

District of Columbia Part B FFY 2011 SPP/APR Response Table

Part B SPP/APR Indicators

1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]
2. Percent of youth with IEPs dropping out of high school. [Results Indicator]
3. 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/AMO targets for the disability subgroup. [Results Indicator] B. Participation rate for children with IEPs on statewide assessments. [Results Indicator] C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. [Results Indicator]
4. Rates of suspension and expulsion: 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; [Results Indicator] 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. [Compliance Indicator]
5. Percent of children with IEPs aged 6 through 21 served: A. Inside the regular class 80% or more of the day; B. Inside the regular class less than 40% of the day; or C. In separate schools, residential facilities, or homebound/hospital placements. [Results Indicator]
6. Percent of children aged 3 through 5 with IEPs attending a: A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and B. Separate special education class, separate school or residential facility. [Results Indicator; New]
7. Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results 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 children with disabilities. [Results Indicator]
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]
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]

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. [Compliance Indicator]
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]
13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority. [Compliance Indicator]
14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high school; B. Enrolled in higher education or competitively employed within one year of leaving high school; C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school. [Results Indicator]
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. [Compliance Indicator]
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]

Timeliness of State Complaint and Due Process Hearing Decisions
(Collected as Part of IDEA Section 618 Data rather than through an SPP/APR Indicator)

Timely Resolution of State Complaints: 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.

Timely Adjudication of Due Process Hearing Requests: Percent of adjudicated due process hearing requests that were adjudicated within the 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.

District of Columbia Part B FFY 2011 SPP/APR Results Data Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
1. Graduation	26%	39%	≥ 85% ¹
2. Drop Out		39%	≤ 6% ²
3. A. Percent of Districts Meeting AYP/AMO Targets for Disability Subgroup		11%	New Baseline
B. Statewide Assessment Participation Rate – Reading	94%	95%	≥ 95%
B. Statewide Assessment Participation Rate – Math	94%	95%	≥ 95%
C. Proficiency Rate	See Attached Table	See Attached Table	See Attached Table
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	50%	43%	0%
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	42%	46%	≥ 16.5%
B. In Regular Education Less than 40% of Day	10%	13%	≤ 13%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	28%	20%	≤ 20%
6. Percent of children aged 3 through 5 with IEPs attending:			
A. Regular early childhood program and receiving majority of special education and related services in regular early childhood program;		53%	Baseline
B. Separate special education class, separate school or residential facility.		18%	Baseline
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement	79%	68%	≥ 73%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	32%	35%	≥ 26%
B. Enrolled in Higher Education or Competitively Employed	54%	56%	≥ 49%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	63%	68%	≥ 61%
18. Hearing Requests Resolved through Resolution Session Agreements	34%	27%	≥ 55-70%
19. Mediations Held that Resulted in Mediation Agreements	95%	70%	≥ 45-60%

¹ As used in this table, the symbol “≥” means that, to meet the target, the State’s data must be greater than or equal to the established target.

² As used in this table, the symbol “≤” means that, to meet the target, the State’s data must be less than or equal to the established target.

3.C Statewide Assessments:

Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

Grade	FFY 2010 Data Reading	FFY 2011 Data Reading	FFY 2011 Target Reading	FFY 2010 Data Math	FFY 2011 Data Math	FFY 2011 Target Math
Elementary	16%	15%	≥ 73.69%	19%	18%	≥ 70.14%
Secondary	15%	12%	≥ 71.79%	15%	16%	≥ 70.27%

7. Percent of Preschool Children Aged 3 through 5 with IEPs Who Demonstrate Improved Outcomes

Summary Statement 1³	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	50%	64%	≥ 60%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	78%	70%	≥ 85%
Outcome C: Use of appropriate behaviors to meet their needs (%)	0%	67%	≥ 50%
Summary Statement 2⁴	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	29%	29%	≥ 50 %
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	17%	42%	≥ 50%
Outcome C: Use of appropriate behaviors to meet their needs (%)	63%	62%	≥ 70 %

³ **Summary Statement 1:** Of those preschool children who entered or exited the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

⁴ **Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

District of Columbia Part B FFY 2011 Results Data Summary Notes

INDICATOR 1: The State revised the description of graduation requirements in its SPP for this indicator and OSEP accepts those revisions.

