

Texas 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: 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.

Texas Part B FFY 2011 SPP/APR Results Data Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
1. Graduation	74.4%	76.7%	≥ 75% ¹
2. Drop Out	12.1%	11.3%	≤ 10% ²
3. A. Percent of Districts Meeting AYP for Disability Subgroup	29%	13%	100%
B. Statewide Assessment Participation Rate – Reading	99%	99%	≥ 95%
B. Statewide Assessment Participation Rate – Math	99%	99%	≥ 95%
C. Proficiency Rate – Reading	76%	63%	≥ 87%
C. Proficiency Rate – Math	71%	59%	≥ 83%
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	1.0%	0.5%	0%
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	67%	67%	≥ 68%
B. In Regular Education Less than 40% of Day	13%	13%	≤ 10%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	1%	1%	≤ 1%
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;		22%	Baseline
B. Separate special education class, separate school or residential facility.		20%	Baseline
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement	77%	77%	≥ 76%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	23%	22%	≥ 24%
B. Enrolled in Higher Education or Competitively Employed	55%	57%	≥ 56%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	70%	69%	≥ 71%
18. Hearing Requests Resolved through Resolution Session Agreements	23%	30%	≥ 25-30%
19. Mediations Held that Resulted in Mediation Agreements	80%	77%	≥ 75-80%

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.

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)	79%	81.2%	≥ 79%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	80%	80.8%	≥ 80%
Outcome C: Use of appropriate behaviors to meet their needs	81%	82.7%	≥ 81%
Summary Statement 2⁴	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)	61%	62.1%	≥ 61%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	57%	58.7%	≥ 57%
Outcome C: Use of appropriate behaviors to meet their needs	72%	73.1%	≥ 72%

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.

Texas FFY 2011 Results Data Summary Notes

<p>INDICATOR 2: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p>
<p>INDICATOR 3A: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State has not applied for, or not yet received approval for, a flexibility waiver under the Elementary and Secondary Education Act (ESEA). The State is reporting AYP data used for accountability reporting under Title I of the ESEA.</p>
<p>INDICATOR 3B: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>Although the State provided a Web link to 2011 publicly-reported assessment results, 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, OSEP could not locate the required 2011 publicly-reported assessment results for this indicator on the link the State provided. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.</p> <p>REQUIRED ACTIONS</p> <p>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.</p>
<p>INDICATOR 3C: The State revised the targets and improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>Although the State provided a Web link to 2011 publicly-reported assessment results, 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, alternate assessments based on grade-level academic achievement standards, alternate assessments based on modified academic achievement standards, and alternate assessments based on alternate academic achievement standards, at the State, district or school levels. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.</p> <p>REQUIRED ACTIONS</p> <p>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.</p>

<p>INDICATOR 4A: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that six districts were identified as having a significant discrepancy in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs.</p> <p>The State reported that 1,096 of 1,249 districts did not meet the State-established minimum “n” size requirement of at least 40 students receiving special education services with at least 100 enrolled students in the district and at least five students receiving special education services who also received discipline action that resulted in a cumulative removal of greater than 10 days.</p> <p>The State reported that it reviewed the districts’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2011. The State did not identify noncompliance through this review.</p>
<p>INDICATOR 5: The State revised the improvement activities for FFY 2012 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.</p> <p>The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2012.</p>
<p>INDICATOR 7: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>REQUIRED ACTIONS</p> <p>The State must report progress data and actual target data for FFY 2012 in the FFY 2012 APR.</p>
<p>INDICATOR 8: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>REQUIRED ACTIONS</p> <p>The State must report progress data and actual target data for FFY 2012 in the FFY 2012 APR.</p>
<p>INDICATOR 14: The State indicated in its FFY 2011 APR that it revised its FFY 2012 targets for this indicator. However, the “revised” FFY 2012 targets set forth in the APR are identical to the FFY 2012 targets set forth in the SPP that the State submitted in 2012 with its FFY 2010 APR.</p> <p>The State indicated in its FFY 2010 APR that it revised its baseline for this indicator, but did not provide a revised SPP or direct OSEP to a revised SPP that reflects the revision to the baseline the State made in FFY 2010.</p>
<p>INDICATOR 18: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p>
<p>INDICATOR 19: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p>

Texas 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	Not Valid and Reliable	0.7%	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.	Not Valid and Reliable	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.	Not Valid and Reliable	0%	0%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
11. Timely Initial Evaluation	97.5%	98.8%	100%	The State reported that 91 of 145 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that 42 findings were subsequently corrected by February 1, 2013. The State reported on the actions it took to address the uncorrected noncompliance.
12. Early Childhood Transition	97.9%	99.1%	100%	The State reported that 31 of 40 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that five findings were subsequently corrected by February 1, 2013. 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	98.5%	99.3%	100%	The State reported that 35 of 43 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that three findings were subsequently corrected by February 1, 2013. The State reported on the actions it took to address the uncorrected noncompliance.
15. Timely Correction	89%	67%	100%	The State reported that 645 of 967 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that 150 findings were subsequently corrected by February 1, 2013. The State reported on the actions it took to address the uncorrected noncompliance.
20. Timely and Accurate Data	88.74%	93.48%	100%	

Texas 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	Data Not Valid and Reliable	92.3%

Texas 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 2010.

