

## Delaware 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.

**Delaware 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	75.7%	56.8%	≥ 58.1% <sup>1</sup>
2. Drop Out	4.4%	5.88%	≤ 3.8% <sup>2</sup>
3. A. Percent of Districts Meeting AYP for Disability Subgroup	See Attached Table	See Attached Table	See Attached Table
B. Statewide Assessment Participation Rate – Reading	See Attached Table	See Attached Table	See Attached Table
B. Statewide Assessment Participation Rate – Math	See Attached Table	See Attached Table	See Attached Table
C. Proficiency Rate	See Attached Table	See Attached Table	See Attached Table
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	12.2%	9.75%	0%
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	63.5%	64.9%	≥ 68%
B. In Regular Education Less than 40% of Day	15.6%	15.3%	≤ 16%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	6.3%	6.7%	≤ 3.5%
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;	See Notes	43.5%	≥ 45%
B. Separate special education class, separate school or residential facility.		37.7%	≤ 35%
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement	86.5%	89.7%	≥ 87%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	25%	17%	≥ 33%
B. Enrolled in Higher Education or Competitively Employed	51%	48%	≥ 83%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	64%	61%	≥ 100%

<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.

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET
18. Hearing Requests Resolved through Resolution Session Agreements	None	The one resolution session resulted in a settlement agreement.	Not Applicable
19. Mediations Held that Resulted in Mediation Agreements	Five of six mediations resulted in mediation agreements.	10%	≥ 88%

### 3.A Statewide Assessments

#### Districts that meet AYP/AMO targets for the disability subgroup

Level	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
Elementary Schools	93%	80%	≥ 53%
Middle Schools	94%	81.3%	≥ 53%
High Schools	75%	70%	≥ 63%

### 3.B Statewide Assessments

#### Participation rate for children with IEPs on statewide assessments

Grade	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
	Reading	Reading	Reading	Math	Math	Math
3	91.9%	96.32%	≥ 99.2%	97.4%	99.17%	≥ 99.3%
4	93.2%	96.31%	≥ 98.7%	98.0%	98.75%	≥ 99.0%
5	94.1%	96.53%	≥ 99.5%	96.9%	98.87%	≥ 99.3%
6	94.9%	96.97%	≥ 98.4%	97.7%	98.37%	≥ 98.5%
7	94.4%	96.99%	≥ 98.2%	96.8%	98.01%	≥ 98.3%
8	95.3%	96.54%	≥ 97.6%	96.1%	98.01%	≥ 97.4%
HS	88.3%	91.44%	≥ 95.8%	90.2%	93.17%	≥ 95.4%

**3.C Statewide Assessments:**

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

Grade	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
	Reading	Reading	Reading	Math	Math	Math
3	43.2%	33.3%	≥ 41.4%	44.6%	35%	≥ 41.8%
4	42.4%	38.9%	≥ 41.4%	43%	38.8%	≥ 41.8%
5	42.1%	38.2%	≥ 41.4%	40.1%	33.9%	≥ 41.8%
6	29.4%	31.8%	≥ 41.4%	24.5%	25.1%	≥ 41.8%
7	30.9%	27.5%	≥ 41.4%	28.4%	22.8%	≥ 41.8%
8	32.5%	32.7%	≥ 41.4%	34.8%	32.9%	≥ 41.8%
HS	29.5%	30.1%	≥ 41.4%	30.9%	27.5%	≥ 41.8%

**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) (%)	84.3%	85%	≥ 85.2%
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	83.6%	87.4%	≥ 87.6%
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	85.4%	87.1%	≥ 87.3%
<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) (%)	53.5%	54%	≥ 54.2%
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	49.5%	49.6%	≥ 49.8%
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	63.5%	69%	≥ 65%

<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.

## Delaware FFY 2012 Results Data Summary Notes

INDICATOR 3A: The State has chosen to continue to report AYP data based on targets established under the No Child Left Behind Act.