INDICATOR 2: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

INDICATOR 3A: The State is reporting Annual Measurable Objectives (AMOs) data used for accountability reporting under Title I of the Elementary and Secondary Education Act (ESEA) as a result of ESEA flexibility.

INDICATOR 3B: The State provided a Web link to 2011 publicly reported assessment results; however, the State did not report publicly on the participation of children with disabilities on statewide assessments 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, if any, participating in alternate assessments based on alternate academic achievement standards, at the school level. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.

REQUIRED ACTIONS

Within 90 days of the receipt of this Response Table, the State must provide a Web link that demonstrates it has reported, for FFY 2011, 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 2012 APR, the State must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f) for FFY 2012.

INDICATOR 3C: The State provided a Web link to 2011 publicly reported assessment results; however, the State did not report publicly on the performance of children with disabilities on statewide assessments 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 assessments and 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.

REQUIRED ACTIONS

Within 90 days of the receipt of this Response Table, the State must provide a Web link that demonstrates it has reported, for FFY 2011, 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 2012 APR, the State must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f) for FFY 2012.

INDICATOR 4A: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

The State reported its definition of “significant discrepancy.”

The State reported that nine 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.

The State reported that 18 of 39 districts did not meet the State-established minimum “n” size requirement of 40 children with IEPs.

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 2012, using 2010-2011 data. The State identified noncompliance through this review.

The State reported that it revised (or required the affected districts to revise), 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, pursuant to 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2012, using 2010-2011 data.

The State reported that noncompliance identified in FFY 2011 through the review of policies, procedures, and practices of districts identified with significant discrepancies based on 2009-2010 data, pursuant to 34 CFR §300.170(b), was partially corrected. However, the State did not demonstrate that it corrected those findings because it did not report that it verified correction of those findings, consistent with the requirements in OSEP Memo 09-02.⁵ Specifically, the State did not report that it verified that each LEA identified with noncompliance in FFY 2011 based on 2009-2010 data has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA. OSEP notes that on page 32 of its FFY 2011 APR, the State addressed correction of noncompliance identified in two fiscal years (FFY 2011 and FFY 2010) based on data from three fiscal years (2009-2010, 2008-2009, and 2007-2008). The State reported that it “did not issue any individual-level findings of noncompliance in either of these two review periods.” It is unclear to OSEP whether this statement pertains to the State’s identification of noncompliance based on its review of the 2009-2010 data. Therefore, the State did not demonstrate that it corrected findings based on 2009-2010 data because correction was not verified consistent with OSEP Memo 09-02.

OSEP’s June 2012 FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR, due February 15, 2013, a report on the status of correction of remaining noncompliance that the State identified in FFY 2010 based on 2008-2009 and 2007-2008 data as a result of the review it conducted pursuant to 34 CFR §300.170(b). The State reported that noncompliance identified in FFY 2010, through the review of policies, procedures, and practices of districts identified with significant discrepancies based on 2008-2009 data, pursuant to 34 CFR §300.170(b), was corrected. The State reported that noncompliance identified in FFY 2010 through the review of policies, procedures, and practices of districts identified with significant discrepancies based on 2007-2008 data, pursuant to 34 CFR §300.170(b), was corrected.

⁵ OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the State report that it verified that each LEA with noncompliance: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA. OSEP notes that the State reported in its FFY 2010 APR that it “did not issue individual-level findings of noncompliance” based on 2007-2008 and 2008-2009 data for this indicator.

INDICATOR 4A:

REQUIRED ACTIONS

The State must report, in its FFY 2012 APR, on the correction of noncompliance that the State identified in FFY 2012 based on 2010-2011 data as a result of the review it conducted pursuant to 34 CFR §300.170(b). When reporting on the correction of this noncompliance, the State must report that it has verified that each LEA with noncompliance identified by the State: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

The State did not report that noncompliance identified in FFY 2011 based on 2009-2010 data as a result of the review it conducted pursuant to 34 CFR §300.170(b) was corrected. When reporting on the correction of this noncompliance, the State must demonstrate, in the FFY 2012 APR, that it has verified that each district with remaining noncompliance identified in FFY 2011 based on 2009-2010 data: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 6: The State provided FFY 2011 baseline data, targets for FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.

