



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Suellen K. Reed
Superintendent of Public Instruction
Indiana Department of Education
State House, Room 229
200 West Washington Street
Indianapolis, IN 46204-2798

NOV 22 2006

Dear Dr. Reed:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) recent verification visit to Indiana. As indicated in OSEP's letter to you of April 13, 2006, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under, Parts B and C of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. OSEP conducted the Part B visit to Indiana during the week of August 14, 2006.

The purpose of our verification reviews of States is to determine how they use their general supervision, State-reported data collection, and statewide assessment systems to assess and improve State performance and to protect child and family rights. The purposes of the verification visits are to: (1) understand how the systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to the Indiana Department of Education (IDE), OSEP staff met with Dr. Robert Marra, Associate Superintendent of Exceptional Children, Division of Special Education, and members of IDE's staff who are responsible for: (1) the oversight of general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings); (2) the collection and analysis of State-reported data; and (3) ensuring participation in, and the reporting of student performance on statewide assessments. Prior to and during the visit, OSEP staff reviewed a number of documents¹, including but not limited to the following: (1) Indiana's State Performance Plan (SPP); (2) the State's Federal fiscal year (FFY) 2003 Annual Performance Report (APR); (3) Indiana's Mediation and Due Process, Hearing and Complaint Logs; (4) information on IDE's website regarding the statewide assessment system; and (5) other documents. In addition, OSEP conducted a conference call on June 2, 2006, with members of Indiana's State Advisory Council on the Education of Children with Disabilities (Advisory Council), to hear their perspectives on the strengths and weaknesses of the State's systems for general supervision, data collection and reporting, and statewide assessment. Dr. Marra and IDE staff also participated in the call and assisted OSEP by inviting the participants.

¹ Documents reviewed as part of the verification process were not reviewed for legal sufficiency but rather to inform OSEP's understanding of your State's systems.

The information that Dr. Marra and other IDE staff provided prior to and during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of IDE's systems for general supervision, data collection and reporting, and statewide assessment.

General Supervision

In looking at the State's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (2) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (3) utilizes guidance, technical assistance, follow-up, and - if necessary - sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

Structure of the State School System

The State is divided into 292 school corporations (districts), 30 charter schools, and the Indiana School for the Deaf, Indiana School for the Blind and the Department of Correction. These are organized into 72 special education planning districts.

Identification of Noncompliance

IDE has three staff assigned full-time to special education monitoring, each of which is assigned to approximately 24 special planning districts and the school corporations that they include. Other employees in the Division are available for specific monitoring assignments, on-site activities, data analyses and processing.

IDE informed OSEP that, since the 1999-2000 school year, it has implemented monitoring procedures patterned after OSEP's Continuous Improvement Focused Monitoring system (CIFMS), and since that time it has continued narrowing its monitoring indicators (from an initial 182 indicators to the current 26 indicators).

Using the 26 indicators in its Continuous Improvement Monitoring (CIM), the State conducts an annual monitoring assessment of all school corporations, special education planning districts, the Indiana School for the Deaf, Indiana School for the Blind and the Department of Correction. The CIM indicators include eight compliance indicators: (1) evaluations and case conferences (individualized education program (IEP) meetings) are conducted within 60 instructional days; (2) a free appropriate public education (FAPE) is provided to students placed out-of-district; (3) all behavior improvement plans are based on a functional behavioral assessment; (4) services continue to all students with disabilities during periods of expulsion; (5) FAPE is provided to incarcerated youth; (6) students ages 14 and older are invited to transition conferences; (7) all students transitioning from Part C to Part B have individualized education plans (IEPs) in place by their 3rd birthdays; and (8) school representatives attend all Part C to B transition conferences.

IDE requires 100 percent compliance for all of these compliance indicators. The remaining 18 indicators are performance indicators, including parent involvement and graduation rate.

As a part of the CIM process, IDE “front-loads” much of the data for school corporations and sends these data to them. The school corporation must conduct file reviews, in addition to using the data to determine its performance on the indicators (both compliance and performance). This past year, file reviews were required for compliance with requirements related to: (1) provision of FAPE to students placed out-of-district; (2) behavior improvement plans based on a functional behavioral assessment; (3) provision of FAPE to incarcerated youth; and (4) secondary transition. In addition, IDE conducts file reviews related to specific issues. For example, IDE did an extensive file review related to properly documented decisions to include students in alternate assessments. IDE also reported that it uses data from complaints and hearings to “triangulate” the accuracy of the data that it receives from school corporations in their CIMs.

