

## District of Columbia Part B FFY 2012 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]
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.

**District of Columbia Part B FFY 2012 SPP/APR Results Data Summary**

<b>INDICATOR</b>	<b>FFY 2011 DATA</b>	<b>FFY 2012 DATA</b>	<b>FFY 2012 TARGET</b>
1. Graduation	39%	44%	≥ 85% <sup>1</sup>
2. Drop Out	See Notes	6%	≤ 5.8% <sup>2</sup>
3. A. Percent of Districts Meeting AYP for Disability Subgroup	11%	0%	≥ 50%
B. Statewide Assessment Participation Rate – Reading	95%	99%	≥ 95%
B. Statewide Assessment Participation Rate – Math	95%	99%	≥ 95%
C. Proficiency Rate	See Attached Table	See Attached Table	See Attached Table
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	See Notes	28%	New Baseline
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	46%	50%	≥ 17.5%
B. In Regular Education Less than 40% of Day	13%	12%	≤ 15%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	20%	19%	≤ 15%
6. Percent of children aged 3 through 5 with IEPs attending:			
A. Regular early childhood program and receiving majority of special education and related services in regular early childhood program;	53%	56%	≥ 63%
B. Separate special education class, separate school or residential facility.	18%	16%	≤ 15%
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement	68%	93%	≥ 75%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	35%	23.24%	≥ 27%
B. Enrolled in Higher Education or Competitively Employed	56%	25.62%	≥ 51%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	68%	30.81%	≥ 64%
18. Hearing Requests Resolved through Resolution Session Agreements	27%	10%	≥ 55-70%
19. Mediations Held that Resulted in Mediation Agreements	70%	72%	≥ 45-60%

<sup>1</sup> 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.

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

**3.C Statewide Assessments:**

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

<b>Grade</b>	<b>FFY 2011 Data</b>	<b>FFY 2012 Data</b>	<b>FFY 2012 Target</b>	<b>FFY 2011 Data</b>	<b>FFY 2012 Data</b>	<b>FFY 2012 Target</b>
	<b>Reading</b>	<b>Reading</b>	<b>Reading</b>	<b>Math</b>	<b>Math</b>	<b>Math</b>
Elementary	15%	19%	≥ 86.85%	18%	24%	≥ 85.07%
Secondary	12%	19%	≥ 85.9%	16%	24%	≥ 85.14%

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

<b>Summary Statement 1<sup>3</sup></b>	<b>FFY 2011 Data</b>	<b>FFY 2012 Data</b>	<b>FFY 2012 Target</b>
<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	64%	76%	≥ 70%
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	70%	81%	≥ 90%
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	67%	79%	≥ 60%
<b>Summary Statement 2<sup>4</sup></b>	<b>FFY 2011 Data</b>	<b>FFY 2012 Data</b>	<b>FFY 2012 Target</b>
<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	29%	67%	≥ 60%
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	42%	67%	≥ 60%
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	62%	70%	≥ 80%

<sup>3</sup> **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.

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

### District of Columbia FFY 2012 Results Data Summary Notes

INDICATOR 3B: OSEP's FFY 2011 SPP/APR Response Table required that within 90 days of receipt of that Response Table, the State provide a Web link that demonstrates it had reported, for FFY 2011, to the public on the statewide assessment of children with disabilities in accordance with 34 CFR §300.160(f). The State provided a Web link on September 30, 2013 that contained updated assessment reporting information. However, the information posted on the State's Web site at that time did not include the number of children with disabilities participating in statewide assessments. With its FFY 2012 APR, the State provided a Web link that demonstrates it has reported, for FFY 2011 and FFY 2012, to the public on the statewide assessment of children with disabilities in accordance with 34 CFR §300.160(f).

INDICATOR 3C: The State provided a Web link to 2012 publicly-reported assessment results.

OSEP's FFY 2011 SPP/APR Response Table required that within 90 days of receipt of that Response Table, the State provide a Web link that demonstrates it had reported, for FFY 2011, to the public on the statewide assessment of children with disabilities in accordance with 34 CFR §300.160(f). The State provided a Web link on September 30, 2013 that contained the required information.