The State did not identify any noncompliance through this review.

The State’s FFY 2011 data for this indicator are 0.7%. However, OSEP recalculated the data for this indicator to be 0%.

The State reported that 1,080 of 1,249 districts did not meet the State-established minimum “n” size requirement of at least 40 students receiving special education services; there being at least 100 enrolled students in the district; and there being at least three students of a specific race or ethnicity receiving special education services who also received a discipline action that resulted in a cumulative removal of greater than 10 days.

OSEP’s FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR that the State corrected noncompliance by describing the review, and if appropriate, revision of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that these policies, procedures, and practices comply with the IDEA, for districts identified with significant discrepancies in FFY 2010, as required in 34 CFR §300.170(b). Further, the State was to provide the required 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.

INDICATOR 9: 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 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 602 of 1,246 districts did not meet the State-established minimum “n” size requirement of at least 40 students, ages 6-21 receiving special education services; the total special education population not exceeding 40% of the total population; and there being at least 30 students of a specific race or ethnicity comprising at least 10% of the total student population.

OSEP’s FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR, the number of districts with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification for FFY 2010 in the FFY 2011 APR (in addition to data consistent with the indicator for FFY 2011). Also, the State was to describe how it made its annual determination that the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification, i.e., that the districts were not in compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311. The State provided all of the required information.

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

The State reported that 25 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 697 of 1,246 districts did not meet the State-established minimum “n” size requirement of at least 100 enrolled students in the district with at least 40 students, ages 6-21 receiving special education services; the total special education population not exceeding 40% of the total population; at least 30 students comprising at least 10% of the total student population; and at least 10 students of a race or ethnicity population in a specific disability category.

OSEP’s FFY 2010 SPP/APR Response Table required the State to include in the FFY 2011 APR, the number of districts with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification for FFY 2010 in the FFY 2011 APR (in addition to data consistent with the indicator for FFY 2011) and describe how it made its annual determination that the disproportionate representation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification, i.e., that the identified districts were not in compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311. The State provided all of the required information.

INDICATOR 11: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

The State reported that 66 of 75 findings of noncompliance identified in FFY 2009, 36 of 44 findings of noncompliance identified in 2008, and 21 of 28 findings of noncompliance identified in 2007 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected 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, the State must demonstrate, in the FFY 2012 APR, that the remaining 12 uncorrected noncompliance findings identified in FFY 2010, the remaining nine uncorrected noncompliance findings identified in FFY 2009, the remaining eight uncorrected noncompliance findings identified in FFY 2008, and the remaining seven uncorrected noncompliance findings identified in FFY 2007 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, FFY 2009, FFY 2008, and FFY 2007: (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 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 12: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

The State reported that 60 of 81 findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that 18 findings were subsequently corrected by February 1, 2013. The State reported on the actions it took to address the uncorrected noncompliance.

The State reported that 13 of 15 findings of noncompliance identified in FFY 2008 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.

The State reported 30 of 32 findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected 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, the State must demonstrate, in the FFY 2012 APR, that the remaining four uncorrected noncompliance findings identified in FFY 2010, the remaining three uncorrected noncompliance findings identified in FFY 2009, the remaining two uncorrected noncompliance findings identified in FFY 2008, and the remaining two uncorrected noncompliance findings identified in FFY 2007 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, FFY 2009, FFY 2008, and FFY 2007: (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: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

The State reported that 35 of 43 findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that three findings were subsequently corrected by February 1, 2013. The State reported on the actions it took to address the uncorrected noncompliance.

The State reported that five of nine findings of noncompliance identified in FFY 2008 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected 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, the State must demonstrate, in the FFY 2012 APR, that the remaining five uncorrected noncompliance findings identified in FFY 2010, the remaining five uncorrected noncompliance findings identified in FFY 2009, and the remaining four uncorrected noncompliance findings identified in FFY 2008 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, FFY 2009, and FFY 2008: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, 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 2012 for this indicator and OSEP accepts those revisions.

The State reported that 136 of 161 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.

As reported under these indicators above, the State reported under Indicators 11, 12, and 13 that there were a total of 17 uncorrected findings of noncompliance identified in FFY 2009, a total of 14 uncorrected findings of noncompliance identified in FFY 2008, and a total of nine uncorrected findings of noncompliance identified in FFY 2007.

REQUIRED ACTIONS

The State must demonstrate, in the FFY 2012 APR, that the remaining 172 findings of noncompliance identified in FFY 2010, 17 findings of noncompliance identified in FFY 2009, 14 findings of noncompliance identified in FFY 2008, and nine findings of noncompliance identified in FFY 2007, 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.

The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2012 APR, that it has corrected this noncompliance.

In addition, in responding to Indicators 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 2012 for this indicator and OSEP accepts those revisions.