="center">55.90</p>	<p align="center">58.7</p>	<p align="center">62.0</p>	<p align="center">2.80%</p>	
	<p>B. % Inside the regular class less than 40% of the day</p>	<p align="center">17.58</p>	<p align="center">16.9</p>	<p align="center">18.2</p>	<p align="center">0.68%</p>	
	<p>C. % In separate schools, residential facilities, or homebound/hospital placements</p>	<p align="center">4.98</p>	<p align="center">5.2</p>	<p align="center">3.8</p>	<p align="center">-0.22%</p>	
	<p>These data represent progress for 5A and 5B and slippage for 5C from the FFY 2008 data. The State met its FFY 2009 target for 5B, but did not meet its FFY 2009 targets for 5A and 5C.</p> <p>OSEP's FFY 2010 grant award letter, dated July 1, 2010, required the State to include in the FFY 2009 APR, due February 1, 2011, information regarding the steps the State has taken to ensure that district and school personnel throughout the State are knowledgeable about the statewide implementation of the needs-based funding structure. The State provided the required information and reported to OSEP that the needs-based funding structure was finalized through statutory changes in January 2011.</p>					
<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>	<p>The State is not required to report on this indicator in the FFY 2009 APR.</p>					<p>The State is not required to report on this indicator in the FFY 2010 APR, due February 1, 2010.</p>

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<p>7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="548 412 1583 1425"> <thead> <tr> <th><u>Summary Statement 1</u></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td>Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center">90.5</td> <td align="center">86.3</td> <td align="center">90.6</td> </tr> <tr> <td>Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center">92.9</td> <td align="center">87.2</td> <td align="center">93</td> </tr> <tr> <td>Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center">91.8</td> <td align="center">86.3</td> <td align="center">91.9</td> </tr> <tr> <th><u>Summary Statement 2</u></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> </tr> <tr> <td>Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center">60.2</td> <td align="center">51.4</td> <td align="center">60.3</td> </tr> <tr> <td>Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center">54.3</td> <td align="center">46.0</td> <td align="center">54.4</td> </tr> <tr> <td>Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center">64.8</td> <td align="center">64.9</td> <td align="center">64.8</td> </tr> </tbody> </table> <p>The State's FFY 2009 data for this indicator represent progress and slippage from the</p>	<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	90.5	86.3	90.6	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	92.9	87.2	93	Outcome C: Use of appropriate behaviors to meet their needs (%)	91.8	86.3	91.9	<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	60.2	51.4	60.3	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	54.3	46.0	54.4	Outcome C: Use of appropriate behaviors to meet their needs (%)	64.8	64.9	64.8	<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 2010 APR, due February 1, 2012.</p> <p>The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.</p>
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Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	54.3	46.0	54.4																															
Outcome C: Use of appropriate behaviors to meet their needs (%)	64.8	64.9	64.8																															

Delaware Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>FFY 2008 data. The State met part of its FFY 2009 targets for this indicator.</p> <p>OSEP’s FFY 2008 SPP/APR response table, dated June 3, 2010, required the State to include in the FFY 2009 APR, due February 1, 2011, a revised SPP that reflects the changes to the measurement language. The State provided the required information.</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.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2009 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 85.3%. These data remain unchanged from the FFY 2008 data of 85.3%. The State did not meet its FFY 2009 target of 86%.</p> <p>In its description of its FFY 2009 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 2010 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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 2.78%. These data remain unchanged from the FFY 2008 data of 2.78%. The State did not meet its FFY 2009 target of 0%.</p> <p>The State reported that nine districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that one district was identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.</p> <p>The State provided its definition of “disproportionate representation.”</p> <p>The State reported that all districts met the State-established minimum “n” size requirement of ten and no districts were excluded from the calculation. The State reported that the one finding of noncompliance identified in FFY 2008 was not corrected. The State reported on the actions it took to address the uncorrected</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing data in the FFY 2010 APR, due February 1, 2012, demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2009 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the FFY 2009 data the State reported for this indicator. If the State is unable to demonstrate compliance with those requirements in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary to</p>

Delaware Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	noncompliance.	<p>ensure compliance.</p> <p>The State must demonstrate, in the FFY 2010 APR, that the district identified in FFY 2009 and FFY 2008 with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance identified in FFY 2009 and FFY 2008: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each 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 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p>
10. Percent of districts with	The State provided targets for FFY 2011 and FFY 2012, and improvement activities	OSEP appreciates the State's