INDICATOR 4A: The State reported that it revised its calculation method for this indicator and considers its FFY 2012 data “to represent new baseline data for the State.” For FFY 2012, the State included the total number of districts, rather than the number of districts that meet the State’s minimum “n” size for one or more racial/ethnic group, in the denominator when calculating the actual target data. The State noted that as a result, “direct comparison” of the FFY 2012 data with the FFY 2011 data “may not be apt.”

The State reported its definition of “significant discrepancy.”

The State reported that 11 districts were identified as having a significant discrepancy in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs.

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

The State reported that it reviewed the districts’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2013, using 2011-2012 data. The State identified noncompliance through this review.

The State reported that it revised (or required the affected districts to revise), the districts’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, pursuant to 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2013, using 2011-2012 data.

The State reported that noncompliance identified in FFY 2012 through the review of policies, procedures, and practices of districts identified with significant discrepancies based on 2010-2011 data, pursuant to 34 CFR §300.170(b), was partially corrected.

OSEP’s FFY 2011 SPP/APR Response Table required the State to include in the FFY 2012 APR, a report on the status of correction of remaining noncompliance that the State identified in FFY 2011 based on 2009-2010 data as a result of the review it conducted pursuant to 34 CFR §300.170(b).

The State reported that noncompliance identified in FFY 2011, through the review of policies, procedures, and practices of districts identified with significant discrepancies based on 2009-2010 data, pursuant to 34 CFR §300.170(b), was partially corrected.

**INDICATOR 4A – REQUIRED ACTIONS**

The State must report, in its FFY 2013 APR, on the correction of noncompliance that the State identified in FFY 2013, based on 2011-2012 data as a result of the review it conducted pursuant to 34 CFR §300.170(b). When reporting on the correction of this noncompliance, the State must report that it has verified that each LEA with noncompliance identified by the State: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.<sup>5</sup> In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

The State reported that noncompliance identified in FFY 2012, based on 2010-2011 data and FFY 2011, based on 2009-2010 data as a result of the review it conducted pursuant to 34 CFR §300.170(b) was partially corrected. When reporting on the correction of this noncompliance, the State must demonstrate, in the FFY 2013 APR, that it has verified that each district with remaining noncompliance identified in FFY 2012 and 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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

**INDICATOR 7:****REQUIRED ACTIONS**

The State must report progress data and actual target data for FFY 2013 in the FFY 2013 APR.

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<sup>5</sup> 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.

**District of Columbia Part B FFY 2012 SPP/APR Compliance Summary**

<b>INDICATOR</b>	<b>FFY 2011 DATA</b>	<b>FFY 2012 DATA</b>	<b>FFY 2012 TARGET</b>	<b>CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011</b>
4B. Significant disproportionality in suspension/expulsion by race/ethnicity, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements.	See Notes	8%	0%	OSEP's FFY 2011 SPP/APR Response Table required the State to include in the FFY 2012 APR, a report on the status of correction of noncompliance identified in FFY 2011 based on 2009-2010 data as a result of the review it conducted pursuant to 34 CFR §300.170(b). The State reported that the noncompliance identified in FFY 2011 based on 2009-2010 data was partially corrected.
9. Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	5%	13%	0%	The State did not make any findings of noncompliance for this indicator during FFY 2011. (See Compliance Data Summary Notes.)
10. Disproportionate representation by disability of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	10%	17%	0%	The State reported that the one remaining finding of noncompliance identified in FFY 2011 based on 2009-2010 data was corrected.
11. Timely Initial Evaluation	89%	93%	100%	The State reported that 430 of 563 findings of noncompliance identified in FFY 2011 were corrected in a timely manner and that 117 findings were subsequently corrected by April 30, 2014. The State reported on the actions it took to address the uncorrected noncompliance.
12. Early Childhood Transition	89%	96%	100%	The State reported that five of nine findings of noncompliance identified in FFY 2011 were corrected in a timely manner and that the remaining four findings were subsequently corrected by April 30, 2014.
13. Secondary Transition	28%	40%	100%	The State reported that 553 of 682 findings of noncompliance identified in FFY 2011 were corrected in a timely manner and that 116 findings were subsequently

