

Oklahoma 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.

Oklahoma Part B FFY 2012 SPP/APR Results Data Summary

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET
1. Graduation	84.90%	80.02%	≥ 82.40% ¹
2. Drop Out	20.70%	19.50%	≤ 4.05% ²
3. A. Percent of Districts Meeting AYP for Disability Subgroup- Reading	52.89%	91.03%	≥ 63.0%
A. Percent of Districts Meeting AYP for Disability Subgroup- Math	54.82%	91.03%	≥ 59.0%
B. Statewide Assessment Participation Rate – Reading	99.14%	87.46%	≥ 95.0%
B. Statewide Assessment Participation Rate – Math	99.12%	88.29%	≥ 95.0%
C. Proficiency Rate - Reading	56.91%	49.31%	≥ 80.40%
C. Proficiency Rate - Math	57.35%	51.52%	≥ 81.07%
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	6.80%	8.42%	≤ 7.19%
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	62.52%	62.88%	≥ 51.04%
B. In Regular Education Less than 40% of Day	9.86%	9.66%	≤ 9.84%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	1.36%	1.37%	≤ 1.85%
6. Percent of children aged 3 through 5 with IEPs attending:			
A. Regular early childhood program and receiving majority of special education and related services in regular early childhood program;	39.29%	37.24%	≥ 39.49%
B. Separate special education class, separate school or residential facility.	18.60%	16.67%	≤ 18.40 %
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement	93.40%	91.77%	≥ 87.00%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	31.20%	17.0%	≥ 31.9%
B. Enrolled in Higher Education or Competitively Employed	54.3%	57.0%	≥ 46.9%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	80.60%	71.0%	≥ 75.4%

¹ As used in this table, the symbol “≥” means that, to meet the target, the State’s data must be greater than or equal to the established target.

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

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET
18. Hearing Requests Resolved through Resolution Session Agreements	Four settlement agreements reached out of six resolution meetings held.	Five of eight resolution sessions resulted in settlement agreements.	≥ 85.0%
19. Mediations Held that Resulted in Mediation Agreements	91.66%	Seven of eight mediations resulted in mediation agreements.	≥ 85.0%

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

Summary Statement 1 ³	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	91.2%	89.3%	≥ 91%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	90.0%	88.8%	≥ 92.0%
Outcome C: Use of appropriate behaviors to meet their needs (%)	92.6%	90.8%	≥ 92.0%
Summary Statement 2 ⁴	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	60.0%	58.0%	≥ 59.0%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	59.1%	57.3%	≥ 58.0%
Outcome C: Use of appropriate behaviors to meet their needs (%)	74.9%	72.7%	≥ 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.

Oklahoma FFY 2012 Results Data Summary Notes

INDICATOR 3:

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

3B and 3C: The State provided a Web link that does not link to 2012 publicly-reported assessment results and, therefore, has not demonstrated compliance with 34 CFR §300.160(f).

REQUIRED ACTIONS

Within 90 days of the receipt of this Response Table, the State must provide a Web link that demonstrates it has reported, for FFY 2012, 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 2013 APR, the State must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f) for FFY 2013.

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

The State reported that 46 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 eight of 546 districts did not meet the State-established minimum “n” size requirement of ten students with disabilities.

The State reported that it reviewed the districts’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2012. The State did not identify noncompliance through this review.

INDICATOR 6A: The State’s FFY 2012 reported data are 73.80%. However, the State’s FFY 2012 data under IDEA section 618 for this indicator are 68.28%.

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

INDICATOR 19: The State reported fewer than ten mediations held in FFY 2012. The State is not required to meet its targets or provide improvement activities in any fiscal year in which fewer than ten mediations were held.

Oklahoma Part B FFY 2012 SPP/APR Compliance Summary

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011
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.	0%	0%	0%	The State reported that it did not identify any findings of noncompliance in FFY 2011.
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	96.65%	96.65%	100%	The State reported that all eight of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
12. Early Childhood Transition	97.75%	90.0%	100%	The State reported that the two findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
13. Secondary Transition	87.14%	92.64%	100%	The State reported that all eight of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
15. Timely Correction	Not Valid and Reliable	Not Valid and Reliable	100%	

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011
20. Timely and Accurate Data	94.5%	93.33%	100%	

Oklahoma Part B FFY 2012 State Complaint and Hearing Data from IDEA Section 618 Data Reports

REQUIREMENT	FFY 2011 DATA	FFY 2012 DATA
Timely resolution of complaints	72.2%	100%
Timely adjudication of due process hearing requests	100%	100% (based on one due process hearing)

Oklahoma FFY 2012 Compliance Data Summary Notes

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

The State reported that eight districts were identified as having a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs. The State reported that it reviewed the districts’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2011 (using 2011-2012 data). The State did not identify any noncompliance through this review. The State reported that all of the State’s 546 districts met, for at least one group/cell, the State-established minimum “n” size requirement of at least 15 students with disabilities in the group/cell.

