

## Part B Data Notes

### 2007-08 Reporting Year and Fall 2008

This document provides information, or data notes, on the ways in which states collected and reported data differently from the Office of Special Education Programs (OSEP) data formats and instructions. In addition, the data notes provide explanations of substantial changes or other changes that data users may find notable or of interest in the data from the previous year.

The data notes are organized as follows: Child Count, Educational Environments, Personnel, Exiting, Discipline, Assessment, and Dispute Resolution.

#### 2008 Child Count

##### Alaska

Alaska collects data on all the required elements for both data reports, so any cell containing a zero represents a population with no students to report.

##### Alabama

The state does not collect data on 22-year-old students.

##### American Samoa

American Samoa allows children ages 3-5 to be classified in the following disabilities: hearing impairments, emotional disturbance, orthopedic impairments, other health impairments, traumatic brain injury, visual impairments, deaf/blindness, developmental delay and autism. For the 2008 child count, American Samoa had zero children to report in these categories.

American Samoa allows students ages 6-21 to be classified in the following disabilities: emotional disturbance, orthopedic impairments, other health impairments, traumatic brain injury, and autism. For the 2008 child count, American Samoa had zero students to report in these categories.

##### Arizona

In an effort to improve accuracy and validity of the child count data, Arizona Department of Education Exceptional Student Services (ADE/ESS) has elected to change the child count date to October 1st, effective FY 2009 (SY 2008-09). It was anticipated that by moving the child count date earlier in the year, public education agencies (PEAs) would have more time to submit and clean their special education data in the Student Accountability Information System (SAIS) by the mandated submission date of February 1st, thus giving ADE/ESS accurate and valid data to submit to OSEP.

##### Arkansas

Arkansas does not allow the use of *developmental delay* once a child meets the state's criteria for kindergarten; therefore, the data element is not part of the data collection for students in a K-12 setting.

Arkansas law allows any student to remain in school through age 21; it does not include age 22 and over.

The Arkansas child count was taken on Dec. 1, 2008.

### Bureau of Indian Education

BIE does not collect data on children who are 3 years old. The data are not collected because BIE serves only children who are 5 years old by Dec. 31 of a given year.

### California

California does not use the *developmental delay* category when identifying disability status for children with disabilities ages 3 to 21 for purposes of reporting under IDEA.

### Colorado

Colorado does not permit students to be reported in the *other health impaired* category. These children are reported under *orthopedically impaired*.

Colorado does not permit children to be classified in the *developmental delay* category. The state does have a category of preschool child with a disability that equates to the *developmental delay* category for ages 3 through 5. The state does not have an equivalent category for children with disabilities who are ages 6 to 8.

In Colorado, children with disabilities may be served through the end of the semester in which they turn 21. The state does not serve children in the 22 and over category.

### Ages 3-5

In Colorado, hearing screening for newborns is mandatory. Follow-up for additional testing of infants who fail the newborn screening has improved, which promotes earlier identification of infants with hearing loss. As more children with identified hearing loss receive services through Part C, these increased numbers are proportionately reflected in Part B.

An additional impact on Colorado's 3- to 5-year-old deaf/hard of hearing count is the children who are identified with unilateral hearing loss. Early Intervention Colorado has added unilateral hearing loss to the list of Established Conditions that are eligible for Part C services through Colorado's early intervention program for deaf/hard of hearing children (CHIP). Colorado physicians refer to the Established Conditions to make referrals. Children with unilateral hearing loss are increasing the numbers in our deaf/hard of hearing children in Colorado's 3- to 5-year-old count.

The numbers of children with *autism* are continuing to climb nationally, not just in Colorado. The Colorado Department of Education is participating in a grant with the Colorado Department of Public Health and Environment from the Centers for Disease Control and Prevention to study the prevalence of children with *autism* to see if they are increasing and possible reasons why. Currently the prevalence of children with *autism* is 1 in 150.

The CDE also focuses technical assistance on the identification of students with *autism* in schools. The state has provided technical assistance specific to the evaluation process and using the Autism Diagnostic Observation Scale (ADOS). In a number of administrative units (AUs), the numbers of students with *autism* rose, and the number of students with physical disabilities decreased.

Finally, some of the AUs most affected by the rise in numbers of students with *autism* serve military compassionate assignments. The military gives preference to two bases in Colorado (along with many others in the country) to families who have children with disabilities. These AUs have seen a significant increase in the numbers of students with *autism*, and many of these students come from military families.

In our analysis of the increase in the number of students with *autism*, we believe the same issues happening in our preschool numbers are happening in our school-aged numbers.

### Connecticut

Due to Connecticut statute and regulation, the State Department of Education does not use *developmental delays* to classify students over the age of 5 with disabilities.

The decrease in the number of students ages 6-21 with *visual and orthopedic impairments* was verified and accurately reflected the students being served in Connecticut Public Schools in the 2008-09 school year.

*Autism* in Connecticut is seeing the same increase in identification that the rest of the country is experiencing.

Differences in *developmental delays*, as reported last year were attributed to district noncompliance with state law and failure to reclassify students upon reaching age 6. Zero cases of noncompliance were reported in this file, thus the reduction to zero.

### District of Columbia

Data are collected for *deaf/blindness* and *traumatic brain injury*. As of the Dec. 1, 2008, child count, no 3- through 5-year-olds were identified with either disability. In addition, the District had no students with *deaf/blindness* through the age of 21 at the time of the child count.

In FFY 2008, the District of Columbia reported no children with disabilities classified with *deaf/blindness*. About 0.02% of children with disabilities nationwide are classified with deaf/blindness, so only two or three children might be expected in the District's special education population. Two children identified with *deaf/blindness* were indeed enrolled during FFY 2008. One was initially classified with *hearing impairments*, but was re-classified with *deaf/blindness* during IEP revision after the child count. The second child's IEP expired on Nov. 1, 2008, and was not revised until Jan. 9, 2009; the child did not have a current IEP at the time of the December 1 child count.

### Delaware

Delaware does not use the *multiple disabilities* category when identifying disability status for children with disabilities ages 3 to 21 for purposes of reporting under IDEA. Delaware does not count individuals after the age of 21.

The move to needs-based funding in Delaware has broadened the age range for children to be identified as *developmentally delayed*. Previously, children could only be classified as *developmentally delayed* up to the age of 3. Under that guideline, 4- and 5-year-old children with delayed development had to be classified as *learning disabled* to receive special education services. Needs-based funding now allows 4- and 5-year-old children to be identified as *developmentally delayed* to receive special education services rather than classified as *learning disabled*.

## Florida

Florida does not identify children with *multiple disabilities*. Florida identifies children as *developmentally delayed* only through age 5.

## Georgia

Georgia does not permit students with disabilities to be reported in the *multiple disabilities* category.

Reported child count totals are higher than totals reported by race/ethnicity consistent with the guidance permitting the exclusion of students reported as multiracial from the race/ethnicity totals for children ages 3-5 and ages 6-21. This reporting practice applies to all tables that require the reporting of students by race/ethnicity.

The decrease in the number of children ages 3-5 reported with *speech or language impairments* reflected the overall reduction in the number of children requiring special education services. This decrease was attributed to Georgia's emphasis on prereferral interventions for all children and noncategorical eligibility determinations for young children.

The increase in the number of children reported with *developmental delays* is attributed to the 2007 change in state regulations increasing the maximum age for children reported with *developmental delays* from age 7 to age 9.

## Guam

Guam permits children ages 3-5 to be classified in the following categories: *emotional disturbance*, *deaf/blindness* and *traumatic brain injury*. For the 2007-08 data collection, Guam had no children to report in these categories.

## Hawaii

It is very rare that students are counted in the 21 age category. However, if there is a hearing case that requires the state to provide compensatory services, it is obligated and required to provide those services. In these rare cases, the data are collected and reported.

As an added note, Hawaii state Law (Chapter 56), requires the state to serve youths with disabilities under IDEA until age 19. The youth may reach 20 during the school year and is then allowed to complete the year, so technically in a normal situation, the state serves youths up until the age of 20.

Hawaii does not serve the 22+ age group unless a parent or student prevailed in a hearing, and compensatory services are part of the settlement.

## Indiana

Indiana does not use the *developmental delay* category when identifying disability status for children with disabilities ages 6 to 21 for purposes of reporting under IDEA.

## Iowa

Iowa is a noncategorical state and, therefore, does not assign children/students who receive IEPs to a disability category. The number and percentage of children/students in each disability category is determined annually by distributing eligible individuals over the categories using incidence rates obtained

from a study of disability incidence in Iowa. As the number of eligible individuals changes, the number and percentage of children/ students in each disability category also changes. Child count data for 2007 were verified, and year to year changes were determined accurate.

Iowa does not use the *developmental delay* category when identifying disability status for children ages 3 to 21 with disabilities for purposes of reporting under IDEA. If we were submitting the data through the DTS, those cells would be -9. The data are submitted through the EDEN/EDFacts reporting structure that is housed elsewhere in the department and our bureau supplies the data to be entered by that bureau within our department.

Iowa does not have *developmentally delayed* defined as required in the 618 instructions and has never used that category in Federal reporting. It is not defined in Iowa's rules for special education (to date). Iowa does not require a disability label; children are identified as eligible individuals. All the IDEA and Iowa requirements are used in the eligibility determination. For reporting by disability, as in 618 reports, eligible individuals are distributed using incidence figures. *Deaf/blind* should be zeroes, which is the result of the distribution.

### Kansas

Kansas does not serve individuals age 22+.

### Kentucky

Kentucky did not identify any students over 21 on its child count nor were services provided to this population. Traditionally only a student who was ordered compensatory education through a due process hearing would receive services after age 21.

### Louisiana

Louisiana does not classify children ages 3-5 with a *learning disability*. We use the classification *developmentally delayed* for the younger children with a cognitive impairment.

The increase in the number of children ages 3 through 5 and students ages 6 through 21 with disabilities in the *autism* category by 15.94 percent was attributed to an increased awareness of the characteristics of this disability at the national, state, and local levels. Additionally, workshops and conferences were provided to teachers and parents regarding the characteristics of *autism*, such that children with characteristics of *autism* were more easily identified.

The decrease in the number of children ages 3 through 5 with disabilities in the *mental retardation* category by 12.84 percent was attributed to the increase in the *autism* exceptionality. In the past, students classified in the *mental retardation* category are now being classified in the *autism* category given the increased awareness of the *autism* exceptionality.

### Maine

Maine does not use the *developmental delay* category when identifying disability status for children ages 7 to 21 with disabilities for purposes of reporting under IDEA.

### Maryland

Maryland does not collect data for ages 22 and over.

Maryland attributed a 26.23% decrease in the number of 3- through 5-year-olds with *visual impairment* to the monitoring team approving consideration for students' primary disability to be listed and entered as *multiple disabilities*. Throughout the school year, IEP teams considered this factor, and several of the students were appropriate under this category. The number of students whose primary disability was *visual impairment* or *deaf/blind* decreased.

Maryland attributed a 20.63% increase in the number of 3- through 5-year-olds with *other health impairments* to the revision of the definition of *multiple disabilities*. This resulted in fewer students labeled with the disability code of *multiple disabilities*. As the *multiple disabilities* code was used less frequently, other disability codes increased, specifically *other health impaired*, *developmental delay*, and *autism*.

Maryland attributed a 41% decrease in the number of 3- through 5-year-olds with *multiple disabilities* to the revision of the definition of *multiple disabilities*. This resulted in fewer students obtaining the disability code of *multiple disabilities*. As the *multiple disabilities* code was used less frequently, other disability codes increased, specifically *other health impaired*, *developmental delay*, and *autism*.

Maryland attributed a 12.73% increase in the number of 3- through 5-year-olds with *autism* to the prevalence of students identified as *autistic*, which is the fastest increasing disability for students with disabilities. In fact, in light of the increase, pediatricians have developed a web-based screening system that extends preliminary assessments that identify a child at-risk for *autism* to ensure accurate diagnoses. It should also be noted that one local school system's Birth-5/Child Find Outreach has resulted in a 17% increase in students evaluated/ served in that community. Furthermore, yearly, the counties experience an increase in students transferring to local school systems with significant needs/intensive service requirements. Many of these students are identified with *autism* and/or autism spectrum disorders.

Maryland attributed a 13.30% increase in the number of 3- through 5-year-olds with *developmental delay* to IEP teams becoming more familiar with this option and using it more when identifying children. In order for the child to receive services, an IEP team will use *developmental delay*.

Maryland attributed a 20% decrease in the number of 3- through 5-year-olds American Indian or Alaska Natives to the demographics of the state changing from year to year. As a result, the percentage of students with disabilities by race is likely to change.

Maryland attributed a 14.53% increase in the number of 3- through 5-year-old Asian or Pacific Islanders to an overall increase in the Asian population. Changing demographics and efforts to target underserved and special populations plus increased collaboration with the Asian community resulted in the increased number of children identified for special education services.

Maryland attributed a 16% increase in the number of 3- through 5-year-old Hispanic children to an overall increase in the Hispanic population, more Child Find referrals for Hispanic children after some families in this ethnic group had positive experiences, parents urging relatives and friends to seek services, and the number of Hispanic children enrolling in Head Start and preK programs increasing as additional programs have increased. In addition, Hispanic parents appear to be more willing to refer their children. This is a big change from 5 years ago.

As Child Find/ Interagency Efforts in a System of Care are developed, it is the state's responsibility to provide due diligence in outreach to underrepresented student groups in special education.

Changing demographics and efforts to target underserved and special populations plus increased collaboration with the Hispanic community resulted in the increased number of children identified for special education services.

Maryland attributes a 10.14% decrease in the number of 6- through 21-year-olds with *speech or language impairments* to professional development that emphasized the need for a deficit identified in speech/language skills to be identified and have an educational impact for students beyond second grade. Strategic interventions, language training of providers/stakeholders, and targeted language services within the state's Birth through 5 continuum have resulted in a decrease of school-age students requiring special education and/or identification as speech/language disabled. Speech/language pathologists received additional professional development on the speech language eligibility criteria. This included information on screening tools, assessment selections, and data analysis.

Maryland attributed a 47.05% decrease in the number of 6- through 21-year-olds with *multiple disabilities* to the revision of the definition of *multiple disabilities*. This resulted in fewer students being identified under the category. As the *multiple disabilities* code was used less frequently, other disability codes increased, specifically *other health impaired*, *developmental delay*, and *autism*.

Maryland attributed a 16.01% increase in the number of 6- through 21-year-olds with *autism* to more students being identified with that disability on the local, state, and national level. Also the increase may have been due to students who cannot continue to be coded with *developmental delay*, use of more comprehensive assessment and evaluation methods in targeting specific disabilities and provision of staff development in targeting students identified with Autism Spectrum Disorder.

### Massachusetts

In response to the significant year-to-year change report for 2008 (2008-09) child count data, Massachusetts found no errors on the submitted data. However, due to the large percentage change as noted on some items in the report, the state gave the following explanations:

The decrease in the number/percentage of students with *specific learning disabilities* from 2007 to 2008 reflected a continuing trend in Massachusetts' numbers for the past few years. In 2007, LEAs also received new technical assistance from the state that provided guidance for LEAs to use when finding students eligible for special education with *specific learning disabilities*:  
<http://www.doe.mass.edu/sped/iep/sld/default.html>

The increase in the number/percentage of students reported with *autism* was consistent with the state's overall reporting trend for the past few years.

The change in reporting of race/ethnicity for students with disabilities from five categories in 2007 to seven categories in 2008 may have contributed to the overall changes seen in the reporting categories in 2008.

### Michigan

Michigan does not use the *developmental delay* category when identifying disability status for children ages 8 to 21 with disabilities for purposes of reporting under IDEA.

## Micronesia

Micronesia serve students with *deaf-blindness* or *traumatic brain injury* and collects data on these students. However, for this reporting period, no children were in these two categories.

Although there are seven categories of race/ethnicity, FSM reports all children with disabilities under Pacific Islander because it is the category that best represents the ethnicity of all children with disabilities in the FSM. FSM collects data for the other races, but no data were collected for the reporting year.

In 2007, Micronesia overreported the number of children ages 3-5 in the *developmental delay* category. This was due to an error in categorizing of children with *specific learning disabilities*. Micronesia corrected the discrepancy after the data freeze date of July 15, 2008.

## Minnesota

Minnesota implemented a new policy and new rules for the transition of children from Part C beginning in 2007-08. The policy requires initial evaluation of children exiting Part C and entering Part B. Where in the past children may have been identified under *developmental delay*, the transition policy increased the likelihood that more specific categorical eligibility will be used.

The increasing identification of children in the *autism* category is part of a continuing national and international trend. Efforts have been made to improve screening and earlier identification of children, with professional development and technical assistance to schools that has contributed to better identification practices. The number of individuals with an Autism Spectrum Disorder has been observed to have increased in each of the past 15 years in Minnesota. Even with this increase, the overall percentage of the increase this year was lower than the increase last year.

While there was a small increase in the number of children who are *deaf/blind*, there was a negating decrease in both *blind/visually impaired* and *deaf/hard of hearing*.

The increase in students with *multiple disabilities* was significantly offset by the decrease in *mental retardation*.

The increasing identification of children in the *autism* category is part of a continuing national and international trend. Efforts have been made to improve screening and earlier identification of children with professional development and technical assistance to schools that has contributed to better identification practices. The number of individuals with an Autism Spectrum Disorder has been observed to have increased in each of the past 15 years in Minnesota. Even with this increase the overall percentage of the increase this year was lower than the increase last year.

## Missouri

Missouri does not use the *developmental delay* category when identifying disability status for children ages 7 to 21 with disabilities for purposes of reporting under IDEA.

For ages 3-5, the increases in *other health impairment*, *multiple disabilities* and American Indian/Alaska Native, were small and comprised very small changes across many districts.

For ages 6-21, the increase in *autism* was a continuing trend for both the state and nationwide.

Increases in Asian, Hispanic, and American Indian/Alaska Native students showed continuing trends from previous years. Also, with the change to student-level reporting, the students' race/ethnicity was pulled from district enrollment systems, rather than being maintained separately by the special education personnel, therefore, these data are likely to be more accurate than in the past.

### Montana

Montana does not use the *developmental delay* category when identifying disability status for children ages 6 to 21 with disabilities for purposes of reporting under IDEA.

In accordance with state regulations at NAC 388.430 in effect since 1988, a student in Nevada may only be identified as a student with a *developmental delay* if the student is under the age of 6. Consequently, Nevada had no students with the *developmental delay* label who were ages 6 through 21.

### Nebraska

Nebraska changed the child count date to October 1 to align the data collection with the state's All Student Fall Membership count date.

### Nevada

During 2008, the Nevada Department of Education determined that, based upon the workload burden of submitting both DANS and EDEN data to the USED by February 1 of each year, Nevada would move its child count date from December 1 to October 1 of each school year. This change permits more time for limited staff to configure data into the various formats required for timely and accurate Federal submissions of Part B child count data by February 1 of each year and to align the data collection with the state's All Student Fall Membership count date.

Nevada does not serve the age 22 and over population. Nevada does not use the *developmental delay* category for children above the age of 5 (in state law, a child with a *developmental delay* is under the age of 6).

### New Jersey

New Jersey does not permit student ages 6-9 to be classified in the *developmental delay* category.

The state attributed the drop in the rate of students ages 3 to 5 with disabilities who are eligible for speech and language services to increased efforts to provide interventions to students before they are referred and an increased focus within early intervention and preschool programs on literacy. In FFY 2007, the data collection was an aggregate collection, whereas in FFY 2008, data were collected through New Jersey's new student-level database. The collection date was moved from December 15 to October 15, which may have affected the number of students in kindergarten who were determined eligible by the date of data submission. The New Jersey Office of Special Education Programs will continue to analyze these data to identify additional causes for the change and to monitor trends.

### New Mexico

For 2007, 3,093 children were diagnosed as *developmentally delayed*. This number dropped by 157 children to 2,936 children in 2008. Conversely, the number of children diagnosed with *speech or language impairments* increased by 281 children or 10.21% during the same time period. There is a push in the state to identify under the IDEA disability category and not under *developmental delay*.

This information suggests that there is a possible correlation between the drop in children who are *developmentally delayed* and the increase in the number of children who have a *speech or language impairment*, or *autism*. The number of students who have a *developmental delay* are re-evaluated by age 9 to see if they qualify for another IDEA disability category. This would account for the decrease in the *developmental delay* category and the increase in the *speech or language impairment* category. The Special Education Bureau is closely monitoring districts' policies and procedures regarding evaluations to ensure that students are being evaluated properly.

Children diagnosed with *autism* increased by 21 children or 15.11% year-to-year from 2007 to 2008. This increase matched the national trend. This increase has been due in part to an ongoing *autism* project being conducted in 10 New Mexico school districts. The purposes of the project are to promote the early identification and appropriate early intervention and preschool services to children with *autism* and their families and to build statewide capacity and competence in evaluation and program planning. New Mexico also provided training on the Autism Diagnostic Observation Schedule (ADOS).

In 2005, the New Mexico Public Education Department approved a change in state rule regarding the evaluation and eligibility determinations for students in grades K-3 who are perceived to have *specific learning disabilities*. As of July 1, 2009, state rules at 6.31.2.10 NMAC provide that the LEA must implement the dual discrepancy model in grades K-3 as part of the information sources and measures when evaluating for *specific learning disabilities* eligibility. The state also has a Response to Intervention (RTI) framework as described at 6.29.1.9 (D) of NMAC. In Tiers 1 and 2 of the state's RTI framework, schools implement appropriate research based-instruction and interventions based on student needs, monitor student progress, and then adjust instruction to ensure that it is effective. This would account for the decrease in the *specific learning disabilities* category.

The year-to-year (2007-08) increase in children ages 6-21 diagnosed with orthopedic impairments was negligible in that it represented an increase of only 20 children from 190 children in 2007 to 210 children in 2008. There is a push in the state to identify under the IDEA disability category and not under *developmental delay*.

For 2007 2,943 children ages 6-21 were diagnosed as *developmentally delayed*. This number dropped by 445 children or 15.25% to 2,498 in 2008. Conversely during the same timeframe, the number of children ages 6-21 diagnosed with *speech or language impairments* increased by 292 children, and the number of children ages 6-21 diagnosed with *autism* increased by 185 children or 24.25%.

This information suggests that there is a possible correlation between the drop in children who are *developmentally delayed* and the increase in the number of children who have an *orthopedic impairment* or *autism*. The number of students who have a *developmental delay* are re-evaluated by age 9 to see if they qualify for another IDEA disability category. This would account for why the *developmental delay* category reduced and speech or language impairment increased. The Special Education Bureau is closely monitoring districts' policies and procedures regarding evaluations to ensure that students are being evaluated properly.

Children diagnosed with *autism* increased by 21 children or 15.11% year-to-year from 2007 to 2008. This increase also matched the national trend. This increase may have been due in part to an ongoing *autism* project being conducted in ten New Mexico school districts. The purpose of the project is to promote the early identification and appropriate early intervention and preschool services to children with autism and their families and to build statewide capacity and competence in evaluation and program planning. New Mexico also provided training on the Autism Diagnostic Observation Schedule (ADOS).

## New York

In Section C, 227 students ages 3 to 5 were reported to the state as multiracial but were included in the White race/ethnicity category.

In Section E, 498 students ages 6 to 21 reported as multiracial were included in the White race/ethnicity category.

All preschool children ages 3-4 were reported in the *developmental delay* row in Section B.

This is the first year that New York's child count and educational environments data were as of the first Wednesday in October (Oct. 1, 2008) compared to December 1 in previous years.

The state reported -9 in all the cells except in the *developmental delay* row in the age 3 column and in the *developmental delay* row in the age 5 column. Some students who were four years of age on October 1 (the child count date) were served as preschool children with disabilities, and some were enrolled in school-age programs (not preschool). If the 4-year-old children were enrolled in preschool special education, they were reported under *developmental delay*. If they were enrolled in school as school-age students with disabilities, they were reported according to their school-age disability category (one of 13 disability categories defined in New York). Students with disabilities who were 5 years of age on October 1 were school-age students (not preschool) and as such were reported under one of the 13 disability categories defined in the state.

## North Dakota

North Dakota does not use the *multiple disabilities* category when identifying disability status for children with disabilities ages 3 to 21 for purposes of reporting under IDEA.

## Oklahoma

Oklahoma does not collect data on 22-year-olds. Students age out at 21 in Oklahoma. They can be served until their 22nd birthday.

## Ohio

Ohio does not use the *developmental delay* category when identifying disability status for children ages 6 to 21 with disabilities for purposes of reporting under IDEA.

Ohio implemented categorical identification of preschoolers in 2008. Previously, Evaluation Team Reports (ETRs) identified students who had not yet entered kindergarten simply as a preschooler with a disability. Disability categories were applied to this population proportionately to the distribution of disabilities in the school-age population. With the advent of categorical identification for preschoolers, ETR teams had the option of identifying a specific disability or determining the existence of *developmental delay*.

Students with existing IEPs showed data that didn't yet include specific disability categories; districts chose to report those as having a *developmental delay*. As IEPs were developed throughout the 2007-08 reporting period year, data reflected the changes in how students were categorized. This resulted in the proportion of students with specific disabilities increasing, while the more general *developmental delay* counts decreased.

## Oregon

Oregon does not use the *multiple disabilities* category when identifying disability status for children ages 3 to 21 with disabilities for purposes of reporting under IDEA.

Oregon does not use the *developmental delay* category when identifying disability status for children ages 6 to 21 with disabilities for purposes of reporting under IDEA.

## Palau

There are many reasons for the significant number changes in *specific learning disabilities* from the prior year. Factors range from families moving out of the island, dropping out, mainstreaming and exiting.

Palau is now using the new race/ethnicity categories, so Asian and Native Hawaiian or Pacific Islander are now two different categories. In the previous year, the state used the old DTS, where the two were aggregated as one category. It is for this reason that the numbers show a significant difference when compared. The significant difference in numbers from 2006-07 to 207-08 was due to the separation of the two categories.

## Pennsylvania

Pennsylvania does not use the *developmental delay* category when identifying disability status for children ages 8 to 21 with disabilities for purposes of reporting under IDEA.

## Puerto Rico

Puerto Rico does not use the *developmental delay* category when identifying disability status for children ages 6 to 21 with disabilities for purposes of reporting under IDEA.

## South Carolina

South Carolina did not collect data for students over the age of 21.

## South Dakota

South Dakota does not use the *developmental delay* category when identifying disability status for children ages 6 to 21 with disabilities for purposes of reporting under IDEA.

## Texas

Texas does not collect data on *developmental delay* in any of the age categories.

## Utah

It was determined that the difference in *specific learning disabilities* for children ages 3-5 from 2006-2007 of 23 students or 60.53 % was due to one of the LEA's mislabeling of 14 students as *specific learning disabilities* instead of *speech/language impairment*.

Utah continues to grow in numbers of students with disabilities and the increase in the numbers of students with *autism* and *other health impairments* was a direct result of this growth.

## Vermont

Data were submitted in pre-suppressed format in accordance with Vermont Department of Education policy, could not be subject to analysis, and therefore were excluded from these tables.

## Virginia

Virginia allows the identification of students as *developmentally delayed* through the 8th birthday, thus the cell for 9-year-old *developmental delay* is -9 to reflect that this reporting category is not applicable.

Virginia does, by state regulation, serve students through the 21st birthday and thus does serve 22-year-old students. These data, however, were reported as -9 for the following reasons: (1) Virginia is EDEN only for child count data submission. ED*Facts* does not allow submission of data for 22-year-old students. This DTS file was created to match the data submitted to ED*Facts* via the EDEN files. (2) This is an optional reporting category for OSEP.

## Virgin Islands

Missing data elements were due to zero children to report.

*Developmental delay* (ages 3-5): The state attributed the decrease in the number of children reported in the *developmental delay* disability category for children ages 3-5 on the Dec. 1, 2008, child count Table 1 to the following reasons; *moved, known to be continuing; moved, not known to be continuing; and change in disability category following an evaluation by Diagnostic and Evaluation Center's Diagnostic Team.* It should be noted that this decrease was due to one district only.