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011
				corrected by April 30, 2014. The State reported on the actions it took to address the uncorrected noncompliance.
15. Timely Correction	61%	77%	100%	The State reported that 2,230 of 2,892 findings of noncompliance identified in FFY 2011 were corrected in a timely manner and that 620 findings were subsequently corrected by April 30, 2014. The State reported on the actions it took to address the uncorrected noncompliance.
20. Timely and Accurate Data	95.65%	95.55%	100%	

**District of Columbia Part B FFY 2012 State Complaint and Hearing Data from IDEA Section 618 Data Reports**

<b>REQUIREMENT</b>	<b>FFY 2011 DATA</b>	<b>FFY 2012 DATA</b>
Timely resolution of complaints	100%	100%
Timely adjudication of due process hearing requests	100%	100%

## District of Columbia FFY 2012 Compliance Data Summary Notes

INDICATOR 4B: The State reported that it revised its calculation method for this indicator and considers its FFY 2012 data “to represent new baseline data for the State.” For FFY 2012, the State included the total number of districts, rather than the number of districts that meet the State’s minimum “n” size for one or more racial/ethnic group, in the denominator when calculating the results. The State noted that as a result, “direct comparison” of the FFY 2012 data with the FFY 2011 data “may not be apt.”

The State reported its definition of “significant discrepancy.”

The State reported that 11 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 2013, using 2011-2012 data. The State also reported that three districts were identified as having policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

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

The State reported that it revised (or required the affected districts to revise), the districts’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, pursuant to 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2013, using 2011-2012 data.

OSEP’s FFY 2011 SPP/APR Response Table noted that the State did not, until FFY 2012, determine whether districts with 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, based on 2010-2011 data, had policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, and therefore did not make findings of noncompliance until FFY 2012. OSEP required the State to report in the FFY 2012 APR on the status of correction of noncompliance identified in FFY 2012 for this indicator for districts identified with a significant discrepancy based on FFY 2010 discipline data. The State reported that noncompliance identified in FFY 2012 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), based on 2010-2011 data, was partially corrected.

#### **INDICATOR 4B – REQUIRED ACTIONS**

Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2013 based on 2011-2012 data for this indicator. The State must demonstrate, in the FFY 2013 APR, that the districts identified with noncompliance in FFY 2013 based on 2011-2012 data have corrected the noncompliance, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

The State reported that noncompliance identified in FFY 2012, based on 2010-2011 data and FFY 2011, based on 2009-2010 data, as a result of the review it conducted pursuant to 34 CFR §300.170(b) was partially corrected. When reporting on the correction of this noncompliance, the State must demonstrate, in the FFY 2013 APR, that it has verified that each district with remaining noncompliance identified in FFY 2012, based on 2010-2011 data, and 2011, based on 2009-2010 data: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 9: The State reported that four districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that three 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 16 of 40 districts did not meet the State-established minimum “n” size requirement of 40 students with IEPs and “within LEAs of 40 or more students with IEPs, at least five students of a single race/ethnicity are required for weighted risk ratio analysis for that particular race/ethnicity.”

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

#### **REQUIRED ACTIONS**

Because the State reported less than 100% compliance for FFY 2012 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2013 based on FFY 2012 data for this indicator. The State must demonstrate, in the FFY 2013 APR, that the districts identified in FFY 2013 based on FFY 2012 data with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, 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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 10: The State reported that 12 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that four 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 16 of 40 districts did not meet the State-established minimum “n” size requirement of 40 students with IEPs and “within LEAs of 40 or more students with IEPs, at least five students of a single race/ethnicity are required for weighted risk ratio analysis for that particular race/ethnicity.”

In its May 15, 2014 FFY 2013 Special Conditions progress report, amended June 5, 2014, the State provided information related to the correction of “student-level” findings of noncompliance identified in FFY 2011. Based on the information outlined on page 15 of that report, OSEP cannot determine if the State required the LEA to demonstrate it was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data when verifying that a “student-level finding” of noncompliance had been corrected and no “LEA-level finding” had been identified for the same issue.