IDE’s general supervision system also includes a parent satisfaction survey, which includes items related to the eight compliance indicators and other satisfaction issues. In 2006, surveys were sent to 5000 parents, and 1100 parents responded. At the time of the verification visit, the State had not yet determined how it will use data from the surveys in identifying noncompliance.

School corporations are required, as part of their CIM submissions to the State, to include improvement plans for any indicator (compliance and performance), on which their data do not meet the target. IDE monitoring staff review each corporation’s submission to determine whether the corporation has provided all required information, and to determine whether the corporation has included an approvable improvement plan for each indicator for which it did not meet the target. IDE may decide to conduct an on-site monitoring review based on the school corporation’s improvement plan or evidence of insufficient progress made toward correction of noncompliance.

IDE provided evidence that its general supervision system is a reasonable approach to identifying noncompliance with Part B requirements related to the eight compliance indicators in the CIM process. The State’s documentation showed that the State has, through the CIM process (which, as described above, is largely a self-review process that is data-driven), identified noncompliance in many school corporations and special education planning districts. IDE explained to OSEP that it believes it can identify noncompliance with other Part B requirements through its complaint and due process procedures and through the extensive telephone calls and non-complaint correspondence that it receives from parents and advocates. Without collecting data at the local level, OSEP cannot determine whether the State is effective in identifying noncompliance with Part B requirements other than those included in the State’s eight CIM compliance indicators.

Timely Correction of Noncompliance. The State has not met its responsibility to ensure that noncompliance is corrected within one year of its identification pursuant to 34 CFR §300.600 (in effect at the time of OSEP’s visit)² and 20 U.S.C. 1232d(b)(3)(E).

As explained above, each school corporation must include, as part of its CIM submission, its plan for correction regarding any compliance indicator for which the corporation did not meet the 100% compliance target, and IDE must approve these plans. In all cases, the plans must provide for correction no later than one year from identification. Based on the data submitted with the next year’s CIM, IDE will determine whether the noncompliance has been corrected.

In its SPP submitted to OSEP on December 2, 2005, IDE reported that it had identified noncompliance in 73 special education planning districts through its CIM and ensured correction of the noncompliance in all 73 planning districts within one year. (The State did not provide data in the SPP regarding the percentage of monitoring *findings* that were corrected within one year.) During the verification visit, IDE explained that it requires noncompliance to be corrected as soon as possible and no later than one year from identification. IDE further clarified, however, that it considered noncompliance to be corrected, in reporting in the SPP, if a planning district or school corporation made sufficient progress toward compliance, whether or not it fully corrected the noncompliance. IDE acknowledged that there were districts and school corporations that did not correct all noncompliance within one year.

OSEP requested that IDE provide more detailed information regarding the status of correction of identified noncompliance. Following the verification visit, IDE provided a chart that showed, for each of the eight compliance indicators in the CIM, the level of compliance for 2003, 2004, and 2005. That chart showed a number of planning districts and school corporations with noncompliance that persisted from 2003 through 2004 and 2005. For example, for compliance with the requirement for timely initial evaluations: (1) one school corporation had 72% compliance in 2003, 51% compliance in 2004, and 51% compliance in 2005; (2) another had 58% compliance in 2003, 68% compliance in 2004, and 60% compliance in 2005; and (3) a third had 73% compliance in 2003, 58% compliance in 2004, and 62% compliance in 2005. A number of other school corporations also had data demonstrating persistent noncompliance with the requirement for timely evaluation and with other compliance indicators. In a conference call on September 25, 2006 IDE agreed that the data chart showed that some planning districts and school corporations had noncompliance that persisted from 2003. IDE explained that it had required planning divisions and school corporations to revise improvement plans where there was no correction, but that it had not used withholding of funds or other sanctions with entities that had persistent noncompliance from 2003. With its FFY 2005 APR, due February 1, 2007, the State must submit to OSEP either: (1) documentation that IDE is implementing effective procedures for ensuring the timely correction of noncompliance, including being able to demonstrate that each special education planning district has corrected noncompliance identified

² This regulatory provision was redesignated as 34 CFR §300.149 in the final Part B regulations that became effective on October 13, 2006. The final Part B regulations referenced throughout this letter may be found at 71 Fed. Reg. 46,540 (Aug. 14, 2006).

more than one year previously; or (2) the State's plan for correcting and demonstrating, within one year from the date on which OSEP accepts the plan, that IDE is effectively ensuring correction of noncompliance within the one-year timeline. Additionally, as part of its response to Indicator 15 in its FFY 2005 APR, the State must, consistent with the instructions for the APR, provide data regarding its effectiveness in correcting noncompliance that it identified during the 2004-2005 reporting period.