All disability categories (ages 3-5): The state attributed the decrease in the number of children reported in all disability categories for children ages 3-5 on the Dec. 1, 2008, child count Table 1 to the following reasons; *moved, known to be continuing; moved, not known to be continuing; return to regular education; and change in disability category following an evaluation by Diagnostic and Evaluation Centers Diagnostic Team.* Additionally some children's ages changed from 5-6; as a result, these children were reported in the 6-21 category after the Dec. 1, 2007, child count. It should be noted that this decrease was due to one district only.

Race ethnicity (Ages 3-5): The state attributed the decrease in the number of children reported in the race/ethnicity category for children ages 3-5 on the Dec. 1, 2008, child count to the following reasons: *moved, known to be continuing; moved, not known to be continuing; return to regular education; and change in disability category following an evaluation by Diagnostic and Evaluation Centers Diagnostic Team, which resulted in their being reported in the racial/ethnic category based on the Diagnostic Team's determination of the new disability category.* Additionally some children's ages changed from 5-6; as a result, these children were reported in the 6-21 category, after the Dec. 1, 2007, child count. It should be noted that this decrease was due to one district only.

## Washington

Washington does not use the *developmental delay* category when identifying disability status for children ages 9 to 21 with disabilities for purposes of reporting under IDEA.

## West Virginia

West Virginia Board of Education Policy 2419: Regulations for the Education of Students with Exceptionalities does not define a category of *multiple disabilities*, therefore, data are not collected for this category. Policy 2419 limits the definition of *developmental delay* to children ages 3-5, therefore, data are not collected in this category for ages 6-21. Data were collected and reported for all other categories.

The number of students ages 3 through 5 in the *autism* category increased from 48 to 61, which is a difference of 27.08%. The number of students ages 6 through 21 in the *autism* category increased from 904 to 1,035, which is a difference of 14.49%. This increase was consistent with longitudinal trend data for the state and paralleled the national trend. These trends resulted from increased public awareness, child find activities, and expansion of the conditions included in the *autism* spectrum.

The number of children ages 3 through 5 with disabilities in the Black subgroup increased from 212 students to 237 students, which is a 11.79% difference. The overall population of students in the Black subgroup in West Virginia increased from 5.05% to 5.21% from 2007 to 2008. The increase in Black students with disabilities appears to be related, in part, to the slight increase in the overall population of Black students served by West Virginia schools.

## Wisconsin

Wisconsin does not use the *multiple disabilities* category when identifying disability status for children ages 3 to 21 with disabilities for purposes of reporting under IDEA. The state also does not use the *developmental delay* category in identifying children with disabilities ages 7 to 21.

Wisconsin Administrative Code, Chapter 11 - Children with Disabilities, does not provide eligibility criteria for the disability category of *multiple disabilities*.

In Wisconsin, significant *developmental delay* is a disability category for children ages 3, 4, and 5. A child who turns age 6 after September 1 may continue to be identified with a disability of significant *developmental delay* through the end of the school year.

## **2008 Educational Environments**

### Alabama

Alabama does allow for the possibility that a student ages 6-11 could be incarcerated. However, the state has not had any such incidents to report.

Through multiple focused efforts, Alabama increased the numbers of preschool age students with disabilities receiving services in the 80-100% Regular Early Childhood Environment while simultaneously demonstrating a decrease in the numbers in more restrictive environments. An analysis of the 2007 LRE data was used to determine which LEAs demonstrated the highest percentage of preschool students with disabilities in more restrictive environments. In order to assist identified LEAs with establishing more inclusive preschool programs, site grants along with technical assistance were provided. Additionally, Alabama sought to improve the coordination of services with other state agency providers, as well as establish an environment of collaboration with community service providers throughout the state. Alabama will continue to monitor this trend to determine if these efforts show on-going effectiveness and to drive decisions for further improvement.

## Alaska

Alaska collects data on all the required elements for both data reports so any cell containing a zero represents a population with no students to report.

Many districts throughout the state made real strides in providing more services in the classroom this year. This resulted in an increase in the number of students reported inside the regular class 40% to 79% of the day and a decrease in the number of students reported inside the regular class less than 40% of the day.

One of the largest school districts opened a new school this year to better serve students with disabilities who also have behavioral concerns. This school accounted for almost all the increase in student's reported as being served in a separate school.

The state was unable to determine the reason for the decrease in the number of students reported in residential facilities. This number is always under 50 and fluctuates from year to year, but this year's report of 24 students would be considered a low end outlier. The state will watch to see if this is the beginning of a developing trend.

The decrease in the number of students reported as homebound/hospital is attributed to a return to historical counts. The 47 students reported in 2007 was a high end outlier and the 33 students reported in 2008 follows the trend of 30-31 students reported in 2004-06.

The decrease in the number of LEP students reported in both the 3- through 5-year-olds and the 6- through 21-year-olds follows the overall trend in general education students, too. There was a statewide push to educate districts on how to better identify, assess, and report data on LEP students. This resulted in better identification and data quality. Districts also did a better job of removing students from their LEP roles once the student passed the required LEP assessments.

## Arizona

In an effort to improve accuracy and validity of the environment data, ADE/ESS elected to change the child count date to October 1, effective FY 2009 (SY 2008-09). It was anticipated that by moving the child count date earlier in the year, PEAs would have more time to submit and clean up their special education data in SAIS by the mandated submission date of February 1, thus giving ADE/ESS accurate and valid data to submit to OSEP.

## Bureau of Indian Education

BIE does not collect data on students parentally placed in private school because BIE does not serve students who are parentally placed in private school.

BIE serves Native American students from any state. The schools are located in 23 states. As a result, the age that a student can be incarcerated cannot be determined. BIE recognizes that at least one state incarcerates students who are between the ages of 6 and 11.

BIE does not collect data on children who are 3 years old. The data are not collected because BIE serves only children who are 5 years old by Dec. 31 of a given year.

## Colorado

Colorado allows students to be incarcerated starting at the age of 10 (Children's Code 19-2-406 & 407). However, it is rare because it can only happen if 19-2-909 is true. 19-2-909 refers to juveniles under the age of 12 who are not aggravated juvenile offenders. They can only be committed to the department of human services if they are adjudicated for a class 1, 2, or 3 felony. For the 2007-08 data collection, Colorado did not have students ages 6-11 to report in the correctional facility category.

The zeros under the categories on page 15 reflect actual individual-level student data.

Colorado does not have an equivalent category for other health impairments. Our category of physical disabilities is reported under orthopedic impairments.

### Ages 3-5

Overall, the data for Colorado reflect increases in students served in regular early childhood programs at least 40% of the time. These data reflect decreases in students served in regular early childhood programs less than 40% of the time, separate schools, home.

The increase in students served in a service provider location is due to students receiving only speech/language services directly from providers.

### Ages 6-21

Overall the data for Colorado reflect decreases in settings other than inside regular class 80% or more of the day. Throughout the state, Colorado's AUs are finding that students are being successful in less restrictive environments. AUs report that they are moving the supports that students receive into general education classrooms to align resources to support students to be successful in less restrictive settings. These efforts affected the decrease in students reported as Inside regular class less than 40% of day, Separate school.

Students are placed in residential facilities by the Department of Human Services and AUs do not control these numbers. The data were reviewed and verified.

One AU identified students attending online programs as homebound in 2006-07. This error in reporting was identified by CDE, and technical assistance was provided to this AU. These data were reviewed and verified.

Colorado's Division of Youth Corrections closed a facility, reducing the state's capacity. The Colorado Department of Corrections (adult penal system) showed a significant reduction in the number of youth identified as eligible for special education.

Pursuant to 34 § 300.134(d)(1) AU directors consult with private schools to identify the types of services to be provided and how special education and related services are to be apportioned for students parentally placed in private schools. The increase in students reported in this field is a direct result of these procedures and decisions made about the range of services provided.

Throughout the state, Colorado's AUs found that students are being successful in less restrictive environments. AUs report that they are moving the supports that students receive into general education classrooms and aligning resources to support students to be successful in less restrictive settings. Because Colorado is moving to an Rita approach to identifying students with specific learning disabilities, significant training has been provided in many school districts. Teachers are engaging in differentiated instruction that supports students with disabilities in general education settings. As a result, Colorado is

seeing greater numbers of students able to receive appropriate instruction in general education classrooms.

### Connecticut

According to state law, correctional facilities can only serve students ages 14 and older.

#### Ages 3-5

The decreases in the number of children in segregated settings can be attributed to Department efforts to include as many children in regular early childhood programs as possible. The increase in home setting is a parental choice issue that the state has no control over; eleven more parents in Connecticut chose to have their 3- through 5-year-olds receive services in the home than last year.

#### Ages 6-21

The decreases in the number of students in separate school and other segregated settings can be attributed to Department efforts to include as many children in inclusive settings as possible. The increase in residential facility placements was investigated by the Department in regard to trends in placement based upon disability and race. Sixty percent of all Connecticut children in residential settings were placed there by state agencies, not by the district Planning Placement Team (PPT). Findings indicated a 20% increase in the current school year in placements by state agencies (Court Systems and Department of Children and Families) of students with serious emotional disturbance into these segregated residential settings. The Department convened a workgroup comprising multiple state agency personnel to discuss the observed trends and their implications for provision of FAPE by LEAs.

### District of Columbia

As of the Dec. 1, 2008, collection date, DC had no 3- through 5-year-old students with disabilities in residential facilities or receiving services at the service provider location and no 3- through 5-year-old students with the noted disabilities in the noted environments. At that time, DC also had no 6- through 21-year-old students with *deaf-blindness*, and no 6- through 21-year-old students with the noted disabilities in residential facilities, homebound/hospital, correctional facilities, or parentally placed in private schools.

The number of children ages 6 through 21 with disabilities parentally placed in private schools decreased to 42 in FFY 2008 from 1,864 in FFY 2007. While a high percentage of children in the District of Columbia are served in residential and private placements, the FFY 2008 data reflect only those children whose parents have elected private placements. While the personnel responsible for prior data submissions are no longer employed by the District and cannot provide confirmation, it is believed prior data collection did not differentiate which children in private schools were actually parentally placed, and all children in private placements were reported in the parentally placed category.

Children ages 3 through 5 with disabilities in the District of Columbia may be placed in residential facilities and may receive special education services at a service provider's location. Children ages 6 through 11 with disabilities may be placed in correctional facilities. However, during FFY 2008, no children of either age group were in these placements.

### Delaware

Delaware does not incarcerate youths under the age of 16. Delaware does not use residential facilities for children ages 3-5.

## Georgia

Reported child count totals for educational environments are higher than totals reported by race/ethnicity consistent with the guidance permitting the exclusion of students reported as multiracial from the race/ethnicity totals for children ages 3-5 and ages 6-21. This reporting practice applies to all tables that require the reporting of students by race/ethnicity.

## Hawaii

Hawaii has no state or local policy that prohibits children under 12 years of age from being incarcerated.

2007 was the first year that states were asked to collect data using the revised LRE definitions for 3- through 5- year-olds. In the time allotted to collect the data, Hawaii was not able to modify the database that electronically collects the LRE data. Therefore, individual teachers collected the information child by child. Schools manually submitted their data to the district office personnel who manually aggregated the data and then submitted to the state office. To compound matters, the instructions for Table 2 were unclear regarding what counted as time spent in a regular early childhood environment (beyond the regular school day).

Regarding the increase in 3- through 5-year-olds identified as both special education and ELL eligible, Hawaii will be conducting further review to determine if appropriate evaluation and eligibility determination procedures were followed.

Hawaii has noticed the trend of a higher number of students having more restrictive environments. It should be noted that the number of students ages 6-21 in general education less than 40% of the time has decreased. That means that the group in the middle is the subgroup that has grown. The state is still investigating this pattern. Trainings during the past year have focused on special education students having access to the general education curriculum. In addition, LRE is one of the items (SPP, Indicator 5) placed on the upcoming cycle of focused monitoring (General Supervision and Support), and ARRA funds are also being looked at to encourage co-teaching.

## Illinois

There is no statute that prohibits the incarceration for children ages 6-11 in Illinois. These are data the state collects, but has no children to report.

## Iowa

Fourteen is the youngest age at which a child may be incarcerated in Iowa.

Data on the placement of children ages 3-5 for 2007 reflect a trend of generally less restrictive placements, with the exception of an increase in the category of separate schools. These data were verified and determined accurate, and the year-to-year changes were attributed to (a) continued emphasis on placement in less restrictive settings, (b) true variance in the data due to new programs in the state that are categorized as separate schools, and (c) continued fluctuations in the data as the category changes from 2006 are implemented.

Data on the placement of children ages 6-21 for 2007 reflect a trend of less restrictive placements. These data were verified and determined accurate, and the year-to-year changes are attributed to (a) continued emphasis on placement in less restrictive settings and, (b) true variance in the data.

Data on the number of students ages 6-21 who were ELL show an increase in the number of IEP students who are also LEP. These data were verified and determined accurate, and the increase was attributed to true variance in the data.

### Kentucky

Kentucky permits students with disabilities to be incarcerated between the ages of 6 and 11. The state does not have a legal restriction against this type of placement, and as a result, a judge could potentially order this type of incarceration for children of this age. Kentucky has no policy or law that prohibits the incarceration of children younger than 12 years of age. However common practice is not to do this.

### Maryland

Maryland attributed a 52.84% increase in the number of 3- to 5-year-olds in Regular Early Childhood Program at Least 80% of Time to:

- 1) greater understanding of LRE definitions resulting in greater accuracy in local data collection and reporting; MSDE continues to provide technical assistance regarding environments definitions and criteria through administrative briefings held for local school system preschool special education coordinators, and data updates meetings for local school system (LSS) Part B data managers; and
- 2) continued state emphasis on serving young children with disabilities in regular early childhood settings; MSDE's Statewide Preschool LRE Initiative provided funding to support LSS improvement activities, including professional development, effective partnerships with community providers and programs, and the use of evidence-based practices to enhance positive child outcomes, and the establishment of regional technical assistance centers.

Maryland attributes a 69.48% decrease in the number of 3- to 5-year-olds in regular early childhood program 40 to 79% of time to the increased number of children in regular early childhood settings 80% or more of the time.

Maryland attributed a 26.6% increase in the number of 3- to 5-year-olds in regular early childhood program <40% to local school systems providing services to children in more inclusive settings who had previously received services in a separate class.

Maryland attributed a 10.58% increase in the number of students in separate class to one large school system reporting students as in a separate class when receiving services in both the service provider location and a class for language enrichment that included less than 50% typically developing peers.

### Ages 6-21

Maryland attributed an 11.42% increase in the number of students in homebound/hospital to the data. This was reviewed by the local school systems, and there was no explanation for this data anomaly.

Maryland attributed a 17.67% increase in the number of students in correctional facilities to the LRE coding change that resulted in more accurate accounting when the count is taken.

Maryland attributed a 19.39% decrease in the number of students in parentally placed private schools to the economy. Special education directors report anecdotal information that parents are opting to return students to public schools due to the recession.

## Massachusetts

Prior to 2007, LEAs submitted students' educational environments using one data variable in the state's student-level information management system (SIMS). Although two distinct variables were available for districts to report educational environments for their students in 2007 (one variable for reporting environments for 3- through 5-year-olds, and the other for reporting 6- through 21-year-old environments), this was the first time that all LEAs in the state were required to use them. In 2006, sample data were used for this table. The data reported in 2008 may reflect a better understanding on the part of the LEAs in reporting their data through the two distinct variables.

## Micronesia

Micronesia provides funding for special education and related services in separate schools, but it would be an unusual occurrence to have a student placed in this environment. The usual placement would be at home.

Micronesia does not provide special education and related services to students ages 6-21 years old in residential facilities and correctional facilities. According to FSM Title 12 Chapter 11, any child under the age of 18 should not be confined in correctional facilities, but to a responsible parent or guardian. As such, FSM does not collect this data element for all children under the age of 18.

Micronesia does not prohibit students who are parentally placed in private schools from receiving special education and related services, but it is an unusual occurrence. Although there are eight placement categories, all students in the FSM are placed in either 80% of the day in regular education setting or at home. FMS still reports zeros on the other setting because they are available options for students with disabilities.

## Minnesota

In Minnesota, students ages 6 to 21 with disabilities who are in correctional facilities and those who are parentally placed in private facilities are reported in educational environments based on the percentage of their education that is received in general education.

### Ages 3-5

Regular early childhood program less than 40% of time: The proportional decrease in the number of children spending less than 40% of their time in a regular education setting may be attributed to economic realities experienced by families of young children and the fact that fewer families have two parents in the workforce. Therefore, fewer children participate in child care, which was the regular early childhood program for many of those children.

Service provider location: Decreased use of a service provider location may be attributed to guidance provided by MDE to the field regarding relative ineffectiveness of that service model.

### Ages 6-21

Residential facility: Residential facilities in Minnesota are largely general education facilities. Students in private and public residential facilities are reported in the responsible district, in the appropriate level of service based on the amount of special education and related services received. This includes all students with IEPs in private and public facilities.

The increase in the number of LEP children ages 3-5 reflects intensive efforts to effectively reach out to Minnesota residents who speak a language other than English and additional training to LEAs around accurate reporting of this data element for preschool-aged children.

### Mississippi

Mississippi does permit children younger than 12 years old to be incarcerated. After Hurricane Katrina, Mississippi experienced a lot of movement between the coastal school districts and the rest of the state. It has been almost 4 years since Katrina, and the movement of students has decreased.

### New Jersey

New Jersey recognizes the importance of placing students with disabilities in general education environments. The state believes that the change in the proportion of children ages 3 to 5 who are placed in general education environments for more than 40% of the time may be a result of changes in the definitions in the placement categories. In FFY 2007, the data collection was an aggregate collection, whereas in FFY 2008, data were collected through New Jersey's new student-level database, NJ SMART. Definitions were revised to further define each placement category. The state will conduct further analysis of the data, by district, to determine if trends are consistent with changes in the data collections. Once we identify more specific reasons for the change, training will be conducted for district personnel involved in the data submission.

### New Mexico

For the 3- through 5-year-old special education population, there was a significant year-to-year (2007-08) increase of 70.42% in the number of children served in service provider locations and a 24.73% increase in the number of children served in the separate class setting. For the same time period, there was a decrease of 11.04% in the number of children served in the regular early childhood program setting less than 40% of the time and a 6.89% decrease in the number of children served in the regular early childhood program 40% to 79% of the time.

New Mexico does not provide state dollars to fund preschool for typically developing peers. Over the past 2 years, the state has received less state-level funds due to a decrease in oil and gas revenues. This resulted in LEAs cutting money for typically developing peers, which are not required to be served, and moving funds to other critical areas.

Also, New Mexico has a high mobility rate, with significant numbers of students moving in and out of the state. With this, a certain level of fluctuation occurs in the number of children placed in the aforementioned categories.

### New York

On the environments table, data are collected by age ranges, 3-5 and 6-21, so it is appropriate to report zeroes in the various columns rather than -9 because in the 3-5 age range, there are some preschool children with disabilities and also some school-age students with disabilities.

There are no school-age students mapped into two preschool settings, separate class and service provider location. Only preschool age children with disabilities are reported in these two settings.

Children who are 4 years old on October 1 and will not become 5 years old by December 1 or a later date established by the school district are not eligible to enroll in a school-age special education program (in

kindergarten). These children remain in preschool special education programs and receive special education services as preschool children with disabilities. These children are reported in Table 3 according to the LRE categories for children ages 3-5. Some children who are 4 years old on October 1, but will become 5 years old by December 1 or a later date established by the school district are enrolled in school as school-age students with disabilities (in kindergarten) and are reported in Table 3 according to the following mappings.

For school-age students who are ages 4-5, New York collects data on LRE settings by using the LRE settings for students ages 6-21. These 4- through 5-year-old school-age students are reported in Section A using the following mappings:

Inside regular class for 80% or more of the day = In the regular early childhood program at least 80% of time; Inside regular class for 79 to 40% of day = In the regular early childhood program 40% to 79% of time; Inside regular class less than 40% of day = In the regular early childhood program less than 40% of time; Separate school = Separate school; Residential facility = Residential Facility; Hospital = Separate school; Correctional facilities = does not apply to children ages 4-5; Parentally placed in private schools (Including home-schooled) = Home; Home Instruction = Home. There are no school-age children mapped in two preschool settings, Separate Class and Service Provider Location. Only preschool-age children with disabilities are reported in these two settings.

There are no mappings for separate classroom and service provider location for school age students. The state did report some 4- through 5-year-old school-age students mapped to a separate school.

NYS does not identify preschool children as being LEP. All preschool children with disabilities (39,437) were reported under Not LEP in Section E. Only the school-age students who are in the 3- through 5-year-old age range were reported as being either LEP or not.

In Section B, New York State classifies a preschool child as preschool child with a disability, and not by a specific disability category. All school-age students with disabilities are classified by a specific disability category. Data in Section B are provided by specific disability categories for school-aged students (ages 4-5) but under the *developmental delay* row for preschool children.

In Section G, 498 school-age students (ages 6 to 21) who were reported to the state as multiracial were reported in the White race/ethnicity category.

In Section C, 86 school-age students (ages 4-5) and 141 preschool children with disabilities who were reported to the state as multiracial were reported in the White race/ethnicity category.

This is the first year that NYS' child count and educational environments data are as of first Wednesday in October (October 1, 2008) compared to December 1 in previous years.

NYS allows school-age students with disabilities in all age range categories to be reported in correctional facilities. The data submitted were verified as being accurate in 2006, 2007, and 2008. New York still plans to submit the final 2007-08 non-child count data and 2008-09 final child count data to DAC once it completes all verification processes.

### Northern Marianas

Northern Mariana's predominant language is English as well as our language of instruction. The Northern Mariana's currently does not have a testing instrument to measure the proficiency of the predominant

language for all students with and without disabilities. Our state school system is in the process of creating a testing instrument to measure language proficiency for all students.

### North Carolina

North Carolina does allow children younger than 12 years old to be incarcerated. Juvenile Code 7B 1501 states that a child is determined as a juvenile at 6 years old and can be detained. However, the Department of Juvenile Justice cannot take secure custody until the age of 10.

### North Dakota

North Dakota's Century Code does not allow students younger than 12 to be incarcerated.

### Palau

Palau does not collect data on placement in residential facilities.

Palau collects the data on children ages 3-5 in the educational program 40-79% of the day and less than 40% of the day, in separate class, separate school, home and service and provider location. Palau did not have children to report in the 2007-08 data collection.

Palau collects data on students ages 18-21 in separate school and private school. Palau did not have students to report in the 2007-08 data collection.

Palau collects data on students 6-21 years old in correctional facilities and homebound/hospital settings. Palau did not have students to report in the 2007-08 data collection.

Regular early childhood program at least 80% of time: Early childhood program is working hard to have the students spend more time with their peers. Students are served in the regular early childhood program setting where they spend more time.

Inside regular class 40% to 79% of day: This environment category is where most of Palau IEP students are placed. When a lot of IEP students exit the program for any reason, it affects this category. There are many factors why there are significant number changes from the prior year. Factors range from families moving out of the island, dropping out, mainstreaming, and exiting for many reasons.

Age 6-21: Male: Exiting of students is one of many factors of why this number went down. Compared to females with IEP's, Palau has more males with IEP's. More students who exited were male.

English Proficiency: Almost all Palauan IEP students are ELL; Palauan is the primary language. It was clarified that the state should use this category to match its local first language. For instance, the category asks for LEP status. Last year, Palau interpreted the category literally and put its IEP students in the YES field. This time it was clarified that they should be in the NO field because Palauan is their first language. This category was localized to match our language proficiency status.

### Pennsylvania

Pennsylvania's 2008 report of educational environments for 3- to 5-year-olds children with disabilities shows an increase of children attending a regular early childhood programs at least 80 percent of the time and a decrease in children attending these programs less than 40% of the time. In 2008 the state continued efforts in promoting truly inclusive settings. These efforts also resulted in the decreases to the service

provider locations, separate school, and residential facility categories. In addition, the state provided clarification to the local level programs regarding LRE definitions to improve accuracy in data reporting and collecting. This clarification resulted in more accurate reporting relative to children in early childhood programs less than 40 percent of the time and separate class settings. While leading to a temporary increase in the separate class setting, this approach will allow for more focused efforts in reducing the number of children in this category in subsequent years.

Pennsylvania's report of educational environments for the 6 to 21 population showed a similar pattern, with an increase in students receiving special education and related services in regular classes at least 80 percent of the time and a decrease of students in regular classes less than 80 percent of the time. Continued and ongoing efforts in providing technical assistance and compliance monitoring follow up support the positive increase toward more inclusive settings in Pennsylvania.

### Puerto Rico

Puerto Rico provides services to children ages 12-17 and 18-21 in residential facilities. For 2007-08, Puerto Rico did not have any children to report in this category. Puerto Rico serves children ages 6-9 with developmental delay in different educational environments. For 2007-08, there were no children reported for this disability.

### Rhode Island

In Rhode Island, there is no set age for detention, but the process starts at the petition's filing and the determination at that point of whether to even file same. Therefore, it is possible that a child under the age of 12 could be incarcerated, although it is not common.

### South Carolina

South Carolina's Department of Juvenile Justice does not incarcerate children ages 6-11. Children ages 6-11 are instead placed in residential treatment facilities, foster care, under electronic surveillance, or have an alternate consequence of some kind. The column for Correctional Facilities ages 6-11 on page 15 contains -9 values since this is not an option in South Carolina.

All elements designated with a zero are collected elements that the state did not have any to report.

### Texas

Texas permits incarceration of children ages 11 but not for 6 -10. Since age group 6 -11 includes the 11 years old, in 2008-09, the state did not have children ages 11 in this category.

### Utah

Preschool Environments Age Group 3-5: There seems to still be confusion in the preschool population regarding the definitions of the environments used in defining preschool special education placement. It is getting better, but they do keep changing it seems. The issues with residential facilities were a reporting error in 2006. The data are now corrected. Growth in the special education preschool student numbers accounted for some of the increases

Educational Environments Ages 6-21: Residential facilities numbers reflect a change in the Utah School for Deaf and Blind residential program and policies. Home and hospital are always difficult data to explain as they depend on sickness, discipline, and injury issues being unpredictable. Utah instituted a

voucher system for students with disabilities to go to private school. The effects of this voucher scholarship system in the number of parentally placed students in private schools is reflected in the change from 2006-07.

Educational Environments English Proficiency: Increases in the number of minority students in Utah reflected the difference for 2006-07.

### Vermont

Data were submitted in pre-suppressed format in accordance with Vermont Department of Education policy, and could not be subject to analysis, and therefore were excluded from these tables.

### Virginia

Virginia allows the identification of students as *developmentally delayed* through the 8th birthday, thus the cell for 9-year-old *developmental delay* is -9 to reflect that this reporting category is not applicable.

### Virgin Islands

The state collects data for the data element categories listed in the clarification request, but did not have any to report. These data element categories were reported as zero on the DTS.

### West Virginia

The difference in regular early childhood program less than 40% of the time from 2007 to 2008 was primarily due to one county's data entry error in 2007. The county of interest has verified that the number of students with disabilities in the regular early childhood program less than 40% of the time is accurate in the 2008 report.

### Wisconsin

Correctional Facilities—Per Wisconsin Juvenile Justice Code 938.12 (1) "the court has exclusive jurisdiction, except as provided in ss. 938.17, 938.18, and 938.183, over any juvenile 10 years of age or older who is alleged to be delinquent."

## **2007 Personnel**

### Alabama

Of the reported 565.8 (FTE) total not highly qualified special education teachers (ages 3-21), 125 (FTE) serve in state-supported private facilities in which they are not required to meet the Alabama Model for Identifying Highly Qualified Teachers. However, they do meet state certification requirements. Therefore, Alabama wishes to note that although these teachers are reported in the not highly qualified category because of reporting requirements, the total in this category should appropriately read 440.8 (FTE) total not highly qualified special education teachers (565.8-125=440.8).

### Alaska

Alaska employs medical/nursing service staff and counselors and rehabilitation counselors to serve children with disabilities, but had none to report for the 2007-08 reporting year. Alaska does not employ social workers to serve children with disabilities.

Alaska attributed the decrease in highly qualified special education teachers for ages 3-5 to the 6% decrease in the number of 3- through 5-year-old children with disabilities who were enrolled over the past 2 years.