INDICATOR 7:

REQUIRED ACTIONS

The State must report progress data and actual target data for FFY 2012 in the FFY 2012 APR.

District of Columbia Part B FFY 2011 SPP/APR Compliance Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
4B. Significant discrepancy in suspension/expulsion by race/ethnicity, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements	33%	14%	0%	OSEP's June 2012 FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR, a report on the status of correction of noncompliance identified in FFY 2010 based on 2008-2009 data as a result of the review it conducted pursuant to 34 CFR §300.170(b). The State reported that the noncompliance identified in FFY 2010 based on 2008-2009 data was corrected.
9. Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	0%	5%	0%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
10. Disproportionate representation by disability of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	10%	10%	0%	Although the State reported less than 100% compliance for this indicator for FFY 2010, the State did not make any findings of noncompliance for this indicator during FFY 2010. (See Compliance Data Summary Notes.)
11. Timely Initial Evaluation	72%	89%	100%	The State reported that 984 of 1,262 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that 212 findings were subsequently corrected by May 17, 2013. The State reported on the actions it took to address the uncorrected noncompliance.
12. Early Childhood Transition	62%	89%	100%	The State reported that two of four findings of noncompliance identified in FFY 2010 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
13. Secondary Transition	7%	28%	100%	The State reported that 189 of 440 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that 182 findings were subsequently corrected by May 17, 2013. The State reported on the actions it took to address the uncorrected noncompliance.
15. Timely Correction	81%	61%	100%	The State reported that 2,703 of 4,400 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that 586 findings were subsequently corrected by May 17, 2013. The State reported on the actions it took to address the uncorrected noncompliance.
20. Timely and Accurate Data	100%	95.65%	100%	

District of Columbia Part B FFY 2011 State Complaint and Hearing Data from IDEA Section 618 Data Reports

REQUIREMENT	FFY 2010 DATA	FFY 2011 DATA
Timely resolution of complaints	100%	100%
Timely adjudication of due process hearing requests	98.5%	100%

District of Columbia Part B FFY 2011 Compliance Data Summary Notes

INDICATOR 4B: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

The State reported its definition of “significant discrepancy.”

The State reported that nine 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 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 2012, using 2010-2011 data. The State also reported that three 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.

The State reported that 18 of 39 districts did not meet the State-established minimum “n” size requirement of 40 children with IEPs.

The State reported that it revised (or required the affected districts to revise), 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, pursuant to 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2012, using 2010-2011 data.

OSEP’s June 2012 FFY 2010 SPP/APR Response Table noted that the State did not, until FFY 2011, determine whether districts with 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, based on 2009-2010 data, had 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, and therefore did not make findings of noncompliance until FFY 2011. OSEP required the State to report in the FFY 2011 APR on the status of correction of noncompliance identified in FFY 2011 for this indicator for districts with a significant discrepancy based on FFY 2009 discipline data. The State reported that noncompliance identified in FFY 2011 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), based on 2009-2010 data was partially corrected.

INDICATOR 4B:

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2012 based on 2010-2011 data for this indicator. The State must demonstrate, in the FFY 2012 APR, that the districts identified with noncompliance in FFY 2012 based on 2010-2011 data have corrected the noncompliance, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

The State reported that noncompliance identified in FFY 2011, based on 2009-2010 data, as a result of the review it conducted pursuant to 34 CFR §300.170(b) was partially corrected. When reporting on the correction of this noncompliance, the State must demonstrate, in the FFY 2012 APR, that it has verified that each district with remaining noncompliance identified in FFY 2011, based on 2009-2010 data: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 9: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

The State reported that two districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that 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.

The State provided its definition of “disproportionate representation.”

The State reported that 14 of 34 districts did not meet the State-established minimum “n” size requirement of 40 students with IEPs and “within LEAs of 40 or more students with IEPs, at least five students of a single race/ethnicity are required for weighted risk ratio analysis for that particular race/ethnicity.”