Mediation

IDE staff reported that if an issue arises during the Case Conference Committee that cannot be resolved, an avenue for resolution is mediation. Further, in choosing to mediate, both the parent and the school must agree to participate in the mediation process, and then, if the matter cannot be resolved, a due process hearing may be requested. IDE informed OSEP that when it receives a mediation request, it assigns a trained mediator. The mediator contacts the involved parties and conducts the mediation sessions. Additionally, if the process is successful in reaching an agreement, the parties will execute a mediation agreement that sets forth that resolution. On page 91 of the SPP (Indicator #19), that State indicates that the "[t]he mediator contacts the involved parties and conducts the mediation sessions. Additionally, if the process is successful in reaching an agreement, the mediation agreement will include findings and decisions of the mediator." Thus it appears that the State has established mediation procedures that are inconsistent with the IDEA. In a follow-up call on November 13, 2006, the State clarified that the SPP language that mediators make findings and decisions is an error and will be deleted. As part of its response to Indicator 19 in the APR due February 1, 2007, the State must correct this error.

IDE reported that in 2005, 66% of its mediation requests resulted in mediation agreements. Further, IDE reported that of the 45 total mediation requests in 2005, 10 were either not held or are pending and of the 35 remaining mediation requests, 23 went to mediation. IDE indicated that the State does not enforce mediation agreements, but that such agreements are legally binding and enforceable in civil actions in a court of competent jurisdiction.

Impartial Due Process Hearings and Reviews

In the SPP, the State reported a 92% compliance rate with the requirements of 34 CFR §300.511(a) and (c) (in effect when the State submitted the SPP and at the time of OSEP's verification visit)³, that: (1) a final decision is reached in the hearing and a copy of the decision is mailed to each of the parties within 45 days of the receipt of a request for a hearing; and (2) a hearing officer may grant specific extensions of time beyond 45 days at the request of either party. In its March 2, 2006 response to the SPP, OSEP noted that while this level of compliance was below 100% and required improvement activities to achieve full compliance, OSEP recognized the effort made by the State in achieving a high level of compliance. OSEP further stated that it looked forward to reviewing data in the APR, due February 1, 2007, that demonstrated full compliance with this requirement.

³ The regulatory provisions for the timelines of hearing decisions have been redesignated as 34 CFR §300.515(a) and (c) in the final Part B regulations that became effective on October 13, 2006.

On August 8, 2006, IDE submitted to OSEP a log showing that, of the seven fully adjudicated hearings between July 1, 2005 and June 30, 2006: (1) the decision in one (an expedited hearing) was issued within the timeline; and (2) the decisions in the other six were issued within an extended timeline. OSEP confirmed, through interview and review of hearing files, that these extensions were at the request of a party and for a specific period of time.

As required by 34 CFR §300.511(b) and (c) of the regulations in effect at the time of OSEP's verification visit,⁴ the State Educational Agency must ensure that the final decision in a review is reached and mailed within 30 days of the receipt of a request for review, unless the reviewing official grants a specific extension of that timeline at the request of either party. As indicated in the State's log and discussed with the State during the verification visit, the State issued four review decisions in 2005 and 2006. Each decision was issued within an appropriately extended timeline.

Complaints

The Part B regulations in effect at the time of OSEP's visit required that IDE issue its written decisions on each Part B complaint within 60 days of receipt, unless the timeline is extended due to exceptional circumstances with regard to a particular complaint.⁵ See 34 CFR §300.661(a) and (b)(1).⁶ In the SPP, the State indicated that: (1) it issued decisions for 104 complaints during the 2004-2005 reporting period; (2) 93 of those decisions were issued within 60 days from receipt; and (3) the remaining 11 were issued beyond 60 days but with extended timelines. IDE's complaint log showed that, for the 76 complaints received between July 1, 2005 and May 31, 2006: (1) nine were withdrawn or resolved prior to issuance of a decision; (2) the decisions for 64 were issued within 60 calendar days from receipt; (3) the decisions for an additional two were issued beyond 60 days, but with documented extensions; and (4) the decision for the remaining complaint was issued 61 days after receipt, without a documented extension. OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.