OSEP’s FFY 2011 SPP/APR Response Table required the State to demonstrate in the FFY 2012 APR, that the two districts identified in FFY 2012 based on FFY 2011 data with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311. The State reported that one of the two districts identified in FFY 2012 based on FFY 2011 data corrected the noncompliance. The State reported on the actions it took to address the uncorrected noncompliance.

### **INDICATOR 10 – REQUIRED ACTIONS**

The State must clarify in its FFY 2013 APR if the State considered any “student-level findings” of noncompliance identified in FFY 2011 corrected before the State verified that the LEA had achieved compliance with the specific regulatory requirements. The State must report the number, if any, of such findings. In order to demonstrate correction of those findings, the State must verify that the LEA 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, consistent with OSEP Memo 09-02 and report the corrected data in its FFY 2013 APR.

Because the State reported less than 100% compliance for FFY 2012 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2013 based on FFY 2012 data for this indicator. The State must demonstrate, in the FFY 2013 APR, that the districts identified in FFY 2013 based on FFY 2012 data with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311. Further, the State must demonstrate, in the FFY 2013 APR, that the one remaining district identified in FFY 2012 based on FFY 2011 data with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification, is in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311. In demonstrating the correction of the noncompliance identified in FFY 2013 and FFY 2012, the State must report, in the FFY 2013 APR, that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 11: OSEP's FFY 2011 SPP/APR Response Table required the State to report on the correction of the remaining 66 uncorrected noncompliance findings identified in FFY 2010 and the remaining eight uncorrected noncompliance findings identified in FFY 2009. The State reported that 59 of the 66 findings of noncompliance identified in FFY 2010 were corrected and that seven of the eight findings of noncompliance identified in FFY 2009 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.

In its May 15, 2014 FFY 2013 Special Conditions progress report, amended June 5, 2014, the State provided information related to the correction of "student-level" findings of noncompliance identified in FFY 2009, FFY 2010, and FFY 2011. Based on the information outlined on page 15 of that report, OSEP cannot determine if the State required the LEA to demonstrate it was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data when verifying that a "student-level finding" of noncompliance had been corrected and no "LEA-level finding" had been identified for the same issue.

The State was identified as being in need of intervention for seven consecutive years based on the State's APRs for FFYs 2005 through FFY 2011 and longstanding noncompliance with the IDEA requirements included in the Special Conditions imposed on the State's FFY 2012 grant award. OSEP required the State to submit a Corrective Action Plan (CAP) that addressed each of the areas that affected the State's needs intervention determination. The State's CAP, submitted August 2, 2013, includes the information required by OSEP's July 1, 2013 Determination Letter.

In addition, pursuant to IDEA section 616(e)(1)(B) and (2)(A), in the 2013 Determination Letter, the Department directed the State to use \$125,000 of its FFY 2013 State-level funds under IDEA section 611(e) to further reduce the backlog of overdue initial evaluations and reevaluations and increase progress toward ensuring timely initial evaluations and reevaluations. The Department authorized the State to use the otherwise directed funds for other purposes if the State elected to direct LEAs that demonstrated noncompliance with the requirements to conduct timely initial evaluations and reevaluations, to use \$125,000 of their FFY 2013 IDEA Part B funds to reduce the backlog of overdue initial evaluations and reevaluations and increase progress toward ensuring timely initial evaluations and reevaluations.

The State was required to report on the use of the directed funds and reduction of the backlog consistent with OSEP's July 1, 2013 Determination Letter (see pages 7-11) and the Special Conditions to the FFY 2013 Grant Award Letter (see Enclosure E, pages 10-14). OSEP's FFY 2013 Grant Award Letter (Enclosure E, Special Conditions), dated July 1, 2013, required that the State report on its progress toward implementing the CAP and to provide updated data on its compliance with initial evaluation and reevaluation requirements and reduction of the backlog of overdue initial evaluations and reevaluations in Special Conditions progress reports. The State submitted the information in its CAP, CAP progress reports, and Special Conditions progress reports as required. OSEP responded to the State's submissions in separate correspondence.