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

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

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

The State reported that four 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 11 of 39 districts did not meet the State-established minimum “n” size requirement of 15 students with disabilities suspended or expelled for greater than 10 days.

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

The State determined that it was not necessary to revise (or require the affected districts to revise), the district’s policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, pursuant to 34 CFR §300.170(b), for the districts identified with significant discrepancies in FFY 2012.

The State reported that noncompliance identified in FFY 2011 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected.

### **REQUIRED ACTIONS**

The State must report, in its FFY 2013 APR, on the correction of noncompliance that the State identified in FFY 2012 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.

<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.

INDICATOR 6: The State revised the baseline for this indicator and OSEP accepts that revision.

INDICATOR 7:

**REQUIRED ACTIONS**

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

INDICATOR 18: The State reported fewer than ten resolution sessions held in FFY 2012. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more resolution sessions were held.

**Delaware 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.	7.3%	9.75%	0%	The State reported that none of its three findings of noncompliance identified in FFY 2011 were corrected in a timely manner, and that those findings were subsequently corrected by January 2014.
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 2011.
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 2011.
11. Timely Initial Evaluation	97.76%	99.8%	100%	The State reported that both of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
12. Early Childhood Transition	99.3%	98%	100%	The State reported that all three of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
13. Secondary Transition	59.1%	50.5%	100%	The State reported that all ten of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011
15. Timely Correction	62.5%	83%	100%	The State reported that 15 of 18 findings of noncompliance were identified in FFY 2011 were timely corrected, and the remaining three were subsequently corrected by January 2014.
20. Timely and Accurate Data	97.82%	91.1%	100%	

**Delaware 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% (based on four complaints)	100%
Timely adjudication of due process hearing requests	The State reported that it did not receive any requests for due process hearings during the reporting period.	100% (based on one due process hearing)

## Delaware FFY 2012 Compliance Data Summary Notes

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

The State reported that four districts were identified as having a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs. The State reported that it reviewed the districts’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2012. The State also reported that four 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 13 of 39 districts did not meet the State-established minimum “n” size requirement of ten students with disabilities suspended or expelled for greater than 10 days.

The State The State determined that it was not necessary to revise (or require the affected districts to revise), the districts’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, pursuant to 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2012.

The State reported that noncompliance identified in FFY 2011 through the review of policies, procedures, and practices, pursuant to 34 CFR§300.170(b), was corrected.

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

INDICATOR 9: The State reported that 11 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 two of 41 districts did not meet the State-established minimum “n” size requirement of 15 students with disabilities in each race and ethnic category and were excluded from the calculation.

INDICATOR 10: The State reported that 22 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 ten of 41 districts did not meet the State-established minimum “n” size requirement of ten students with disabilities in each race/ethnicity category and were excluded from the calculation.

INDICATOR 11:

**REQUIRED ACTIONS**

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. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each LEA with noncompliance identified in FFY 2012 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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 12:

**REQUIRED ACTIONS**

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. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each LEA with noncompliance identified in FFY 2012 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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 13: The State reported that the one finding of noncompliance identified in FFY 2010 was corrected.

**REQUIRED ACTIONS**

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. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each LEA with noncompliance identified in FFY 2012 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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 15: The State reported that the 27 findings of noncompliance (including the six findings OSEP referenced in its FFY 2011 identified in FFY 2010 were corrected.

OSEP notes that although DDOE indicated on page 100 that the FFY 2012 actual target data was 100%, the State reported on page 101, “Of the fifteen findings of noncompliance identified in FFY 2011, twelve findings (80%) were verified as timely corrected within one year from the date of identification.” OSEP considers this discrepancy a typographical error. The State should revise page 100 to reflect actual target data of 80%, consistent with the language on page 101, and the revised APR should be posted on the State’s website.

**REQUIRED ACTIONS**

In responding to Indicators 4A, 4B, 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.