Collection of Data Under Section 618 of the IDEA

In looking at the State's system for data collection and reporting under §618 of the IDEA, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has identified any barriers (e.g., limitations on authority,

⁴ These regulatory provisions have been redesignated as 34 CFR §300.515(b) and (c) in the final Part B regulations that became effective on October 13, 2006.

⁵ IDE's complaint procedures provide for IDE to resolve complaints within 30 calendar days from receipt, and allow the parties to request reconsideration of the complaint decision, but require that the decision on reconsideration be issued within 60 calendar days from the initial receipt of the complaint.

⁶ These regulatory provisions have been redesignated, with several changes, as 34 CFR §300.152(a) and (b)(1) in the final Part B regulations that became effective on October 13, 2006.

sufficient staff or other resources, etc.) that impede the State's ability to accurately, reliably and validly collect and report data under section 618.

For the past 20 years, IDE has used its Computerized Data (CODA) Project to collect the data that it submits to OSEP under section 618. IDE designed the system in collaboration with Indiana University, and included three local special education directors on the design team. Since its inception, CODA has been an individual student record system. Each child is assigned a unique identifier (Student Test Number) that remains with the child throughout his or her enrollment in school. IDE emphasized that while it uses CODA to collect data at the State level, its primary function is as a local information management system.

The State uses the Integrated Electronic Management (IEM) team to manage the CODA system. An IEM staff member is assigned to each planning district as the district's primary contact on all data collection matters. The IEM staff member visits each of the assigned planning districts at least three times each year to provide guidance and training. Planning districts are encouraged to call the assigned IEM staff member at any time for additional assistance, and they may request additional visits. The IEM staff member also provides a number of data workshops each year and provides one-on-one training to any new data entry personnel. IDE explained that telephone and on-site assistance and training are continuously available to LEAs related to data submission and processing.

As part of their applications for Part B funds, special education planning districts provide an assurance that they will participate in the CODA system and electronically submit timely and accurate data. All special education planning districts are connected electronically to CODA, and planning districts submit data to CODA for their school corporations. In addition to the five types of data that the State submits to OSEP under section 618 of the IDEA (child count, educational environment, exiting, discipline, and personnel), CODA also tracks other information, including transition from Part C to Part B and evaluation timelines.

The CODA system is organized by two quadrants: (1) "Q1" is an individual student record system with over 100 data fields on each student; and (2) "Q2" is a teacher-centered system with approximately 50 fields for teachers including licensure. The State cross-checks data from these two quadrants to ensure data accuracy, and teachers are asked to verify the accuracy of data for children on their class lists.

IDE described how the CODA Manager and the Data Collection Manger meet to perform complex edit checks and reviews of discrepancies and "illogical" data both within a single year's data and across years. In addition to the December submission of data, IDE also requires special education planning districts to submit an October "resubmission" of data to identify and resolve any potential accuracy problems in the data.

IDE explained that it had some question regarding the complete accuracy of its suspension/expulsion data for two reasons: (1) these data are submitted during the summer when many school corporation and planning district personnel are not working; and (2) many of the terms related to collection and reporting of these data are not clear. With its FFY 2005 APR due

February 1, 2007, the State must submit its plan for ensuring that the State's next submission of suspension/expulsion data under section 618 is accurate.

OSEP's instructions for submitting data regarding educational environments requires States to, among other data, provide data for the following, as distinct categories: (1) private separate schools; (2) public separate schools; (3) private residential schools; and (4) public residential schools. The State explained, however, that it is not able to divide the data for children in separate schools into distinct reporting categories for public and private separate schools, or divide the data for children in residential schools into distinct reporting categories for public and private residential schools. With its FFY 2005 APR, due February 1, 2007, the State must submit its plan for ensuring that the State's next submission of educational environments data under section 618 meets the reporting requirements in OSEP's instructions.

