

Texas Part B FFY 2010 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.</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator are 74%. These data represent progress from the FFY 2009 data of 72%. The State did not meet its FFY 2010 target of 75%.</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 2011 APR, due February 1, 2013.</p> <p>In reporting data for this indicator in the FFY 2011 APR, States must use the same data they used for reporting to the Department under Title I of the ESEA, using the adjusted cohort graduation rate required under the ESEA.</p>
<p>2. Percent of youth with IEPs dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State revised the FFY 2011 target for this indicator and OSEP accepts that revision.</p> <p>The State’s FFY 2010 reported data for this indicator are 12.1%. These data represent progress from the FFY 2009 data of 14.1%. The State did not meet its FFY 2010 target of <12%.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</p>
<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’s FFY 2010 reported data for this indicator are 29%. These data represent slippage from the FFY 2009 data of 47%. The State did not meet its FFY 2010 target of 100%.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 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>The State’s FFY 2010 reported data for this indicator are 99% for reading and 99% for math. These data remain unchanged from the FFY 2009 data of 99% for reading and 99% for math. The State met its FFY 2010 targets of 95% for reading and 95% for math.</p> <p>The State provided a Web link to 2010 publicly-reported assessment results.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Results Indicator]		
<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’s FFY 2010 reported data for this indicator are 76% for reading and 71% for math. These data represent slippage from the FFY 2009 data of 77% for reading and progress from the FFY 2009 data of 70% for math. The State did not meet its FFY 2010 targets of 80% for reading and 75% for math.</p> <p>The State provided a Web link to 2010 publicly-reported assessment results.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</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’s FFY 2010 reported data for this indicator are 1.0%. These data represent slippage from the FFY 2009 data of 0.5%. The State did not meet its FFY 2010 target of 0%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that 12 districts were identified as having a significant discrepancy, 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 824 of 1,256 districts did not meet the State-established minimum “n” size requirement of at least 30 students receiving special education services with at least 100 enrolled students in the district and at least five students receiving special education who also received a discipline action that resulted in at least ten days removed from the regular classroom.</p> <p>The State reported that it reviewed the districts’ 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 districts identified with significant discrepancies in FFY 2010. The State did not identify noncompliance through this review.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts that have: (a) a significant discrepancy, by race or</p>	<p>The State reported its definition of “significant discrepancy.”</p> <p>The State did not report valid and reliable data for this indicator. The data are not valid and reliable because they are not consistent with the measurement for this indicator. The State reported the number of districts with a significant discrepancy, by race or</p>	<p>The State did not provide valid and reliable data and the State must provide the required data for FFY 2010 in the FFY 2011 APR</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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>ethnicity, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs, but did not report the number of those districts 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. Therefore, OSEP could not determine whether there was progress or slippage or whether the State met its target.</p> <p>The State indicated that it would report this information in the February 2013 APR.</p> <p>The State reported that 16 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.</p> <p>The State reported that 824 of 1,256 districts did not meet the State-established minimum “n” size requirement that districts must have at least 30 students receiving special education services and there must be at least 100 enrolled students in the district with an additional restriction that there must be at least five students receiving special education services who also received a discipline action that resulted in at least ten days removed from the regular classroom.</p>	<p>(in addition to the data from FFY 2011).</p> <p>The State did not conduct the review of 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 that these policies, procedures, and practices comply with IDEA, as required in 34 CFR §300.170(b). The failure to conduct the review required in 34 CFR §300.170(b) is noncompliance.</p> <p>In the FFY 2011 APR, the State must report correction of this noncompliance by describing the review, and if appropriate, revision of 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 that these policies, procedures, and practices comply with the IDEA, for districts identified with significant discrepancies in FFY 2010, as required in 34 CFR §300.170(b).</p> <p>Further, in the FFY 2011 APR, the State must provide the required data for FFY 2010</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
		(using 2009-2010 data) and FFY 2011 (using 2010-2011 data) for this indicator.																				
