

**Maine 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.</p> <p>The State’s FFY 2009 reported data for this indicator are 64.7%. These data represent slippage from the FFY 2008 data of 70%. The State did not meet its FFY 2009 target of 82%.</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 FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are 5.5%. These data represent slippage from the FFY 2008 data of 3.8%. The State did not meet its FFY 2009 target of 3.0%.</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>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 95%. These data represent slippage from the FFY 2008 data of 98%. The State did not meet its FFY 2009 target of 98%.</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>3. Participation and performance of children with IEPs on statewide assessments: B. Participation rate for children with IEPs.</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 97% for reading and 97% for</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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[Results Indicator]	<p>math. These data represent slippage from the FFY 2008 data of 98% for reading and 98% for math. The State did not meet its FFY 2009 targets of 98%.</p> <p>The State provided Web links to 2009 publicly-reported assessment results.</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 for grades 3-8 are 31% for reading and 29% for math. These data represent slippage from the FFY 2008 data of 35% for reading and 32% for math. The State did not meet its FFY 2009 targets of 66% for reading and 60% for math for grades 3-8.</p> <p>The State’s FFY 2009 reported data for this indicator for high school are 15% for reading and 13% for math. These data remain unchanged from the FFY 2008 data of 15% for reading and represent progress from the FFY 2008 data of 11% for math. The State did not meet its FFY 2009 targets of 71% for reading and 54% for math for high school.</p> <p>The State provided Web links to 2009 publicly-reported assessment results.</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>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.</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 its definition of “significant discrepancy.”</p> <p>The State reported that 139 of 150 districts did not meet the State-established minimum “n” size requirement of having more than one student suspended or expelled for more than ten days, and were excluded from the calculation.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>4. Rates of suspension and expulsion:</p>	<p>The State provided targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts those revisions.</p>	<p>The State did not provide valid and reliable data because OSEP cannot determine the method the</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>															
<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’s FFY 2009 baseline data for this indicator are 0%. However, as explained below, the State’s data for this indicator are not valid and reliable.</p> <p>The State reported its definition of “significant discrepancy.” However, OSEP cannot determine what method the State used to determine if significant discrepancies, by race or ethnicity, were occurring in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs. On page 27 of the APR, the State reported that each LEA was evaluated against the following three criteria for significant discrepancies: (1) LEA has to have a minimum of ten students; (2) the number of students suspended or expelled has to be greater than 1; and (3) the percentage of special education students suspended/expelled in the LEA has to be at least 3.5 times greater than the three year average for ALL special education students suspended and expelled (the SEA average). On page 27 of the APR, the State also reported that “to determine whether a significant discrepancy existed between or among different ethnic groups, data from 2008-2009 were assessed using simple comparative measures of proportion.” Therefore, it is not clear what method the State is using to determine whether an LEA has 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.</p> <p>The State reported that 139 of 150 districts did not meet the State-established minimum “n” size requirement of having more than one student suspended or expelled for more than ten days, and were excluded from the calculation.</p>	<p>State used to determine if significant discrepancies, by race or ethnicity, are occurring in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs. The State must clarify its definition of “significant discrepancy” and provide the required data for FFY 2010 (using 2009-2010 data) in the FFY 2010 APR, due February 1, 2012.</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>C. In separate schools, residential facilities, or homebound/hospital placements.</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 1247 1583 1516"> <thead> <tr> <th></th> <th><u>FFY 2008</u> <u>Data</u></th> <th><u>FFY 2009</u> <u>Data</u></th> <th><u>FFY 2009</u> <u>Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td align="center">54</td> <td align="center">56</td> <td align="center">64</td> <td align="center">2.00%</td> </tr> <tr> <td>B. % Inside the regular class less</td> <td align="center">12.5</td> <td align="center">10.6</td> <td align="center">9</td> <td align="center">1.9%</td> </tr> </tbody> </table>		<u>FFY 2008</u> <u>Data</u>	<u>FFY 2009</u> <u>Data</u>	<u>FFY 2009</u> <u>Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	54	56	64	2.00%	B. % Inside the regular class less	12.5	10.6	9	1.9%	<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>
	<u>FFY 2008</u> <u>Data</u>	<u>FFY 2009</u> <u>Data</u>	<u>FFY 2009</u> <u>Target</u>	<u>Progress</u>													
A. % Inside the regular class 80% or more of the day	54	56	64	2.00%													
B. % Inside the regular class less	12.5	10.6	9	1.9%													