Alaska believed the decrease in the number of interpreters (fully certified and total) was due to the fact that this was only the second year of collecting these data. It may take a few years for the LEAs to correctly identify and report on the interpreter population. The state is training on this issue.

### American Samoa

Three speech-language pathologists are locally certified to provide services for speech and language. Six psychologists are certified through module trainings and are locally certified to provide assessment and evaluations.

In American Samoa, teachers serving 3- through 5-year-olds are reported according to certification status. Certified teachers must have a bachelor's degree. Teacher assistants are counted as paraprofessionals. American Samoa was not able to account for teacher's aides providing special education and related services to 3- through 5-year-old children with disabilities. Provisions will be made to collect these data for school year 2008-09.

American Samoa employs the following related services personnel to serve children with disabilities, but had none to report for the 2007-08 reporting year: occupational therapists.

American Samoa does not employ the following related services personnel to serve children with disabilities: audiologists, interpreters, physical education teachers, and recreation and therapeutic recreation specialists.

### Arkansas

Arkansas does not employ speech language pathologists as related services personnel to serve children with disabilities. The information requested in Table 2, Section C on speech pathologist is contained in Table 2, Section A. Speech is considered an instruction, not a related service in Arkansas. Special education teachers are considered highly qualified if they have the proper credentials to teach special education (including speech therapists). Therefore, special education teachers who do not meet the criteria for NCLB highly qualified but are fully certified for their position are reported under highly qualified for this report.

### Bureau of Indian Education

A greater than 10% decrease in not qualified paraprofessionals was shown for 3- through 5-year-olds (-18.00 FTE at -66.67%; for 6- through 21-year-olds (-15.84 FTE at 44.20%). The BIE believed this drop was in part related to the overall drop in students being served under IDEA in the last several years. Also, schools have been encouraged to fund teaching positions as much as possible, and this may have also had an impact on paraprofessional numbers; however, hard data are not available to support that hypothesis.

While not as large, a drop in FTE (12.02%) was also reported for qualified paraprofessionals. It was hypothesized that the reasons cited for non-qualified are the same for the number of qualified paraprofessional FTEs dropping.

## Colorado

Colorado collects data on qualified paraprofessionals, but the only special education paraprofessionals that are required to be highly qualified are those in Title I and schoolwide schools. The 618 data report does not distinguish paraprofessionals who are required to meet the NCLB highly qualified requirements versus those who are not required to meet these requirements. Since the paraprofessionals in Title I and schoolwide schools are highly qualified, and there are no paraprofessional licensure requirements in Colorado, all paraprofessionals are considered to be highly qualified.

The increase in qualified paraprofessionals for ages 3-5 was attributed to regional trainings conducted with Colorado AUs during the 2007-08 school year regarding the necessity to report paraprofessionals in the correct age category.

December 2006 was the first year of a new data collection system. Extensive training was provided to AUs, but comparison of data between the old and new systems was difficult, largely because FTE are calculated in a different manner in the new system. In 2006, one of the state's large AUs failed to report all of its paraprofessionals in the correct category. This was corrected on the December 2007 report and accounts for over half of the increase.

Trainings were conducted during the 2007-08 school year with statewide lead interpreters, which resulted in concise documentation regarding the licensure process for educational interpreters. These lead interpreters were able to work with school interpreters on an individual basis, which resulted in increased numbers of interpreters understanding procedures and determining qualifications for Colorado state licensure.

Regional trainings were conducted during the 2007-08 school year with Colorado AUs regarding the necessity to report all interpreters, including interpreters on purchase service contracts through independent interpreting agencies. This resulted in an increased number of total interpreters reported for 2007.

Trainings are provided annually at the School Nurse Regional Workshops on the Colorado licensure process and the requirement for nurses to be fully certified in their profession.

Regional trainings were conducted during the 2007-08 school year with Colorado AUs regarding the necessity to report school counselors on a prorated basis as determined by the total number of special education students served. These trainings resulted in a reduction of the number of fully certified counselors reported in 2007.

The increase in the number of fully certified speech-language pathologists was due to the continuous national shortage of state licensed/qualified speech-language pathologists.

## Connecticut

Efforts by the Department to increase regular education class placement for students with disabilities, including programs for students who are age 18-21 in community settings, resulted in the use of more paraprofessionals to support students' successful transition into the general education curriculum.

The FTE of special education teachers for ages 3-5 reported for 2007-08 demonstrated a significant increase compared to the FTE reported in 2006-07. This increase was attributed to data collection improvement efforts that more precisely attributed teacher FTEs across all age and grade ranges.

Connecticut does not direct employ or contract with related services personnel to provide services to children with disabilities. Connecticut does have certification standards for speech-language pathologists, psychologists, physical education teachers, social workers, and counselors (including rehabilitation counselors) and is able to report the number of those full-time equivalent personnel providing services to children with disabilities. Physical education teachers do not include recreation and therapeutic recreation specialists.

Because Connecticut does not certify or have any jurisdiction over the other listed related services personnel, the state does not collect data on the number of these personnel employed by LEAs. Therefore, Connecticut is unable to report the number of related services personnel in the other categories who may be providing services to children with disabilities.

Connecticut does not designate paraprofessionals according to age group of students served and therefore was unable to report the 3-5 versus 6-21 breakout. It is anticipated that the new variables will be available for reporting in the November 2009 personnel table on 2008-09 data.

### Delaware

Delaware does not currently track paraprofessionals for ages 3-5. All teachers are not required to be highly qualified because not all special education teachers teach courses where they are required to be highly qualified.

Delaware no longer asks the districts to report on who is highly qualified. The state pulls the information from the state's new highly qualified teacher database. Delaware has also made it a major focus to get as many teachers as possible deemed highly qualified for the past 2 years.

Delaware employs the following related services personnel to serve children with disabilities, but had none to report for the 2007-08 reporting year:

- physical education teachers and recreation and therapeutic recreation specialists,
- social workers,
- medical/nursing service staff,
- counselors and rehabilitation counselors,
- orientation and mobility specialists.

### District of Columbia

Age group data are not collected by the Office of Educator Licensure & Quality; however, grade-level data are collected. Approximate age groups were determined by the reported grade levels; where ungraded was reported, age group was determined by the reported grade levels served at a school. Only preschool through kindergarten schools are reported in the 3-5 age group.

Data for interpreters, psychologists, occupational therapists, physical therapists, physical education teachers and recreation and therapeutic recreation specialists, medical/nursing service staff, orientation and mobility specialists are not collected by the Office of Educator Licensure & Quality.

For FFY 2007, the District of Columbia reported no audiologists. This item was entered as 0. The District of Columbia was unable to report data on Interpreters, occupational therapists, physical therapists, physical education teachers and recreation and therapeutic recreation specialists, medical/nursing service staff, and orientation and mobility specialists. These items were reported as -9.

## Georgia

Georgia modified its reporting practice to include special education teachers who are not responsible for teaching core academic subjects and who meet the state definition of fully certified to the classification of highly qualified in Section A, Column 1 of Table 2 – Personnel.

## Guam

Guam employs counselors and rehabilitation counselors to serve children with disabilities, but had none to report for the 2007-08 reporting year.

## Hawaii

2006 Table 2 data will be resubmitted with corrected data of 229 highly qualified special education teachers for ages 3-5. With the corrected data, the number difference will be 26, and the percentage difference will be 11.35%. This increase in highly qualified special education teachers for ages 3-5 is offset by a decrease in the number not highly qualified special education teachers for ages 3-5. Hawaii has made a concerted effort to meet the NCLB highly qualified requirements.

2006 Table 2 data will be resubmitted with corrected data of 244 qualified paraprofessionals for ages 3-5. With the corrected data, the number difference will be 7, and the percentage difference will be 2.87%, and there will be no significant difference.

The increase in the number of qualified paraprofessionals for ages 6-21 in 2007 was offset by a decrease in the number of paraprofessionals who were not qualified.

The increase in the number of total qualified paraprofessionals in 2007 was offset by a decrease in the number of paraprofessionals who were not qualified.

2006 Table 2 data will be resubmitted with corrected data of 221 fully certified speech-language pathologists. With the corrected data, the number difference will be 16, and the percentage difference will be 7.24%, and there will be no significant difference.

The year-to-year difference in the number of fully certified psychologists was attributed to the fluctuation in the number of vacancies.

Due to fluctuations in the number of contracted providers hired, the number for fully certified physical education teachers and recreation and therapeutic recreation specialists may vary from year to year.

Due to fluctuations in the number of contracted providers hired, the number for fully certified medical/nursing service staff may vary from year to year.

2006 Table 2 data will be resubmitted with corrected data of 49 not highly qualified special education teachers for ages 3-5. With the corrected data, the number difference will be -9, and the percentage difference will be -18.37%. This decrease in not highly qualified special education teachers for ages 3-5 was offset by an increase in the number highly qualified special education teachers for ages 3-5.

The decrease in the number of not qualified paraprofessionals for ages 3-5 was offset by an increase in the number of qualified paraprofessionals for ages 3-5.

The decrease in the number of not qualified paraprofessionals for ages 6-21 was offset by an increase in qualified paraprofessionals and a decrease in the number of special education students ages 6-21.

The decrease in the total number of not qualified paraprofessionals was offset by an increase in qualified paraprofessionals and a decrease of total special education students ages 3-21.

Improved standards for NCLB have placed emphasis on maintaining a fully certified counseling staff.

The year-to-year difference in the total number of psychologists was attributed to the fluctuation in the number of vacancies.

Due to fluctuations in the number of contracted providers hired, the total number of physical education teachers, recreation and therapeutic recreation specialists, and fully certified medical/nursing service staff may vary from year to year.

### Idaho

Idaho's Basic Education Data System does not collect data on the amount of time a social worker or counselor spends specifically with students receiving special education, and therefore, the state is unable to report the number of FTE social workers and counselors employed or contracted to provide services to children with disabilities.

### Illinois

Illinois' personnel data does not include personnel employed by private agencies or staff serving in nonpublic schools. As a result, Illinois' personnel data are an undercount.

Illinois' early childhood special education teachers are not required to meet highly qualified requirements, as Illinois school districts are not required to provide preschool services to all students.

Some special education teachers of students in the 6-21 age range may not meet the highly qualified requirements if they are working on the basis of a special education approval. Illinois does not collect special education teacher data by ages served. As a result, the state is only able to provide a separate count of teachers serving 3- through 5-year-olds when their services are provided in an early childhood or preschool setting. All other personnel who may be serving students ages 3 through 5 are reported as serving 6- through 21-year-old students. As a result, the number of teachers for children 3 through 5 was an under count, and the number of teachers for students ages 6 through 21 was a slight over count.

Illinois provided data for special education paraprofessionals serving children with disabilities for students ages 3-5 in previous data submissions; however, all paraprofessional data are currently reported in the 6-21 age range. Since many paraprofessionals may be assigned to more than one classroom and may provide services to students in both the 3-5 and 6-21 age ranges, all paraprofessionals were reported in the 6-21 age range to avoid double counting. Illinois was first notified that reporting in this manner did not pass Westat's edit checks on July 2, 2008. At this time, an override request was granted for 2006-07 data, but the 2007-08 personnel data collection was completed by LEAs at this time. Thus, such disaggregation was unable to be completed for the 2007-08 Table 2. Illinois will implement changes to the personnel reporting system to make this disaggregation possible for the 2008-09 school year.

### Indiana

Zero is the correct count for not highly qualified paraprofessionals in Indiana.

## Iowa

The data for paraprofessionals for ages 3-5, qualified and total, and paraprofessionals for ages 6-21, qualified and total, have been verified and determined accurate. The year-to-year changes were attributed to the fact that FTEs for paraprofessionals were divided more accurately between pre-kindergarten and school-age programs. This required ongoing improvement, as many such programs are housed in the same buildings.

## Kentucky

The number of special education teachers for the 6-21 age range and overall total increased less than 1 percent. However there were significant drops in the percentage of these teachers who met the highly qualified standard. This was primarily the result of new alternative certification programs that lead to full certification in special education. This program allows teachers to meet the standard of highly qualified and reduces the number of teachers hired on emergency probationary status. The alternative route to certification program has expanded to regional colleges and universities across the state to meet the need for qualified special education and other teachers in high demand.

The number of qualified paraprofessionals for ages 3-5 increased by 89.68 or 14.08%. This increase was partially offset by a decrease in the number of paraprofessionals for this age range who were not qualified. The number not qualified decreased by 53.5 or 94.19%. The overall change in the number of paraprofessionals for the 3-5 age range was a net increase of 36.18 or only 5.21%. The major change in this position was movement from non-qualified paraprofessionals to qualified paraprofessionals. This change was due to better communication with local districts describing the criteria for qualified persons in this role as well as emphasis on the importance of hiring individuals who met the qualifications for the position.

Kentucky has a program for speech language pathologist assistants (SLPAs) who work directly under fully certified speech language pathologists until they attain full certification. This program allows for the caseload of the fully certified speech pathologist to be increased by 50% or even doubled with up to two SLPAs. This program has been in place for several years and is resulting in SLPAs attaining full certification. As these SLPAs complete the program, they become fully certified speech language pathologists resulting in a larger pool of fully certified SLPs and a lesser demand for SLPAs.

The number of medical/nursing services staff fully certified increased by 11.81 positions or 14.71%. There were no persons in these positions who were not fully certified. The increase in the number of these professionals was likely due to the significant gains in the numbers of students identified under the disability category of other health impaired. That category increased from 14,330 students in December 2006 to 15,370 students in December 2007. There were also gains in the number of students with autism and traumatic brain injury. These categories typically require services that are more medical in nature than other disabilities and required additional staff to meet these needs.

## Louisiana

The decrease in the number of not highly qualified teachers in both the 3-5 and 6-21 age range was attributed to increased opportunities provided by the state for teachers to obtain higher qualifications. Tuition exemption programs and teacher stipends have provided added incentive to teachers and paraprofessionals to obtain the highest qualifications possible.

The decrease in the number of not qualified paraprofessionals was attributed to increased opportunities provided by the state for paraprofessionals to obtain higher qualifications. Tuition exemption programs

and teacher stipends have provided added incentive to paraprofessionals to obtain the highest qualifications possible.

The increase in the number of psychologists and social workers was directly related to a change in reporting criteria provided by OSEP. Previously, a psychologist or social worker had to work solely with students with disabilities to be counted. The current criteria allow the reporting of the portion of the FTE that is spent with students with disabilities even if they also work with students without disabilities.

The increase in the number of medical/nursing staff and counselors/ rehabilitation counselors was attributed to at least three districts incorrectly reporting staff who worked with all students instead of only reporting FTE for staff working with students with disabilities. This year, they are correctly identified, resulting in a decrease in this category for the 2008-09 year.

### Massachusetts

Regarding all of the flagged data changes for the 2007 personnel data submission, 2007-08 was the first year for which all the LEAs in the state began submitting data through the state's individual-level Education Personnel Information Management System (EPIMS). Previously, LEA data were collected at an aggregate level through the state's District and School Staffing Report (DSSR). For the 2006-07 personnel submission, data were submitted using pilot EPIMS data from 16 LEAs and DSSR data from the rest of the LEAs. In 2007-08, all districts were required to submit their personnel data through EPIMS. It was these data that were submitted for the 2007 personnel data submission.

During the transition to a new data collection system, the state expected that the first year of its statewide EPIMS data collection might not be as reliable as future submissions are expected to be. The state is still refining its data validations, having added many in the past year alone as well as refining definitions for reporting categories and continuing to train both SEA and LEA staff regarding this new data collection tool.

In response to the flagged data change for the 2007 personnel data, Massachusetts attributed these changes to the 2-year transition from an aggregate-level personnel data collection system to a new individual-level personnel data collection system. The data submitted for 2005-06 (2005) came from a single collection instrument, the DSSR. This system collected aggregate-level data from all LEAs, but did not capture individual-level work assignments. The transition from this aggregate level system to the EPIMS was completed over 2 years. The 2006-07 (2006) data were gathered from two separate collection instruments. The majority of LEAs provided aggregate level data through the DSSR; however, 16 pilot LEAs submitted their data through the more detailed and time-intensive EPIMS instrument. It was not until the following 2007-08 (2007) collection period that all districts were required to submit data at the individual level through EPIMS.

The level of detail provided and time required for completion is significantly greater for EPIMS than it was for the DSSR. Moreover, EPIMS has allowed Massachusetts to institute more rigorous data validations and refine definitions for reporting categories as it continues to train and support LEA staff to ensure the accuracy and quality of the data submitted.

### Micronesia

Micronesia employs special education paraprofessionals to serve children ages 3-5 and 6-21 with disabilities, but had none to report for the 2007-08 reporting year.

Micronesia employs the following related services personnel to serve children with disabilities, but had none to report for the 2007-08 reporting year:

- social workers,
- audiologists,
- psychologists,
- occupational therapists,
- orientation and mobility specialists.

### Minnesota

Minnesota collects the data for the number of not fully qualified paraprofessionals and not fully certified related services personnel, but did not have any to report for 2007-08.

Minnesota uses two systems for tracking personnel data, EDRS and STAR and has been developing a system for improved logic in reporting special education teachers for 3- through 21-year-olds. EDRS was the source of the reported data in 2006 because STAR data were not available by the required student age groupings. A method for prorating the data by age group was developed for STAR and was used as the source for 2007, resulting in the changes reflected in Table 2.

EDRS specifications and OSEP guidance were reviewed and improvements in the logic and definitions were made in order to more closely align with OSEP guidance regarding the number of related services personnel.

### Mississippi

Due to the NCLB requirement, districts cannot employ a non-qualified paraprofessional; this has resulted in a drop in our numbers for special education paraprofessionals for ages 6-21. Other areas increased due to a review of the data and SQL used to pull the data from the state database, therefore resulting in a better representation (and increase) in most categories.

In Mississippi, all paraprofessionals must meet qualification standards in order to be employed or contracted to provide special education and related services to children with disabilities.

Mississippi was unable to provide a separate count of paraprofessionals who provide special education and related services to children ages 3-5 with disabilities from those ages 6-21.

For the 2007-08 data, the special education teachers were split into ages 3-5 and ages 6-21; in 2006-07, all of the data were put in the ages 6-21 category due to limitation in programming that year. This resulted in the numbers for ages 6-21 going down and the numbers in ages 3-5 going up.

The data are now being pulled by the Office of Research and Statistics; this, along with changes in table requirements and our state definitions of highly qualified, resulted in SQL changes that caused some totals to increase and others to decrease.

The 2-year grace period for paraprofessionals in Mississippi expired, and all paraprofessionals had to meet requirements, which resulted in a decrease in the number of paraprofessionals.

The decrease in the number of medical/nursing service staff was due to a nursing shortage in the state.

The numbers of audiologists, speech-language pathologists, and physical therapists not fully certified decreased because these professionals must be licensed in order to be hired.

The number of physical education teachers and recreation and therapeutic recreation specialists not fully certified increased because the state now has a requirement that all students must have physical education. This resulted in LEAs putting physical education classes on the schedule of some teachers who were not highly qualified for physical education.

### Nebraska

Nebraska's 2007 personnel data showed a marked increase in the number of paraprofessionals employed or contracted to serve 3- to 5-year-old children with disabilities. Nebraska's Department of Education attributes this change to two factors:

NDE's early childhood outcomes system, known as *Results Matter*, was implemented statewide beginning in 2006-07. This system was designed in response to OSEP requirements for measuring and reporting child progress data for young children with disabilities B-3 and 3-5. Nebraska's *Results Matter* system is based on ongoing authentic assessment of young children in their everyday routines and activities. This created a need for some LEAs to increase the number of preschool paraprofessionals in order to provide more teacher time for ongoing child observation and recording of child progress data.

In response to OSEP requirements for providing services and supports to young children in natural and inclusive environments (LRE), some LEAs needed to increase the number of preschool paraprofessionals to support preschool-age children in their community early care and education settings.

### Nevada

Nevada provided a count for the number of paraprofessionals who were not qualified. The count was zero, and there are zeroes in the appropriate cells for data submission. All paraprofessionals who were required to be qualified under NCLB were qualified, and all other paraprofessionals satisfied Nevada's qualification requirements.

### New Hampshire

The information provided was consistent with the way it presented in previous years.

### New Mexico

- Special education teachers for ages 3-5, highly qualified—up 76.93% from 168.08 in 2006 to 297.38 in 2007, a difference of 129.30.
- Special education teachers for ages 6-21, highly qualified—up 69.81% from 2,106.94 in 2006 to 3,577.69 in 2007, a difference of 1,470.75.
- Total special education teachers, highly qualified—up 70.33% from 2,275.02 in 2006 to 3,875.07 in 2007, a difference of 1,600.05.
- Special education paraprofessionals for ages 6-21, qualified—down 35.15% from 2,785.79 in 2006 to 1,806.09 in 2007, a difference of -979.10.
- Total special education paraprofessionals, qualified—down 35.06% from 2,792.52 in 2006 to 1,813.45 in 2007, a difference of -979.07.
- Audiologist, fully certified—down 32.95% from 34.54 in 2006 to 23.16 in 2007, a difference of -11.38.
- Interpreters, fully certified—down 26.65% from 63.38 in 2006 to 46.49 in 2007, a difference of -16.89.
- Special education teachers for ages 3-5, not highly qualified—down 79.29% from 15.26 in 2006 to 3.77 in 2007, a difference of -11.49.

- Special education teachers for ages 6-21, not highly qualified—down 79.94% from 341.06 in 2006 to 68.43 in 2007, a difference of -272.63.
- Special education paraprofessionals for ages 3-5, not qualified—down 100% from 15.06 in 2006 to zero in 2007, a difference of -15.06.
- Special education paraprofessionals for ages 6-21, not qualified—down 75.73% from 121.75 in 2006 to 29.55 in 2007, a difference of -92.20.
- Total special education paraprofessionals, not qualified—down -78.40% from 136.81 in 2006 to 29.55% in 2007, a difference of -107.40.
- Speech language pathologist, not fully certified—down 70.33% from 56.25 in 2006 to 16.69 in 2007, a difference of -39.56.
- Special education teachers for ages 3-5, total—up 64.26% from 183.34 in 2006 to 301.15 in 2007, a difference of 64.26.
- Special education teachers for ages 6-21, total—up 49.72% from 2,432.74 in 2006 to 3,642.35 in 2007, a difference of 1,209.61.
- Total special education teachers, total—up 50.74% from 2,616.08 in 2006 to 3,943.50 in 2007, a difference of 1,327.42.
- Special education paraprofessionals for ages 3-5, total—down 68.98% from 21.79 in 2006 to 6.76 in 2007, a difference of -15.03.
- Special education paraprofessionals for ages 6-21, total—down 36.85% from 2,907.54 in 2006 to 1,836.24 in 2007, a difference of -1,071.30.
- Total special education paraprofessionals, total—down 37.08% from 2,929.33 in 2006 to 1,843.33 in 2007, a difference of 1,086.33.
- Audiologist, total—down 32.95% from 34.54% in 2006 to 23.16% in 2007, a difference of -11.38.
- Interpreters, total—down 33.77% from 3.22 in 2006 to 48.49 in 2007, a difference of -24.73.
- Occupational therapist, total—down 11.34% from 240.95 in 2006 to 213.62 in 2007, a difference of -27.33%.
- Physical therapist, total—down 11.07% from 119.81 in 2006 to 106.55 in 2007.

The New Mexico personal Table 2 report shows a year-to-year (2006 to 2007) increase in the number of special education highly qualified teachers, while showing a decrease in the number of qualified or not qualified special education personnel. The total number of New Mexico highly qualified special education teachers for 2006 was 2,275.02 and 3,875.07 for 2007. This represents a year-to-year increase in highly qualified special education teachers of 1600.05. In comparing flagged categories that decreased year-to-year to those that increased year-to-year, there is a near one-to-one ratio that suggests that New Mexico is experiencing a trend in special education personnel advancing from qualified or not qualified to highly qualified. In New Mexico, there are also alternative paths to maintain a license through the HOUSSE (High, Objective, Uniform State Standard of Evaluation) process. The HOUSSE allows current teachers to demonstrate subject matter competency and highly qualified teacher requirements through a combination of proven teaching experience, professional development, and knowledge in the subject acquired over time through working in the field.

A press release by the New Mexico Public Education Department dated Dec. 16, 2008, entitled “Education Reform in New Mexico Takes Major Step Forward with Announcement of 73 New National Board Certified Teachers in 2008 State Ranks 21st Nationally in 2008 Results” further suggests the possibility that New Mexico is experiencing an increase in highly qualified teachers.

## New York

- 4,177.68 more special education teachers for ages 6-21, highly qualified.
- 4,425.62 more total special education teachers, highly qualified.
- 74.67 more interpreters, fully certified.
- 299.88 more special education teachers and recreation and therapeutic recreation specialists, fully certified.
- 21.76 more orientation and mobility specialists, fully certified.
- 102.64 fewer special education teachers for ages 3-5, not highly qualified.
- 2,917.59 fewer special education teachers for ages 6-21, not highly qualified.
- 3,020.23 fewer total special education teachers, not highly qualified.
- 17.56 more occupational therapists, not fully certified.
- 26.40 more counselors and rehabilitation counselors, not fully certified.
- 70.22 more interpreters, total.
- 304.49 more physical education teachers and recreation and therapeutic recreation specialists, total.
- 20.56 more orientation and mobility specialists, total.

New York State's 2007-08 data will be finalized before July 1, 2009. The state provided clarifications regarding reporting special education personnel as highly qualified. There is an emphasis on highly qualified personnel under NCLB. Data on some highly qualified personnel are reported publicly.

## North Carolina

In the 2007-08 school year, North Carolina Department of Public Instruction implemented a new system that allowed the state to collect exceptional children personnel data from the Exceptional Children Grants application. This change was implemented to improve the quality of the data reported to state and federal entities. LEAs now submit this information with their grant and budget information. Prior to the 2007-08 school year, these data were reported on spreadsheets by individual LEAs and submitted to the state.

## North Dakota

North Dakota employs the following related services personnel to serve children with disabilities, but had none to report for the 2007-08 reporting year:

- orientation and mobility specialists.

It was anticipated that North Dakota would have its personnel collection available as a web-based electronic submission for 2007-08. This did not happen. The Department of Public Instruction collects all contracted professional educational staff member data, excluding personnel licensure data. The latter data are collected by the Education Standards and Practices Board (ESPB), a legislatively driven independent North Dakota agency. The ESPB determines whether personnel are highly qualified. The web-based electronic collection, as anticipated, did not happen due to incompatibility between the Department of Public Instruction's web-based system and ESPB's mainframe. Therefore, the state had each of its 31 Special Education Units complete the Table 2 personnel collection and aggregated the data to this state-level report. The accuracy of this submitted data were somewhat suspect as it was basically a paper/pencil submission. To remedy this situation, the state felt confident that it will be able to electronically access all Table 2 data for the coming personnel report. The state pulled data specific to Table 2 data for personnel employed during the 2008-09 school year. The evaluation of personnel data in each subsequent run moves the state closer to having accurate data. Therefore, the state is confident that it will have accurate web-based validated electronic data for its Nov. 1, 2009, personnel report as it does for all of its other reports.

## Northern Marianas

Northern Marianas does not employ the following personnel:

- interpreters,
- social workers,
- orientation and mobility specialists,
- medical/nursing service staff.

If the above personnel services are needed, the state contracts them from private providers.

Northern Marianas collects data for paraprofessionals who are not qualified and personnel for related services who are not certified. For 2007, it did not have any to report for these categories.

The increase in the total number of special education teachers for ages 6-21 from 33 in 2006 to 44 in 2007, which reflected an increase of 11, was due to the state's need to meet the continuous increase of student population.

The increase in the total special education teachers-total of 37 in 2006 to 48 in 2007, which reflected an increase of 11, was due to the state's need to meet the continuous increase in the student population.

## Ohio

Ohio does not identify individual teachers as being highly qualified. Rather, it complies with the mandates of NCLB to identify courses taught by teachers who are highly qualified. As the counts required for this submission are FTEs, Ohio analysts applied the percentage of courses taught by highly qualified teachers to the number of FTEs teaching special education, to arrive at the number of highly qualified teacher FTEs for this report.