<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's FFY 2009 reported data for this indicator and the State's FFY 2010 618 data for this indicator are:</p> <table border="1" data-bbox="550 480 1583 954"> <thead> <tr> <th></th> <th><u>FFY 2009</u> <u>Data</u></th> <th><u>FFY 2010</u> <u>Data</u></th> <th><u>FFY 2010</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">67</td> <td align="center">67.01</td> <td align="center">68</td> <td align="center">0.01%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">12.55</td> <td align="center">12.78</td> <td align="center">10</td> <td align="center">-0.23%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td align="center">1.23</td> <td align="center">1.20</td> <td align="center">1</td> <td align="center">0.03%</td> </tr> </tbody> </table> <p>These data represent progress for 5A and 5C from the FFY 2009 data. The State did not meet its FFY 2010 targets for this indicator.</p>		<u>FFY 2009</u> <u>Data</u>	<u>FFY 2010</u> <u>Data</u>	<u>FFY 2010</u> <u>Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	67	67.01	68	0.01%	B. % Inside the regular class less than 40% of the day	12.55	12.78	10	-0.23%	C. % In separate schools, residential facilities, or homebound/hospital placements	1.23	1.20	1	0.03%	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</p>
	<u>FFY 2009</u> <u>Data</u>	<u>FFY 2010</u> <u>Data</u>	<u>FFY 2010</u> <u>Target</u>	<u>Progress</u>																		
A. % Inside the regular class 80% or more of the day	67	67.01	68	0.01%																		
B. % Inside the regular class less than 40% of the day	12.55	12.78	10	-0.23%																		
C. % In separate schools, residential facilities, or homebound/hospital placements	1.23	1.20	1	0.03%																		
<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 2010 APR.</p>	<p>The State must provide FFY 2011 baseline data, an FFY 2012 target, and improvement activities through FFY 2012 in the SPP that it submits with the FFY 2011 APR.</p>																				

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																												
<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 revised the targets for FFY 2011 and improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are more rigorous than the previously-established targets.</p> <p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 480 1583 1505"> <thead> <tr> <th data-bbox="548 480 957 581"><u>Summary Statement 1</u></th> <th data-bbox="957 480 1163 581"><u>FFY 2009 Data</u></th> <th data-bbox="1163 480 1373 581"><u>FFY 2010 Data</u></th> <th data-bbox="1373 480 1583 581"><u>FFY 2010 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 581 957 764">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="957 581 1163 764">78</td> <td align="center" data-bbox="1163 581 1373 764">79</td> <td align="center" data-bbox="1373 581 1583 764">70</td> </tr> <tr> <td data-bbox="548 764 957 980">Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center" data-bbox="957 764 1163 980">79</td> <td align="center" data-bbox="1163 764 1373 980">80</td> <td align="center" data-bbox="1373 764 1583 980">69</td> </tr> <tr> <td data-bbox="548 980 957 1130">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="957 980 1163 1130">80</td> <td align="center" data-bbox="1163 980 1373 1130">81</td> <td align="center" data-bbox="1373 980 1583 1130">64</td> </tr> <tr> <th data-bbox="548 1130 957 1230"><u>Summary Statement 2</u></th> <th data-bbox="957 1130 1163 1230"><u>FFY 2009 Data</u></th> <th data-bbox="1163 1130 1373 1230"><u>FFY 2010 Data</u></th> <th data-bbox="1373 1130 1583 1230"><u>FFY 2010 Target</u></th> </tr> <tr> <td data-bbox="548 1230 957 1414">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="957 1230 1163 1414">63</td> <td align="center" data-bbox="1163 1230 1373 1414">61</td> <td align="center" data-bbox="1373 1230 1583 1414">59</td> </tr> <tr> <td data-bbox="548 1414 957 1505">Outcome B: Acquisition and use of</td> <td align="center" data-bbox="957 1414 1163 1505">59</td> <td align="center" data-bbox="1163 1414 1373 1505">57</td> <td align="center" data-bbox="1373 1414 1583 1505">55</td> </tr> </tbody> </table>	<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	78	79	70	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	79	80	69	Outcome C: Use of appropriate behaviors to meet their needs (%)	80	81	64	<u>Summary Statement 2</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	63	61	59	Outcome B: Acquisition and use of	59	57	55	<p>OSEP appreciates the State's efforts to improve performance.</p> <p>The State must report progress data and actual target data for FFY 2011 with the FFY 2011 APR.</p>
<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>																											
Outcome A: Positive social-emotional skills (including social relationships) (%)	78	79	70																											
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	knowledge and skills (including early language/ communication) (%)				
	Outcome C: Use of appropriate behaviors to meet their needs (%)	75	72	67	
	These data represent progress and slippage from the FFY 2009 data. The State met its FFY 2010 targets for this indicator.				
