

Kentucky 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 age 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 service's 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.

Kentucky Part B FFY 2011 SPP/APR Results Data Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
1. Graduation	74.19%	73.21%	≥ 85% ¹
2. Drop Out	2.59%	2.71%	Reduce by 0.4%
3. A. Percent of Districts Meeting AYP for Disability Subgroup (AMO)- Proficiency Rate- Reading (AMO)		21.12%	54%
A. Percent of Districts Meeting AYP for Disability Subgroup (AMO)- Proficiency Rate-Math (AMO)		17.16%	54%
B. Statewide Assessment Participation Rate – Reading	100%	99.87%	100%
B. Statewide Assessment Participation Rate – Math	100%	99.88%	100%
C. Proficiency Rate –Reading (AMO)		21.12%	New Baseline
C. Proficiency Rate- Math (AMO)		17.16%	New Baseline
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	0.56%	0.56%	≤ 3.41% ²
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	71.37%	71.35%	≥ 65%
B. In Regular Education Less than 40% of Day	9.16%	8.88%	≤ 11.0%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	1.93%	1.93%	≤ 2.0%
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;		63.38%	Baseline
B. Separate special education class, separate school or residential facility.		6.81%	Baseline
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement	27.3%	31.1%	≥ 31.0%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	23.2%	19.7%	≥ 25.0%

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.

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
B. Enrolled in Higher Education or Competitively Employed	52.1%	57.1%	≥ 53.7%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	64.9%	68.0%	≥ 63.9%
18. Hearing Requests Resolved through Resolution Session Agreements	55%	Two of eight resolution sessions resulted in settlement agreements.	≥ 70%-80%
19. Mediations Held that Resulted in Mediation Agreements	78%	60%	≥ 61%-85%

7. Percent of Preschool Children Age 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)	84%	84%	≥ 81%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	87%	72%	≥ 81%
Outcome C: Use of appropriate behaviors to meet their needs	86%	84%	≥ 81%
Summary Statement 2⁴	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)	68%	40%	≥ 60%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	72%	28%	≥ 58%
Outcome C: Use of appropriate behaviors to meet their needs	70%	35%	≥ 62%

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.

Kentucky Part B FFY 2011 Results Data Summary Notes

INDICATOR 1: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

INDICATOR 2: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

INDICATOR 3A: The State reported that: (1) it was using Annual Measurable Objectives (AMO) data for accountability reporting under Title I of the Elementary and Secondary Education Act (ESEA) as a result of ESEA flexibility; and (2) all Kentucky school districts will establish AMOs during the 2012-2013 school year based on the 2011-2012 accountability results released on November 2, 2012.

INDICATOR 3B: The State revised the FFY 2012 improvement activities for this indicator and OSEP accepts those revisions.

The State provided a Web link to 2011 publicly-reported assessment results.

INDICATOR 3C: The State revised the FFY 2012 improvement activities for this indicator and OSEP accepts those revisions.

The State is reporting AMO data used for accountability reporting under Title I of the Elementary and Secondary Education Act (ESEA) as a result of ESEA flexibility. The State has reported FFY 2011 baseline data for this indicator based on AMOs.

The State provided a Web link to 2011 publicly-reported assessment results.

INDICATOR 4A: The State reported its definition of “significant discrepancy.”

The State reported that one district was 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 all 176 districts met the State-established minimum “n” size requirement of ten or more students with disabilities in at least one race/ethnicity category.

The State reported that it reviewed the district’s policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the district identified with significant discrepancies in FFY 2011. The State identified noncompliance through this review.

The State reported that it required the district’s policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, pursuant to 34 CFR §300.170(b) for the district identified with a significant discrepancy in FFY 2011.

REQUIRED ACTIONS

The State must report, in its FFY 2012 APR, on the correction of noncompliance that the State identified in FFY 2011 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 09-02.⁵ In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 5A: The State revised the FFY 2012 improvement activities for this indicator and OSEP accepts those revisions.

INDICATOR 5B: The State revised the FFY 2012 improvement activities for this indicator and OSEP accepts those revisions.

INDICATOR 5C: The State revised the FFY 2012 improvement activities for this indicator and OSEP accepts those revisions.

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.

