

Oklahoma 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 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: <ul style="list-style-type: none"> 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.

Oklahoma Part B FFY 2011 SPP/APR Results Data Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
1. Graduation	84.95%	84.90%	≥ 82.40% ¹
2. Drop Out	2.90%	20.70%	≤ 4.43% ²
3. A. Percent of Districts Meeting AYP for Disability Subgroup - Reading	86.80%	52.89%	≥ 63.00%
A. Percent of Districts Meeting AYP for Disability Subgroup - Math	90.60%	54.82%	≥ 59.00%
B. Statewide Assessment Participation Rate – Reading	98.72%	99.14%	≥ 95 %
B. Statewide Assessment Participation Rate – Math	98.65%	99.12%	≥ 95%
C. Proficiency Rate -Reading	46.32%	56.91%	≥ 70.67%
C. Proficiency Rate -Math	49.63%	57.35%	≥ 71.60%
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	10.30%	6.80%	≤ 8.19%
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	62.37%	62.52%	≥ 51.04%
B. In Regular Education Less than 40% of Day	9.61%	9.86%	≤ 9.84 %
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	1.40%	1.36%	≤ 1.85%
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;		39.29%	Baseline
B. Separate special education class, separate school or residential facility.		18.60%	Baseline
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement	93.34%	93.40%	≥ 84%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	33.08%	31.20%	≥ 31.90 %
B. Enrolled in Higher Education or Competitively Employed	57.14%	54.3%	≥ 46.90%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	91.0%	80.60%	≥ 73.50%

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
18. Hearing Requests Resolved through Resolution Session Agreements	38.89%	Four settlement agreements reached out of six resolution meetings held.	≥ 85 %
19. Mediations Held that Resulted in Mediation Agreements	94.40%	91.66%	≥ 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)	89.0%	91.2%	≥ 90.0%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	88.5%	90.0%	≥ 89.0%
Outcome C: Use of appropriate behaviors to meet their needs	90.1%	92.6%	≥ 91.0%
Summary Statement 2⁴	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)	57.0%	60.0%	≥ 58.0%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	55.9%	59.1%	≥ 57.0%
Outcome C: Use of appropriate behaviors to meet their needs	70.5%	74.9%	≥ 71.0%

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.

Oklahoma Part B FFY 2011 Results Data Summary Notes

<p>INDICATOR 1: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.</p>
<p>INDICATOR 2: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.</p>
<p>INDICATOR 3A: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions. The State has chosen to continue to report AYP data based on targets established under the No Child Left Behind Act.</p>
<p>INDICATOR 3B: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions. The State provided a Web link to 2011 publicly-reported assessment results.</p>
<p>INDICATOR 3C: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions. The State provided a Web link to 2011 publicly-reported assessment results.</p>
<p>INDICATOR 4A: State revised the 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 37 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 nine of 544 districts did not meet the State-established minimum “n” size requirement of ten students with disabilities. 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>INDICATOR 5: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.</p>
<p>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. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2012.</p>

INDICATOR 7: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

REQUIRED ACTION

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

INDICATOR 8: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

The State reported that the data for this indicator were collected from a response group that was not representative of the population. OSEP notes that the State included strategies or improvement activities to address this issue in the future.

REQUIRED ACTIONS

In the FFY 2012 APR, the State must report whether its FFY 2012 data are from a group representative of the population, and if not, the actions the State is taking to address this issue.

INDICATOR 14: The State's FFY 2011 data for indicator 14B are 62.4%. However, OSEP recalculated the data for 14B to be 54.3%.

The State reported that the data for this indicator were collected from a response group that was not representative of the population. OSEP notes that the State included strategies or improvement activities to address this issue in the future.

REQUIRED ACTIONS

In the FFY 2012 APR, the State must report whether its FFY 2012 data are from a group representative of the population, and if not, the actions the State is taking to address this issue.

INDICATOR 18: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

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.

INDICATOR 19: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

Oklahoma 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%	0%	0%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
9. Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	0%	0%	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.	0%	0%	0%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
11. Timely Initial Evaluation	96.10%	96.65%	100%	Although the State reported less than 100% compliance for this indicator for FFY 2010, the State did not provide information on whether it identified any findings of noncompliance in FFY 2010 for this indicator, and if so how many, and how many of those that were timely or subsequently corrected.