OSEP’s June 2012 FFY 2010 SPP/APR Response Table required the State to demonstrate in the FFY 2011 APR, that the one district identified in FFY 2011 based on 2009-2010 data with disproportionate representation of racial and ethnic groups in special education that was the result of inappropriate identification is in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311. The State reported that the one district with a finding of noncompliance identified in FFY 2011 based on 2009-2010 data corrected the noncompliance.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2012, based on 2011-2012 data for this indicator. The State must demonstrate, in the FFY 2012 APR, that the district identified in FFY 2012 based on FFY 2011 data with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification is in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that the district with noncompliance: (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 Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 10: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

The State reported that nine districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that two districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.

The State provided its definition of “disproportionate representation.”

The State reported that 14 of 34 districts did not meet the State-established minimum “n” size requirement of 40 students with IEPs and “within LEAs of 40 or more students with IEPs, at least five students of a single race/ethnicity are required for weighted risk analysis for that particular race/ethnicity.”

OSEP’s June 2012 FFY 2010 SPP/APR Response Table required the State to demonstrate in the FFY 2011 APR, that the two districts identified in FFY 2011 based on 2009-2010 data and the two districts identified in FFY 2011 based on 2010-2011 data with disproportionate representation of racial and ethnic groups in specific disability categories 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. The State reported that one of the two districts with findings of noncompliance identified in FFY 2011 based on 2009-2010 data corrected the noncompliance. The State reported on the actions it took to address the uncorrected noncompliance. The State reported that one of two findings of noncompliance identified in FFY 2011, based on 2010-2011 data, was corrected in a timely manner and that the remaining finding was subsequently corrected by May 17, 2013.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2012 based on 2011-2012 data for this indicator. The State must demonstrate, in the FFY 2012 APR, that the two districts identified in FFY 2012 based on FFY 2011 data with disproportionate representation of racial and ethnic groups in specific disability categories 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. Further, the State must demonstrate, in the FFY 2012 APR, that the remaining district identified in FFY 2011, based on FFY 2009 data with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification, is in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311. In demonstrating the correction of the noncompliance identified in FFY 2012 and FFY 2011, the State must report, in the FFY 2012 APR, that the State verified that each district with noncompliance: (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 Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 11: OSEP's June 2012 FFY 2010 SPP/APR Response Table required the State to clarify, in the FFY 2011 APR, the number of uncorrected findings of noncompliance identified in FFY 2009 (i.e., 32 or 34), and demonstrate that those findings were corrected. The State provided the required clarification and reported that 24 of 32 findings of noncompliance identified in FFY 2009 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

The State was identified as being in need of intervention for six consecutive years based on the State's APRs for FFYs 2005 through FFY 2010 and longstanding noncompliance with IDEA requirements included in the Special Conditions imposed on the State's FFY 2011 grant award. OSEP required the State to submit a Corrective Action Plan (CAP) that addressed each of the areas that affected the State's needs intervention determination. The State's CAP, submitted July 30, 2012, includes the information required by OSEP's June 2012 Determination Letter.

In addition, pursuant to IDEA section 616(e)(1)(B) and (2)(A), in the 2012 Determination Letter, the Department directed the State to use \$250,000 of its FFY 2012 State-level funds under IDEA section 611(e) to further reduce the backlog of overdue initial evaluations and reevaluations and increase progress toward ensuring timely initial evaluations and reevaluations. The Department authorized the State to use the otherwise directed funds for other purposes if the State elected to direct LEAs that demonstrated noncompliance with the requirements to conduct timely initial evaluations and reevaluations, to use \$250,000 of their FFY 2012 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations and increase progress toward ensuring timely initial evaluations and reevaluations. The State was required to report on the use of the directed funds and reduction of the backlog consistent with OSEP's June 2012 Determination Letter (see pages 6-11) and the Special Conditions to the FFY 2012 Grant Award Letter (see Enclosure E, pages 10-14). The State submitted the information in its CAP, CAP progress reports, and Special Conditions progress reports, as required. OSEP responded to the State's submissions in separate correspondence.

OSEP's FFY 2012 Grant Award Letter (Enclosure E, Special Conditions), dated July 1, 2012, required that the State report on its progress toward implementing the CAP and to provide updated data on its compliance with initial evaluation and reevaluation requirements and reduction of the backlog of overdue initial evaluations and reevaluations in Special Conditions progress reports. The State submitted the CAP progress reports and Special Conditions progress reports as required. OSEP responded to the State's CAP, CAP progress reports, and Special Conditions progress reports in separate correspondence.