In its May 15, 2014 Special Condition progress report, amended June 5, 2014, the State reported data for the period October 1, 2013 through March 31, 2014, that reflect 96% of children were provided an initial evaluation within the State-established timeframe and 90% of children were provided a timely reevaluation. The State further reported that at the end of the October 1, 2013 through March 31, 2014 reporting period, 20 children had not been provided a timely initial evaluation and 94 children had not been provided a timely reevaluation. While these data demonstrate progress, the State has not yet achieved compliance with the initial evaluation and reevaluation requirements in 34 CFR §§300.301(c)(1) and 300.303.

### **INDICATOR 11 – REQUIRED ACTIONS**

The State must clarify in its FFY 2013 APR if the State considered any “student-level findings” of noncompliance identified in FFY 2009, FFY 2010, and FFY 2011 corrected before the State verified that the LEA had achieved compliance with the specific regulatory requirements. The State must report the number, if any, of such findings. In order to demonstrate correction of those findings, the State must verify that the LEA 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, consistent with OSEP Memo 09-02 and report the corrected data in its FFY 2013 APR.

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. In addition, the State must demonstrate in the FFY 2013 APR that the remaining 16 uncorrected noncompliance findings identified in FFY 2011, the remaining seven uncorrected noncompliance findings identified in FFY 2010, and the one remaining noncompliance finding identified in FFY 2009 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2012 and each LEA with remaining findings of noncompliance identified in FFY 2011, 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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 12: OSEP's FFY 2011 SPP/APR Response Table required the State to report on the correction of the remaining two uncorrected noncompliance findings identified in FFY 2010. The State reported that one of the two findings of noncompliance identified in FFY 2010 was corrected. The State reported on the actions it took to address the uncorrected noncompliance.

In its May 15, 2014 FFY 2013 Special Conditions progress report, amended June 5, 2014, the State provided information related to the correction of "student-level" findings of noncompliance identified in FFY 2010 and FFY 2011. Based on the information outlined on page 15 of that report, OSEP cannot determine if the State required the LEA to demonstrate it was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data when verifying that a "student-level finding" of noncompliance had been corrected and no "LEA-level finding" had been identified for the same issue.

OSEP's FFY 2013 Grant Award Letter (Enclosure E, Special Conditions), dated July 1, 2013, required that the State address in its FFY 2013 CAP, how the State would demonstrate compliance with the requirement that children referred by Part C prior to age three, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays and to report on its progress toward implementing the CAP. OSEP also required that the State provide updated data on its compliance with early childhood transition requirements in Special Conditions progress reports. The State submitted the CAP, CAP progress reports, and Special Conditions progress reports as required. OSEP responded to the State's submissions in separate correspondence.

In its May 15, 2014 Special Conditions progress report, amended June 5, 2014, the State reported data for the period July 1, 2013 through March 31, 2014, that reflect 98% of children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthdays.

#### **REQUIRED ACTIONS**

The State must clarify in its FFY 2013 APR if the State considered any "student-level findings" of noncompliance identified in FFY 2010 and FFY 2011 corrected before the State verified that the LEA had achieved compliance with the specific regulatory requirements. The State must report the number, if any, of such findings. In order to demonstrate correction of those findings, the State must verify that the LEA 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, consistent with OSEP Memo 09-02 and report the corrected data in its FFY 2013 APR.

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. In addition, the State must demonstrate, in the FFY 2013 APR, that the one remaining finding of noncompliance identified in FFY 2010 was corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2012 and the LEA with the remaining finding 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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 13: OSEP's FFY 2011 SPP/APR Response Table required the State to report on the correction of the remaining 69 uncorrected noncompliance findings identified in FFY 2010 and the remaining 14 findings of noncompliance identified in FFY 2009. The State reported that 55 of the 69 findings of noncompliance identified in FFY 2010 were corrected and that seven of the 14 findings of noncompliance identified in FFY 2009 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.