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
12. Early Childhood Transition	97.10%	97.75%	100%	Although the State reported less than 100% compliance for this indicator for FFY 2010, the State did not provide information on whether it identified any findings of noncompliance in FFY 2010 for this indicator, and if so how many, and how many of those that were timely or subsequently corrected.
13. Secondary Transition	98.70%	87.14%	100%	Although the State reported less than 100% compliance for this indicator for FFY 2010, the State did not provide information on whether it identified any findings of noncompliance in FFY 2010 for this indicator, and if so how many, and how many of those that were timely or subsequently corrected.
15. Timely Correction	0%	Not valid and reliable	100%	
20. Timely and Accurate Data	97.78%	94.5%	100%	

Oklahoma 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	Data not valid and reliable.	72.2%
Timely adjudication of due process hearing requests	100%	The State reported that there were no fully adjudicated due process hearings during the reporting period.

Oklahoma Part B FFY 2011 Compliance Data Summary Notes

INDICATOR 4B: The State revised the 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 63 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 2011 (using 2010-2011 data). The State did not identify any noncompliance through this review.

The State reported that no districts met the State-established minimum “n” size requirement of “at least 15 students with disabilities in the group/cell.” OSEP’s FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR correction of 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 based on FFY 2009 (2009-2010) discipline data, as required in 34 CFR §300.170(b). Further, in the FFY 2011 APR, the State was required to provide the data for FFY 2010 (using 2009-2010 data) and FFY 2011 (using 2010-2011 data) for this indicator. The State provided all of the required information for FFY 2011 (using 2010-2011 data), but did not provide the required information for FFY 2010 (using 2009-2010 data). For the 38 districts identified with significant discrepancies in FFY 2010 (using 2009-2010 data), the State did not report that it corrected the noncompliance with 34 CFR §300.170(b), i.e., that the State 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, for the districts identified with significant discrepancies in FFY 2010 (using 2009-2010 data). The failure to conduct the review required in 34 CFR §300.170(b) is noncompliance.

REQUIRED ACTION

In the FFY 2012 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 based on FFY 2009 discipline data, as required in 34 CFR §300.170(b).

INDICATOR 9: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

The State reported that 98 of 541 districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that no 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 four of 541 districts did not meet the State-established minimum “n” size requirement of “ten for child count at each LEA.”

INDICATOR 10: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

The State reported that 360 of 541 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.

The State provided its definition of “disproportionate representation.”

The State reported that four of 541 districts did not meet the State-established minimum “n” size requirement of “ten for child count at each LEA.”

INDICATOR 11: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

Although the State reported less than 100% compliance for this indicator for FFY 2010, the State did not report on the correction of noncompliance identified in FFY 2010. Instead, the State only referenced Indicator 15, in which, as explained below, the State reported that 126 findings of noncompliance were identified in FFY 2009, but provided no information regarding the correction of findings of noncompliance identified in FFY 2010.

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, if the State identified any findings of noncompliance in FFY 2010, the State must report in the FFY 2012 APR that those findings 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 2010 and 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 09-02.⁵ In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

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

INDICATOR 12: The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

Although the State reported less than 100% compliance for this indicator for FFY 2010, the State did not report on the correction of noncompliance identified in FFY 2010. Instead, the State reported that “notifications of findings were issued; however, due to staff changes, all of the information regarding correction (prongs one and two) are not available to the state at this time. Follow up with each district is in process and the state will report on the correction by these districts in the APR that will be submitted in February of 2014.” The State did not indicate when (or in which FFY) the State identified findings of noncompliance.

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, if the State identified any findings of noncompliance in FFY 2010, the State must report in the FFY 2012 APR that those findings 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 2010 and 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.

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

Although the State reported less than 100% compliance for this indicator for FFY 2010, the State did not report on the correction of noncompliance identified in FFY 2010. Instead, the State reported that “notifications of findings were issued; however, due to staff changes, all of the information regarding correction (prongs one and two) are not available to the state at this time. Follow up with each district is in process and the state will report on the correction by these districts in the APR that will be submitted in February of 2014.” The State did not indicate when (or in which FFY) the State identified findings of noncompliance.