In its FFY 2012 Special Conditions progress reports the State reported data for the period July 1, 2012 through March 31, 2013, that reflect 91.7% of children were provided an initial evaluation within the State-established timeframe and 90.7% of children were provided a timely reevaluation. In its May 1, 2013 Special Conditions progress report, revised May 28, 2013, the State reported that for the January 1, 2013 through March 31, 2013 reporting period, 26 children had not been provided a timely initial evaluation and 62 children had not been provided a timely reevaluation at the end of the reporting period. While these data demonstrate progress, the State has not yet achieved compliance with the initial evaluation and reevaluation requirements in 34 CFR §§300.301(c)(1) and 300.303.

INDICATOR 11:

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. In addition, the State must demonstrate in the FFY 2012 APR that the remaining 66 uncorrected noncompliance findings identified in FFY 2010 and the remaining eight uncorrected noncompliance findings identified in FFY 2009 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2011 and each LEA with remaining findings of 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 within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 12: OSEP's FFY 2012 Grant Award Letter (Enclosure E, Special Conditions), dated July 1, 2012, required that the State provide updated data on its compliance with early childhood transition requirements in Special Conditions progress reports. The State submitted the Special Conditions progress reports as required. OSEP responded to the State's submissions in separate correspondence.

In its FFY 2012 Special Conditions progress reports, the State reported data for the period July 1, 2012 through March 31, 2013, that reflect 94.3% of children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthdays. While these data demonstrate progress, the State has not yet achieved compliance with the early childhood transition requirements in 34 CFR §300.124(b).

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. In addition, the State must demonstrate in the FFY 2012 APR that the remaining two uncorrected noncompliance findings identified in FFY 2010 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2011 and each LEA with remaining findings of noncompliance identified in FFY 2010: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 13: OSEP's June 2012 FFY 2010 SPP/APR Response Table required the State to provide in the FFY 2011 APR, data demonstrating that the remaining 60 uncorrected noncompliance findings identified in FFY 2009 were corrected. The State reported that 46 of 60 findings of noncompliance identified in FFY 2009 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

The State was identified as being in need of intervention for six consecutive years based on the State's APRs for FFYs 2005 through 2010 and longstanding noncompliance with the IDEA requirements included in the Special Conditions imposed on the State's FFY 2011 grant award. OSEP required the State to submit a CAP that addressed each of the areas that affected the State's needs intervention determination. The State's CAP, submitted July 30, 2012, includes the information required by OSEP's June 2012 Determination Letter.

In addition, pursuant to IDEA section 616(e)(1)(B) and (2)(A), in the Determination Letter, the Department directed the State to use \$250,000 of its FFY 2012 State-level funds under IDEA section 611(e) to address noncompliance with secondary transition requirements. The Department authorized the State to use the otherwise directed funds for other purposes if the State elected to direct LEAs that demonstrated noncompliance with the secondary transition requirements to use \$250,000 of their FFY 2012 IDEA Part B funds to address noncompliance with these requirements. The State was required to report on the use of the directed funds consistent with OSEP's June 2012 Determination Letter (see pages 6-11) and the Special Conditions to the FFY 2012 Grant Award Letter (see Enclosure E, pages 10-14). The State submitted the information in its CAP, CAP progress reports, and Special Conditions progress reports, as required. OSEP responded to the State's submissions in separate correspondence.

OSEP's June 2012 Determination Letter and FFY 2012 Grant Award Letter (Enclosure E, Special Conditions), dated July 1, 2012, required that the State report on its progress toward implementing the CAP and to provide updated data on its compliance with secondary transition requirements in Special Conditions progress reports. The State submitted the CAP progress reports and Special Conditions progress reports as required. OSEP responded to the State's CAP, CAP progress reports, and Special Conditions progress reports in separate correspondence.