In its May 15, 2014 FFY 2013 Special Conditions progress report, amended June 5, 2014, the State provided information related to the correction of "student-level" findings of noncompliance identified in FFY 2009, FFY 2010, and FFY 2011. Based on the information outlined on page 15 of that report, OSEP cannot determine if the State required the LEA to demonstrate it was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data when verifying that a "student-level finding" of noncompliance had been corrected and no "LEA-level finding" had been identified for the same issue.

The State was identified as being in need of intervention for seven consecutive years based on the State's APRs for FFYs 2005 through FFY 2011 and longstanding noncompliance with the IDEA requirements included in the Special Conditions imposed on the State's FFY 2012 grant award. OSEP required the State to submit a CAP that addressed each of the areas that affected the State's needs intervention determination. The State's CAP, submitted August 2, 2013, includes the information required by OSEP's July 1, 2013 Determination Letter.

In addition, pursuant to IDEA section 616(e)(1)(B) and (2)(A), in the 2013 Determination Letter, the Department directed the State to use \$250,000 of its FFY 2013 State-level funds under IDEA section 611(e) to address noncompliance with secondary transition requirements. The Department authorized the State to use the otherwise directed funds for other purposes if the State elected to direct LEAs that demonstrated noncompliance with the secondary transition requirements to use \$250,000 of their FFY 2013 IDEA Part B funds to address noncompliance with these requirements. The State was required to report on the use of the directed funds and provided updated data on its compliance with secondary transition requirements consistent with OSEP's July 1, 2013 Determination Letter (see pages 8-12) and the Special Conditions to the FFY 2013 Grant Award Letter (see Enclosure E, pages 10-15). The State submitted the information in its CAP, CAP progress reports, and Special Conditions progress reports as required. OSEP responded to the State's submissions in separate correspondence.

In its May 15, 2014 Special Conditions progress report, amended June 5, 2014, the State reported data for the period October 1, 2013 through March 31, 2014, that reflect 46% compliance with secondary transition requirements. These data demonstrate continued noncompliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b).

### **INDICATOR 13 – REQUIRED ACTIONS**

The State must clarify in its FFY 2013 APR if the State considered any “student-level findings” of noncompliance identified in FFY 2009, FFY 2010, and FFY 2011 corrected before the State verified that the LEA had achieved compliance with the specific regulatory requirements. The State must report the number, if any, of such findings. In order to demonstrate correction of those findings, the State must verify that the LEA 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, consistent with OSEP Memo 09-02 and report the corrected data in its FFY 2013 APR.

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. In addition, the State must demonstrate in the FFY 2013 APR that the remaining 13 uncorrected noncompliance findings identified in FFY 2011, the remaining 14 uncorrected noncompliance findings identified in FFY 2010, and the remaining seven noncompliance findings identified in FFY 2009 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2012 and each LEA with remaining findings of noncompliance identified in FFY 2011, 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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 15: OSEP's FFY 2011 SPP/APR Response Table required the State to provide in the FFY 2012 APR, data demonstrating that the remaining 1,111 uncorrected noncompliance findings identified in FFY 2010 and the remaining 61 uncorrected noncompliance findings identified in FFY 2009 were corrected. The State reported that 469 of the remaining 1,111 findings of noncompliance identified in FFY 2010 and 47 of the 61 remaining findings of noncompliance identified in FFY 2009 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.

In its May 15, 2014 FFY 2013 Special Conditions progress report, amended June 5, 2014, the State provided information related to the correction of "student-level" findings of noncompliance identified in FFY 2009, FFY 2010, and FFY 2011. Based on the information outlined on page 15 of that report, OSEP cannot determine if the State required the LEA to demonstrate it was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data when verifying that a "student-level finding" of noncompliance had been corrected and no "LEA-level finding" had been identified for the same issue.