## Oklahoma

Oklahoma's 2007 personnel data submission showed a marked decrease in the number of special education teachers serving students ages 6 to 21 and an increase in the number serving children ages 3 to 5. In reviewing the data changes for personnel data in Oklahoma, the state determined that this change was related to a new data collection process. In previous years, special education teachers who were in a co-taught classroom were identified through the data collection as also highly qualified. With the improvement of the collection procedures, only teachers who are the teacher of record for each subject were identified; therefore, special education teachers in a co-taught classroom were not assigned to a subject or identified as highly qualified. The state believes that the new data collection provides more accurate data on the number of special education teachers that are highly qualified.

## Oregon

For the 2007-08 school year, the Oregon Department of Education (ODE) implemented a staff-level collection to meet the reporting requirements for these data. Prior to 2007-08, all data reported for Part B Table 2 were collected from each agency in the aggregate. Due to the scope of the change from 2006-07 to 2007-08, year-to-year comparisons of these data are not possible. ODE plans to continue collecting these data at the individual staff level and will use 2007-08 as a new baseline for these data.

### Palau

Palau employs special education paraprofessionals to serve children ages 3-5 and 6-21 with disabilities, but had none to report for the 2007-08 reporting year.

### Puerto Rico

PRDE collects the data as required but its paraprofessionals and related services personnel are all qualified. PRDE requests professional certification to contract services. The zero reported represents professionals not having proper qualifications and certifications.

### Rhode Island

In Rhode Island, paraprofessionals must be qualified in order to be employed or contracted to serve children with disabilities.

The personnel data system was not able to provide the paraprofessional data broken into categories of ages served (3- through 5-year-olds and 6-21) for 2007. The state has requested the information for both 2007 and 2008 from the districts, and the data will be reported for those years. The state anticipates enhancements to the personnel data system to accommodate this data reporting requirement.

### South Carolina

South Carolina includes speech or language impairment as a category of disability and consequently, speech-language pathologists are included in section A of Table 2. If the student does not qualify for speech under the state eligibility criteria but is determined in need of speech as a related service, then the percentage of time the speech-language pathologists works with these students is included in section C.

### Vermont

The decrease in the number of social workers, fully certified on page 2 and the total is accurate. This is an area which is being cut due to budgetary pressures, because the decrease occurs in most Supervisory Unions (which is how the state collects the data).

The increase in not highly qualified special education teachers (6-21 and Total) was due to the state's changing its definition of highly qualified to bring it in line with Federal regulations.

The decrease in the number of not qualified paraprofessionals is not an issue, because this is a good change.

### Virginia

Virginia's data were correct as reported; there were zero paraprofessionals – not qualified.

### Virgin Islands

The Virgin Islands does not employ or contract medical/nursing related services personnel to serve children with disabilities.

## Washington

All the state's paraprofessionals were qualified. All of the data were verified as to being correct. The needs of the state's student population reflected the need for additional interpreters and counseling staff.

There was an increase of 52.89 highly qualified teaching staff and a decrease of 48.24 of not highly qualified teaching staff.

## West Virginia

The decrease in the number of fully certified medical/nursing service staff from 2006 to 2007 resulted primarily from technical assistance to districts to ensure data were reported by FTE dedicated to special education services rather than head count.

The increase in special education teachers for students ages 3-5 not highly qualified resulted from highly qualified teachers leaving the field through retirement or moving to other positions being replaced by less qualified teachers.

The number of special education paraprofessionals for ages 6-21 not qualified and the total number of special education paraprofessionals not qualified decreased as a result of increased awareness of requirements and aides completing the requirements to become qualified.

The decreased number of medical/nursing service staff reported as not fully certified and the total employed resulted from technical assistance to districts to ensure data were reported by FTE dedicated to special education services rather than head count as well as an increase in districts' capacity to meet needs with certified personnel.

## **2007-08 Exiting**

### Alaska

Alaska collects exit data for all children with disabilities of any age or disability category. Any cells that contain a value of zero have that value because that state had no student in that category to report.

Transferred to regular education (total and all subgroups)—Alaska attributes the decrease in the number of students who transferred to regular education to better data. The state began using a new data collection tool 2 years ago and has been training the LEAs on how to properly report these students to the SEA.

Received a certificate (total and many subgroups)—Alaska believes the decrease in the number of certificates issued was the result of many districts bringing on new programs to help more students pass the High School Graduation Qualifying Exam. Many LEAs in Alaska added new programs this past year to help more students pass the High School Exit Exam. As more students pass the Exit Exam, more diplomas and fewer certificates are issued.

All race/ethnicity questions—The 2006-07 and 2007-08 race/ethnicity data are not comparable. Alaska began collecting the race/ethnicity data using the two questions, seven group protocols in 2006-07, but continued using the race/ethnicity estimation protocol in order to report using the five Federal groups. In 2007-08, the state was advised to stop estimating the race/ethnicity for multiracial students and to leave those students out of the detail of the report. Our race/ethnicity profile is also changing due to collecting the data using the new two question protocol. There are 59 multiracial students not included in the race/ethnicity counts.

Dropped out (F)—The number of female dropouts in Alaska increased by almost the same amount as the number of females receiving certificates decreased. The state believes these changes were related to one another and will monitor for trends.

LEP—Alaska changed the LEP data collection tool in the 2007-08 school year to gather more detailed information. The LEP data may not be stable for another couple of years as the state continues to train on this new data collection tool.

All race/ethnicity questions—The 2006-07 and 2007-08 race/ethnicity data are not comparable. Alaska began collecting the race/ethnicity data using the two questions, seven group protocols in 2006-07, but continued using the race/ethnicity estimation protocol in order to report using the five Federal groups. In 2007-08, the state was advised to stop estimating the race/ethnicity for multiracial students and to leave those students out of the detail of the report. Our race/ethnicity profile is also changing due to collecting the data using the new two question protocol. There are 59 multiracial students not included in the race/ethnicity counts.

Alaska only continues special education and related services for a 22-year-old if he/she was 21 at the beginning of the school year. The department has added an edit check to the process to identify and question these students in the future. In the past, if the student was older than 18, the state allowed him/her to be reported as reached maximum age.

Alaska does not have a lower age for receiving a regular diploma; however, it does require students to pass a high school graduation exam, and they cannot take the exam until spring of their sophomore year. That would make it unlikely, that a 14-year-old would receive a regular diploma, but no statute or regulation would prevent this from happening if the student passed the exam and met the credit requirements.

### Arkansas

Arkansas permits students to graduate high school with a regular high school diploma prior to age 16. This is based on the following citation: Arkansas Code, Title 6, Subtitle 2, Chapter 18, Subchapter 2, Section 6-18-211(d)(1) and section 6-18-211(d)(2) at <http://www.arkleg.state.ar.us/SearchCenter/Pages/ArkansasCodeSearchResultPage.aspx?name=6-18-211.Mandatory%20attendance%20for%20students%20in%20grades%20nine%20through%20twelve>

### Arizona

Arizona does not collect data on which students with disabilities graduated with a high school diploma and met the same requirements as students without disabilities and those who did not. Arizona offers a regular high school diploma only, provided that the students meet the graduation requirements as outlined in statute. Graduation requirements for special education students are specified in the students' IEPs. In addition, a recent state law indicates that special education students who turn 22 in the current reporting year are entitled to continue receiving special education services and appropriate funding through the end of the school year. As a result, students who turn 22 before the child count date are not included in the reached maximum age exit category.

In Arizona, there is no minimum age requirement for graduation so long as student completes all required course work and attains necessary credits to graduate.

## California

California law does not include age criteria for receipt of a regular high school diploma.

In California, students with disabilities are considered to reach the maximum age for services under Part B at age 22.

## Colorado

Children with disabilities are served until the end of the semester in which they turn 21, so it is possible to have a student who is 21 as of December 1. Therefore, children who were 18, 19, and 22 as of December 1 are reported with a -9. Children may exit because of reaching maximum age at either 20 or 21. For example, a child who turns 21 during the second semester of the school year or during the summer would exit at the age of 20. A child who turns 21 between December 1 and the end of the first semester of the school year would exit at the age of 21.

### Significant Year-to-Year Changes

Received a certificate of completion: The decrease in the number of students reported in this category was the result of training provided to Colorado AUs.

Reached maximum age: Individual student records are reported, including each student's date of birth. The number of students in this category was verified.

Moved, not known to be continuing: Regional training was conducted regarding the necessity to track and appropriately report students exiting AUs throughout the year. In addition, the Exceptional Student Leadership Unit provided individual technical assistance to AUs that had previously incorrectly reported students in this category.

### Race/Ethnicity

- American Indian or Alaska Native and Hispanic: Extensive training was provided throughout the 2007-08 school year on the appropriate identification and tracking of ELLs. This training included information related to awareness of cultural differences. This resulted in more appropriate identification and reporting.
- Gender
- Individual student records were reported by AUs, which included the gender of each student. All data were verified.
- LEP
- Extensive training was provided throughout the 2007-08 school year on the appropriate identification and tracking of ELLs, which has resulted in more appropriate identification and reporting.

## Connecticut

Although the 2007-08 school year count of students with disabilities who dropped out is higher than the 2006-07 data, the Department has seen an overall trend of decline in the dropout rate for students with disabilities, significantly reducing the existing gap between students with disabilities and their peers without disabilities.

The Department investigated the dropout data further and found that the Department of Corrections (DOC) had a major contribution to the increase of the state rate. In the 2007-08 school year, the DOC reported 110 dropouts as compared to 10 dropouts in the 2006-07 school year. The drastic increase was attributed to the revised student tracking and reporting practices and procedures by the DOC in the 2007-

08 school year. While working with the DOC and all other local districts following the 2006-07 school year, it was determined that as students exited from DOC due to the completion of their court sentence, historically the DOC would exit these eligible students as transfers back to their previous town of residence. If the formerly incarcerated student failed to register with the previous local district, the student tended to fall off the radar as a transfer rather than a dropout. New procedures were implemented in the 2007-08 school year that resulted in DOC reporting the exiting students from DOC as dropouts. Then, if the student registered in another district in the state, the dropout status would resolve itself within the state's registration system and the student's records would reflect the transfer rather than the exit as a dropout. Therefore, in the 2007-08 school year, 110 students completed their sentence with the DOC, were exited from the DOC education system and did not register for educational services in another public school district before the end of the reporting year. The significant increase in the number of Hispanic students dropping out is explained by this DOC reporting change.

In association with its dropout initiative, Connecticut has seen more than 5 years of increases in the number of students graduating from high school. The cohesive factor between the graduation and drop out initiatives is the consistent message to keep students in school. Potentially the increase in certificates received by students with disabilities is a reflection of the efforts by LEAs to meet the goal of all students staying in school and exiting with a standard high diploma, certificate of completion, or reaching maximum age.

Two factors that can be contributing to the reduction in transfer to regular education include Connecticut's 6-year initiative to improve appropriate identification and eligibility determination for IDEA, as well as its emphasis on appropriate early intervention programs where services are affecting students before they fall behind and therefore are not even found eligible for special education.

#### District of Columbia

The early part of the timeframe covered by this reporting period predates DC's use of the Special Education Data System (SEDS - EasyIEP software). Therefore, the data presented in this table were collected from legacy databases as well as, for the latter part of the reporting period, SEDS. This presented the challenge of mapping exiting codes in legacy databases—there are as many as 25 exiting codes—to the 7 used for 618 reporting. The SEDS team worked with the OSSE's Office of Special Education to determine business rules for this mapping. Exiting data for the school year now in progress will be drawn exclusively from SEDS, which only permits the entering of exit codes consistent with 618 reporting.

Data are collected in all categories. However, for example, DC has very few American Indian/Alaska Native general or special education students, there is only one of the latter this year, very few *deaf/blind* students and none who exited, relatively few students with *traumatic brain injury*, and only two special education students who died during the reporting period.

At the time of data collection for special education students exiting between July 1, 2007, and June 30, 2008, the OSSE did not have a single, statewide database. In the agency's effort to obtain comprehensive data, LEAs reported via an OSSE-designed online application, via spreadsheet, and via databases in use by DC Public Schools and some Public Charter Schools. The reports the OSSE received used as many as 25 exiting categories, introducing difficulties in accurately mapping exiting students into the correct 618 classifications. In addition, while the OSSE's intention was for LEAs to use one of the available reporting methods, some students were reported multiple times, occasionally in seemingly contradictory exiting categories. Final hurdles proved to be the limited timely reporting capacities of small LEAs that lack dedicated data reporting personnel, missing data elements for some exiting students, and the existing

procedure of finalizing exiting data only after summer school. (The OSSE is aware that the 618 reporting period ends on June 30, rather than after the summer session.)

An extensive review of files submitted to the OSSE has necessitated a revision of previously reported exiting numbers. This review identified the status of students reported multiple times, appropriately mapped all applicable exit reasons into 618 reporting categories, and took advantage of more complete data than were available at the time of the original submission, although no students exiting after June 30, 2008, were included.

District of Columbia Municipal Regulations establish eligibility for special education services through the semester in which individuals reach 22 years of age. Therefore, students reaching maximum age may already be 22 years of age, an optional reporting category, at the time of the child count. In addition, DC operates public school programs (STAY – School To Aid Youth) for older students who return after exiting. Therefore, no students were reported in the reached maximum age category. In practice, of the 26 special education students age 22 reported in the child count conducted on Dec. 1, 2008, 10 remained enrolled at the conclusion of the July 1, 2008, to June 30, 2009, reporting period.

### Florida

Florida's maximum age a student can receive special education and related services is their 22nd birthday.

Florida has a compulsory school attendance from ages 6-16; however, the graduation requirements are credit driven not age driven. This means there are no minimum age requirements. In addition, the requirement to report students based on their age at the time of the child count results in cases where students are reported at an age of close to 1 year younger than they actually are at the time of graduation.

1. Transferred to regular education—Over the last 5 to 6 years, Florida has seen a steady decrease in the number of students being identified as children with disabilities in need of special education. These numbers are particularly striking in the area of *specific learning disabilities*. This reduction of identification of students with mild disabilities seems to be impacting the numbers of students returning to general education. If we assume that successful intervention is occurring prior to identification then the number of students who would have returned to regular education following intervention is in decline.
2. Died—In a state with approximately 350,000 students with disabilities, the decrease by 20 in the number who have died is not likely a result of some type of change in programming.
3. Graduated with standard diploma – females—The state had no explanation for the change.

### Georgia

Georgia's emphasis on evidence-based curricula and differentiated strategies that are in place for all students in general education classes have reduced the number of students requiring special education services to progress in the Georgia Performance Standards. This reduction has influenced exiting data. As fewer students with mild disabilities require special education, the number of students with mild disabilities returned to general education will also decrease.

The increase in the number of students with disabilities graduating with a regular high school diploma and the decrease in the number of students dropping out of school parallel the data trend for all students in Georgia during 2007-08. These data reflect Georgia's commitment to help all students exit high school with a regular diploma.

Reported child count totals are higher than totals reported by race/ethnicity consistent with the guidance permitting the exclusion of students reported as multiracial from the race/ethnicity totals for children age 3-5 and age 6-21. This reporting practice applies to all tables that require the reporting of students by race/ethnicity.

Georgia does not have a minimum age for high school graduation.

The maximum age for a student with disabilities to receive services in the state of Georgia is 21.

### Guam

Guam does not allow students with disabilities to be awarded a certificate.

### Hawaii

Hawaii allows special education and related services up until age 19, and if a student becomes 20 during the school year, the student is allowed to complete the school year. However, due to the discretion of administrators, there have been cases where students in due process hearings or through other dispute resolution settlements where a student has been awarded services past the maximum age.

### Idaho

Idaho law allows students to graduate prior to age 18 with a regular diploma. Reference IDAPA 08.02.01(350). 350. EARLY GRADUATION. Any high school student who completes the number of credits and exiting standards required by both the state and the school district prior to completing eight (8) semesters of high school work may petition the local superintendent and board of trustees to graduate early.

### Illinois

Per the Illinois School Code, in addition to other course requirements, each pupil entering the 9th grade must successfully complete the following courses to graduate with a regular diploma: 3 years of language arts; 2 years of mathematics, 1 of which may be related to computer technology; 1 year of science; 2 years of social studies, of which at least 1 year must be history of the United States or a combination of history of the United States and American government; and 1 year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language or (D) vocational education. This does not apply to students with disabilities whose course of study is determined by an IEP. Decisions regarding the issuance of a diploma for students with disabilities whose course of study is determined by an IEP are made at the school district level. Course requirements are the same for students with disabilities as they are for students without disabilities with the exception of those determined by an IEP team to be inappropriate.

Graduates include only students who were awarded regular diplomas. Students with GEDs and other nonregular completion certificates are not included. The calculations used to determine graduation rate for all youth with IEPs is a cohort rate. Graduation rate is calculated from the School Report Card data files by using the following formula: graduates/original freshmen + transfer in – transfer out or died. This calculation is done for all youth and youth with IEPs.

Illinois does not provide special education and related services to students over the age of 22. However, since Table 4 instructions indicate that the student's age should be reported based on the child count date

of the year prior to exiting, it is possible for students to fall in the age categories of 20 and 21 for the category Reached Maximum Age.

Illinois does not have a policy or regulation that prohibits students who are less than 16 from graduating with a regular high school diploma. On the contrary, Section 26-2 of the IL School Code states that all students must attend school between the ages of 7 and 17 “unless the child has already graduated from high school.” However, this provision sets no minimum age prior to which the student may not receive a diploma.

(<http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt%2E+26&ActID=1005&ChapAct=105%26nbsp%3BILCS%26nbsp%3B5%2F&ChapterID=17&ChapterName=SCHOOLS&SectionID=49343&SeqStart=145900000&SeqEnd=148300000&ActName=School+Code%2E>).

### Indiana

For the cells which indicate zero, no data were collected, and there were no students to report.

### Iowa

Received a certificate (all, male, female, not LEP)—Fewer students were reported as receiving a certificate in a number of categories in 2007-08 due primarily to (a) efforts by department staff to clarify coding and increase data accuracy for this element, and (b) continued emphasis on graduation with a regular high school diploma as a priority for students with disabilities. These data were verified and determined accurate, and the increase was attributed to true variance in the data.

Died (all, not LEP)—These data were verified and determined accurate, and the increase was attributed to true variance in the data.

Moved, known to continue (all, male, female, LEP, not LEP)—These data were verified and determined accurate, and the year-to year-changes were attributed to true variance in the data.

Dropped out (all, male, LEP, not LEP)—Fewer students were reported as dropping out in 2007-08 due primarily to (a) continued efforts to reduce dropout rates and (b) continued emphasis on graduation with a regular high school diploma as a priority for students with disabilities. These data were verified and determined accurate, and the increase was attributed to true variance in the data. An increase was observed in the number of LEP students dropping out for 2007-08. These data were verified and determined accurate, and the increase was attributed to true variance in the data.

Asian or Pacific Islander—These data were verified and determined accurate, and the decrease was attributed to true variance in the data.

Transferred to regular education (LEP)—These data were verified and determined accurate, and the increase was attributed to true variance in the data.

### Kansas

Kansas does not permit students with disabilities to receive certificates.

Kansas does permit students with disabilities of any age to graduate with a diploma, including students less than age 16. Based on state Regulation #: 91-31-35, the state does not have a statute or regulation that prohibits the practice. Therefore, local districts are free to decide this issue locally.

## Kentucky

The state captures data in all categories for all exiters.

## Louisiana

Louisiana does not have any policy that would require a student to be 14 or 15 to receive a regular high school diploma. It is the decision of the school district and would be included in the district Pupil Progression Plan.

One LEA accounted for the majority of the increase in the moved, known to be continuing exit category. This LEA incorrectly applied this exit reason to students who left the district. This problem will be corrected in the 2008-09 school year data to be submitted in November 2009.

In Louisiana a student can receive special education and related services through the age of 22. As a result, students under the age of 22 would not be reported in the reached maximum age category.

## Maine

Maine does not have a minimum graduation age in statute or regulation for regular or special education students. The rules guiding awarding of diplomas are in Chapter 127 (Instructional Program, Assessment and Diploma Requirements) section 7 (starting at page 16; diploma requirements at page 19). The rule states requirements for grades of attendance and credit requirements, but no minimum age or number of years. This is the Department's regulation defining content requirements for programs awarding regular diplomas to all students.

Maine's definition for maximum age a student can receive special education and related services is as follows: the student has neither graduated from a secondary school program with a regular high school diploma nor reached 20 years of age at the start of the school year.

## Maryland

Maryland State law does not preclude 14 and 15 year olds from graduating with a regular high school diploma.

Maryland attributed a 12.08% increase in the number of students exiting with received a certificate to an increase in students who were identified as Alt-MSA in one LSS. Also a number of students who were first assessed otherwise but after coming of age 14-21 were reassessed as Alt-MSA.

Maryland attributed a 35.54% decrease in the number of students exiting with reached maximum age to programs targeting this age group.

Maryland attributed a 24.24% increase in the number of Asian or Pacific Islander students exiting to an overall increase in the Asian population.

Maryland had a 12% increase in the number of males exiting with received a certificate, and there is no explanation for this data anomaly.

Maryland had a 38.89% decrease in the number of males exiting with reached maximum age, and there is no explanation for this data anomaly.

Maryland attributed a 19.68% decrease in the number of females exiting with transferred to regular education to an increase in the number of students transferred to regular education in one LSS. This change would be a combination of students being dismissed from special education and students leaving the public schools for home schooling. There does not appear to be any specific reason or new condition that would explain this change that ran counter to the state trend.

Maryland attributed a 12.24% increase in the number of females exiting with received a certificate to an enrollment increase of female students during the 2007-08 school year over the 2006-07 school year. More female students were eligible for exit than male students in 2008.

Maryland had a 100% increase in the number of LEP students exiting with received a certificate, and there is no explanation for this data anomaly.

Maryland had a 70% increase in the number of LEP students exiting with moved, and there is no explanation for this data anomaly.

Maryland had a 35.04% increase in the total number of LEP students exiting, and there is no explanation for this data anomaly.

Maryland attributed a 10.13% decrease in the number of non-LEP students exiting with transferred to regular education to the use of more comprehensive assessment and evaluation methods utilized to target specific areas of disability and /or to ascertain determination of continued eligibility.

Maryland attributed a 10.32% increase in the number of non-LEP students exiting with received a certificate to a misunderstanding that all students receiving a certificate must be coded as Alt MSA students. This is not consistent with COMAR, and training will be provided to clarify.

Maryland attributed a 35.54% decrease in the number of non-LEP students exiting with reached maximum age to the Success program in one LSS targeting this age group.

### Massachusetts

The variable to collect enrollment status for students was expanded from having eight data coding options in 2005-06 to having 21 data coding options in 2006-07. As 2006-07 was the first time that LEAs were asked to use these new coding options, the state expects that the quality of the exiting data reported might be more improved in the 2007-08 data collection and might more accurately represent the numbers of students exiting from special education.

As expected, although the number of dropouts reported in 2006-07 increased from that of 2005-06, the state suspected that this might be due to an adjustment period for the LEAs in getting used to reporting by the new coding options. In 2007-08, the numbers reported for dropouts (2,637) much more closely aligned with the number of dropouts reported in 2005-06 (2,518), as compared to the higher number reported in 2006-07 (3,373). The changes seen in the categories of: transferred to regular education, graduated with regular high school diploma, received a certificate, and reached maximum age, may well all be connected as the categories do not show a consistent rise or decline in number, but rather a combination of both. As for the decrease in the number of students reported as moved, known to be continuing, it is possible that an increased effort to track the whereabouts of students from year to year in order to more accurately calculate graduation and dropout rates has affected the number of students in special education reported as exiting under this category.

Also, in the past, when calculating the number of students in special education who dropped out, the state looked at the number of students who entered at the beginning of the reporting period (July 1) and then at the number of students who exited at the end of the reporting period (June 30), but then adjusted those numbers based on changes that might have occurred after June 30. To more closely follow the language provided in the EDEN file N009 guidance, the state adjusted its reporting for the 2007-08 exiting data to adhere more closely to the language and timeframe provided in the guidance.

“Only children who were in special education at the start of the reporting period but not in special education at the end of the reporting period should be included.”

### Michigan

In Michigan, the law provides special education and related services to students until 26 years old.

In Michigan the standards is to allow students ages 14-21 to graduate from high school with a regular diploma.

### Micronesia

Micronesia does permit students to graduate with a certificate. For the current data collection, there were no students to report in this category.

Micronesia's maximum age for students to receive special education services is 22 years old. Micronesia does not have a minimum age for students to graduate with a regular high school diploma.

At this time, the FSM Department of Education does not have a method for determining ELP.

### Mississippi

The zeroes are in fact for categories that were collected and had no students to report. After Hurricane Katrina Mississippi experienced a lot of movement between the coastal school districts and the rest of the state. It has been almost 4 years since Katrina, and the movement of students has decreased.

### Minnesota

In Minnesota, the maximum age for receiving special education and related services is age 21.

In Minnesota, a student can graduate at any time with a regular high school diploma provided he or she meets graduation requirements. Minnesota allows students to graduate with a regular high school diploma before the age of 16. There is no state citation.

Minnesota does not permit students to receive a certificate.

Most of the differences in the exiting data between the 2006-07 and 2007-08 school years were a result of a change in the procedure MDE used for compiling and generating exit data. In order to better accommodate reporting for the EDEN System, MDE's old mainframe-based procedure was replaced. The existing procedure was re-examined, and improvements were made. This resulted in reporting more accurate data in 2007-08 than the previous year, specifically in students transferred to regular education, students who reached maximum age, and students who moved, and were known to continue.

An increase in Asian immigrants over the past 10 years is now being reflected in an increase in the number of graduates and dropouts as these students are now of the age to be exiting.

An increase in the immigrant population in Minnesota over the past 10 years is now being reflected in an increase in the number of graduates and dropouts as these students are now of the age to be exiting.

Due to increased implementation of PBIS and RTI Systems in Minnesota there were fewer dropouts in 2007-08 than the previous year.

### Missouri

The file has been re-submitted via *EDFacts* and includes zeros for cells where there were no children to report. No other changes to the data were made.

The overall decrease in the number of exiters reported caused the proportion of graduates to increase. The change in the number of graduates was -1.1%. The reason for the overall decrease in exiters was attributed to a large decrease in the number of moved, known to be continuing. Missouri implemented a student-level collection beginning with the 2007-08 exiting collection. This student-level collection allowed for de-duplication of statewide data that was not possible with the previous aggregate collections, and the moved, known to continue category was most subject to duplicative reporting by districts due to transient student populations. The student-level data collections, which started with 2007-08 exit data, will be used for all special education federal reporting for 2008-09 and future years.

### Montana

Montana was asked to resubmit EDEN File N009 (Children with Disabilities (IDEA) Exiting Special Education) due to missing information for several categories in the original submission. Montana does in fact collect data for all of the required categories; however, the original submission did not include any records that had a zero count. Our EDEN submission has been revised to include zero counts for all required category sets and subtotals. This file was successfully submitted January 5, 2009.

### Nebraska

Nebraska's 2007-08 exiting data show an increase in the number of children who graduated with a regular high school diploma as compared to SY 2006-07. These data also show a decrease in the proportion of children that moved elsewhere and were known to continue in an educational program. Both changes can be attributed to Nebraska's new collection system. During the 2007-08 school year, Nebraska moved the special education data collection into the Nebraska Statewide Longitudinal Data System. This allowed for better edit and validation checks on the data being submitted, which resulted in the significant changes. The ability to cross check the data with data being submitted in a different collection category has improved the data all around. Nebraska sees this as a positive change and predicts the data will continue at the current level.

### New Hampshire

The state collects for all the exit categories but did not have any to be reported on the exit data submission. Maximum age is through 21 years of age.

New Hampshire collects data for students ages 14 and 15 who *graduate with a regular high school diploma*. The following is New Hampshire's policy that permits it to allow students ages 14 and 15 to receive a regular high school diploma:

Ed 306.27 (s) A local school board may adopt policies pertaining to early graduation for individual students. Such policies shall require parental involvement for students under the age of 18. Consistent

with local policy, the high school principal shall approve such requests if he/she determines that all state and local graduation requirements will be met and that early graduation is related to the career or educational plans of the student making the request. Upon approval by the high school principal, the minimum 4-credit requirement per year for enrolled students shall be waived, and the student shall be awarded a high school diploma.