<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 2010 reported data for this indicator are 77%. These data represent progress from the FFY 2009 data of 75%. The State met its FFY 2010 target of 76%. In its description of its FFY 2010 data, the State addressed whether the response group was representative of the population.</p>				<p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State revised the methodology for this indicator.</p> <p>The State did not provide valid and reliable data for this indicator. These data are not valid and reliable because the State identified districts with disproportionate representation of racial and ethnic groups in special education and related services, but did not determine if that disproportionate representation was the result of inappropriate identification for FFY 2010. Therefore, OSEP could not determine whether there was progress or slippage or whether the State met its target.</p> <p>The State provided a plan to collect and report valid and reliable data beginning with the FFY 2011 APR.</p> <p>The State reported that seven districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. However, the State did not report on the number of districts that were 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 did not provide valid and reliable data because the State did not determine if disproportionate representation in identified districts was the result of inappropriate identification for FFY 2010. Therefore, the State must provide the number of districts with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification for FFY 2010 in the FFY 2011 APR (in addition to data consistent with the indicator for FFY 2011).</p> <p>In the FFY 2011 APR, the State</p>

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	<p>The State reported that 86 of 1,256 districts did not meet the State-established minimum “n” size requirement of each student ethnic/racial group (all students, not just special education) must number at least 30 students and represent at least ten percent of the overall population.</p>	<p>must describe how it made its annual determination that the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification, i.e., that the districts were not in compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311.</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]</p>	<p>The State revised the methodology for this indicator.</p> <p>The State did not provide valid and reliable data for this indicator. These data are not valid and reliable because the State identified districts with disproportionate representation of racial and ethnic groups in specific disability categories, but did not determine if that disproportionate representation was the result of inappropriate identification for FFY 2010. Therefore, OSEP could not determine whether there was progress or slippage or the State met its target.</p> <p>The State reported that 20 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. However, the State did not report on the number of districts that 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 a plan to collect and report valid and reliable data beginning with the FFY 2011 APR.</p> <p>The State provided its definition of “disproportionate representation.”</p> <p>The State reported that 824 of 1,256 districts did not meet the State-established minimum “n” size requirement of each ethnic/racial group must represent at least ten percent of the general population and number at least 30 students, there must be at least 30 students served by special education within each ethnic/racial group, and there must be at least ten ethnic/racial group students within an eligibility category to be included</p>	<p>The State did not provide valid and reliable data because the State did not determine if disproportionate representation in identified districts was the result of inappropriate identification for FFY 2010. Therefore, the State must provide the number of districts with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification for FFY 2010 in the FFY 2011 APR (in addition to data consistent with the indicator for FFY 2011).</p> <p>In the FFY 2011 APR, the State must describe how it made its annual determination that the disproportionate representation it identified of racial and ethnic groups in specific disability categories was the result of</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	in the analysis.	inappropriate identification, i.e., that the identified districts were not in compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311.