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, if the State identified any findings of noncompliance in FFY 2010, the State must report in the FFY 2012 APR that those findings 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 2010 and 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 revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

The State did not provide valid and reliable data for this indicator. These data are not valid and reliable because the Indicator 15 Worksheet on page 37 of the FFY 2011 APR, titled "Actual Target Data for FFY 2010," includes findings of noncompliance identified in FFY 2009. For the FFY 2011 APR, Indicator 15 requires the reporting of timely correction of findings of noncompliance identified by the State in FFY 2010. Furthermore, the State reported under Indicator 15 in the FFY 2010 APR that it identified 963 findings of noncompliance in FFY 2009. In addition, the measurable and rigorous target on page 50 of the FFY 2011 APR incorrectly includes the target for FFY 2010. Also, on page 50, the State addresses the identification of findings of noncompliance identified in FFY 2011 (rather than FFY 2010).

REQUIRED ACTIONS

The State must report, in the FFY 2012 APR, on the correction of any findings of noncompliance identified in FFY 2010, including the number of findings identified, and the numbers of those timely and subsequently 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 any 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. 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, 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 revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.

The State's FFY 2011 data for this indicator are 95.51%. However, OSEP recalculated the data for this indicator to be 94.49%.

OTHER COMPLIANCE ISSUES - Timely Resolution of Complaints: OSEP's February 8, 2012 CIV letter enclosure included a finding that the State did not have procedures in place and properly implemented to ensure that State complaints filed at the LEA level are investigated and a written decision is issued consistent with the requirements of 34 CFR §§300.151 through 300.153. In the February 8, 2012 CIV letter enclosure, OSEP stated that, "if [the State] continues to allow State complaints to be filed at the LEA level, then it must ensure that it includes data for all State complaints, including complaints filed at the local level, when reporting Table 7 data under section 618 and on Indicator 16 in its FFY 2011 APR."

Within 90 days of the date of the CIV letter, the State was required to submit documentation that it had revised its State complaint policies and procedures to ensure that either: (1) the State had developed a mechanism to track State complaints filed at the LEA level and that those State complaints are investigated and a written decision is issued consistent with the requirements of 34 CFR §§300.151 through 300.153 or; (2) that the State no longer chose to implement the provisions of 34 CFR §300.151(a)(ii). In response to OSEP's 2012 CIV letter, the State submitted an assurance and amended State complaint procedures dated May 4, 2012, which required that complaints filed at the LEA level be resolved consistent with the requirements in 34 CFR §§300.151 through 300.153.

OSEP's June 2012 FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR, due February 15, 2013, valid and reliable data that were inclusive of State complaints filed at the LEA level for FFY 2010. The State reported that it "developed a mechanism to track State complaints filed at the LEA level and that no complaints were filed during the reporting period at the local level." The State also reported that it is "working on revising a state policy and will no longer allow complaints to be filed at the local level." It is important to note that the State's website currently contains the State's policies and procedures and the State's procedural safeguards that allow for the filing of State complaints at the local level.

REQUIRED ACTIONS

The State must report, in the FFY 2012 APR, on its procedures for the filing a complaint with the State if the State no longer chooses to implement the provisions of 34 CFR §300.151(a)(ii) for the filing of a complaint with the LEA. If the State chooses to revise its current procedures to provide for the filing of a complaint only with the State, the State must describe how it informed parents and the public and provide a copy of the revised procedures. If the State chooses to continue its current practice and implement the provisions of 34 CFR §300.151(a)(ii), it must include data for all State complaints, including complaints filed at the local level, when reporting under section 618.

Since the State's policies and procedures were active during the FFY 2012 reporting year, the State must also submit, when reporting data under section 618, the number of State Complaints filed during FFY 2012 that were inclusive of State complaints filed at the LEA level for FFY 2012.

OTHER COMPLIANCE ISSUES - Correction of Noncompliance: OSEP's February 8, 2012 CIV letter required the State, when reporting on subsequent correction for compliance indicators (other than Indicator 15) in its FFY 2011 APR, to specify whether subsequent correction of noncompliance was consistent with OSEP Memo 09-02. The State was unable to provide the required information because the State did not report in the FFY 2011 APR on the correction of findings identified by the State in FFY 2010.

REQUIRED ACTIONS

See "Required Actions" under Indicator 15.