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	than 40% of the day					
	C. % In separate schools, residential facilities, or homebound/hospital placements	3.4	3.2	3.3	0.20%	
	These data represent progress from the FFY 2008 data. The State met its FFY 2009 target for 5C, but did not meet its FFY 2009 targets for 5A and 5B.					
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and</p> <p>B. Separate special education class, separate school or residential facility.</p> <p>[Results Indicator; New]</p>	The State is not required to report on this indicator in the FFY 2009 APR.					The State is not required to report on this indicator in the FFY 2010 APR due February 1, 2012.
<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>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>					<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>
	<p align="center"><b><u>Summary Statement 1</u></b></p>	<p align="center"><b><u>FFY 2008 Data</u></b></p>	<p align="center"><b><u>FFY 2009 Data</u></b></p>	<p align="center"><b><u>FFY 2009 Target</u></b></p>		
	<p><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</p>	63.1	60.9	63		

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[Results Indicator]	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	65.5	59.9	66	
	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	58.3	63.5	58	
	<u><b>Summary Statement 2</b></u>	<u><b>FFY 2008 Data</b></u>	<u><b>FFY 2009 Data</b></u>	<u><b>FFY 2009 Target</b></u>	
	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	37	37	37	
	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	35.4	31.3	35	
	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	51	53	51	
	These data represent progress and slippage from the FFY 2008 data. The State met part of its FFY 2009 targets for this indicator.				
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	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's FFY 2009 reported data for this indicator are 91%. These data remain				OSEP appreciates the State's efforts to improve performance.

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<p>children with disabilities. [Results Indicator]</p>	<p>unchanged from the FFY 2008 data of 91%. The State met its FFY 2009 target of 91% for this indicator.</p> <p>In its description of its FFY 2009 data, the State addressed whether the response group was representative of the population.</p>	
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. [Compliance Indicator]</p>	<p>The State 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 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 no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services.</p> <p>The State provided its definition of “disproportionate representation.”</p> <p>The State reported that 145 of 150 districts did not meet the State-established minimum “n” size requirement of more than ten students in any ethnic group and were excluded from the calculation.</p>	<p>OSEP appreciates the State’s efforts regarding this indicator.</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]</p>	<p>The State 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 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 provided its definition of “disproportionate representation.”</p> <p>The State reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories.</p> <p>The State reported that 145 of 150 districts did not meet the State-established minimum “n” size requirement of more than ten students in any ethnic group and were excluded from the calculation.</p>	<p>OSEP appreciates the State’s 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</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 84.9%. These data represent slippage from the FFY 2008 data of 91.3%. The State did not meet its FFY 2009 target of 100%.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the timely initial evaluation requirement in 34 CFR</p>

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<p>evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p>	<p>The State reported that neither of the two findings of noncompliance identified in FFY 2008 for preschool children was corrected in a timely manner, but that both subsequently were corrected by February 1, 2011. The State reported that it did not make any FFY 2008 findings of noncompliance for school-aged children.</p> <p>OSEP’s FFY 2008 SPP/APR response table, dated June 3, 2010, required the State to: (1) clarify in the FFY 2009 APR, due February 1, 2011, the number of findings of noncompliance identified in FFY 2007 for this indicator and the number of findings that were corrected; and (2) demonstrate, in the FFY 2009 APR, that the remaining 13 uncorrected noncompliance findings identified in FFY 2007 (or the revised number of findings of noncompliance identified in FFY 2007) were corrected. The State clarified that it made 12 findings of noncompliance for preschool children in FFY 2007, of which eight were corrected beyond the one-year timeline, and four remained uncorrected. The State reported on the actions it took to address the remaining four findings of uncorrected noncompliance.</p> <p>The State reported that the one remaining finding of noncompliance identified in FFY 2006 for this indicator was corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 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 2006 APR and 2005 APR. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2010 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 29, 2010.</p>	<p>§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. The State must demonstrate, in the FFY 2010 APR, that the remaining four uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>The State’s failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State’s general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2010 APR, that it has corrected this noncompliance.</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 and each LEA with the remaining four noncompliance findings identified in FFY 2007: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as</p>

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		<p>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 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> <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 91.7%. These data represent progress from the FFY 2008 data of 86.6%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that none of three findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that two findings were subsequently corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected noncompliance. The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 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</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the FFY 2009 data the State reported for this indicator. The State must demonstrate, in the FFY 2010 APR, that the remaining one uncorrected</p>

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	<p>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 2006 APR and 2005 APR. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2010 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 29, 2010.</p>	<p>noncompliance finding identified in FFY 2008 was corrected.</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 data the State reported for this indicator and the LEA with the remaining noncompliance finding identified in FFY 2008: (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</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</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February</p>