### New Jersey

In New Jersey students ages 14, 15, and 16 do not graduate with a regular high school diploma.

In New Jersey, the maximum age for receiving special education and related services is 21.

New Jersey does not collect data for the category of received a certificate. New Jersey does not allow students to receive a certificate.

### New Mexico

New Mexico's maximum age a student can receive special education and related services is 22. The student must turn 22 after the school year begins.

New Mexico does permit students to graduate with a regular diploma before the age of 16. According to the New Mexico Statutes Annotated (NMSA) at 22-13.1.1, a student can graduate and receive a diploma as long as he/she successfully completes a minimum of 23 units aligned to state academic and content standards. In addition, the student shall not receive a diploma unless he/she passed a state graduation examination in the subject areas of reading, English, mathematics, writing, science, and social science. Graduation has nothing to do with age or grade level.

According to the New Mexico Statutes Annotated 1978 (NMSA) at 22-8-2 (M)(5), a qualified student is a student who has not reached his/her 22nd birthday on the first day of school and is receiving special education services pursuant to rules of the department.

The data suggest that graduation improvement activities implemented over the past 18-24 months contributed in part to the 69.80% year-to-year (2007-08) increase in special education children graduating with a regular high school diploma, the 31.33% increase in the number of children known to have continued in special education after they moved, and ultimately to the 15.94% increase in the total number of special education children who graduated.

For SPP Indicator One (Graduation Rates), each Education Administrator in the Bureau monitors each LEA every year. This monitoring has helped with the graduation increase. Also, the graduation data are publicly reported and posted annually on the special education website.

There has been an increase of training and technical assistance that has led to the increase in graduation rates. Improvement activities believed to have had the greatest impact include but are not limited to: the revision of state rules to ensure graduation planning begins in 8th grade, revised graduation requirements that require a waiver when students are not meeting regular high school diploma graduation benchmarks, professional development aimed at raising awareness of the importance of increasing graduation rates, and alignment of curriculum in pursuit of reaching greater achievement standards. This would account for the increase in students graduating with a regular high school diploma. Also, New Mexico is a state with a high mobility rate, which would account for the increase in students who moved and are known to be continuing.

The data also suggest that there is a possible correlation between the 69.80% increase in regular graduation rates and the 42.78% decrease in children who transferred to regular education, thereby amounting to a net gain in special education regular graduation rates and a net loss in the number of children transitioning to regular education.

### New York

NYS began collecting data at the individual student level beginning in 2007-08 school year. Differences in results may be attributable to this change. The state is reporting High School Equivalency Diplomas (GED) as certificates as per directions provided by Westat. NYS will provide revised data in spring 2009 after completion of all verification and certification procedures.

At ages 14-19 (age as of December 1), students end enrollment or special education by the following bases: Earned a high school diploma, earned an IEP diploma (certificate), earned a High School Equivalency diploma (reported to OSEP as a certificate), dropped out, returned to regular education (declassification), died, moved, known to be continuing

Reached maximum age is used only for students who reach maximum age for entitlement to educational services and who have not earned a credential. In New York, students who are 21 years of age in September or who have earned a high school diploma are no longer eligible to enroll in school. These are students whose entitlement to educational services has ended. Students who are reported to OSEP as reached maximum age are counted as dropped out in our dropout rate calculations.

Students reported as reached maximum age for educational services were either age 20 or 21 on December 1, 2007. If they were below age 20 on Dec. 1, 2007, and they ended enrollment, they were reported under the other basis of exiting. If students under age 20 leave special education services they do so by one of the other basis of exiting.

- 1,475 fewer students with disabilities were reported as transferred to regular education;
- 1,988 more students graduated with a regular high school diploma;
- 293 fewer students were reported as reached maximum age;
- 5,175 more students were reported as moved, known to be continuing.

One possible explanation for all data differences between 2007-08 and 2006-07 school years is that NYS began collecting individual student data in 2007-08 school year compared to aggregate data collections in prior years.

There is a greater emphasis on graduation rates for students with disabilities under NCLB as well as under IDEA. NYS uses the graduation rate as a factor in each school district's determination under IDEA.

In NYS, students are allowed to graduate when they have completed their course and examination requirements. There is no requirement that they be of any minimum age. Our graduation requirements are posted at <http://www.emsc.nysed.gov/deputy/Documents/archivednews/assess-test-archive.shtml>

In NYS, students are permitted to enroll in school if they are under age 21 at the beginning of school year. They may finish the school year if they become age 22 sometime during the school year.

### Nevada

Nevada does not serve the age 22 and over population.

Nevada's statute (NRS 389.805) and regulations (NAC 389.664) specify requirements for graduation with a standard diploma, and these laws do not contain a minimum age requirement. Consequently, Nevada does collect data for students ages 14 or 15 who may graduate with a standard diploma.

Nevada's statute (NRS 388.440) defines a pupil with a disability as a pupil who is under the age of 22 (in other words, through age 21). Because no pupil ages 18, 19, or 20 on the date of the Federal child count in a given school year can attain the age of 22 by the end of that school year (June 30), no pupil ages 18, 19, or 20 on count day can reach maximum age in Nevada within that school year. Consequently, Nevada does not collect reached maximum age data for ages 18, 19, and 20.

### North Carolina

North Carolina's maximum age for which a student can receive special education services is 22. This is based on the following policy: A free appropriate public education must be available to all children residing in the state between the ages of 3 through 21, including children with disabilities who have been suspended or expelled from school, as provided for in NC 1504-2.1(d). Any child with a disability who requires special education and related services and who has not graduated from high school is eligible to continue to receive a free appropriate public education until the end of the school year in which that child reaches the age of 22. ([http://policy.microscribepub.com/cgi-bin/om\\_isapi.dll?clientID=313266187&advquery=22&depth=2&headingswithhits=on&hitsperheading=on&infobase=ncser.nfo&record={9EA7}&softpage=PL\\_frame](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=313266187&advquery=22&depth=2&headingswithhits=on&hitsperheading=on&infobase=ncser.nfo&record={9EA7}&softpage=PL_frame))

According to North Carolina law, (16 NCAC 06d .0503 STATE GRADUATION REQUIREMENTS), North Carolina has not mandated a minimum age for graduation.

<http://ncrules.state.nc.us/ncac/title%2016%20-%20education/chapter%2006%20-%20elementary%20and%20secondary%20education/subchapter%20d/16%20ncac%2006d%20.0503.html>.

### North Dakota

North Dakota allows students younger than age 16 to graduate with a regular diploma upon completion of all required courses. There is no cite restricting graduation until a specific age is reached. There is an additional citation referencing the types of credit hours that must be earned in math, language arts, etc. 15.1-21-02.1. (Effective through June 30, 2010) Before a school district, a nonpublic high school, or the center for distance education issues a high school diploma to a student, the student must have successfully completed at least 21 units of high school coursework from the minimum required curriculum offerings established by section 15.1-21-02. Beginning with the 2009-10 school year, the number of units required by this section increases to 22, and beginning with the 2011-12 school year, the number of units required by this section increases to 24.

North Dakota does permit students to be classified in the *deaf-blindness* category, but had zero to report for the current data collection.

North Dakota does not permit students to be classified in the *multiple disabilities* category.

North Dakota's maximum age a student can receive special education and related services is when the student turns 2 before September 1 of each school year.

## Ohio

Ohio has only two diploma types – regular and with honors. It doesn't have certificates, and analyzes student-level data to calculate the number of students who received a diploma having met requirements that differ from those for regular education students. The business rules for this count include students who took an alternate assessment or who were exempt from the requirement of scoring at least proficient on any of the five sections the Ohio Graduation Test in order to receive a diploma. There were increases in students meeting both of those conditions, as districts reacted to the results of the new 2006-07 change in graduation requirements. (In 2006-2007, the OGT, based on 10th-grade content,) replaced the former 9th-grade-based Ohio Proficiency Test.

The very large drop in the number of students counted as transferring to regular education most likely resulted from a change in data collection. Previously, a student reported 1 year with a disability code but with no disability code the next year was assumed to have transferred to regular education. In the 2007-08 school year, a special education event record that specifically identified the date such a transfer was decided by the IEP team replaced a simple assumption. Ohio Office for Exceptional Children staff noticed the large drop and increased the focus on this data into upcoming regional training. In addition, a separate code was added to the data system, allowing LEAs to report withdrawal of consent for services as a special education event. The addition of this separate code should capture information on those additional students who returned to regular education without an action of the IEP team.

## Oklahoma

Oklahoma serves students through the age of 21. A student can receive a diploma if he/she meets the graduation requirements during that time. The aging out of students ages 18 and 19 was a data error. The state will add a data edit check for the upcoming fiscal year to ensure that students who have not reached a maximum age cannot be exited under the age out code.

Oklahoma students cannot graduate before the age of 14 or 15 due to state graduation requirements. Oklahoma only has one diploma. GED is not recognized as a diploma or graduating in the state. Oklahoma also does not recognize a certificate as graduating. For students identified as reaching maximum age at the age of 20, their 21st birthday fell after the October 1 child count and did age out prior to the end of the fiscal year.

## Oregon

Oregon's maximum age for a student to receive special education and related services is 18. Oregon does permit students to graduate with a regular high school diploma before the age of 16. Oregon Administrative Rule 581-022-1130(13)(b) ([http://arcweb.sos.state.or.us/rules/OARS\\_500/OAR\\_581/581\\_022.html](http://arcweb.sos.state.or.us/rules/OARS_500/OAR_581/581_022.html)) allows students to satisfy the requirements for the regular high school diploma in less than 4 years. In addition the High School Completers data collection, which collects data on all students completing high school, allows students to be reported as graduating with a regular high school diploma so long as they are at least 15 at the beginning of the school year. Question 1 at the top of page 11 of the reporting manual for the High School Completer data collection addresses this ([https://district.ode.state.or.us/apps/info/docs/Dropout\\_Manual\\_7\\_25\\_08\\_draft\\_no\\_cohort\\_expl.doc](https://district.ode.state.or.us/apps/info/docs/Dropout_Manual_7_25_08_draft_no_cohort_expl.doc)). Thus a student who is 15 at the beginning of the school year could be age 14 or 15 on the child count prior to exit, so the student could be reported on the IDEA exit table as receiving a regular high school diploma at age 14 or 15.

## Palau

Palau's policy to allow students ages 14-15 to graduate with a regular diploma is based on a handbook that states a student will graduate with a regular diploma after he or she has completed 26 credit hours in a course of 4 years. Therefore it is highly unlikely for a student to graduate with a regular diploma at ages 14 and 15.

The Palau Ministry of Education has a statewide assessment test for Palauan, Palau's predominant language. All students take quarterly tests in Palauan; in addition, regular classroom Palauan tests are administered to students to measure their proficiency in Palauan.

## Pennsylvania

Pennsylvania's maximum age for a student to receive special education and related services is based on 22 PA Code, Chapter 11. This defines school age to be until graduation from high school or the end of the school term in which a student reaches the age of 21, whichever occurs first.

Pennsylvania does permit students to graduate with a regular diploma before the age of 16. According to 22 PA Code Chapter 11, compulsory school age is defined as the period of a child's life from the time the child enters school as a beginner, which may be no later than age 8, until the age of 17 or graduation from a high school, whichever occurs first. The vast majority of students in Pennsylvania remain in school until graduation. Under 22 PA Code Chapter 4, each local education agency determines when a student has met graduation requirements. The entitlement in Pennsylvania is until age 21 or the end of the school term in which a student reaches the age of 21.

## Puerto Rico

Puerto Rico collects data for limited Spanish proficiency. Zero students were reported because there were no students identified as participants for the 2007-08 report.

## Rhode Island

Rhode Island allows students to graduate with a regular high school diploma before the age of 16. The Rhode Island High School Regulations 2008 as well as the guidance documents are on the RIDE website at <http://www.ride.ri.gov/HighSchoolReform/default.aspx>. Individual school districts may establish criteria beyond the state Proficiency Based Graduation Requirements (PBGR) minimums, but all must consider a minimum number of credits, achieving proficiency on the state assessment (beginning in 2012), and reaching proficiency on locally developed (and RIDE approved) proficiency-based activities (senior project, portfolio, exhibitions, etc.). There is also a description of the PBGR system as part of the SPP for Indicator 1 Graduation Rate at: [http://www.ride.ri.gov/Special\\_Populations/State\\_federal\\_regulations/SPP%2008/Indicator%201.pdf](http://www.ride.ri.gov/Special_Populations/State_federal_regulations/SPP%2008/Indicator%201.pdf)

Rhode Island's maximum age a student can receive special education services is 21. However, because of the way that the data are collected, a student who left when he/she was 21 years old could be terminated off of the census the following school year, and by then his age would calculate to 22 years old.

## South Carolina

Students who are age 20 at the end of the school year and will turn 21 prior to the beginning of the next school year are considered to have reached the maximum age for receiving special education and related services. Services are at district discretion for students 21 and older at the start of a school year. In South

Carolina, it is at district discretion to serve students through their 22nd birthday or longer if the school district chooses or determines it is necessary.

### South Dakota

South Dakota only has one recognized diploma. South Dakota Department of Education/Board of Education does not recognize a certificate of completion. Currently, students who take the GED must drop out of high school for at least 6 months before they become eligible to take the GED. They also would not receive a certificate.

According to 13-33-19, students are required to complete a necessary basic program in order to receive a diploma. South Dakota's statutes and regulations do not indicate a modified diploma or a certificate of completion. A district by itself can print a certificate of attainment or certificate of attendance, but there is nothing outside the regular diploma recognized by the state.

The link provides information what South Dakota Department of Education determines is a basic approved program for all students in order to receive a diploma.

<http://doe.sd.gov/oatq/gradrequirements/docs/grad%20requirements%203tier%20paths.pdf>

South Dakota had a decrease in the number of students with disabilities who graduated with a regular high school diploma during school year 2007-08. In June 2007, South Dakota Special Education Programs released *Guidance: Applying Graduation Requirements to Students with Disabilities*. In South Dakota, the State Board of Education sets minimum graduation requirements, and the local districts set their local graduation requirements to meet or exceed the state requirements. The state graduation requirements require all students to take Algebra I. South Dakota has three pathways to graduation. The standard pathway is the one for which an IEP team could modify the graduation requirements. If a student is working on the standard pathway, then it is difficult for him/her to go on to any form of postsecondary education and be successful. Therefore, more students are moving to the advanced pathway and taking longer to graduate.

The graduation guidance document emphasized to districts that students with disabilities must meet all of the district's requirements in order to receive a regular diploma and not necessarily just an IEP team decision.

South Dakota also had an increase in the number of students who moved and were known to be continuing. Native American children have a higher mobility rate in the state and do move between family members and among Bureau of Indian Education (BIE) and public school districts. South Dakota also has a number of migrant families who come to work at the dairy farms, turkey processing plants, beef processing plants, and logging industry.

### Tennessee

Tennessee allows students younger than 16 to graduate with a regular diploma. There were no students with disabilities younger than 16 who graduated with a regular diploma during the 2007-08 school year. Tennessee's graduation requirements are credit-based, not age-based (see <http://tennessee.gov/education/TDP/GradReq.shtml>; <http://tennessee.gov/education/gradreq.shtml> ; and <http://tennessee.gov/sbe/TDP 1-23-08.pdf>).

Tennessee provides special education and related services to students through the school until they turn 22 years of age.

EDEN/EDFacts allows for the submission of counts of exiters up to age 22, but does not allow age 22+ as a permitted value. In the past, Tennessee has submitted counts of students age 22+. For the 2007-08 school year, there were 65 students ages 22+ in Tennessee who could not be reported via EDEN/EDFacts file N009.

### Vermont

Data were submitted in pre-suppressed format in accordance with Vermont Department of Education policy, could not be subject to analysis, and therefore were excluded from these tables.

### Virgin Islands

Virgin Islands collects information on children who died; however, none died for this reporting period.

The state attributed the decrease in the number of children exiting reported in developmental delay disability category for children ages 3-5 on the Dec. 1, 2008, child count Table 1 to the following reasons: moved, known to be continuing; moved, not known to be continuing; and change in disability category following an evaluation by Diagnostic and Evaluation Center's Diagnostic Team. It should be noted that this decrease was due to one district only.

The state attributed the decrease in the number of children reported exiting in all disability categories for children ages 3-5 on the Dec. 1, 2008, child count Table 1 to the following reasons: moved, known to be continuing; moved, not known to be continuing; return to regular education; and change in disability category following an evaluation by Diagnostic and Evaluation Center's Diagnostic Team. Additionally some children's ages changed from 5 to 6; as a result, these children were reported in the 6-21 category after the Dec. 1, 2007, child count. It should be noted that this decrease was due to one district only.

The state attributed the decrease in the number of children reported exiting in the race/ethnicity category for children ages 3-5 on the Dec. 1, 2008, to the following reasons: moved, known to be continuing; moved, not known to be continuing; return to regular education; and change in disability category following an evaluation by Diagnostic and Evaluation Center's Diagnostic Team. This resulted in the children being reported in the racial/ethnic category based on the Diagnostic Team's results in new disability category. Additionally some children's ages changed from 5 to 6; as a result, these children were reported in the 6-21 category, after the Dec. 1, 2007, child count. It should be noted that this decrease was due to one district only.

### Washington

Washington does not have complete data on the element return to regular education at this time. The state's new data collection system being implemented in 2009-10 should give the state the ability to collect these data. Washington should be able to start reporting within the 2009-10 reporting period.

Washington does not permit students with disabilities to graduate high school with a regular diploma at the age of 14 or 15.

In Washington, if the student's 21st birthday occurs on or before August 31, he/she would no longer be eligible for special education. The student whose 21st birthday occurs after August 31 is eligible for special education and any necessary related services for the remainder of the school year. Washington does not serve students over the age of 22 with disabilities.

## West Virginia

West Virginia's maximum age for special education services is 21. Districts are required to provide FAPE to eligible students who have not yet turned 21 years of age prior to September 1 and have not graduated with a standard high school diploma. However, there are rare occasions wherein an LEA reports students who are age 19 as reaching the maximum age for a variety of reasons.

West Virginia does not prohibit students from graduating with a regular diploma on the basis of age. Students graduate when they earn sufficient credits to do so under the rigorous graduation requirements for all students: Policy 2510. <http://wvde.state.wv.us/policies/>.

## Wisconsin

Wisconsin state law does not require a student to be of a specific age in order to receive a regular high school diploma. The issuance of a regular high school diploma is generally based on the receipt of required credits (see <http://dpi.wi.gov/lbstat/datahsc.html>). Although unusual, a student may exit prior to 11th grade if the student earned his or her high school completion credential on or before the student's exit date. A student is eligible to receive special education/related services through the school year in which the student turns age 21.

## Wyoming

In Wyoming, the maximum age at which a student can receive services is the school year in which the student turns 21. Students cannot graduate prior to age 16.

## **2007-08 Discipline**

### Alabama

Alabama defines serious bodily injury incidences for students with disabilities based on the definition provided in 34 CFR § 300.530. Technical guidance on appropriate disciplinary disposition determinations is disseminated to all districts and maintained on the Alabama State Department of Education (SDE) website. The guidance provides for disciplinary disposition decisions related to serious bodily injury for students with disabilities to be made at the local level based on the regulatory definition.

Through the electronic student data management system and the software vendor support website, Alabama provides for the accurate collection of data regarding disciplinary offenses and the offender. On the SDE website, general guidance is also provided through the Student Incidence Reporting manual (SIR) for all students. If a student is found to have committed several disciplinary offenses in a single incident, the incident is characterized according to the most serious offense, referencing a ranking list. The list orders offenses such that the incident that caused either the most injury or the highest loss of property or monetary cost is the one reported. The four most serious offense types are, from most serious to less serious, homicide, sexual battery (including rape), robbery, and assault.

Note the definition for assault includes an attack that causes serious bodily harm to the victim. Administrators are cautioned by the state that this category should be used only when the attack is very serious and to consider age and developmentally appropriate behavior before using this category. The category refers to an individual who causes harm to another individual as follows: (1) With intent to disfigure another person seriously and permanently or to destroy, amputate, or disable permanently a member or organ of his/her body, he/she causes such an injury to any person; (2) In the course of and in furtherance of the commission or attempted commission of a felony clearly dangerous to human life, or

immediate flight therefore, he/she causes a serious physical injury to another person; (3) While driving under the influence of alcohol or a controlled substance or any combination thereof, he/she causes serious bodily injury to another person with a motor vehicle; (4) With intent to cause physical injury to another person, he/she causes serious physical injury to another person by means of a deadly weapon or instrument; (5) With intent to cause serious physical injury to a teacher or to an employee of a public education institution during or as a result of the performance of his or her duty, he/she causes physical injury to any person; (6) For purposes other than lawful medical or therapeutic treatment, he/she intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another person by administering to him or her, without his or her consent, a drug, substance, or preparation capable of producing the intended harm; (7) With intent to cause physical injury to another person, he/she causes physical injury to any person, (8) With intent to prevent a peace officer, emergency medical personnel, or a firefighter from performing a lawful duty, he/she intends to cause serious physical injury and he/she causes serious physical injury to any person.

For students with disabilities, to not only ensure an accurate collection of discipline data, but also to promote correct disciplinary decisions at the local level based on the regulatory requirements, the SDE posts support documents on its website outlining the steps for determining disciplinary actions. This information is provided as well through SDE-sponsored conferences for school administrators and staff, and district special education coordinators.

For the school year 2007-08, Alabama reported that no students with disabilities were unilaterally removed by school personnel to an interim alternative placement due to having caused serious bodily injury.

Alabama will continue to provide guidance to the districts regarding disciplinary actions based on the requirements in the IDEA and OSEP-issued regulations.

Alabama reported that no students were removed by a hearing officer in the school year 2007-08 due to posing a threat of injury to themselves or others. Alabama's procedures for addressing complaints regarding disciplinary removals are consistent with Federal law requirements as described in 34 CFR § 300.532(b)(ii). In the school year 2007-08, the Department initiated a cross-check of these data with those collected and reported for Table 7, thus ensuring accurate reporting. In school years 2006-07 and 2007-08, there were no requests for due process hearings related to disciplinary removals, although there were 86 requests in 2006-07 and 99 in 2007-08 for due process hearings for other matters related to the receipt of services for children with disabilities.

Alabama collects data for Table 5 Report of Children with Disabilities Subject to Disciplinary Removal for the exceptionality of *deaf-blind*. The report of zero in this exceptionality category indicated that the data were collected, but there were none to report.

Alabama collects data for Table 5 Report of Children with Disabilities Subject to Disciplinary Removal for Number of Removals for Serious Bodily Injury and Number of Removals to an Interim Alternative Setting; however, it did not have any to report.

Unilateral Removals to an Interim Alternative Educational Setting by School Personnel, Number of Removals for Serious Bodily Injury—Alabama school personnel report serious bodily injury incidences for students with disabilities based on the definition provided in 34 CFR § 300.530.

Unilateral Removals to an Interim Alternative Educational Setting by School Personnel, Removals to an Interim Alternative Educational Setting Based on a Hearing Officer Determination Regarding Likely

Injury—Alabama cross-checks these data with the collection of dispute resolution data (Table 7) to ensure the data are accurate.

### Alaska

There were no errors in translation from EDEN to DANS. The reasons that the Alaska discipline data look so different this year from past years are as follows:

The 2007-08 school year saw a statewide push for positive behavior supports in Alaska. The number of suspensions/expulsions were down in many districts in both general education and special education. The state believed that the significant decrease in the numbers of disciplinary removals was directly related to new programs and trainings about positive behavior supports that were implemented in many districts across the state.

The statewide reductions in weapons removals this year returned the counts to historical levels. Last year, one large district had an unusually high number of weapons removals, causing the data from 2006-07 to be a high- end outlier.

The number of in-school suspensions has increased as the number of out-of-school suspensions/expulsions has decreased. The state attributes this change to new positive behavior supports implemented in many districts across the state.

Alaska began reporting race/ethnicity using the seven new categories in the 2007-08 school year. 5.9% of the students in 2007-08 were reported as multiracial. The multiracial students were not included in the race/ethnicity counts on the discipline report per *EDFacts* direction, so the counts by race/ethnicity do not match the counts by disability.

When Alaska moved to the seven race/ethnicity categories using the two-part question, the state saw a significant increase in the percentage of the students who were reported as Hispanic and a small increase in those reported as Asian or Pacific Islander. The state anticipates that it will be 3 or 4 years before the numbers stabilize again in relation to race/ethnicity counts.

Regarding removals by a hearing officer: Alaska has a process in place for parents to file a due process on all matters concerning IDEA, including discipline removals. It is very unusual for parents in our state to use this process, especially regarding discipline removals.

Regarding removals to an intermediate alternate educational setting (IAES) for serious bodily injury: In Alaska, the discipline data are collected for all students (with and without disabilities) through a single, on-line data collection tool. When a student is entered into the system and is identified as having a disability, additional questions appear on the data entry screen. These questions gather the information about hearing officer removals and removals to an IAES for serious bodily injury for IDEA reporting.

Regarding removals for weapons: Alaska usually has a small number of students to report in the removals for weapons section. This number fluctuates from year to year, but the 14 removals reported last year was a high- end outlier. Historically, the state reports between zero to five students. The report of zero students this year was correct.

### Arkansas

The state data system currently does not collect if any student, general or special education, receives educational services once expelled. The information is collected on students receiving special education

and related services during the special education data review process that takes place each September via the special education website in MySped Resource.

The costs associated with adding the field to the student management system is currently prohibiting the collection. The state is currently reviewing new student data management systems and anticipates a change in the next 2-3 years. In the meantime, the topic will be discussed further with Systems staff to see if there is another option to collect the information.

In matters of student discipline, parents of children with disabilities have the right to file a complaint in accordance with Arkansas rules and regulations governing the provision of special education and related services, found at <http://arksped.k12.ar.us/sections/rulesandregulations.html>. Professional development and training regarding policies and procedures for the discipline of students with disabilities has been and continues to be provided throughout the state for local school district personnel who administer or oversee student discipline in their schools. Thus, more often than not, when a parent disagrees with a discipline decision, an agreement is reached locally as to how that dispute will be resolved.

### Arizona

Ongoing PEA training will continue, resulting in improved data reporting. Arizona reported that no students were removed by a hearing office in school year 2007-08 due to posing a threat of injury to themselves or others. Arizona's procedures for addressing complaints regarding disciplinary removals are consistent with Federal law requirements as described in 34 CFR § 300.532(b)(ii). In 2007-08 there was one request for a due process hearing related to disciplinary removal, and in 2006-07, there were three requests. In both years, none of these requests resulted in a student's being removed from placement. In 2006-07, one request was resolved through a resolution meeting, and the other two requests were either pending or withdrawn or dismissed by the end of the school year.

### Bureau of Indian Education

BIE-funded schools use varied definitions of expulsion, based on state or definitions or local school policies. The BIE tracks students based on time away from their typical school environment as a function of disciplinary action. The data regarding the educational services for students without disabilities during an expulsion were not collected. Data on educational services for students with disabilities who were separated from their peers without disabilities due to expulsion for less than 10 days were not gathered. While some students may have been listed as not receiving educational services during this time, it may not be that the services were not offered. Customarily services are provided at the student's home. If a schedule is developed, and the student (or anyone else) is not present upon arrival of the provider, the services are not provided. The school may receive basic funding for a student if it continues to provide a minimum level of services per week. This is an additional incentive to schools to provide such services to students.

Removal for weapons and removal for serious bodily injury: Removal for weapons was reported as the BIE indicated on the discipline table. The variance from the previous year was also recognized by BIE. Three factors appear to have had an impact in this area. (1) The BIE has shifted its information collection from the past process of the information being submitted in a separate report to the inclusion of the information in its student information system, the Native American Student Information System – NASIS. Based on the change in numbers, the information is being collected both from NASIS and with individual school reporting for SY 2008-09. This should help in understanding both the accurate numbers and why the two are different. (2) The BIE has implemented both training and procedures across all schools to address school safety. This includes working with students and staff. (3) Community appropriate activities such as Peace Court and/or cultural counseling are being implemented in schools

along with more stringent activities working with both staff and students to address this and other behavior concerns.