INDICATOR 6: The State provided FFY 2011 baseline data, and targets for FFY 2012, but OSEP cannot accept the State's submission for this indicator because the State did not report that improvement activities cover the remaining years of the SPP.

REQUIRED ACTIONS

With the FFY 2012 APR, the State must submit a revised SPP that includes improvement activities that are conducted through FFY 2012.

INDICATOR 7:

REQUIRED ACTION

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

INDICATOR 18: The State reported fewer than ten resolution sessions held in FFY 2011. The State is not required to meet its targets or provide improvement activities in any fiscal year in which fewer than ten resolution sessions were held.

Kentucky 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.	0.56%	0.56%	0%	The State reported that the one finding of noncompliance identified in FFY 2010 was not corrected. The State reported on the actions it took to address the uncorrected noncompliance.
9. Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	0%	0.57%	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.	3.41%	1.14%	0%	The State reported that all six findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
11. Timely Initial Evaluation	99.0%	99.27%	100%	The State reported that all 13 of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
12. Early Childhood Transition	99.65%	99.86%	100%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
13. Secondary Transition	94.61%	98.37%	100%	The State reported that one finding of noncompliance identified in FFY 2010 was not corrected in a timely manner, and was subsequently corrected by February 1, 2011.

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
15. Timely Correction	91%	88.1%	100%	The State reported that 52 of 59 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that six findings were subsequently corrected by February 15, 2013. For the remaining one finding of noncompliance that was not corrected, the State reported on the actions it took to address the uncorrected noncompliance.
20. Timely and Accurate Data	100%	100%	100%	

Kentucky 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	The State reported that it did not receive any signed written complaints during the reporting period.	100%
Timely adjudication of due process hearing requests	The State reported that it did not receive any requests for due process hearings during the reporting period.	100% (based on two due process hearing)

Kentucky Part B FFY 2011 Compliance Data Summary Notes

INDICATOR 4B: The State revised improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

The State reported its definition of “significant discrepancy.”

The State reported that one district was 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 district’s policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the district identified with a significant discrepancy in FFY 2010.

The State also reported that one district was 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 noncompliance identified in the FFY 2010 through the review of policies, procedures and practices, pursuant 34 CFR §300.170(b), was corrected.

The State reported that all 176 districts met the State-established minimum “n” size requirement of ten or more students with disabilities enrolled in the district.

The State reported that it required the affected district to revise its 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 district identified with a significant discrepancy in FFY 2011.

In its 2012 SPP/APR Response Table, OSEP required the State to report on the status of correction of noncompliance identified in FFY 2010 as a result of the review it conducted pursuant to 34 CFR §300.170(b) for the district identified with a significant discrepancy based on 2008-2009 data. The State reported that the noncompliance in the one district identified with noncompliance in FFY 2010 through the review of policies, procedures, and practices pursuant to 34 CFR §300.170(b), was not corrected.

REQUIRED ACTIONS

Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. The State must demonstrate, in the FFY 2012 APR, that the districts identified with noncompliance in FFY 2011 have corrected the noncompliance, including 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 9: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

The State reported that three 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 all 176 districts met the State-established minimum “n” size requirement of ten students with disabilities in at least one race/ethnicity category and none were excluded from the calculation.

REQUIRED ACTIONS

Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. The State must demonstrate, in the FFY 2012 APR, that the districts identified with noncompliance in FFY 2011 have corrected the noncompliance, including 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 10: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

The State reported that 28 districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that two districts were 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 all 176 districts met the State-established minimum “n” size requirement of ten students with disabilities in at least one race/ethnicity category and each of the disability categories.

REQUIRED ACTIONS

Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. The State must demonstrate, in the FFY 2012 APR, that the districts identified with noncompliance in FFY 2011 have corrected the noncompliance, including 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 13:

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. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (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:

The State reported that the two findings of noncompliance identified in FFY 2009 were corrected.

REQUIRED ACTIONS

The State must demonstrate, in the FFY 2012 APR, that the remaining one finding of noncompliance identified in FFY 2010 that was 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: (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 correction. In addition, in reporting on Indicator 15 in the FFY 2012 APR, the State must use and submit the Indicator 15 Worksheet.

In addition, in responding to Indicators 4B, 9, 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.

INDICATOR 20: The State's FFY 2011 data for this indicator are 100%. However, OSEP recalculated the data for this indicator to be 95.35%.