

Texas 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.

Texas Part B FFY 2012 SPP/APR Results Data Summary

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET
1. Graduation	76.7%	76.9%	≥ 78% ¹
2. Drop Out	11.3%	11.2%	≤ 9% ²
3. A. Percent of Districts Meeting AMO for Disability Subgroup	13%	14.3%	Baseline
B. Statewide Assessment Participation Rate – Reading	99%	98%	≥ 95%
B. Statewide Assessment Participation Rate – Math	99%	99%	≥ 95%
C. Proficiency Rate - Reading	63%	59%	≥ 75%
C. Proficiency Rate - Math	59%	56%	≥ 75%
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	0.5%	0.24%	0.0%
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	67%	66%	≥ 68%
B. In Regular Education Less than 40% of Day	13%	14%	≤ 10%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	1%	1%	≤ 1%
6. Percent of children aged 3 through 5 with IEPs attending:			
A. Regular early childhood program and receiving majority of special education and related services in regular early childhood program;	22%	31%	≥ 30%
B. Separate special education class, separate school or residential facility.	20%	17%	≤ 17%
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement	77%	78%	≥ 76%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	22%	27%	≥ 25%
B. Enrolled in Higher Education or Competitively Employed	57%	59%	≥ 57%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	69%	69%	≥ 72%
18. Hearing Requests Resolved through Resolution Session Agreements	30%	42%	≥ 25-30%
19. Mediations Held that Resulted in Mediation Agreements	77%	74%	≥ 75-80%

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

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

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

Summary Statement 1³	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	81.2%	81.7%	≥ 79%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	80.8%	81.2%	≥ 80%
Outcome C: Use of appropriate behaviors to meet their needs (%)	82.7%	82.7%	≥ 81%

Summary Statement 2⁴	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	62.1%	61.8%	≥ 61%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	58.7%	57.9%	≥ 57%
Outcome C: Use of appropriate behaviors to meet their needs (%)	73.1%	73.2%	≥ 72%

³ **Summary Statement 1:** Of those preschool children who entered or exited the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

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

Texas FFY 2012 Results Data Summary Notes

INDICATOR 3A: The State is reporting Annual Measurable Objectives (AMOs) data used for accountability reporting under Title I of the Elementary and Secondary Education Act (ESEA) as a result of ESEA flexibility. The State has reported FFY 2012 baseline data for this indicator based on AMOs.

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

INDICATOR 3C: The State revised the target for FFY 2012 and baseline for this indicator and OSEP accepts those revisions. 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 three 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 1,083 of 1,231 districts did not meet the State-established minimum “n” size requirement of at least 40 students receiving special education services, at least 100 enrolled students in the district, and at least five students receiving special education services who also received a discipline action that resulted in a cumulative removal of greater than 10 days. The 1,083 districts were excluded from the calculation. 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 7:

REQUIRED ACTIONS

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

Texas 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	98.8%	98.3%	100%	The State reported that 94 of 112 findings of noncompliance identified in FFY 2011 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.
12. Early Childhood Transition	99.2%	99.8%	100%	The State reported that all 17 of its findings of noncompliance identified in FFY 2011 were corrected in a timely manner.
13. Secondary Transition	99.3%	99.7%	100%	The State reported that 25 of 27 findings of noncompliance identified in FFY 2011 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011
15. Timely Correction	67%	77%	100%	The State reported that 464 of 605 findings of noncompliance identified in FFY 2011 were corrected in a timely manner and that 83 findings were subsequently corrected by February 3, 2014. The State reported on the actions it took to address the uncorrected noncompliance.
20. Timely and Accurate Data	93.48%	95.45%	100%	

Texas 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	100%	100%
Timely adjudication of due process hearing requests	92.3%	92.9%

Texas FFY 2012 Compliance Data Summary Notes

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

The State reported that six 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 did not identify any noncompliance through this review.