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<p>includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</p> <p>[Compliance Indicator]</p>	<p>accepts the State’s submission for this indicator.</p> <p>The State’s FFY 2009 reported baseline data for this indicator are 88%.</p> <p>OSEP’s FFY 2008 SPP/APR response table, dated June 3, 2010, required the State to clarify: (1) the number of findings of noncompliance identified in FFY 2007 for this indicator; and (2) the number of those findings that were corrected. The State reported that it made 18 findings of noncompliance in FFY 2007 for this indicator and that it has verified that all of those were corrected.</p>	<p>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 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</p>

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		APR, the State must review its improvement activities and revise them, if necessary.
<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 provided 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. The baseline data are not valid and reliable because the State did not have data for FFY 2009, and therefore used earlier data to formulate a baseline. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012.</p> <p>The State’s reported FFY 2009 baseline data for this indicator are:</p> <p>A. 35.5% enrolled in higher education within one year of leaving high school;</p> <p>B. 92% enrolled in higher education or competitively employed within one year of leaving high school; and</p> <p>C. 94.6% 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>The State did not provide data based on the required measurement, and the State must provide, as baseline data, the required data for FFY 2010 in 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 42.4%. These data represent slippage from the FFY 2008 data of 93%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 25 of 59 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that 21 findings subsequently were corrected by February 1, 2011. In a separate table on pages 73-74 of the APR, the State reported that two of 35 findings of noncompliance identified in FFY 2008 for CDS were corrected in a timely manner and 20 findings were subsequently corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the remaining 13 findings of noncompliance identified in FFY 2008, and the remaining 19 findings of noncompliance identified in FFY 2007, that were not reported as corrected in the FFY 2009 APR were corrected.</p> <p>The State’s failure to correct longstanding noncompliance</p>

**Maine Part B FFY 2009 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>On pages 74-75 of the APR, the State provided information on how correction of noncompliance was verified in CDS regional sites, some of which referenced Part C regulations, but did not provide any description of how the State verified correction of noncompliance in LEAs that serve school-aged children. Therefore, the State did not report, as required by OSEP-Memo 09-02 and the FFY 2008 response table, 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. On pages 68 and 74 of its APR, the State reported that it revised its method of tracking findings of noncompliance. The State reported “in doing so, all findings of noncompliance, correction of noncompliance, and correspondence for FFYs 2006 forward were compiled in a new tracking system.” The State further reported, “the move to the revised tracking system resulted in the discovery of a discrepancy in the number of findings of noncompliance reflected in previous APRs and what can be verified.” The State reported that the numbers in the tables on page 68 and 73-74 of the APR reflect the accurate number of findings and correction, consistent with OSEP Memo 09-02.</p> <p>The State reported that 134 of 153 findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that 15 of 15 findings of noncompliance identified in FFY 2006 were corrected.</p> <p>OSEP’s FFY 2008 SPP/APR response table, dated June 3, 2010, required the State to demonstrate, in the FFY 2009 APR, that the remaining eight findings of noncompliance regarding provision of services to preschool children with disabilities identified in CDS sites that it followed up on in its September 2007 letters that were not reported as corrected in the FFY 2008 APR were corrected. The State reported that these findings have been corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 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</p>	<p>raises serious questions about the effectiveness of the State’s general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2010 APR, that it has corrected this noncompliance.</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 2010 APR, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2009 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 findings of noncompliance in the FFY 2010 APR, 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 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</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	<p>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 2006 APR and 2005 APR. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2010 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 29, 2010.</p>	<p>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. In reporting on Indicator 15 in the FFY 2010 APR, the State must use the Indicator 15 Worksheet.</p> <p>In addition, in responding to Indicators 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 agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[Compliance Indicator]</p>	<p>The State 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 100%. These data remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>
<p>17. Percent of adjudicated due 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</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 reported that all due process hearing requests during the reporting period were resolved without a hearing.</p> <p>The State reported that 42 due process complaints were filed. Of those, 39 were</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>

**Maine Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>or in the case of an expedited hearing, within the required timelines.</p> <p>[Compliance Indicator]</p>	<p>withdrawn; eight went to resolution session of which two resulted in an agreement. There are three due process complaints pending.</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 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 two of eight resolution sessions resulted in settlement agreements.</p> <p>The State reported fewer than ten resolution sessions held in FFY 2009. The State is not required to meet its targets 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 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's FFY 2009 reported data for this indicator are 77%. These data represent slippage from the FFY 2008 data of 86%. The State did not meet its FFY 2009 target of 82%.</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 accurate.</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 98.9%. However, OSEP's calculation of the data for this indicator is 95.4%. These data represent progress from the FFY 2008 data of 95.2%. The State did not meet its FFY 2009 target of 100%.</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 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</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		use the Indicator 20 Data Rubric. 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.