Since the submission of the discipline data, the BIE has collected information regarding services for students without disabilities during expulsion. Each school was called and asked about such services. Every response was that no services were provided. That information was added to page 15 of the discipline report.

### California

California follows all required due process procedures related to discipline and suspension/expulsion. As noted in Table 7 of the IDEA Part B Data Reports for the 2007-08 School Year, California reported 25 expedited due process complaints (related to disciplinary decision). There were no due process complaints where the hearing officer removed the student to an IAES based on a determination regarding likely injury.

California was unable to report the number of students expelled in the general education but expected to have this report available for SY 2008-09.

### Colorado

The CDE continues to provide training to AUs regarding appropriate policies, procedures, and practices related to discipline of students with disabilities. CDE also provides training and technical assistance to AUs regarding reporting of disciplinary actions. Changes in data across all areas were a reflection of the improved accuracy in data reporting. The data reported were reviewed and verified.

### Connecticut

The 2006-07 discipline data collection contains data categories that are not comparable to prior years. Therefore, 2005-06 data are not available for the categories in table 5.

Two out of the three areas of greater than or less than 10% were due to small N sizes.

The only true flag as noted in the report was Children Removed by Hearing Officer (2) going from 17 to 5. This decrease was accredited to districts having fewer removals by special education hearing officers to IAESs on likely injury as asked by column 2.

Refinements to the ED166 Disciplinary Offense Data Collection during the last few years have allowed Connecticut to better identify specific drug types in school. It has allowed the state to tease out what was generally lumped into drug possession to alcohol possession, tobacco possession, possession of prescription medication, possession of over-the-counter drugs, and illicit drug possession. This refinement in the data collection has allowed us to improve the accuracy of Table 5, and it explains the slight decrease in raw numbers during the last few years as specific drug offenses are better identified. This identification is consistent with Table 5 instructions as noted below:

#### Drug Offenses

The use, possession, sale, or solicitation of drugs as identified in 21 United States Code. Section 812(c). These offenses do NOT include use, possession, sale, or solicitation of alcohol or tobacco (page 2 of Table 5 instructions).

Connecticut's 2007-08 discipline submission showed a marked decrease in the total number of disciplinary removals. In school year 2006-07, the calculation used to account for total removals included every possible sanction in the data system's disciplinary files. It included sanctions such as bus suspension, community service, counseling mandated, substance abuse counseling, conflict resolution/anger management, behavior intervention, mediation, Saturday school/detention, warning only, office detention, lunch detention, after-school detention, loss of privileges, student-only conference and student/parent/guardian conference. These sanction types should not have been used in the calculation for 2006-07 given the disciplinary removal definition. This interpretation of the stated definition above was corrected in the 2007-08 submission as well as in this year's 2008-09 submission.

### Delaware

Data were not available at time of submission for the expulsions for children without disabilities. The state anticipates that these data will be available for the 2008-09 school year.

The state's process for removals by a hearing officer is consistent with Federal statutes for dealing with complaints regarding disciplinary removals. It is unusual for cases of this nature to rise to the level of an expedited due process hearing, and they are typically resolved at a district level.

### District of Columbia

The District of Columbia Office of Special Education has found it challenging to report discipline data related to general education and resulting from hearing officer decisions and is currently working to integrate data collection applications.

### Florida

For school year 2008-09, Florida used a definition for serious bodily injury incidences for students with disabilities that was based on the definition provided in 34 CFR § 300.530. Currently, districts do not directly cross-walk between this term and comparable injury codes in the Safe and Drug Free Schools data collection (major injuries requiring medical attention, such as broken bones, stabbing, concussion, etc.), as the definitions in the two systems do not directly align with one another.

Florida reported that there were no removals of students with disabilities by a hearing officer due to threat of injury. Hearing officers are employed by the Department of Administrative Hearings (DOAH) in Florida. The Department of Education provides training for these individuals on an annual basis regarding IDEA and Florida's mediation and early resolution options for families and LEAs. DOAH provides the Department with regular updates on cases it is involved in. Current data sources do not indicate that there has ever been a case of unilateral removal by a hearing officer in Florida.

### Georgia

Georgia defines serious bodily injury incidences for students with disabilities based on the definition provided in 34 CFR § 300.530. It is not known how districts may or may not be cross-walking between this term and comparable injury codes in the Safe and Drug Free Schools database system (major injuries requiring medical attention, such as broken bones, stabbing, concussion, etc.). Explicit instruction from OSEP indicating that it is the intention under this data collection to include such injuries in this data category will be required in order to establish this cross-walk.

## Idaho

Idaho's 2007-08 discipline data show a marked increase in the total number of disciplinary removals. The fact that all the other categories posted lower numbers while the total disciplinary removals increased suggests that the validity of the data reported in this category may be suspect. Past investigations on the part of the state have revealed that some districts reported the number of infractions a student committed leading to a suspension rather than reporting only the number of suspensions. The state will target additional training in this area for future data collections.

## Illinois

The Illinois State Board of Education (ISBE) has been in communication with OSEP regarding Illinois' plan to collect discipline data for students with and without disabilities in light of the reporting requirements recently added to IDEA Table 5, Part B: Report of Children with Disabilities Subject to Disciplinary Removal. ISBE has refined the Illinois Student Information System to collect these required data elements and has implemented the technical changes necessary to collect these data. However, local district administrators have expressed concerns regarding the potential misuse of these data and the labeling of students, based on their previous disciplinary histories, that could potentially occur because of a mandate from the state to report individual student discipline data. Per the direction of the State Superintendent of Education, ISBE is currently studying methods to address these concerns and to also ensure compliance by the ISBE and local districts with both Federal reporting requirements and applicable student confidentiality laws and regulations, such as the Family Education Rights and Privacy Act (FERPA). Further, a stakeholder group with representation from ISBE and local district superintendents has been formed to develop a solution to these concerns. While these issues are being resolved, ISBE has implemented a process that enables local districts to report student discipline data on a voluntary basis through the Illinois Student Information System.

## Indiana

Indiana reported that no students were removed by a hearing office in school year 2007-08 due to posing a threat of injury to themselves or others. Indiana's procedures for addressing complaints regarding disciplinary removals are consistent with Federal law requirements as described in 34 § 300.532(b)(ii). In 2007-08, there were six requests for due process hearings related to disciplinary removals; two of those complaints were resolved through resolution meetings and did not result in the student being removed from placement. The other requests were either pending at the end of the school year, or the requests were withdrawn by the complainant or dismissed by the hearing officer.

## Iowa

1. Children unilaterally removed (all, male, not LEP, Black, White)
2. Removals for drugs (all, male, not LEP, White)
3. Removals for weapons (all, male, not LEP, Black, White)

Unilateral removals, removals for drugs and removals for weapons all decreased due to improvements made in the data entry options and training. These data were verified and determined accurate.

4. Out-of-school suspension 10 days or less (all, male, LEP, not LEP, White)
5. Out-of-school suspension more than 10 days (all, male, not LEP, White)

Out-of-school suspensions decreased for most populations with the exception of LEP students, where an increase was observed. These data were verified and determined accurate, and the year to year changes were attributed to true variance in the data.

6. In-school suspension 10 days or less (LEP, American Ind, Black, Hispanic)
7. In-school suspension more than 10 days (White)

In-school suspensions for 10 days or less increased for LEP students, American Indian students, Black students and Hispanic students. In-school suspensions for more than 10 days decreased for White students. These data were verified and determined accurate, and the year to year changes were attributed to true variance in the data.

8. Total disciplinary removals (LEP, American Ind, Asian, Black, Hispanic)
9. Disciplinary removals: 1 day (all, male, female, not LEP, Black, White)
10. Disciplinary removals: 2-10 days (LEP, American Ind)
11. Disciplinary removals: more than 10 days (LEP, Hispanic, White)

Disciplinary removals for 1 day decreased uniformly across groups in the state. Disciplinary removals for 2-10 days increased for LEP students and for American Indian students. Disciplinary removals for more than 10 days increased for LEP students and for Hispanic students, but decreased for White students. These data were verified and determined accurate, and the year to year changes were attributed to true variance in the data.

Iowa defines serious bodily injury incidences for students with disabilities based on the definition provided in 34 CFR § 300.530. Districts do not directly cross-walk between this term and comparable injury codes in the Safe and Drug Free Schools data collection (major injuries requiring medical attention, such as broken bones, stabbing, concussion, etc.). Explicit instruction from OSEP indicating that it is the intention under this data collection to include such injuries in the serious bodily injury category will be required in order to establish this cross-walk.

Iowa reported no removals of student with disabilities by a hearing officer due to threat of injury for school year 2007-08. Removal by a hearing officer is a rare event in Iowa. Any complaint regarding a disciplinary removal would be received by the state's consultant for due process and followed up on by the state's legal consultant.

## Kansas

Kansas has implemented a new data collection system for the collection of discipline data for all students in the state. This was the first school year this system was used as the only tool for the collection and reporting of discipline data for all students, including the IDEA students.

In 2006, the KSDE initiated a project to develop a new web-enabled application (KAN\_DIS) to collect discipline data for all students in Kansas schools. The application was designed to collect data through direct keyboard entry or batch file import either on an individual student basis or aggregated totals. IDEA students were required to be reported on an individual student basis. The 618 data requirements were incorporated into the system for all students identified as IDEA students.

The application was implemented for the first time for the 2007-08 school year, and all other agency applications for collecting discipline data were retired.

The first data pull from the KAN\_DIS application was in August 2008. At that time, it was discovered that the 618 data requirement for data on non-IDEA students was not incorporated into the KAN\_DIS application. Upon discovery of this design flaw, made programming changes to the application to add new data fields to collect this additional information. However, at the time of discovery, the KAN\_DIS application for the FY2008 school had closed for maintenance. When maintenance was completed, the application was retooled for the FY2009 school year. Local school districts had by this time also retooled their student information systems to collect and report data for the current school year. At this point, it was impossible to for the application to be used to collect this data element for students from the prior school year. KSDE's corrective action to rectify this design flaw in its system was addressed in its EDEN Transition Plan, which was approved in November 2008.

Kansas' 2007-08 data submission showed decreases in most of the data categories, including the number of children unilaterally removed (including removals for weapons offenses and for serious bodily injury), number of children removed by a hearing officer, and out-of-school and in-school suspensions. As previously noted, Kansas implemented a new data collection system for the collection of discipline data for all students in the state, and this was the first school year the system had been used as the only tool for the collection and reporting of discipline data for all students, including the IDEA students. In past years, discipline data were collected from the LEA's special education department. Beginning in 2007-08, the data were only collected at the school building level. The new collection system was developed to meet the needs of all Federal discipline data requirements, thus having consistent populations across all reports. The data source changed from 85 LEAs to 1,400 buildings. KSDE believes that the changes in the discipline data were based on the new collection systems and not on new policy.

### Kentucky

Though removal by a hearing officer is an option in Kentucky, it is seldom if ever used for reasons unique to each individual hearing. Kentucky has been fortunate to have few hearings. Of those that have occurred, fewer still have involved students who, if they remained in their current placement, would be substantially likely to result in injury to their self or others. Kentucky has had no requests recently for expedited due process hearings concerning disciplinary or behavior issues. If the need arises for a hearing officer to remove a child because of the substantial likelihood for injury to self or others, that option remains available and will be used as circumstances dictate.

Kentucky's 2007-08 discipline data showed a substantial increase in the total number of disciplinary removals. There were multiple reasons for this variance. The major reason had to do with how the data were captured from local districts in 2006-07 versus 2007-08. For the 2006-07 school year, the KDE requested student-level aggregated data. Reviewing the data received, KDE determined that there were likely errors and inconsistencies in the counting and aggregating of this type of student-level data. Many districts failed to report multiple incidents for a student, just indicating a single removal with multiple days.

For the 2007-08 school year, KDE determined that rather than aggregated student-level data for disciplinary removals, districts should report student-level incidents. This meant that for each time a student was removed for a disciplinary removal, the record of that specific removal was reported individually so that the same student could have multiple incidents reported. This resulted in many more incidents of removals being documented than in the prior school year.

There were other lesser issues resulting in discrepancies, including additional training that resulted in better understanding of the disciplinary data. The reporting of start and end times in disciplinary events affected if an event was reported as full or partial days. These latter issues still exist but are being worked on with local districts and the vendor for the current student information system

## Louisiana

Louisiana reported that no students with disabilities were removed from placement by a hearing officer due to posing a threat of injury. The state had three hearing requests in school year 2007-08 that involved disciplinary issues but no requests where a district requested to remove a student who posed a threat to himself or others. Of the two cases where the parent challenged the Manifestation Determination Review or sought to reverse a removal to IAES; one was settled in a resolution meeting, and one was settled in mediation. In past years, some of Louisiana's larger districts were placed under corrective action because of issues regarding compliance with disciplinary requirements, and there was confusion regarding the tension between school safety and the need for discipline, and/or supports. The state prefers and counsels proactive measures with all districts, rather than to wait until unaddressed discipline issues reach crisis level—i.e., the student becomes a threat to himself or others is reactive. The state prefers that these issues be resolved through IEP procedures rather than a hearing. Currently, many of the schools address such issues through IEP meetings in collaboration with the parent, and therefore the matters never rise to the level of requiring due process review. Confusion or a lack of understanding does persist with regard to the difference between a child who poses a threat and a child in need of behavior interventions; the state continues to try to address this confusion by providing training to the districts.

## Maine

Maine was unable to determine whether expelled students in either the special education or general education systems did or did not continue to receive educational services. This data element was added to the system for school year 2008-09 and will be reported Nov. 1, 2009.

## Michigan

Michigan began collecting data on the number of in-school suspensions and the number of removals for serious bodily injury during the 2007-08 school year. Therefore, these represent new data reported to OSEP and EDEN.

## Micronesia

Micronesia cannot verify data about students without disabilities expelled and receiving services or not receiving educational services for reporting. FSM is currently working with the LEAs to verify this data element, and it will be submitted as may be requested or in a revision of this data report.

## Marshall Islands

RMI did not receive any reports on disciplinary action for SY 2007-08.

## Maryland

MSDE reports in its 2007-08 Table 7 that of the 324 due process complaints received, 6 were related to discipline. Of these six complaints none resulted in a due process hearing being conducted, as all six of these due process complaints were withdrawn.

MSDE has procedures in place to ensure that complaints that require an expedited hearing are conducted within the required timelines. MSDE staff reviews all due process complaints that are filed, and if it appears the complaint may require an expedited due process hearing, the public agency is contacted to ensure that a timely hearing will be conducted, as required, under 34 CFR § 300.532.

## Massachusetts

Massachusetts found no error in the 2007-08 discipline report. The flagged items as indicated on the Significant Year-to-Year Change Report were the result of improved data collections at the LEA level. In Massachusetts, definitions of student removals have been known to vary from district to district, as each district strives to provide services to its students based on the resources available to it. The state is continuing to work on having districts develop more systematic definitions for student removals in order to achieve more accurate data reporting in the future.

## Minnesota

Due to the fact that 2006-07 was the first year of reporting in-school suspension data, and that OSEP definitions were not well understood, the data reported by districts for that year may have been over-reported. In-school suspension numbers may have included students removed from classrooms that were NOT under the direct supervision of school personnel.

Modifications in OSEP guidance resulted in changes in the way MDE counted in-school suspensions of less than ½ day. For the 2006-07 school year, in-school suspensions less than ½ day were counted as .5 and were summed for calculation purposes. For the 2007-08 school year, in-school suspensions less than ½ day were eliminated from the counts.

## Male

Due to the fact that 2006-07 was the first year of reporting in-school suspension data, and that OSEP definitions were not well understood, the data reported by districts for that year may have been over-reported. In-school suspension numbers may have included students removed from classrooms that were NOT under the direct supervision of school personnel.

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## Female

Due to the fact that 2006-07 was the first year of reporting in-school suspension data, and that OSEP definitions were not well understood, the data reported by districts for that year may have been over-reported. In-school suspension numbers may have included students removed from classrooms that were NOT under the direct supervision of school personnel.

Modifications in OSEP guidance resulted in changes in the way MDE counted in-school suspensions of less than ½ day. For the 2006-07 school year, in-school suspensions less than ½ day were counted as .5 and were summed for calculation purposes. For the 2007-08 school year, in-school suspensions less than ½ day were eliminated from the counts.

## LEP: Yes

Due to the fact that 2006-07 was the first year of reporting in-school suspension data, and that OSEP definitions were not well understood, the data reported by districts for that year may have been over-reported. In-school suspension numbers may have included students removed from classrooms that were NOT under the direct supervision of school personnel.

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and were summed for calculation purposes. For the 2007-08 school year, in-school suspensions less than ½ day were eliminated from the counts.

LEP: No

Due to the fact that 2006-07 was the first year of reporting in-school suspension data, and that OSEP definitions were not well understood, the data reported by districts for that year may have been over-reported. In-school suspension numbers may have included students removed from classrooms that were NOT under the direct supervision of school personnel.

Modifications in OSEP guidance resulted in changes in the way MDE counted in-school suspensions of less than ½ day. For the 2006-07 school year, in-school suspensions less than ½ day were counted as .5 and were summed for calculation purposes. For the 2007-08 school year, in-school suspensions less than ½ day were eliminated from the counts.

American Indian or Alaska Native

Disciplinary Removal: 1 Day (5B)

Modifications in OSEP guidance resulted in changes in the way MDE counted in-school suspensions of less than ½ day. For the 2006-07 school year, in-school suspensions less than ½ day were counted as .5 and were summed for calculation purposes. For the 2007-08 school year, in-school suspensions less than ½ day were eliminated from the counts.

This year it was discovered that a small number of students without a recorded race were missing from the counts. The state established a process for imputing these students proportionally across all race/ethnicity categories as requested by OSEP. Data reported for the 2007-08 school year reflected these changes.

Asian or Pacific Islander

Modifications in OSEP guidance resulted in changes in the way MDE counted in-school suspensions of less than ½ day. For the 2006-07 school year, in-school suspensions less than ½ day were counted as .5 and were summed for calculation purposes. For the 2007-08 school year, in-school suspensions less than ½ day were eliminated from the counts.

This year it was discovered that a small number of students without a recorded race were missing from the counts. The state established a process for imputing these students proportionally across all race/ethnicity categories as requested by OSEP. Data reported for the 2007-08 school year reflected these changes.

Black (Not Hispanic)

Due to the fact that 2006-07 was the first year of reporting in-school suspension data, and that OSEP definitions were not well understood, the data reported by districts for that year may have been over-reported. In-school suspension numbers may have included students removed from classrooms that were NOT under the direct supervision of school personnel.

Modifications in OSEP guidance resulted in changes in the way MDE counted in-school suspensions of less than ½ day. For the 2006-07 school year, in-school suspensions less than ½ day were counted as .5 and were summed for calculation purposes. For the 2007-08 school year, in-school suspensions less than ½ day were eliminated from the counts.

This year it was discovered that a small number of students without a recorded race were missing from the counts. The state established a process for imputing these students proportionally across all

race/ethnicity categories as requested by OSEP. Data reported for the 2007-08 school year reflected these changes.

### White

Changes to federal guidance about out-of-school suspension as well as changes to the DIRS system have likely affected these figures. Suspension is not a preferred method for dealing with discipline in Minnesota, and low numbers reflect this policy. Each year, discipline data are more accurate due to improvements in DIRS and continuing TA to districts.

This year it was discovered that a small number of students without a recorded race were missing from the counts. The state established a process for imputing these students proportionally across all race/ethnicity categories as requested by OSEP. Data reported for the 2007-08 school year reflected these changes.

### Mississippi

A change in the DTS edits showed that the state was not pulling all disciplinary data but instead pulling a subset of the data. After consultation with Westat, the state reviewed the Structured Query Language (SQL) used to pull the data from the state database and updated the SQL to pull all disciplinary actions reported. Training is conducted each summer at an annual MIS Conference. Discipline reporting is always a key element of that training.

### Montana

Montana reported no removals of students with disabilities by a hearing officer due to threat of injury for school year 2007-08. Montana uses an Early Assistance Program to facilitate informal resolution of conflicts that otherwise may result in the filing of a formal complaint or due process hearing request. Because of the success of this program, Montana continues to experience very low rates of complaints and due process hearing requests.

In Montana, a complainant may file an expedited due process hearing request regarding discipline issues pursuant to special education ARMs 10.16.3524 to 10.16.3531 but only after a manifestation determination has been held. The written complaint must be filed with the Legal Division at the Office of Public Instruction who then appoints a hearing officer who has completed at least one hearing and preferably who is in the same geographic area as the complainant.

In Montana, one expedited hearing was requested in 2009 but was settled at the resolution session. The number of Montana due process hearings of either sort is very low. The state has had only two expedited hearings in the last 5 years. In fact, there have been no regular due process hearings in the state in the past 2 fiscal years. There were three in FY 2007, none in 2006, four (including an expedited one) in 2005, and three in 2004 (also including one expedited hearing) for a total of 10 hearings in the last 5 years. The state attributed this low rate to its early assistance program informal dispute resolution mechanisms.

### Nebraska

Nebraska does not collect the information regarding expulsions with or without educational services for students without disabilities and therefore does not have data for special education students by expulsion alone. However, Nebraska requires school districts to contact the department in the case of an expulsion to ensure that the regulations for continued service are followed. There were no such contacts made to the state for 2007-08.

Removals by a hearing officer are regulated under 92 NAC 51-016 and 92 NAC 55-005-007. However very few, and in the case of the last several years none, have occurred. The majority of the complaints in Nebraska are first recommended to a mediation center—there are several mediation centers in the state assigned to various areas of the state. Most complaints are handled and resolved during the mediation process.

Until this school year, Nebraska was not able to distinguish the difference between a special education expulsion and a general education expulsion. In Nebraska's CSPP it is stated that this year, 2008-09, Nebraska will be collecting the expulsion data by both general education and the special education indicator in its State Longitudinal Data System (SLDS). These data will be available to be reported in the November 2009 reports.

### Nevada

Nevada reported that no students were removed by a hearing officer in school year 2007-08 due to posing a threat of injury to themselves or others. Nevada's procedures for addressing complaints regarding disciplinary removals are consistent with Federal law requirements as described in 34 CFR § 300.532(b)(ii). In 2007-08, there were no requests for due process hearings related to disciplinary removals. In 2006-07, there were only two requests for a due process hearing related to disciplinary removals, and both of those complaints were resolved through resolution meetings and did not result in the student being removed from placement. This pattern is consistent with Nevada's focus on avoiding litigation and resolving disputes through alternative means, as is demonstrated in its dispute resolution data unrelated to disciplinary removals.

### New Hampshire

New Hampshire is currently unable to report the number of students expelled in the general education population. The state anticipates that it will be able to report these data for school year 2008-09.

### New Jersey

In reporting incidents of serious bodily injury as part of the state's electronic violence and vandalism reporting system, the NJOSEP requires school districts to check two boxes—one box for 45-day removal and a second box for medical treatment. These two boxes together denote that the removal was for serious bodily injury.

With respect to the 2007-08 school year, the NJOSEP received 16 due process complaints related to disciplinary procedures. Two complaints were resolved through settlement agreements. One case was fully adjudicated, and a change of placement was ordered. There were no cases to report where a student was removed for up to 45 days by an administrative law judge because the student was considered a danger to self or to others.

### New Mexico

New Mexico uses the definition for serious bodily injury as provided in 18 U.S. Code § 1365(3)(h) for the special education data system and collects information on discipline incidents in the general education system under definitions provided under the Safe and Drug Free Schools Act. As such, New Mexico considers that serious bodily injury would generally constitute a mutually exclusive category from other major injuries requiring medical attention (such as broken bones, stabbing, concussion, etc.). Without explicit instruction from OSEP indicating that it is the intention under this data collection to include such

injuries in this data category, New Mexico believes that it would be extremely rare to encounter a case where serious bodily injury has occurred.

New Mexico reported that there were no removals by a hearing officer in the 2007-08 school year due to the threat of injury to a student or others. This is confirmed by the report in Table 7 indicating that there were only two cases where a due process complaint was filed, and neither of these cases resulted in a due process hearing.

#### Flagged Data

- Out-of-school suspensions : 10 days or less: down 81.95% from 2,116 in 2006-07 to 382 in 2007-08, a difference of -1,734.
- Out-of-school suspensions: > 10 days: down 82.45% from 245 in 2006-07 to 43 in 2007-08, a difference of -202.
- In-school suspensions: 10 days or less: down 92.99% from 1,355 in 2006-07 to 95 in 2007-08, a difference of -1,260.
- In-school suspensions: > 10 days: down 97.03% from 101 in 2006-07 to 3 in 2007-08, a difference of -98.
- Total disciplinary removals: down 84.12% from 3,834 in 2006-07 to 609 in 2007-08, a difference of -3,225.
- Disciplinary removal: 1 days: up from zero in 2006-07 to 38 in 2007-08.
- Disciplinary removals: 2-10 days: down 87.44% from 3,471 in 2006-07 to 436 in 2007-08, a difference of -3,035.
- Disciplinary removals: > 10 days: down 80.44% from 363 in 2006-07 to 71 in 2007-08, a difference of -292.

#### Explanation

On July 2, 2008, the state learned that reporting requirements for counting suspensions and expulsions were to include only those suspensions and expulsions associated with drug use, serious bodily injury, or weapons. For the 2006-07 reporting period, the state reported all suspensions and expulsions, regardless of the factors surrounding the suspensions and or expulsions, and consequently, the counts for the above-flagged categories within the discipline report for 2006-07 were noticeably higher than those reported in 2007-08. Once aware of the limits in scope for reporting criteria for suspensions and or expulsions, the state corrected discipline calculations for the 2007-08 reporting period by including only suspensions and or expulsions associated with drug use, serious bodily injury, or weapons. As a result, the count in most discipline categories reduced significantly year-to-year from 2006-07 to 2007-08.

New Mexico's 2007-08 discipline data show a marked decrease in the number of suspensions. One reason for this decrease was that districts had to revise and update Policies and Procedures. The Policies and Procedures include a section on discipline and Behavior Intervention Plans (BIPs) that provides clear guidelines as to circumstances under which students should be removed from the classroom and alternative responses for disciplinary situations.

#### New York

Revised data will be submitted in spring 2009, upon completion of all reasonability checks and verification procedures.

- 113 fewer children unilaterally removed,
- 72 more removals for drugs ,
- 55 fewer removals for weapons,

- 107 fewer removals for body injuries,
- 43 more children removed by hearing officers.

New York State's 2007-08 data will be finalized before July 1, 2009.

Improvements in discipline procedures for students with disabilities continues to receive attention in many school districts.

New York's 2007-08 discipline data show a marked decrease in the number of unilateral removals by school personnel and specifically the number of children removed for drug offenses or serious bodily injury.

Discipline procedures for students with disabilities continue to receive attention in many New York school districts as a result of SPP Indicator 4 and the Safe and Drug Free Schools and Communities Act. Based on criteria developed by the Department, school buildings are identified as persistently dangerous based on some of the same incidents that result in the unilateral removals of students with disabilities.

As noted in New York's special education SPP and APRs, among other initiatives, the following have had an effect on the discipline data:

Revised state regulations to establish standards on behavioral interventions, including standards for functional behavioral assessments, behavioral intervention plans, use of time-out rooms, and emergency interventions. The state has also issued a guidance document on positive behavioral supports and services.

Expanded field-based positive behavioral interventions and supports (PBIS) technical assistance resources to work with more school districts.

### North Carolina

The discrepancy in page 8 can be accounted for by adding in the total number of multiracial children reported in the state: 5A – 1,958; 5B – 69; 5C – 533; 5D – 156.

In 2006-07, North Carolina was going through a transition for most LEAs from a local student information system to a statewide student information system. The local student information system had the ability to interact with North Carolina's exceptional children database; however, the statewide system did not immediately have this ability. There has been a statewide effort to utilize a unique ID across all systems in all LEAs so that data matching is as clean as possible. In 2006-07, the state believed that the data matching between the exceptional children database and the discipline database was not catching all of the special education students who had disciplinary action. The state estimated that about 14% of students disciplined in North Carolina are special education. The match rate for the 2007-08 discipline submission is accurate across the reported categories.