The State reported that 959 of 1,231 districts did not meet the State-established minimum “n” size requirement of at least 40 students receiving special education services; at least 100 enrolled students in the district; and at least three students of a specific race or ethnicity receiving special education services who also received a discipline action that resulted in a cumulative removal of greater than 10 days. The 959 districts were excluded from the calculation.

INDICATOR 9: The State reported that seven 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 583 of 1,231 districts did not meet the State-established minimum “n” size requirement of at least 40 students, ages 6-21 receiving special education services; at least 100 students enrolled in the district; the special education population not exceeding 40% of the total population; and at least 30 students of a specific race or ethnicity comprising at least 10% of the total student population. The 583 districts were excluded from the calculation.

INDICATOR 10: The State reported that 16 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 689 of 1,231 districts did not meet the State-established minimum “n” size requirement of at least 40 students, ages 6-21 receiving special education services; at least 100 students enrolled in the district; the total special education population not exceeding 40% of the total population; at least 30 students of a specific race or ethnicity comprising at least 10% of the total student population; and at least 10 students of a race or ethnicity population in a specific disability category. The 689 districts were excluded from the calculation.

INDICATOR 11: The State reported that five of 12 findings of noncompliance identified in FFY 2010, four of nine findings of noncompliance identified in FFY 2009, three of eight findings of noncompliance identified in FFY 2008, and four of seven findings identified in FFY 2007 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 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 findings of noncompliance identified in FFY 2011, the remaining seven uncorrected noncompliance findings identified in FFY 2010, the remaining five uncorrected noncompliance findings identified in FFY 2009, the remaining five uncorrected noncompliance findings identified in FFY 2008, and the remaining three uncorrected noncompliance findings identified in FFY 2007 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, FFY 2010, FFY 2009, FFY 2008, and FFY 2007: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.⁵ In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2013 APR, that it has corrected this noncompliance.

INDICATOR 12: The State reported that all four findings of noncompliance identified in FFY 2010, all three findings of noncompliance identified in FFY 2009, both of the two findings of noncompliance identified in FFY 2008, and both of the two findings of noncompliance identified in FFY 2007 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.

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 13: The State reported that four of five findings of noncompliance identified in FFY 2010, four of five findings of noncompliance identified in FFY 2009, and three of four findings identified in FFY 2008 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 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 findings of noncompliance identified in FFY 2011, the remaining one uncorrected noncompliance finding identified in FFY 2010, the remaining one uncorrected noncompliance finding identified in FFY 2009, and the remaining one uncorrected noncompliance finding identified in FFY 2008 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, FFY 2010, FFY 2009, and FFY 2008: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2013 APR, that it has corrected this noncompliance.

INDICATOR 15: The State reported that 163 of 172 findings of noncompliance identified in FFY 2010 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.

OSEP's FFY 2011 SPP/APR Response Table required the State to demonstrate, in the FFY 2012 APR, that the remaining 172 findings of noncompliance identified in FFY 2010, 17 findings of noncompliance identified in FFY 2009, 14 findings of noncompliance identified in FFY 2008, and nine findings of noncompliance identified in FFY 2007, that were not reported as corrected in the FFY 2011 APR, were corrected. The State reported that 163 of 172 findings of noncompliance identified in FFY 2010, 19 of 25 findings of noncompliance identified in FFY 2009, eight of 14 findings of noncompliance identified in FFY 2008, and six of nine remaining findings identified in FFY 2007 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 58 findings of noncompliance identified in FFY 2011, the remaining nine findings of noncompliance identified in FFY 2010, the remaining six findings of noncompliance identified in FFY 2009, the remaining six findings of noncompliance identified in FFY 2008, and the remaining three findings of noncompliance identified in FFY 2007 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 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.

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.

If the State cannot report correction of the remaining three findings identified in FFY 2007, the State must also report with the FFY 2013 SPP/APR: (1) the specific nature of the noncompliance; (2) the State's explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2012 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.

In addition, in responding to Indicators 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.