<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’s FFY 2010 reported data for this indicator are 98%. These data represent progress from the FFY 2009 data of 96%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that 123 of 198 findings of noncompliance identified in FFY 2009 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that 46 of 90 remaining findings of noncompliance identified in FFY 2008 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that 42 of 70 remaining findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2011 APR, the State’s data demonstrating that it is in compliance with the timely initial evaluation requirements in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010, FFY 2009, FFY 2008, and FFY 2007 for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation,</p>

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		<p>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 2011 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 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>The State must demonstrate, in the FFY 2011 APR, that the remaining 75 uncorrected noncompliance findings identified in FFY 2009, remaining 44 uncorrected noncompliance findings identified in FFY 2008, and remaining 28 uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>OSEP is concerned about the State's failure to correct longstanding noncompliance from FFY 2008 and FFY 2007. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR that it has corrected the remaining 44 findings identified in FFY 2008 and the remaining 28 findings identified in FFY 2007. If the</p>

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		<p>State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State’s explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such 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. [Compliance Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator are 98%. These data represent progress from the FFY 2009 data of 92%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that 60 of 81 findings of noncompliance identified in FFY 2009 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that 20 of 32 remaining findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>However, OSEP’s June 20, 2011 Response Table required that, when reporting on the correction of noncompliance in the FFY 2010 APR, the State must report 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 45 findings identified in FFY 2008 and 32 findings identified in FFY 2007: (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;</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2011 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 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that</p>

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	<p>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. The State did not report that it met these requirements for noncompliance identified in FFY 2009 and FFY 2007. (Instead, the State reported that it verified correction of the timely initial evaluation requirements.) Therefore, the State has not demonstrated that it corrected the noncompliance identified in FFY 2009 or the remaining noncompliance identified in FFY 2007.</p> <p>The State reported that 30 of 45 remaining findings of noncompliance identified in FFY 2008 were corrected. The State reported on the actions it took to address the uncorrected noncompliance. The State reported that it verified correction of the FFY 2008 noncompliance consistent with OSEP Memo 09-02.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2008 and FFY 2009 APRs, was advised of available technical assistance, and was required to report, with the FFY 2010 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>it has verified that each LEA with noncompliance identified in FFY 2010, FFY 2009, FFY 2008, and FFY 2007 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 2011 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 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>The State must demonstrate, in the FFY 2011 APR, that the 81 uncorrected noncompliance findings identified in FFY 2009, the remaining 15 uncorrected noncompliance findings identified in FFY 2008, and the remaining 32 uncorrected noncompliance findings identified in FFY 2007</p>

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		<p>were corrected.</p> <p>OSEP is concerned about the State's failure to correct longstanding noncompliance from FFY 2008 and FFY 2007. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR that it has corrected the remaining 15 findings identified in FFY 2008 and the remaining 32 findings identified in FFY 2007. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State's explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.</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</p>	<p>The State's FFY 2010 reported data for this indicator are 99%. These data represent progress from the FFY 2009 data of 97%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that 68 of 88 findings of noncompliance identified in FFY 2009 were</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2011 APR, the State's data demonstrating that it is in compliance with the</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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>corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>However, OSEP’s June 20, 2011 Response Table required that, when reporting on the correction of noncompliance in the FFY 2010 APR, the State must report 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 37 findings identified in FFY 2008: (1) is correctly implementing 34 CFR §§300.320(b) and 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. The State did not report that it met these requirements for noncompliance identified in FFY 2009. (Instead, the State reported that it verified correction of the timely initial evaluation requirements.) Therefore, the State has not demonstrated that it corrected the noncompliance.</p> <p>The State reported that 28 of 37 remaining findings of noncompliance identified in FFY 2008 were corrected. The State reported on the actions it took to address the uncorrected noncompliance. The State reported that it verified correction of the FFY 2008 noncompliance consistent with OSEP Memo 09-02.</p> <p>OSEP’s FFY 2009 SPP/APR Response Table also required the State to include in the FFY 2010 APR an explanation for the discrepancy between the 434 FFY 2008 findings of noncompliance (based on FFY 2007 data) specified in the FFY 2008 SPP/APR Response Table dated June 3, 2010 and the 430 FFY 2008 findings of noncompliance (based on FFY 2007 data) that the State reported in the FFY 2009 APR. The State provided all of the required information.</p>	<p>secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010, and FFY 2009, and each LEA with the remaining nine FFY 2008 findings of noncompliance 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 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100%</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>The State must demonstrate, in the FFY 2011 APR that the remaining 88 uncorrected noncompliance findings identified in FFY 2009 and remaining nine uncorrected noncompliance findings identified in FFY 2008 were corrected.</p> <p>OSEP is concerned about the State's failure to correct longstanding noncompliance from FFY 2008. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR that it has corrected the remaining nine findings identified in FFY 2008. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State's explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps												
		FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.												