North Carolina reported that no children were removed by a hearing officer in 2007-08 due to the likelihood that the continued placement could result in injury to the child or others. This report represented a substantial drop from previous years, and was attributed to the report of prior years having been overestimated due to districts and schools mistakenly reporting removals by principals or other school officials as removals by a hearing officer. Note that, while North Carolina had no removals by a hearing officer to report for 2007-08, there were six due process hearings held in regard to disciplinary removals, but none of these cases resulted in the child being removed from placement.

North Carolina's 2007-08 discipline data show a marked increase in the number of suspensions. At the end of 2007, North Carolina initiated a project to institute a unique ID that would be common for all of the data collection systems. Prior to this, the state and districts were matching across data systems using data elements other than ID, which potentially produced a lower match rate for exceptional children data. The data quality for 2007-08 increased significantly, which suggests that the user should not make direct comparisons between the 2007-08 and 2006-07 data.

### North Dakota

A zero in the North Dakota data means the state collects that data cell but did not have any to report. A -9 means the state does not collect that category.

North Dakota uses the definition for serious bodily injury as provided in 18 U.S. Code § 1365(3)(h) in both its special education and general education data systems. As a result, under the Safe and Drug Free Schools injury definitions, serious bodily injury would constitute a mutually exclusive category from other major injuries requiring medical attention (such as broken bones, stabbing, concussion, etc.). Without explicit instruction from OSEP indicating that it is the intention under this data collection to include such injuries in this data category, the state believes that it would be extremely rare to encounter a case where serious bodily injury has occurred.

Each of the flagged discipline categories, excluding two, was identified due to declining numbers reported. North Dakota is maintaining a statewide positive behavior support initiative to both reduce and or more appropriately resolve behavioral occurrences. It is likely that the increases in the two categories were due to a reduction in categories typically perceived as more punitive.

### Northern Marianas

The state collected its data for all of the categories and items of Table 5 and had no students to report under each of the categories listed.

During the report period 2007-08, data collected and reported showed that the state had an increase in out-of-school suspensions, in-school suspensions, and disciplinary removals. The increases in the above categories were due to the following reasons: Policies and procedures, along with actual practices regarding discipline violations, were not implemented consistently at certain schools, or from school to school; secondary principals new to their positions in the past 2 years totaled 8 of 20 (1 new 2007-08, and 7 new the previous year); The Public School System was lacking personnel: behavioral specialist (came on board January 2008), legal counsel (came on board September 2008). In reviewing the offense data collected, it appears that Betel nut possession/use was a predominate reason for a majority of suspensions, yet remains a culturally accepted substance (by parents and students). The school board and principals were adamant at not lessening the consequence for Betel nut use, due to fear of uncontrolled usage.

The state was unable to obtain the data for services provided to children with and without disabilities during suspension/expulsion from the Safe and Drug Free Schools Data System. The CNMI Public School System maintains these data on the Pacific Education Data Management System.

### Ohio

Pursuant to EDEN and OSEP guidance, counts of multiracial students were included in those detail records that do not mandate a race/ethnicity breakdown and in overall totals. Counts of Ohio children with disabilities who were coded as multiracial were omitted from those records for which race/ethnicity is required, thus discrepancies between those records and overall totals.

## Oklahoma

Oklahoma does not use expulsion for any students. According to Oklahoma School Law, there is no such thing as an expulsion. Therefore, no general education or special education students were expelled.

Based on the previous data manager's conception that Oklahoma does not use expulsion and further clarification provided that, in fact, Oklahoma's suspension for weapons, drug possession, or serious bodily injury meets the criteria for expulsion, we do not have a data collection of services that were provided for students who were expelled (suspended). The state's policies and procedures state that students are to receive services when out of school for more than 10 days; however, a data collection was not used. The state is currently trying to place in its data collection the ability to identify if services were provided for each suspension that resulted in more than 10 consecutive days or a collection of more than 10 days that was a result of the same type of offense. Concerns received from LEAs are whether they would report services offered or services that were actually received by the student. LEAs are concerned that some students refuse the services offered, and the LEA would not be given credit for providing the services to the student.

## Oregon

Oregon reported that there were no removals of students with disabilities by a hearing officer due to threat of injury for school year 2007-08. Consistent with the data reported in Table 5, Oregon districts tend to access the provisions cited in CFR § 300.530(g) by unilaterally placing students in an IAES.

Districts implement their own policies and procedures associated with removals to an IAES on behalf of the district as opposed to requesting a due process hearing seeking removals from Administrative Law Judges (hearing officers) as allowed under CFR § 300.532(a).

Oregon's analogous rules for CFR § 300.530 and CFR § 300.532 are OAR 581-015-2425 and OAR 581-015-2430 respectively.

## Palau

Palau reported zero in all categories because no students with disabilities were disciplined.

## Pennsylvania

The absence of removals by a hearing officer is viewed as a positive outcome attributable to Pennsylvania's expanded continuum of dispute resolution options.

## Rhode Island

The state reviewed its student-level discipline data and did not have any instance in which the duration of an out-of-school suspension for a student with a disability lasted for the remainder of the school year or longer. The longest out-of-school suspension instance occurred on October 25 and lasted for 14 days.

The Rhode Island State Board of Regents is concerned about disciplinary exclusions of students from schools. Because the Rhode Island Constitution requires the General Assembly "to promote public schools, and to adopt all means by which they may deem necessary and proper to secure to the people the advantages and opportunities of education" (Article XIII Constitution of Rhode Island), the state feels that Rhode Island students should not be denied these means nor be excluded from the advantages and opportunities of public education by arbitrary or unreasonable suspensions. Suspensions of students from

school should occur only for serious reasons and never be used indiscriminately as a penalty for trivial offenses.

Rhode Island defines serious bodily injury incidences for students with disabilities based on the definition provided in 34 CFR § 300.530. It is not known how districts may be cross-walking between this term and comparable injury codes in the Safe and Drug Free Schools database system (major injuries requiring medical attention, such as broken bones, stabbing, concussion, etc.). Explicit instruction from OSEP indicating that it is the intention under this data collection to include such injuries in this data category will be required in order to establish this cross-walk.

In the category of Removals to an Interim Alternate Setting Based on a Hearing Officer Determination Regarding Likely Injury, Rhode Island has a very low frequency. Rhode Island had less than six appeals raised during the 2007-08 school year, and of these six, none resulted in a hearing.

OSEP defines an expulsion as “An action taken by the local educational agency removing a child from his/her regular school for disciplinary purposes for the remainder of the school year or longer accordance with local educational agency policy. This includes removals resulting from violations of the Gun Free Schools Act that are modified to less than 365 days.” Rhode Island does not have a definition for expulsions, but Rhode Island students could have a long-term suspension. However, Rhode Island did not have any suspensions that exceeded 14 days during the 2007-08 school year. Hence, Rhode Island reported zeroes in this category for school year 2007-08.

Rhode Island does not have a specific definition of Major Injuries and Related Injury in the Safe and Drug Free Schools Database. Therefore, Rhode Island reported in the category of Unilateral Removals for Serious Bodily Injury as all zeroes on this report. In the category of Removals to an Interim Alternate Setting Based on a Hearing Officer Determination Regarding Likely Injury, Rhode Island had a very low frequency. Rhode Island had less than six appeals raised during the 2007-08 school year, and of these six, none resulted in a hearing.

In reviewing follow-up reports on this submission, it appears that the report of total disciplinary removals and cumulative length of removal for school year 2006-07 were underreported. Those data will be revised and resubmitted during 2008-09.

### South Dakota

In South Dakota, LEAs fill out the exact same table as the SEA does. In 2006-07, LEA staff were unfamiliar with the new data collection and table especially on in-school suspension and paying attention to number of removals versus students. Therefore, there were inconsistencies with data entry. In 2007-08, South Dakota began walking districts through the required information for the form. State personnel also went through each district's information; if there were inconsistencies, the LEA was contacted.

South Dakota spends considerable time in early dispute resolution with districts and parents. The department works closely with the Parent Training and Information center to make sure that parents understand their procedural safeguards and the early dispute resolution options available to them. Below is South Dakota's procedure for expedited due process hearings.

24:05:26:09.08. Expedited hearing—Procedures. If a hearing is requested under this chapter, the parents or the school district involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of this article, except as provided in this section.

The department shall arrange the expedited due process hearing, which must occur within 20 school days of the date of the complaint requesting the hearing is filed. The hearing officer shall make a determination within ten school days after the hearing.

Unless the parents and school district agree in writing to waive the resolution meeting described in this section, or agree to use the mediation process described in chapter 24:05:30:

- (1) A resolution meeting must occur within seven days of receiving notice of the due process complaint; and
- (2) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.

The decisions on expedited due process hearings are appealable consistent with chapter 24:05:03.

Source: 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007.

General Authority: SDCL 13-37-1.1.

Law Implemented: SDCL 13-37-1.1.

### Tennessee

Based on state law (Tennessee Code Annotated 49-6-3401) and regulations regarding how student disciplinary procedures are handled, Tennessee school districts (LEAs) implement a disciplinary hearing authority that typically manages any concerns/issues regarding student disciplinary removals. The involvement of IEP teams and school district-level disciplinary hearing authority appears to reduce the likelihood that a complaint regarding a disciplinary removal rises to the level of requiring an expedited due process hearing.

### Texas

Although Texas received 11 expedited due process hearing complaints related to disciplinary actions, 7 went to resolution session, 3 went to hearing, and 1 resulted in the change of placement; however, the change of placement was not the result of a disciplinary act that caused serious bodily injury.

### Utah

Regular education students who did or did not receive educational services during expulsion is a data point not collected in every LEA. Few responded with these data.

### Vermont

Data were submitted in pre-suppressed format in accordance with Vermont Department of Education policy, and could not be subject to analysis, and therefore were excluded from these tables. Any count < 11 was suppressed in accordance with Vermont State Board of Education policy and was represented with -4.

### Virginia

All zeros reflect zero counts; the state does collect the data.

Virginia had no removals for serious bodily injury due to incompatibility between the definition established by OSEP for Table 5 and the reporting codes under the Safe and Drug Free Schools data

collection. Virginia requires further direction from OSEP if there is expectation that some reporting categories under the Safe and Drug Free Schools should be reported as removals for serious bodily injury. As the definitions currently stand, Virginia's data accurately reflect zero removals for serious bodily injury.

Virginia had zero removals by hearing officer despite the fact that there is an established process for hearing officer removal of students. There were, in fact, complaints addressed by hearing officers in Virginia; however, fewer than five resulted in formal hearings, and none of those resulted in the removal of a student.

### Virgin Islands

The state had zero children to report on the discipline data submission for deaf-blindness, orthopedic impairments and autism.

### Washington

The state carefully reviewed all the data reports and the significant changes noted. All the data were verified as being correct. Washington saw a very large overall decrease of removals greater than 10 days statewide. The state believed this was due to the work reported in the state's APR under indicator 4A.

District's identified through this data collection as having significant discrepancies in their suspensions/expulsion were required to review and revise, as appropriate, policies, procedures, and practices relating to the development of IEPs, the use of PBIS, and procedural safeguards to ensure compliance with IDEA.

Those districts made the following types of changes to their policies, procedures, and practices:

- Contracted and/or employed behavior intervention specialist,
- Added and refined practices around PBIS,
- Corrected data collection procedures,
- Provided staff development (discipline procedures, procedural safeguards, behavior intervention plans, functional behavioral assessments, and manifestation determination procedures, RTI/PBIS),
- Improved data reporting, analysis, and communication within the district,
- Held meetings/discussion with staff around supporting appropriate behavior,
- Improved communication across all district staff regarding behavior,
- Implemented regular meetings to review/discuss discipline issues,
- Standardized forms/reporting,
- Revised forms.

Additionally, revised statewide improvement activities were implemented (also documented in Washington's APR of FFY 2006, 2007 and 2008), and all school districts participated in some or all of the activities, depending on the numbers and type of disciplinary removals they reported. Please refer to Washington's SPP/APRs located at [http://www.k12.wa.us/SpecialEd/APR\\_SPP.aspx](http://www.k12.wa.us/SpecialEd/APR_SPP.aspx) for complete information on these activities.

Continued efforts focusing on data analysis and research-based strategies have affected this indicator area. Improvement activities have led to significant progress for districts in this indicator. The data from 2006-07 to 2007-08 in the area of weapons and serious bodily injury decreased quite a bit as did in-school suspensions greater than 10 days. There were increases in some other areas, but they were at a smaller percentage.

The state looks forward to seeing what the 2008-09 data look like in these areas to see if this continues.

## West Virginia

West Virginia collects the data for *deaf-blindness* and LEP; both are very low incidence for us. *Multiple disabilities* is not defined as a category in West Virginia, so the state did not have data for that. In past years, the information would not load into DANS if the state used -9. State law requires all students to receive services, even those without disabilities, so the state reported zero.

All Flags for Total Disciplinary Removals (5A): In the second year of reporting disciplinary data for removals and suspensions less than 10 days, additional edit checks increased the accuracy of reporting. In 2007-08, the business rules for reporting disciplinary removals were refined to exclude students whose removal summed to less than 1 day. This resulted in a reduction in the total number of disciplinary removals reported.

All Flags for Disciplinary Removal – 1 day, In-school suspensions – 10 days or less, and out-of-school suspensions 10 days or less: The data were reviewed, and year-to-year differences resulted from fewer removals being reported by districts.

Flags for LEP Students: Data on disciplinary actions for LEP students were collected. The reduction in the number of LEP students reported for out-of-school suspensions: 10 days or less, in-school suspensions: 10 days or less, and disciplinary removals 2-10 days resulted from fewer removals being reported by districts.

Reduction in Total Disciplinary Removals was attributed to changes in the business rules for compiling the data, as described above, as well as fewer removals of LEP students being reported by districts.

West Virginia collects data regarding removal to IAES by a due process hearing officer. The state has a one-level hearing system administered by the Department of Education. West Virginia had no complaints related to disciplinary issues completed in 2007-08.

## Wisconsin

The Wisconsin SEA receives all requests for due process hearings. SEA staff reviews each request to determine whether the complaint involves matters requiring an expedited hearing. SEA staff clearly identify due process hearing complaints requiring an expedited hearing when forwarding the hearing request to the Division of Hearings and Appeals for assignment of a hearing officer to conduct the hearing. During the 2007-08 reporting period, the SEA received no due process hearing complaints where an LEA, pursuant to 34 CFR § 300.532(a), believed that maintaining the current placement was substantially likely to result in injury to the child or others. Consequently, no children were placed by a hearing officer in such a placement during that time period.

Children Subject to Expulsion With and Without Educational Services by Disability Status—Data reported were not limited to only those children expelled for the remainder of the school year but instead represented all children expelled during the 2007-08 school year regardless of the length of the expulsion. Expulsion is defined in state statute as a removal from school grounds for purposes of discipline as imposed by the school board for violation of school district rules; threats against school property; or conduct which endangers the property, health, or safety of those at school. Expulsion is a formal school board action pursuant to WI s. 120.13 (1) and (first-class city school district) WI s. 119.25.

## Wyoming

The WDE 636 discipline collection uses the definitions for Major Injuries and Related Injury codes from the General Education Safe and Drug Free Schools Data System, and this is not mapping with the serious bodily injury data category for the IDEA discipline data collection. It appears that the definitions are not compatible at this time due to incomplete information in the data collection instructions. Wyoming is currently modifying the data collection instructions to include necessary specificity to capture serious bodily injury removals.

Wyoming is a small state and has very few dispute resolution requests. In the last year, there were only 4 due process complaints and 11 state complaints filed. None of these requests were discipline related; therefore, it is not unreasonable for Wyoming to report zero hearing officer removals. Wyoming does have in place a comprehensive dispute resolution policy and process and is prepared to offer parties the appropriate services if necessary.

### **2007-08 Assessment**

#### Alabama

Alabama does not permit students with disabilities to take an assessment below their grade level. Similarly, the state does not permit parents to opt their students out of the assessment process.

Alabama permits exemptions for students with disabilities from participation on statewide assessments only in the case of documented absence during the assessment timeframe.

Alabama does not permit parental exemptions to statewide assessments except in Grade 11 on the Alabama High School Graduation Exam (AHSGE). During this reporting year, no exemptions in Grade 11 were reported.

#### Alaska

Alaska does not permit students with disabilities to take assessments below their grade level.

First-year LEP students can opt out of both participation and proficiency for reading. Alaska has very few of these students and has been reporting them in column 3(B).

#### American Samoa

Because students in American Samoa do not reside within the contiguous United States, the report of newly arrived English language learner (ELL) students' participation in assessments does not apply.

American Samoa does not report under adequate yearly progress (AYP), and therefore the report of students excluded under the 1% cap does not apply.

American Samoa did not assess 6th graders in reading or math for school year 2006-07. American Samoa currently anticipates that these assessments will be ready for implementation for school year 2007-08.

American Samoa does not allow out-of-level testing.

## Arkansas

The enrollment date is different depending on the test taken; however, April 22, 2008, represents the majority of students.

Arkansas has only one alternate assessment, and it is based on Alternate Achievement Standards (AAS).

Arkansas does not allow out-of-grade level testing or parental exemptions.

The high school math alternate portfolio is a course-based portfolio and does not meet the qualifications of the 1% rule.

High school math is not grade-level specific, but grade 10 was chosen to represent the collective of students grades 7-12 taking the courses.

In Arkansas, of the LEP students who took the 2007-08 assessment, no special education student was identified as having the regular reading/literacy assessment replaced with the English proficiency assessment. All students took the regular reading/literacy assessment.

Arkansas Accountability Workbook

[http://www.arkansased.org/nclb/pdf/accountability\\_wkbk\\_021208b.pdf](http://www.arkansased.org/nclb/pdf/accountability_wkbk_021208b.pdf)

Assessment in English Proficiency and/or Reading/Literacy

LEP students who are in their first year of enrollment in a United States school shall be required to take the English proficiency assessment. The local district, after determining English proficiency with this assessment and other valid and reliable screening and/or placement instruments, may exercise an option that the student not participate in the reading/literacy assessment. Further, if the student takes the reading/literacy assessment with accommodations as necessary, the district may decide not to include that student's literacy score(s) for the total group or any subgroup when determining the school and/or district AYP performance rating. Any student who takes the English proficiency assessment or the reading/literacy assessment may be counted as part of the required 95% assessment participation requirement for reading.

### Participation/Performance—Math

Although Arkansas' December 1 count for children with disabilities (CWD) ages 6-21 declined, the number of CWD in the testing grade levels continued to increase as did the total number of students enrolled in public schools.

The increase in the total count of CWD administered assessments was partly due to the inclusion of 9th-grade math portfolio students. Each assessment category increased partly due to the state's focus on using co-teaching, which allows more students to remain in core courses taught in general education classrooms with or without accommodations.

The increased in the number of students in math performance was due in part to the continuing use of math coaches in the schools. These coaches have developed individualized instruction for students with special needs, and this intense instruction is showing in increased assessment scores. The number of nonproficient students increased along with the number of proficient students. While the raw numbers represent an increase, the rate (73.7%) is lower than that of the previous year (78.6%).

The increase in the number of students taking the alternate assessment was attributed to the first-time inclusion of the 9th-grade math portfolio students and as a result of more students being identified with a significant cognitive dysfunction with individualized education programs (IEPs) that required the use of an alternate portfolio for assessment. This was the same reason for the increase in performance count. There was a significant increase in the number of students scoring nonproficient on the alternate portfolio. While the raw numbers represent an increase, the rate (39.9%) was significantly lower than that of the previous year (45.9%).

#### Participation/Performance—Reading

The increase in the number of proficient scores in reading in the regular assessment category was partly due to the state's focus on using co-teaching, which allows more students to remain in core courses taught in general education classrooms with or without accommodations. Additionally, the state has focused literacy activities that include the Closing Achievement Gap Initiative, Reading First, and State Improvement Grant (SIG) funded by OSEP. Goal 1 of the SIG focuses on literacy and included activities such as: an expanded focus on adolescent literacy, partnering with Reading First schools, professional development in the Strategic Instruction Model (SIM).

#### Arizona

Arizona's 2006-07 assessment submission showed a decrease in the number of assessments administered with accommodations. In the 2006-07 school year, the number of students reported as taking a regular assessment based on grade-level academic achievement standards with accommodations were those who tested with nonstandard accommodations. Following the elimination of nonstandard accommodations by the state in the 2007-08 school year, the total number of students reported as taking a regular assessment based on grade-level academic achievement standards with accommodations were those who tested with standard accommodations. This change resulted in much higher numbers reported as taking the test with accommodations since students who previously used nonstandard accommodations now used standard accommodations.

These data also showed a decrease in the proportion of students scoring as proficient on the alternate assessments based on alternate achievement standards in both reading and math. In the 2006-07 school year, teachers evaluated student performance on alternate assessment on alternate achievement standards (AA-AAS) (AIMS A-Arizona Instrument to Measure Standards) via selected standard-based rater items, standard-based activities, and from parent interviews. The Analytic Score Tool (AST) used for scoring this assessment consisted of 11 points. However, in school year 2007-08, the AST was modified to a 6-point rubric, which reduced the amount of subjectivity in the scoring. This change in the scoring tool is the likely reason for the discrepancy in proficiency data between 2006-07 and 2007-08.

The date of enrollment count for grade 10 is Feb. 27, 2008.

Although Arizona collects data on recently arrived limited English proficient students (RALEP), Arizona does not allow the English language proficiency (ELP) test Arizona English Language Learner Assessment (AZELLA) to be substituted for the AIMS reading test.

Arizona currently has only AIMS and AIMS-A. No out-of-level testing is allowed.

ELL students take the AIMS or AIMS-A as appropriate. No other test is substituted. However, ELL students are identified and form a subgroup in the disaggregation when AYP is calculated.

Arizona does not allow ELL students to replace the regular reading assessments with LEP tests. These students fully participate in the regular assessment, and their performance is reported under both IDEA and AYP

### Bureau of Indian Education

Students who were listed as exemptions were deemed not able to participate in the assessment process by their IEP team or they did not complete any of the assessment given to them. These students were not counted in the participation calculations.

The BIE has had a policy, since the beginning of NCLB, that schools could not use out-of-level assessments, even if allowed in the state workbook. BIE allows data entry into this category because occasionally a student will be assessed out of level, and BIE wants schools to report this information. For 2007-08, no out-of-level assessments were reported.

BIE uses the assessments of Arizona, California, New Mexico, Utah, Kansas, Oklahoma, Mississippi, Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, South Dakota, North Carolina, Maine, Iowa, Wisconsin, Michigan, Minnesota, Nevada, and two schools in Florida. Each state has a general standards-based assessment (SBA) and various alternate assessments. Because BIE uses the assessments systems of multiple states, it needs a common way to report. All state proficiency levels are cross-walked to the basic, proficient, or advanced levels of achievement for reporting purposes.

BIE serves only Native Americans, all of whom were born in the United States.

BIE tests in different grades depending on the state assessments. The grade 10 identification was used because the reporting system would not allow BIE to go forward without a single grade.

### California

California does not collect out-of level assessments.

As noted in the California Consolidated Application Accountability Workbook, California tests English learners during their first year of enrollment in United States schools; however, consistent with the flexibility offered by Secretary Paige's communication of Feb. 19, 2004, California elects to exclude the test results of these students from the annual measurable objective (AMO) calculation.

### Colorado

Colorado's 2007-08 assessment submission showed a decrease in the proportion of students scoring as proficient in reading on the AA-AAS. The state attributed this change to a change in the assessment instrument, which renders the results between the 2 years incomparable. The Colorado Student Assessment Program Alternate (CSAPA) reading and writing assessments were revised during the 2007-08 school year in the same way as math and 10th-grade science were revised the previous year. The percentages in each CSAPA category for reading, writing, and science for 2008 are not comparable to earlier CSAPA tests. Consequently, comparisons for reading, writing, and science with the previous CSAPA results would not be appropriate.

Colorado has AAS. Colorado does not administer alternate assessments based on grade-level academic achievement standards nor on modified academic achievement standards. Colorado does not collect data on students who took an out-of-level test. Colorado has no off-level testing.

Colorado does not collect data on parental exemption since all are students required to participate in testing statewide. The state also does not collect data on absent—all students are required to participate in testing statewide (5-week testing window available); Title I reported 134 students during its monitoring report. The state does not collect data on exempt for other reasons—all students are required to participate in testing statewide.

The numbers for the 1% cap are for all students, not just the continuously enrolled students for which the cap is used for AYP calculations.

### Connecticut

Connecticut's 2007-08 assessment data showed a notable increase in the proportion of students scoring as proficient on AA-AAS in both reading and math. The state attributed the increase in proficiency rates on the alternate assessment to the numerous training opportunities provided for teachers to support improvement of student academic achievement and improve their understanding of the state's alternate assessments. During fall of 2007, the Connecticut State Department of Education conducted Connecticut Mastery Test (CMT) Connecticut Academic Performance Test (CAPT) Skills Checklist training for all teachers who would be assessing students with the Skills Checklist, the AA-AAS assessment. This training was provided to more than 600 teachers in the state. Additionally, special education teachers trained in 2006-07 were required to participate in Certified Rater Training, an advanced training for the Skills Checklist. The goal of both of these trainings was to improve inter-rater reliability, thereby affecting the validity and reliability of student scores.

Connecticut does not offer out-of-level testing, and a child cannot be parentally exempted from participation in statewide assessments.

Connecticut's procedures are for districts to give the appropriate state assessment to LEP students in addition to the ELP test. In order for the student to exit ELL programming/services, he/she must reach sufficiency on both assessments. The assessment file also notes that the student is LEP exempt for No Child Left Behind (NCLB) analysis/accountability workbook purposes, but the student does have a score for the standard assessment in the statewide assessment file. Lacking other guidance, when the state fills out Table 6, the column in question asks about students whose ELP test replaces the standard assessment, in Connecticut, that answer is zero. the state's LEP students have both scores, and one does not replace the other. Therefore, in both 2006-07 and in 2007-08, Connecticut reported zero students whose ELP test replaced the standard assessment. Students who have been in an LEP program less than 12 months can be exempted altogether. This indicates that the LEP students are included in the AYP calculation of participation but not performance.

Students take the regular assessment and are included in the participation calculation and reported for performance either under the regular assessment performance levels OR as students whose results were invalid, if that is the case.

Increases in the number of students participating in the state alternate assessment system were attributed to work by the Bureaus of Special Education and Student Assessment whose professional development efforts over the last 2 years centered on the identification of students with disabilities who are appropriate for inclusion in the state alternate assessment system. Connecticut is starting to see LEAs include more students with disabilities in the alternate assessment system and apply consistent decisionmaking criteria to determine student participation in this option.

## Delaware

Delaware tests during two different test periods. One began Oct. 12, 2007, the other began March 3, 2008.

Delaware has a one-time waiver of the assessment tests for anyone who is in the United States less than 1 year. The state does not require LEP students in the United States for less than 1 year to participate in regular assessments. Although data regarding the number of these students exists in the system, the state is not able to report these numbers at this time.

Delaware does not permit out-of-level testing or parental exemptions from testing.

## District of Columbia

The District of Columbia does not administer alternate assessments based on modified or alternate achievement standards or out-of-level tests; the relevant data cells were reported as not applicable.

No requests for parental or other exemptions were received, and the relevant data cells were reported as zero.

There were no LEP students with IEPs in the United States for less than 1 year months who took an ELP test in lieu of the regular reading assessment, and the relevant data cells were reported as zero.

During the 2007-08 school year, no LEP students were administered an ELP test in lieu of the standard District of Columbia Comprehensive Assessment system reading assessment. This category was reported as zero.

The District of Columbia collected data on students who were not assessed because of absence, but did not collect data on students not assessed because of parental exemptions or for other reasons. Out-of-level assessments are not administered, therefore no data are collected, and this category was reported as not applicable. Data are collected for four achievement levels – Below Basic, Basic, Proficient, and Advanced.