Delaware Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p> <p>The State reported that 14 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>The State provided its definition of “disproportionate representation.”</p> <p>The State reported that all districts met the State-established minimum “n” size requirement of ten and no districts were excluded from the calculation.</p>	<p>efforts regarding this indicator.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 98.2%. These data represent progress from the FFY 2008 data of 97%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all ten of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, 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 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR</p>

Delaware Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>§300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 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 2010 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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 99%. These data remain unchanged from the FFY 2008 data of 99%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all three of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, 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 2009, the State must report on the status of correction of noncompliance reflected in the FFY 2009 data the State reported for this indicator.</p>

Delaware Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 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 2010 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,</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2009 reported baseline data for this indicator are 88.3%.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). Because the State reported less</p>

Delaware Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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>than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(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 2010 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 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
14. Percent of youth who are no	The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY	The State must report actual

Delaware Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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>2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's reported FFY 2009 baseline data for this indicator are:</p> <p>A. 24% enrolled in higher education within one year of leaving high school;</p> <p>B. 71% enrolled in higher education or competitively employed within one year of leaving high school; and</p> <p>C. 100% 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>target data for FFY 2010 with the FFY 2010 APR, due February 1, 2012.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 97.4%. The State's FFY 2008 data for this indicator were 98%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 38 of 39 findings of noncompliance identified in FFY 2008 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>With respect to the 15 LEAs with noncompliance in FFY 2008 related to secondary transition, the State reported that it did not verify, as required by OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02), 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.</p> <p>The State reported that the one finding of noncompliance identified in FFY 2007 was corrected.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the remaining finding of noncompliance identified in FFY 2008 that was not reported as corrected in the FFY 2009 APR was corrected.</p> <p>In reporting on correction of findings of noncompliance identified in FFY 2009 in the FFY 2010 APR, due February 1, 2012, the State must report that it verified that each LEA with noncompliance identified in FFY 2009: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data</p>

Delaware Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>OSEP’s Verification Visit letter, dated March 25, 2010, required the State to include in the FFY 2009 APR, due February 1, 2011 data demonstrating that it has a methodology to correct all instances of noncompliance in a timely manner consistent with OSEP Memo 09-02. In addition, OSEP’s August 12, 2010 response to the State’s submission, required the State to submit documentation with its FFY 2009 APR demonstrating implementation of revised monitoring procedures to monitor for all Part B requirements. The State provided: (i) Student Record Review Protocol; (ii) a memorandum to districts that provided an overview of the district responsibility for corrective action; and (iii) a monitoring report which included compliance tracking of student and district level findings.</p>	<p>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 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance for this indicator in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p> <p>In addition, in reporting on Indicator 15 in the FFY 2010 APR, the State must use the Indicator 15 Worksheet.</p> <p>In responding to Indicators 9, 11, 12, and 13 in the FFY 2010 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</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 90%. These data represent progress from the FFY 2008 data of 87.5%. The State did not meet its FFY 2009 target of 100%.</p> <p>OSEP’s Verification Visit letter, dated March 25, 2010, required the State to include in the FFY 2009 APR, due February 1, 2011 documentation that included the exceptional</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 2010 APR, due February 1, 2012, demonstrating that the State is in compliance with the timely complaint</p>

Delaware Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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>circumstances that existed to justify extensions granted beyond the 60-day timeline between February 1, 2010 and December 31, 2010. The State submitted a copy of correspondence to a complainant regarding the justification for an extension of the timeline.</p>	<p>resolution requirements in 34 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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 75%. These data are based on four due process hearings. The State did not meet its FFY 2009 target of 100%.</p> <p>OSEP's Verification Visit letter dated March 25 2010, required the State to include in the FFY 2009 APR, due February 1, 2011 data demonstrating that it has a methodology to ensure that timelines for due process hearing decisions are being extended at the request of either party. The State provided the required information.</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 2010 APR, due February 1, 2012, demonstrating that the State is in compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State reported that one of four resolution sessions resulted in settlement agreements. The State reported fewer than ten resolution sessions held in FFY 2009. 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 2010 APR, due February 1, 2012.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State reported that none of the six mediations resulted in mediation agreements.</p> <p>The State reported fewer than ten mediations held in FFY 2009. The State is not required to meet its targets or provide improvement activities in any fiscal year in which fewer than ten mediations were held.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they</p>

Delaware Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>accurate. [Compliance Indicator]</p>	<p>The State's FFY 2009 reported data for this indicator are 90.48%. These data represent slippage from the FFY 2008 data of 95%. The State did not meet its FFY 2009 target of 100%.</p>	<p>will enable the State to provide data in the FFY 2010 APR, due February 1, 2012, demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2010 APR, the State must use the Indicator 20 Data Rubric.</p>