The State was identified as being in need of intervention for seven consecutive years based on the State's APRs for FFYs 2005 through FFY 2011 and longstanding noncompliance with the IDEA requirements included in the Special Conditions imposed on the State's FFY 2012 grant award. OSEP required the State to submit a CAP that addressed each of the areas that affected the State's needs intervention determination. The State's CAP, submitted August 2, 2013, includes the information required by OSEP's July 1, 2013 Determination Letter.

OSEP's Determination Letter and FFY 2013 Grant Award Letter (Enclosure E, Special Conditions), dated July 1, 2013, required that the State report on its progress toward implementing the CAP and to provide updated data on its compliance with the timely correction of noncompliance requirements in Special Conditions progress reports. The State submitted the CAP progress reports and Special Conditions progress reports as required. OSEP responded to the State's CAP, CAP progress reports, and Special Conditions progress reports in separate correspondence.

In its May 15, 2014 Special Conditions progress report, amended June 5, 2014, the State reported preliminary data on the timely correction of findings of noncompliance issued between July 1, 2012 and June 30, 2013. The State reported that 69.9% of findings issued in FFY 2012 for which the one-year timeline had expired were corrected in a timely manner. The State has not yet achieved compliance with the requirement to ensure timely correction of noncompliance in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.

### **INDICATOR 15 – REQUIRED ACTIONS**

The State must clarify, with its FFY 2013 APR, if the State considered any “student-level findings” of noncompliance identified in FFY 2009, FFY 2010, and FFY 2011 corrected before the State verified that the LEA had achieved compliance with the specific regulatory requirements. The State must report the number, if any, of such findings. In order to demonstrate correction of those findings, the State must verify that the LEA 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, consistent with OSEP Memo 09-02 and report the corrected data with its FFY 2013 APR.

The State must report, with the FFY 2013 SPP/APR, that it has corrected the remaining 42 findings of noncompliance identified in FFY 2011, the remaining 642 findings of noncompliance identified in FFY 2010, and the remaining 14 findings of noncompliance identified in FFY 2009 that were not reported as corrected in the FFY 2012 APR were corrected.

When reporting with the FFY 2013 APR on the correction of the remaining findings of noncompliance identified in FFY 2011, FFY 2010, and FFY 2009, the State must report that it verified that each LEA with remaining findings of 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, consistent with OSEP Memo 09-02.

In addition, in responding to Indicators 4A, 4B, 9, 10, 11, 12, and 13 in the FFY 2013 SPP/APR, the State must report on correction of the noncompliance described in this table under those indicators.

**OTHER COMPLIANCE ISSUES:**

**Timely Implementation of Hearing Officer Determinations (HODs):** The State was identified as being in need of intervention for seven consecutive years based on the State's APRs for FFYs 2005 through FFY 2011 and longstanding noncompliance with the IDEA requirements included in the Special Conditions imposed on the State's FFY 2012 grant award. The FFY 2012 Special Conditions included longstanding noncompliance with the requirement to ensure timely implementation of HODs, as required by IDEA sections 615(f) and (i). The State was required to submit a CAP that addressed the actions it would take to demonstrate compliance with the requirement to implement HODs in a timely manner. OSEP's July 1, 2013 Determination Letter and FFY 2013 Grant Award Letter (Enclosure E, Special Conditions), dated July 1, 2013, required that the State report on its progress toward implementing the CAP and to provide updated data on its compliance with the requirement to ensure timely implementation of HODs in Special Conditions progress reports. The State submitted the CAP, CAP progress reports, and Special Conditions progress reports as required. OSEP responded to the State's CAP, CAP progress reports, and Special Conditions progress reports in separate correspondence.

The State's May 15, 2014 Special Conditions progress report, amended June 5, 2014, reflects that for the period October 1, 2013 through March 31, 2014, 88% of HODs were implemented within the timeframe prescribed by the hearing officer or by the State. The State further reported that at the conclusion of the October 1, 2013 through March 31, 2014 reporting period, three children had not had their HODs implemented in a timely manner.

**Department-wide Special Conditions:** Special Conditions have been imposed on all grants awarded to the State by the Department for FFYs 2006 through FFY 2013 due to problems with the State's fiscal and program accountability, management systems, and related areas.