Statewide Assessment

In looking at the State's system for statewide assessment, OSEP collected information regarding a number of elements, including whether the State: (1) establishes procedures for statewide assessments that meet the participation, alternate assessment, and reporting requirements of Part B, including ensuring the participation of students with disabilities and the provision of appropriate accommodations; (2) provides clear guidance and training to public agencies regarding those procedures and requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with the Part B requirements.

Indiana's statewide assessment system, Indiana Statewide Testing for Educational Progress (ISTEP), was originally developed in the late 1980s as the precursor to Indiana's current system. Currently, the State uses the Indiana Statewide Testing for Educational Progress Plus (ISTEP+) to assess students in English/Language Arts and Mathematics. The tests are administered in September of each year to students in grades 3 through 10, with retests in the spring for absent students. In addition, prototype tests for science and social studies are administered in selected grades. A variety of accommodations in format, presentation, environment, and response are allowed for the ISTEP+ test, and those accommodations must be documented in the student's IEP. A list of allowable accommodations is contained in Appendix C of the ISTEP+ Program Manual. Allowable accommodations include additional time, a scribe, an interpreter, having portions of the test read to the student, use of a calculator, use of a word processor (with grammar-check and spell-check turned off), preferential seating, small group or individualized testing, etc. Reading comprehension portions of the test may not be read to the student, and unlimited time is not allowed. The Student Test Number (STN) is a unique student identifier, which the State uses to track the data on every student. This STN is scanned and applied to each student's test booklet in order to identify testing accommodations needed for each child with a disability.

While participation of students with disabilities in ISTEP+ assessments will vary for individual students, all students who expect to receive a high school diploma – including students with disabilities – are subject to the graduation examination requirements.

The tenth grade ISTEP is a high stakes test known as the graduation qualifying examination (GQE). Students have up to five opportunities to pass the GQE during their high school careers, and can continue to take the test after exiting high school indefinitely in order to earn a high school diploma. A waiver from the GQE requirement for a diploma is available to both students with and without a disability.

The OSEP APR response letter of October 14, 2005, reports, “The State did not provide an analysis of its compliance data to determine whether any students with disabilities did not participate in the statewide assessment due to a failure of the public agency to meet the requirements of [Part B].” In its December 2005 SPP, the State provided its analysis regarding the participation data, explaining that the lowest percentage of reported participation occurred at the 3rd grade level, and this percentage was adversely distorted toward special education participation, as the State has identified that some 3rd grade teachers did not count students with communication disorders as students with disabilities. The State further reported that it conducts annual telephone reminders and more explicit written instructions, which is improving this situation. In its SPP, the State did not, as required by OSEP's October 14, 2005 letter, include an analysis of compliance data related to the Part B requirements for statewide assessments. Therefore, as a part of its response to Indicator 3A, in the APR due February 1, 2007, the State must provide an analysis of compliance data related to 34 CFR §300.320(a)(6) and section 612(a)(16) of the IDEA⁷ with respect to statewide assessments.

Indiana Standards Tool for Alternate Reporting (ISTAR)

Indiana’s officially recognized alternate assessment is the Indiana Standards Tool for Alternate Reporting (ISTAR). The web-based ISTAR is a teacher-rating tool that measures the performance of students with the most significant cognitive disabilities. Determinations regarding who is eligible to participate in the ISTAR are based on three criteria: (1) evidence of a significant cognitive disability; (2) intensity of instruction; and (3) curricular outcomes. The ISTAR is usually administered during late September or early October. ISTAR assessment results can be recorded electronically or via pencil and paper.

During the 2004-2005 school year, 95.7% of students with disabilities participated in either the ISTEP+ or ISTAR.

Reporting, Guidance, and Training

The performance of students with disabilities on statewide assessments is reported in the same manner as for all students, including a separate sub-group as required by the No Child Left Behind Act (NCLB). All students in any public school or State-accredited non-public school must participate and have their scores included in the reporting. OSEP has determined, through its review of the State’s written procedures for statewide assessments and the State’s reports to

⁷ The regulatory provision for 34 CFR §300.347(a)(5) has been redesignated as 34 CFR §300.320(a)(6) in the final Part B regulations that became effective on October 13, 2006. The regulatory provision for 34 CFR §300.138 is currently reserved in the final Part B regulations because it is the subject of a notice of proposed rulemaking published in the Federal Register on December 15, 2005 (70 FR 74624). Section 612(a)(16) of the IDEA statute, as amended in 2004, retains the requirements regarding statewide assessments in former 34 CFR §300.138.

the public and the Secretary on the participation and performance of children with disabilities on such assessments, that those procedures, as written, and those reports, are consistent with Part B requirements. OSEP cannot, however, without also collecting data at the local level, determine whether all public agencies in the State implement the State's procedures in a manner that is consistent with Part B.