OSEP’s FFY 2011 SPP/APR Response Table required the State to include in the FFY 2012 APR correction of noncompliance by describing the review, and if appropriate, revision of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that these policies, procedures, and practices comply with the IDEA, for districts identified with significant discrepancies based on FFY 2009 (2009-2010) discipline data, as required in 34 CFR §300.170(b). Further, in the FFY 2012 APR, the State was required to provide the data for FFY 2010 (using 2009-2010 data) and FFY 2012 (using 2011-2012 data) for this indicator. The State provided all of the required information for FFY 2012 (using 2011-2011 data), but has failed again to provide the required information for FFY 2010 (using 2009-2010 data). For the 38 districts identified with significant discrepancies in FFY 2010 (using 2009-2010 data), the State did not report that it corrected the noncompliance with 34 CFR §300.170(b), i.e., that the State reviewed the district’s policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, for the districts identified with significant discrepancies in FFY 2010 (using FFY 2009-2010 data). The failure to conduct the review required in 34 CFR §300.170(b) is noncompliance.

REQUIRED ACTIONS

In the FFY 2012 APR, the State must report correction of this noncompliance by describing the review, and if appropriate, revision of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that these policies, procedures, and practices comply with the IDEA, for districts identified with significant discrepancies based on FFY 2009 discipline data, as required in 34 CFR §300.170(b).

INDICATOR 9: The State reported that 66 of 546 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 ten of 546 districts did not meet the State-established minimum “n” size requirement of “ten for child count at each LEA.”

INDICATOR 10: The State reported that 85 of 546 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.

The State provided its definition of “disproportionate representation.”

The State reported that four of 546 districts did not meet the State-established minimum “n” size requirement of “ten for child count at each LEA.”

INDICATOR 11:

The State reported that the 35 findings of noncompliance identified in FFY 2010 and the 32 findings of noncompliance identified in FFY 2009 were 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 09-02.⁵ In the FFY 2013 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 reported that the six findings of noncompliance identified in FFY 2010 and the eight findings of noncompliance identified in FFY 2009 were 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 13:

The State reported that the 18 findings of noncompliance identified in FFY 2010 and the 22 findings of noncompliance identified in FFY 2009 were 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 136 of 148 findings of noncompliance identified in FFY 2011 were corrected in a timely manner, and that the other 12 findings of noncompliance remained uncorrected. However, the data for this indicator are not valid and reliable because the State reported inconsistent data. In Indicator 12, the State reported two findings of noncompliance were identified in FFY 2011, but in the Indicator 12 row in the Indicator 15 worksheet the State reported that it identified no findings of noncompliance for that indicator in FFY 2011.

The State reported that 116 of 122 findings of noncompliance identified in FFY 2010 and 162 of 165 findings of noncompliance identified in FFY 2009 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.

REQUIRED ACTIONS

The State must report, with the FFY 2013 SPP/APR, that it has corrected the remaining 12 findings of noncompliance identified in FFY 2011, the remaining six findings of noncompliance identified in FFY 2010, and the remaining three findings of noncompliance identified in FFY 2009, that were not reported as corrected in the FFY 2012 APR.

When reporting with the FFY 2013 APR on the correction of the remaining findings of noncompliance identified in FFY2011, 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.

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, with the FFY 2013 SPP/APR, that it has corrected this noncompliance.

In addition, in responding to Indicators 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.

OTHER COMPLIANCE ISSUES – Timely Correction of Noncompliance: OSEP’s February 8, 2012 CIV letter enclosure included a finding that the State did not have a general supervision system that is reasonably designed to correct noncompliance in a timely manner using its different components because the State did not verify correction of noncompliance identified through all of its monitoring mechanisms consistent with OSEP Memo 09-02. Specifically, OSEP found that the Oklahoma State Department of Education (OSDE) is not ensuring 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, when noncompliance is identified through Comprehensive and Concern-specific reviews.

Within 90 days of the date of the CIV letter, the State was to submit revised policies and procedures for determining timely correction of noncompliance, ensuring that it only determines that a finding of noncompliance has been corrected when the LEA has both: (1) correctly implemented the specific regulatory requirements; and (2) corrected each individual case of child-specific noncompliance (even if late) unless the child is no longer in the jurisdiction. The State submitted the revised monitoring policies and procedures, “Oklahoma’s Tiered Monitoring System, on May 23, 2012.

In addition, when reporting on subsequent correction for compliance indicators (other than Indicator 15) in its FFY 2011 APR due February 1, 2013, the State was required to specify whether subsequent correction of noncompliance was consistent with OSEP Memo 09-02 in light of these findings. The State was unable to provide the required information in the FFY 2011 APR because the State did not report on the correction of findings identified by the State in FFY 2010.

In OSEP’s letter dated November 14, 2012, OSEP required that, in the FFY 2011 SPP/APR (due February 1, 2013), the State submit documentation that it had fully implemented its revised monitoring procedures and had subsequently made findings of noncompliance based on the data it collected through its database as well as other monitoring processes. The State reported in its FFY 2012 APR that it is implementing its monitoring procedures as required, and is continuing to correct its outstanding findings of noncompliance consistent with OSEP Memo 09-02. Therefore, no further action is required regarding this finding.

However, although the State has corrected the specific finding of noncompliance by implementing its revised monitoring procedures, identified in OSEP’s February 8, 2012 CIV letter, the State must continue to correct the remaining findings of noncompliance identified in FFY 2009, 2010 and 2011, as well as findings identified in FFY 2012, consistent with OSEP Memo 09-02 (See required actions for Indicator 15.)