<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 revised the baseline and targets for FFY 2011 and 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s revised baseline data for this indicator are:</p> <table border="1" data-bbox="550 565 1262 1200"> <thead> <tr> <th></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> </tr> </thead> <tbody> <tr> <td>A. % Enrolled in higher education</td> <td align="center">23</td> <td align="center">27</td> </tr> <tr> <td>B. % Enrolled in higher education or competitively employed</td> <td align="center">55</td> <td align="center">60</td> </tr> <tr> <td>C. % Enrolled in higher education or in some other postsecondary education or training program; or competitively employed</td> <td align="center">70</td> <td align="center">73</td> </tr> </tbody> </table> <p>OSEP was not able to determine whether there was progress or slippage because the State revised its baseline for FFY 2010. The State did not meet its FFY 2010 targets for this indicator.</p> <p>In its description of its FFY 2010 data, the State addressed whether the response group was representative of the population.</p>		<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	A. % Enrolled in higher education	23	27	B. % Enrolled in higher education or competitively employed	55	60	C. % Enrolled in higher education or in some other postsecondary education or training program; or competitively employed	70	73	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</p>
	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>												
A. % Enrolled in higher education	23	27												
B. % Enrolled in higher education or competitively employed	55	60												
C. % Enrolled in higher education or in some other postsecondary education or training program; or competitively employed	70	73												
<p>15. General supervision system (including monitoring, complaints,</p>	<p>The State’s FFY 2010 reported data for this indicator are 89%. The State reported that it timely corrected 1,261 of 1,422 findings identified in FFY 2009. However, except for</p>	<p>The State must demonstrate, in the FFY 2011 APR, that the</p>												

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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>findings related to Indicator 11 (timely initial evaluations), the State did not report that 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 within the jurisdiction of the LEA. Therefore the State did not demonstrate that it corrected those findings because correction was not verified consistent with OSEP Memo 09-02. Accordingly, OSEP recalculated the State’s FFY 2010 data for this indicator to be 24.9%. These data represent slippage from the FFY 2009 data of 83%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2008 and FFY 2009 APRs, was advised of available technical assistance, and was required to report, with the FFY 2010 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>remaining 1,068 recalculated number of findings of noncompliance identified in FFY 2009 that were not reported as corrected in accordance with Memo 09-02 in the FFY 2010 APR, were corrected.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2011 APR, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2010 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>When reporting on correction of findings of noncompliance in the FFY 2011 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2010 and 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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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2011 APR, the State must use the Indicator 15 Worksheet.</p> <p>Further, in responding to Indicators 4B, 11, 12, and 13 in the FFY 2011 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's FFY 2010 reported data for this indicator, as of January 31, 2012, are 100%. These data remain unchanged from the FFY 2009 data of 100%. The State met its FFY 2010 target of 100%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</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's FFY 2010 reported data for this indicator, as of January 31, 2012, are 100%. However, OSEP's January 31, 2012 Continuous Improvement Visit letter required the State to submit within 60 days of the receipt of that letter, i.e., on or about March 31, 2012, documentation that demonstrates that it has adjusted its CDRMS database to account for hearing timelines in cases where the parties have waived the resolution process, adjusted the resolution period, or if the issue involves an expedited due process</p>	<p>The State did not provide valid and reliable data. The State did not provide a description of the extent to which the data that the State reported in the State's 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>or in the case of an expedited hearing, within the required timelines.</p> <p>[Compliance Indicator]</p>	<p>complaint. Therefore, no later than the conclusion of the FFY 2010 SPP/APR clarification period, the State was to have provided a description of the extent to which the data that the State reported in the State's FFY 2010 APR, due February 1, 2012, for Indicator 17 are consistent with the timeline requirements in 34 CFR §300.515(c) or these data may be considered not valid and reliable. The State did not provide the required description; therefore, OSEP concludes that the data for this indicator are not valid and reliable.</p>	<p>for Indicator 17 are consistent with the timeline requirements in 34 CFR §300.515(c).</p> <p>OSEP looks forward to reviewing the State's FFY 2011 IDEA section 618 data, demonstrating that it 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 revised the targets for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are less rigorous than the previously-established targets.</p> <p>The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 23%. These data represent slippage from the FFY 2009 data of 32%. The State did not meet its FFY 2010 target of 30-35%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 80%. These data represent progress from the FFY 2009 data of 78%. The State met its FFY 2010 target of 75-80%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 95.24%. However, OSEP's calculation of the data for this indicator is 87.63%. These data represent slippage from the FFY 2009 data of 96.34%. The State did not meet its FFY 2010 target of 100%. OSEP has attached a copy of the Indicator B20 Data Rubric.</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 2011 APR, demonstrating that it is in compliance with the timely and accurate data reporting</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2011 APR, the State must use the Indicator 20 Data Rubric.