The State has developed guidelines to ensure that all students with disabilities, regardless of the severity of their disability, participate in statewide assessments. Throughout the State, districts use the "ISTEP+ Program Manual 2006-2007" and the "ISTAR Handbook on Alternate and Supplemental Assessment in Indiana" for consistent guidance and decision-making when including students with disabilities in the assessment system. In the ISTEP+ Program Manual, IDE provides specific guidelines for Case Conference Committees to use in determining eligibility for participation in statewide assessments.

Training is provided through web-based information, regional meetings conducted by Center for Assessment staff, memos, and on-site training. The need for training is assessed through a variety of sources including email and telephone inquiries, complaint investigations, and Parent Surveys.

Districtwide Assessments

OSEP finds that Indiana has not ensured compliance with the requirements of sections 612(a)(16) and 614(d)(1)(A)(i)(VI) of the IDEA with respect to districtwide assessments. IDE informed OSEP that: (1) while the State is aware that some school districts administer districtwide assessments (in addition to the required statewide assessments), IDE does not know which districts administer such districtwide assessments; and (2) IDE has not monitored to ensure compliance with the requirements of sections 612(a)(16) and 614(d)(1)(A)(i)(VI) of the IDEA with respect to districtwide assessments. With the FFY 2005 APR, due February 1, 2007, the State must submit to OSEP either: (1) documentation that IDE has corrected this area of noncompliance; or (2) the State's plan for ensuring, within one year from the date on which OSEP approves the plan, that IDE is monitoring to ensure that school districts that administer districtwide assessments are complying with the requirements in sections 612(a)(16) and 614(d)(1)(A)(i)(VI) of the IDEA with respect to districtwide assessments.

Conclusion

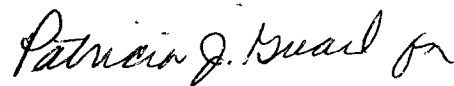
As noted above, the State must submit the following to OSEP with its FFY 2005 APR, due February 1, 2007:

1. Either (a) documentation that IDE is implementing effective procedures for ensuring the timely correction of noncompliance, including being able to demonstrate that each special education planning district has corrected noncompliance identified for more than one year previously; or (b) the State's plan for correcting and demonstrating, within one year from the date on which OSEP accepts the plan, that IDE is effectively ensuring correction of noncompliance within the one-year timeline.

2. As part of its response to Indicator 15, the State must, consistent with the instructions for the APR, provide data regarding its effectiveness in correcting noncompliance that it identified during the 2004-2005 reporting period.
3. As part of its response to Indicator 19, the State must correct the erroneous language that mediators make findings and decisions.
4. A plan for ensuring that the State's next submission of: (a) suspension/expulsion data under section 618 are accurate; and (b) educational environments data under Section 618 meet the reporting requirements in OSEP's instructions.
5. An analysis of compliance data related to 34 CFR §300.320(a)(6) and section 612(a)(16) of the IDEA with respect statewide assessments.
6. Either: (a) documentation that IDE has corrected the noncompliance with the requirements of sections 612(a)(16) and 614(d)(1)(A)(i)(VI) of the IDEA with respect to districtwide assessments; or (b) the State's plan for ensuring, within one year from the date on which OSEP approves the plan, that IDE is monitoring to ensure that school districts that administer districtwide assessments are complying with the requirements of sections 612(a)(16) and 614(d)(1)(A)(i)(VI) of the IDEA with respect to districtwide assessments.

We appreciate the cooperation and assistance provided by your staff during our visit and look forward to our continued collaboration with Indiana to support your work to improve results for children with disabilities and their families.

Sincerely,



Alexa Posny, Ph.D.
Director
Office of Special Education Programs

cc: Dr. Robert Marra
Associate Superintendent of Exceptional Children