In its FFY 2012 Special Conditions progress reports, the State provided data that demonstrate continued noncompliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). In its FFY 2012 Special Conditions progress reports, the State reported data for the period July 1, 2012 through March 31, 2013, that reflect 39% compliance with secondary transition requirements.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. In addition, the State must demonstrate in the FFY 2012 APR that the remaining 69 uncorrected noncompliance findings identified in FFY 2010 and the remaining 14 uncorrected noncompliance findings identified in FFY 2009 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2011 and each LEA with remaining findings of 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 within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 15: OSEP's June 2012 FFY 2010 SPP/APR Response Table required the State to provide in the FFY 2011 APR, data demonstrating that the remaining 134 uncorrected noncompliance findings identified in FFY 2009 were corrected. The State reported that 73 of 134 findings of noncompliance identified in FFY 2009 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

The State was identified as being in need of intervention for six consecutive years based on the State's APRs for FFYs 2005 through 2010 and longstanding noncompliance with the IDEA requirements included in the Special Conditions imposed on the State's FFY 2011 grant award. OSEP required the State to submit a CAP that addressed each of the areas that affected the State's needs intervention determination. The State's CAP, submitted July 30, 2012, includes the information required by OSEP's June 2012 Determination Letter.

OSEP's Determination Letter and FFY 2012 Grant Award Letter (Enclosure E, Special Conditions), dated July 1, 2012, required that the State report on its progress toward implementing the CAP and to provide updated data on its compliance with the timely correction of noncompliance requirements in Special Conditions progress reports. The State submitted the CAP progress reports and Special Conditions progress reports as required. OSEP responded to the State's CAP, CAP progress reports, and Special Conditions progress reports in separate correspondence.

In its FFY 2012 Special Conditions progress reports, the State provided data that demonstrate continued noncompliance with the requirement to ensure timely correction of noncompliance, in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02. In its May 1, 2013 Special Conditions progress report, revised May 28, 2013, the State reported preliminary data on the timely correction of findings of noncompliance issued July 1, 2011 through June 30, 2012. The State reported that 85.6% of findings issued in FFY 2011 for which the one-year timeline had expired were corrected in a timely manner. While these data demonstrate progress, the State has not yet achieved compliance with the requirement to ensure timely correction of noncompliance in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.

REQUIRED ACTIONS

The State must demonstrate, in the FFY 2012 APR, that the remaining 1,111 findings of noncompliance identified in FFY 2010 and the remaining 61 findings of noncompliance identified in FFY 2009 that were not reported as corrected in the FFY 2011 APR were corrected.

When reporting in the FFY 2012 APR on the correction of findings of noncompliance, the State must report that it verified that each LEA with findings of noncompliance identified in FFY 2011, and the remaining findings 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 within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2012 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 2012 APR, the State must use and submit the Indicator 15 Worksheet.

In responding to Indicators 4A, 4B, 9, 10, 11, 12, and 13 in the FFY 2012 APR, the State must report on correction of the noncompliance described in this table under those indicators.

OTHER COMPLIANCE ISSUES:

The State has demonstrated longstanding noncompliance with the requirement to ensure timely implementation of hearing officer determinations (HODs), as required by IDEA sections 615(f) and (i). The State was required to submit a CAP that addressed the actions it would take to demonstrate compliance with the requirement to implement HODs in a timely manner. OSEP's June 2012 Determination Letter and FFY 2012 Grant Award Letter (Enclosure E, Special Conditions), dated July 1, 2012, required that the State report on its progress toward implementing the CAP and to provide updated data on its compliance with the requirement to ensure timely implementation of HODs in Special Conditions progress reports. The State submitted the CAP progress reports and Special Conditions progress reports as required. OSEP responded to the State's CAP, CAP progress reports, and Special Conditions progress reports in separate correspondence. The State's Special Conditions progress report data submitted in FFY 2012 reflect that for the period of April 1, 2012 through March 31, 2013, 77.6% of HODs were implemented within the required timeframe prescribed by the hearing officer or by the State. While these data demonstrate progress, the State has not yet achieved compliance with the requirement to ensure HODs are implemented in a timely manner consistent with IDEA section 615(f) and (i).

Under the authority of the Education Department General Administrative Regulations, 34 CFR §80.12, the Department has designated the State a "high-risk" grantee due to problems with the State's fiscal and program accountability, management systems, and related areas. Special Conditions have been imposed on all grants awarded to the State by the Department for FFYs 2006 through 2012.