Following review, students whose alternate assessment was based on grade-level achievement standards is now reported as students whose alternate assessment was based on alternate academic achievement standards. Alternate assessments based on modified academic achievement standards and alternate assessments based on grade-level academic achievement standards are not administered, therefore no data are collected.

## Florida

Florida does not collect data for AYP whether or not students are in attendance.

Florida does not currently replace the general state reading assessment with an ELP test. Students take the general statewide reading assessment.

Florida does not permit students to participate in assessments that are below their enrolled grade level. In addition, there is no formal process for parents to opt their students out of the assessment participation. While Florida collects attendance records, they are not associated with assessment results.

In May 2009 (<http://www.ed.gov/admins/lead/account/letters/acfl6.html>), Florida received permission from Office of Elementary and Secondary Education to use a new flexibility that will allow the counting

of recently arrived ELL students as participants (if they took ELP or regular reading test) and exclude them from the calculation of proficiency. This new flexibility is being applied for the 2008-09 year. In prior year, students took both ELP and a regular reading test. Prior to SY 2008-09, the performance scores of recently arrived ELL students were included for both IDEA and AYP in the same manner as all other students.

### Georgia

All 26 newly arrived ELL students fully participated in the regular reading assessment. Performance scores were reported in AYP.

Georgia had no students in the United States less than 1 year whose ELP test (Access Test) replaced the reading assessment. Of the 26 students with disabilities who were ELL and who were in the United States less than 1 year, 13 participated in a regular or alternate assessment. The other 13 participated in the Access Test and, in the absence of a regular or alternate assessment scores, were reported in Column 5 – Students Whose Assessment Results Were Invalid. They were included in the “Did Not Meet” Achievement Level in 10A.

The state attributed the decrease in the count of regular assessments on grade level with standard accommodations for mathematics and the decrease in the number of regular assessments scored proficient to the decrease in the number of students with IEPs and the continued grade-specific phase in of the more rigorous Georgia Performance Standards for mathematics. The reported decrease in performance mirrors results reported for all students.

### Guam

Guam does not permit students with disabilities to participate in assessments below their grade level. Similarly, parents are not permitted to opt their students out of the assessment process. Because students in Guam do not reside within the contiguous United States, the report of newly arrived ELL students’ participation in assessments does not apply.

Guam does not report under AYP; therefore, the report of students excluded under the 1% cap does not apply.

Guam reports achievement levels for the SAT10 and AA-AAS. There are no other performance levels reported.

Guam reports zero instead of -9 because the Guam ESL Program has this policy in its *Procedural Handbook*. Guam is in the process of reviewing/revising its assessment policy for students with disabilities through a General Supervision Enhancement Grant (GSEG). The current assessment policy/procedure for students with disabilities does not include guidance on out-of-level testing or parental exemptions. Although it is not a written policy, Guam schools make it a practice not to refer first-year LEP students for special education and/or related services, unless the student has an obvious disability (i.e., deaf/blind, etc.). Guam is currently receiving technical assistance from ILLSA, Guam Center for Excellence in Developmental Disabilities Education, Research, and Service (CEDDERS), and the Western Regional Resource Center (WRRC).

Guam's ESL Program requires all students to be screened using the Language Assessment Scale (LAS) if there is an indication of another language as reported by their parents on the Home Language Survey. The LAS is a screening tool and does not take the place of the district-wide assessment (SAT10) used with

Guam students. As per our ESL Office, students who have been identified ESL are exempt from the SAT10 their first year in school.

### Hawaii

Hawaii does not permit students with disabilities to take assessments below their grade level. The state reports the performance of recently arrived LEP students in the same manner that the performance of all students is reported for both AYP and IDEA reporting purposes. These students fully participate in regular assessments in accordance with paragraph 36.1 of the *Guide to the 2008 Hawaii State Assessment* and AYP.

### Idaho

Idaho does not have an alternate assessment based on grade-level or modified academic achievement standards. Idaho's alternate assessment is based on extended content standards for about 1% of the population. Out-of-level assessments are prohibited in Idaho.

The number of students in special education in the grades assessed decreased by 445 on the Dec. 1 child count. That correlates well to the overall decrease in the number of special education students assessed.

The decrease in the number of special education students taking the assessment with accommodations may have been the result of increased state department of education (SDE) monitoring regarding “blanket” accommodations by districts and citing districts when testing accommodations are not closely aligned with classroom accommodations.

While still less than 1% (0.8%) of test participants, the increase in the number of students taking the Idaho Alternate Assessment may have been due to ongoing SDE training efforts that are increasing teachers’ comfort level with the Idaho alternate assessment so that students are being more appropriately assessed.

*State of Idaho Accountability Workbook.* Students who are enrolled in their first 12 months of school in the United States may take the English proficiency test in lieu of the reading/language arts Idaho Standards Achievement Test (ISAT) but will be required to take the math and science, in grades offered, ISAT with accommodations or adaptations as determined by their ELP. These students are included in the participation rates but not in the proficiency calculations, or their first administration of the ISAT as allowed by federal flexibility.

Of the students in the United States less than 12 months, only three were students with IEPs; they were reported in Section E, Column 3B. As described above, these students were included in the participation rates but not in the proficiency calculations.

Idaho’s 2007-08 assessment data submission show a marked decrease in the number of students receiving accommodations on the math and reading assessments. In the 2006-07 school year, Idaho hired a new testing vendor, and changes were made to the way data were collected and reported. The following year (SY2007-08), Idaho received a much more detailed report regarding accommodations that included types of accommodations for each subject area. The accommodation numbers for reading in 2006-07 reflect any student who could have had an accommodation on reading or math, but not the actual number of students who used one in each subject area. The more granular data collected by the new vendor are more accurate. As the state began reporting in Education Data Exchange Network (EDEN) and *EDFacts*, data issues came to light, and necessary changes were made to improve reporting.

## Illinois

The regular state assessment is the Illinois Standards Achievement Test (ISAT) for grades 3-8 for reading and mathematics. For Grade 11, the regular assessment is the Prairie State Achievement Exam (PSAE). These assessments have four performance levels, with the top two counting as proficient. ISAT and PSAE have Academic Warning, Below Standards, Meets Standards, and Exceeds Standards for both reading and mathematics.

According to the EDEN file specifications, the numbers on pages 1 & 10 should match the counts reported on EDEN File N/X081. Some of the numbers on pages 1 & 10 are higher than the numbers submitted via EDEN due to the fact that EDEN does not allow for the inclusion of students who took the assessment and received a score but were not identified as full- or partial-academic-year students on EDEN File N/X081.

The enrollment counts pages 1 & 10 report the number of students “who were enrolled in the grade at a date as close as possible to the testing date.” In Illinois, grades 3-8 test in March, and grade 11 tests in May. Thus, Illinois has provided enrollment counts as close as possible to the testing date for each respective grade. For the 2007-08 school year this date was March 14, 2008, for grades 3-8 and May 8, 2008, for grade 11.

The following categories are not applicable for the state, as described below:

- Illinois does not administer an alternate assessment based on grade-level academic achievement standards.
- Illinois does not administer an alternate assessment based on modified academic achievement standards. Illinois does not administer an ELP test that replaces the regular reading assessment.
- Illinois does not permit schools or parents to exempt students from assessment.

Illinois collects data on the following categories, but does not have any students to report:

- Students who took an out-of-level test,
- Exempt for other reasons.

Illinois does not permit students with disabilities to take an assessment below their grade level.

All LEP students, including those who have recently arrived, are required to take the ELP assessment. Recently arrived students, however, do not take the ELP test as a supplement to the regular reading assessment.

Per Sec. 200.6(b)(4), a state is able to exempt recently arrived LEP students" from one administration of the state's reading/language arts assessment. These students do not have to take the NCLB Title 1 reading accountability test in Illinois, and they are not included in AYP. For IDEA reporting purposes, under Section E, Column 3B (LEP students in the United States less than 12 months whose ELP test replaced regular reading assessment): Illinois does not collect data for this column and accordingly reported -9. U.S. Department of Education (USED) regulations received in September 2006 allow a one-time exemption in reading for recently arrived limited English proficiency students in grades 3-8. The ELP assessment in Illinois is not administered in place of the regular reading assessment for recently arrived LEP students

The state's 2007-08 assessment data show an increase in the number of regular assessments administered with accommodations in both reading and math. The 2007-08 school year was the first time that LEP students took the ISAT or PSAE (with accommodations) instead of the Illinois Measure of Annual Growth in English (IMAGE) test. Therefore, any comparisons with prior year's achievement levels for

LEP students should be made with appropriate caution. This change led to an increase in the number of students taking a regular assessment based on grade-level academic achievement standards with accommodations in mathematics and reading.

These data also show an increased percentage of students scoring as proficient on the AA-ASS. The 2007-08 school year was the first year that the AA-AAS standards was a performance-based assessment (status model) rather than a portfolio-based assessment (progress across time model). Standard setting occurred to establish the appropriate cut scores on this new assessment. This may have contributed to the change in the proficiency rate in mathematics from 2006-07

### Indiana

Indiana does not permit parent exemptions from testing and does not have an alternate assessment based on grade-level achievement standards or on modified achievement standards. Indiana does not permit off-grad- level assessments.

Indiana reports proficiency on alternate assessments using two proficiency levels. Note that Indiana does have three cut scores for the AA-AAS (Basic, Pass, and Pass+), but these scores are not available in this aggregation for state reporting. The state anticipates that all three levels of proficiency will be available for state reporting for school year 2008-09.

Indiana is currently unable to distinguish between students who did not participate in assessments due to absence versus other reasons. The state data system is currently being refined to make this distinction and anticipates that these data will be available for school year 2008-09.

### Iowa

Alternate assessments based on grade-level academic achievement standards were not used in Iowa for FFY 2007 (2007-08). Alternate assessments based on modified academic achievement standards were not used in Iowa for FFY2007 (2007-08).

For FFY 2007 (2007-08), the number of students included within the NCLB 2% cap was not applicable.

For FFY 2007 (2007-08), Iowa did not have any LEP students in the United States less than 12 months whose ELP Test replaced the regular reading assessment.

In Iowa, out-of-level testing is not permitted for students with disabilities. Decisions to allow other students to test below their current grade level are made by local school districts. If this is done, those students are excluded from AYP calculations and counted as nonparticipants.

Iowa allows local school districts to determine whether parents are able to opt their students out of the assessment process. If this is permitted, those students are also excluded from AYP calculations and counted as nonparticipants.

Newly arrived ELL students substitute the Iowa English Language Development Assessment (ELDA) for reading test participation. They participate fully in the regular (or alternate) math assessments. Iowa did not report any newly arrived ELL students with disabilities as having taken the Iowa ELDA test in place of the regular reading assessment. Iowa does collect these data, but had none to report last year.

Regarding the following, Iowa does collect these data but had no cases to report for FFY 2007:

- Students whose assessment results were invalid,
- Students who took an out-of-level test,
- Parental exemption,
- Did not take for other reasons.

### Kansas

Kansas is bound by state regulation on when enrollment counts are taken. Kansas has only one designated point in time during the school year when enrollment records are collected from school districts, and official enrollment totals are determined. That date is September 20 of each school year. Kansas is consistent in reporting the September 20 enrollment totals across all federal reports that require enrollment data. In this case, as in prior school years, Kansas has been consistent in reporting the September 20 enrollment totals on Table 6. These enrollment totals are from the closest point in time to the testing date.

1. Kansas State Department of Education (KSDE) supports two types of alternate assessments: the Kansas Assessment of Modified Measures (KAMM), which is an alternate assessment based on grade-level academic standards, and an AA-ASS. Page 6 and page 15, which include information about the alternate assessment based on grade-level achievement standards (our KAMM) does not provide a column for the number of students reclassified because of the 2% cap.
2. This report has been completed using the Table 6 specifications set forth by OSEP. The specifications for the EDEN report may be different, especially as they relate to the reporting of invalid scores. Table 6 and the EDEN report may therefore differ as a result of different specifications for the two reports.
3. Page 11 includes students (one 5th grade, two 6th grade, and one 7th grade) who took an ELP test in place of the regular reading assessment. These numbers were tentative.
4. Consistent with NCLB requirements, Kansas does not permit students with disabilities to take assessments below grade level.

### Kentucky

Kentucky does not permit students with disabilities to participate in assessments below their grade level. Similarly, parents are not permitted to opt their students out of the assessment process.

In Kentucky, LEP students who have been in the United States less than 12 months do not participate in the reading assessment. These students do take the ELP assessment. Kentucky is currently unable to report the number of students who were exempted from the reading assessment, but expects to be able to report these numbers for school year 2008-09

Kentucky's 2007-08 assessment data show an increase in the proportion of students scoring as proficient on the AA-AAS in both reading and math, as well as the regular assessments based on grad-level achievement standards in math. Over the last few years, the Kentucky Department of Education has worked with districts and special education cooperatives with self-reporting of district performance, including the performance of students on the state's assessment program as described in Indicator 3 of the State Performance Plan (SPP) and Annual Performance Reports (APR). Districts are grouped with surrounding districts that comprise their special education cooperative and examine root causes for each of the indicators of the APR that are state reported, including Indicator 3 for assessment. Staff from the special education cooperatives facilitate each district's analysis of its own data. This results in each district having customized root causes that are used to develop district specific activities to improve student performance. Often, staff from the special education cooperatives are involved directly in these

activities, providing additional resources at the local level that are customized based on their identified concerns.

### Louisiana

LAA1 Achievement Levels: WST - Working Toward Standard; MST - Meets Standard; EST - Exceeds Standard

LAA2 is administered to grades 4-high school. Therefore, 3rd grade counts are reported as -9.

Louisiana invalidates tests for reasons such as plagiarism and erasures. If a test is invalidated, the lowest score (zero) is given to these students, which is then aggregated and included for reporting.

Louisiana does not offer out-of-grade-level assessment or parental exemptions for statewide assessment.

The following reasons were used to determine the absent count: long-term illness, short-term illness, family member dies, and student is in protective custody.

Exempt for other reasons includes only students who were not tested and did not receive an accountability code. The lowest score (zero) is given for these students, which is then aggregated and included for reporting.

There was one LEP\* student in English language arts and mathematics in grade 4 who participated in the statewide assessment but did not receive an achievement level. This student participated in the statewide assessment, but the test was not scored. In Louisiana, this test is not considered invalid nor is it replaced by the ELP test. \*Scores shall not be included in Percent Proficient calculations for Limited English Proficient students who have not been enrolled in English-speaking school for one full school year (Bulletin 111, Louisiana School, District, and State Accountability).

Louisiana had an increase in the number of students identified to take an alternate assessment. However, there was no change in criteria. It should be noted the LAA1 test did change for the 2007-08 school year.

In 2006, Louisiana included the following data note: LAA2 is an alternate assessment scored against modified achievement standards, but is reported in Table 6 in the Alternate Assessment on Grade-Level Standards section.

In 2007, the OSEP table was changed to reflect the Modified Academic Standards instead of On-Grade-Level Standards.

### Maine

Maine does not perform alternate assessments on grade-level academic standards or on modified academic standards.

All K-12 ELLs in Maine, including recently arrived ELLs, must be assessed for English language proficiency by participating in the WIDA ACCESS for ELLs® during the testing window of December 3, 2007, to February 1, 2008. Those students who arrive after the testing window has closed must be assessed with another English language proficiency assessment in order to count as participating in reading.

AYP Implications: Participation in WIDA ACCESS for ELLs® counts as participation in reading.

During the first 12 months in a United States' school, students who have had their English language proficiency assessed and have been designated as ELLs, may, but are not required to, participate in the writing or reading content area tests.

AYP Implications: If the Maine Education Assessment reading content area test is taken voluntarily, student scores in reading will not count for AYP performance. Only ACCESS for ELLs® participation will count for participation in reading for AYP purposes.

The Maine Assessment Data System tracks first-year LEP participation (and several other categories), but none of the students identified in this category were students with disabilities. There were 24 first-year LEP students in 2007-08, none in special education.

### Marshall Islands

The Republic of the Marshall Islands (RMI) as a Freely Associated State (FAS) in Compact with the United States is in a very unique situation.

RMI and its Ministry of Education (MOE) do not receive ESEA Title 1, NCLB, funds. Through the provisions of the Compact, it does receive a like amount from that source through a consolidated education grant that is not subject to the requirements of NCLB. Consequently, the MOE does not collect data, compute, and determine AYP.

Table 6 reports assessment information related to a grade 8 test that is used primarily for high school entrance test purposes. The test and its development have been somewhat confused over the years and have evolved through several formats. It is being revised again. Although mandated by RMI statute, the MOE is not able to provide universal high school education for the foreseeable future, hence the need for a high school entrance test to determine who will be admitted to public high school at grade 9.

In the current evolutionary state, there are no other systemwide tests. Earlier, grades 3 and 6 achievement tests were field-tested as a part of the development process. They have not, however, been used the last 2 years and will not be administered in the current school year.

There are no procedures for assessing reading proficiency for newly arrived immigrant students and no requirement to conduct such an assessment. Although a "Micronesian" procedure may exist, the RMI would not be subject to it unless RMI agrees to the requirement.

### Maryland

In May 2008, the Maryland State Department of Education (MSDE) implemented modified high school assessments for students with disabilities enrolled in high school (Mod-HSAs). The Mod-HSAs are alternate assessments based on on-level Core Learning Goals and modified academic achievement standards designed for students receiving special education services who meet specific participation requirements. These end-of-course assessments in algebra/data analysis, English, biology, and government meet the Maryland graduation testing requirements.

Maryland's 2007-08 assessment data showed a marked increase in the proportion of students scoring as proficient on the alternate assessments based on alternate standards in both reading and math. This increase was due to the content guidance documents developed to provide general knowledge in the academic areas of mathematics and reading as found in the state curriculum. In addition, the 2007-08 Alt-MSA handbook provided greater guidance in the process of instruction and assessment. Specific guidance in the development of artifacts, using exemplar artifacts and condition code packets, were

provided to Alt-MSA facilitators, representing each of the local school systems and nonpublic schools, in a trainer-of-trainer format. Frequently asked questions from test examiners across the state were answered and posted quarterly to provide additional guidance to all test examiners.

Maryland does not allow parents to opt out.

Recently arrived LEP students take the annual ELP assessment in place of the MSA reading test.

ELP students who have been in United States' schools for 12 months or less are exempt from the MSA reading assessment and are not part of AYP. Although these data do exist in the data system, Maryland was unable to report on the number of students that were exempted from participating.

### Massachusetts

Massachusetts does not permit parents to opt their students out of the assessment process. Similarly, the state does not permit students with disabilities to take assessments below their grade level.

Recently arrived LEP students take the ELP test in lieu of the regular reading assessment; therefore, their performance levels are not included in the reported performance levels for the regular reading assessment. In this DTS, these students were reported on the page 13 tab, under column 9 (did not take for other reasons).

After a careful review of its assessment data, Massachusetts found significant errors on both 2006-07 and 2007-08 reports. The state attributed these errors to the misinterpretations of EDEN's N003, N004 and N093 file specifications. The state re-evaluated and corrected its assessment data for these 2 years and is currently in the process of resubmitting both 2006-07 and 2007-08 data through EDEN.

### Michigan

Currently Michigan does not have an assessment based on modified academic achievement standards. Michigan is in the process of piloting an assessment based on modified academic achievement standards and anticipates having this assessment in the future.

Currently Michigan does not have an assessment based on modified academic achievement standards, which would enable Michigan to report the number of students included in the NCLB 2% cap. The state anticipates having this assessment in the future.

### Micronesia

The only alternate assessment that the Federated States of Micronesia (FSM) has developed and has been implementing is AA-AAS. To be aligned with the regular assessment, National Standardized Tests for Students (NST), this assessment is also administered to grades 6, 8, and 10. The administration of the NST to grades 6, 8, and 10 is cited in the FSM *National Standardized Test Assembly and Summary* document.

At this time, the FSM Department of Education does not have a method for determining ELP. Micronesia does not conduct formal language assessments for students.

Students in the Micronesia enter school speaking a vernacular language from their island. They do not speak any English. There are many different vernacular languages spoken in Micronesia. Instruction in the vernacular language is practiced for grades 1-3. In the 3rd grade, English is introduced as a second

language. As students progress past the 3rd grade, English is used to a greater extent. The FSM Department of Education is studying the need and feasibility to develop language assessment instruments sensitive to both the languages spoken within Micronesia and English.

Micronesia does not prevent students from taking assessments below their grade level, but it is an unusual occurrence.

Due to a provision under the Compact Agreement between the United States and Micronesia, Micronesia does not report student proficiency under AYP.

### Minnesota

Minnesota does not permit students with disabilities to take an assessment below or above their grade level.

In Minnesota, LEP students do not take the ELP reading test as a supplement to the regular reading assessment. Minnesota does not collect data regarding the number of newly arrived ELL students with disabilities who did not take the regular reading assessment or whose scores on the regular reading assessment were not reported under AYP.

### Math—Performance

Performance count of alternate assessment scored against alternate standards (AA-AAS): Proficient.

The number of students who took the AA-AAS for mathematics increased overall by 10.92% in Minnesota. In FFY 2006, alternate assessments against grade-level achievement standards were discontinued. Minnesota has only one alternate assessment, the Minnesota Test of Academic Skills (MTAS), which is the AA-AAS for mathematics. When summed, the numbers of students in these two areas parallel the decrease in the number of students taking the regular assessment: not proficient. The result of continued technical assistance to districts reflecting the changes to the statewide assessment system likely explains the increase in students taking the MTAS for mathematics overall and those who were proficient.

### Reading—Participation

Count of regular assessments on grade-level achievement standards with accommodations: The percentage of students in this reporting category decreased 30.36%. Since there were significant changes made to Minnesota Department of Education's assessment system and subsequent data collection systems over the past 2 years, the 2006-07 and 2007-08 data collections are fundamentally separate baseline data collections and not completely comparable. The effects of the changes to the system are likely reflected in the data differences. Business rules for assessment data collection regarding students with IEPs are currently being revised to account for changes and will be implemented for the next reporting cycle. The decrease in the number of students who took the Minnesota Comprehensive Assessments (MCAs) with accommodations can be accounted for in the overall decrease in the number of students with IEPs who took statewide reading tests and the increase of students taking reading alternate assessments.

In addition, the General Instructions for 618 Table 6 changed between 2006-07 and 2007-08, and invalid scores were identified separately, likely contributing to the drop in numbers.

### Reading—Performance

Performance count of AA-AAS: Not proficient: The increase of 11.73% in the number of students who scored at the not proficient level on the MTAS, MDE's AA-AAS, for reading is relatively small (105). It is likely a reflection of the overall increase in the number of students taking the AA-AAS for reading, an

increase of 9.64%. Students found to be proficient in reading on the MTAS had nearly the same level of increase (9.24%). Minnesota is still in the process of reorganizing its statewide assessment system and intends to develop Modified Achievement Standards and an accompanying assessment against these standards over the next year.

### Mississippi

The number of proficient students included within the 1% cap is shown as 100%. This is because Mississippi uses a statistical apportioning formula that adjusts the proficiency credit value for all proficient students based on the degree to which the district exceeded the 1% cap value. If the district did not exceed the 1% cap value, the apportioning constant is 1.00 (all students contribute full credit toward the AYP proficiency index).

### Missouri

Missouri does not permit students with disabilities to take an assessment below their grade level. Similarly, the state does not permit parents to opt their students out of the assessment process.

Missouri permits exemptions for students with disabilities from participation on statewide assessments only in the case of documented absence during the assessment timeframe.

Students with disabilities who are ELL and arrived in the United States less than 12 months prior to the testing date are required to take Missouri's statewide assessment (Missouri Assessment Program (MAP)), and the guidance to districts is that they also take the ELP test. The MAP proficiency data are reported in the achievement level earned on the MAP along with the proficiency data for all other participants.

### Montana

Montana does not permit students with disabilities to participate in assessments below their grade level.

Students with disabilities with LEP who arrived in the United States less than 12 months prior to the assessment are not required to take the regular or alternate reading assessments. Montana is currently not able to track the number of students that are exempted from participation, but there are few students who fall in this category.

### Nebraska

All ELL students are required, under Rev. Stat. 79-760 to participate in the state assessment system.

Alternate assessments are allowed only for non-English speakers (as determined by a language proficiency test). If the alternate assessment is not aligned to the content standards or cannot produce a score that is equivalent to the proficiency levels at grade level (out-of-level testing) then the student's performance must be included at the lowest (basic) level.

Students are required to take their regular reading assessment, and the language acquisition assessment does not replace the reading test. The only exception to that are the newly arrived no-English-speaking immigrants who have a 1 reporting year exemption to reporting of the reading test.

## Nevada

All students are required to participate in the state assessment system, regardless of disability, LEP status, or time in the country.

ELP testing is not used as an accommodation to replace participation on the assessments used for calculation of AYP, nor are ELP test results included in AYP determinations.

As indicated in the Procedures for the Nevada Proficiency Examination Program, LEP students who are new to the United States and “enrolled in a US school for the first time in the current school year, must participate in all state academic content area assessments. Although participation is required, performance and participation among this subpopulation are not included when making AYP decisions.”

Nevada does not provide for parents to exempt their children from participation in statewide assessments or administer out-of-grade-level tests as part of the statewide assessment system.

## New Hampshire

The state does not permit students with disabilities to take assessments below their grade level. Similarly, New Hampshire does not permit parents to opt their students out of the assessment process.

In New Hampshire, LEP students who entered the United States within 12 months of the assessment date are not required to participate in the reading assessment. The state does not currently track the number of these students who are exempted, but they are believed them to be few. The state expects to be able to report these numbers for school year 2008-09.

## New Jersey

New Jersey does not have a state alternate assessment based on grade-level academic achievement standards.

New Jersey currently does not administer an alternate assessment based on modified academic achievement standards.

New Jersey policy does not allow students to take state assessments on other than their grade level. New Jersey also does not allow parent exemption.

## New Mexico

New Mexico does not collect the participation of students with disabilities whose alternate assessment were based on grade level or modified academic achievement standards in math and reading.

New Mexico collects only four levels on the math and reading assessment (beginning step, nearing proficient, proficient, and advanced proficient).

New Mexico collects only four levels on the alternate assessment (beginning step, nearing proficient, proficient, and advanced proficient).

New Mexico does not currently collect data on the number of LEP students whose English proficiency test replaced the regular reading assessment.

New Mexico does not collect the alternate assessment data based on grad-level academic achievement standards or on modified academic achievement standards.

New Mexico is currently unable to distinguish between students who did not participate in assessments due to absence versus other reasons. The state data system is currently being refined to make this distinction and anticipates that these data will be available for school year 2010-11.

### New York

New York's testing periods for the 2007-08 school year were: grades 3-5 math: March 3, 2008, to March 14, 2008; grades 6-9 math: March 6, 2008, to March 19, 2008; grades 3-5 reading: January 7, 200, to January 18, 2008; grades 6-8 reading: January 14, 2008, to January 25, 2008; New York State Alternate Assessment (all grades and subjects): October 1, 2007, to February 8, 200; high school math and reading: NYS uses the concept of student cohort.

Students are assigned to a cohort based on the year in which they first enter grade 9 or, for some students with disabilities who are ungraded, the year in which they become 17 years old. Students may take the Regents examination in math or English in January, June, or August in any year after they complete the high school subject course requirements. In Table 6, New York reported the students assessment results as of June 2008, which is 4 years after they entered the cohort.

In order to determine which students are included in the participation rate and performance calculations, New York reviews students' enrollment dates between the child count date (first Wednesday in October) and the testing time period. The rules for including students in the "calculations for participation and performance under NCLB" are explained in the attached excerpt from the 2008-09 SIRS Manual (version 4.1), found on page 42 and posted at <http://www.emsc.nysed.gov/irts/SIRS/home.shtml>.

- NYS does not allow any students to take an out-of-level assessment.
- NYS does not administer an Alternate Assessment Based on Grade-Level Academic Achievement Standards.
- NYS does not administer an AA-MAAS.
- NYS reported Students whose Assessment Results Were Invalid on page 4, column 5 for math and on page 13, column 5 for reading.
- NYS does not collect data on Parental Exemptions. These students (if there are any) would be reported as "absent."

New York assigns students to a cohort based on the year in which they first enter 9th grade (or for some students with disabilities who are ungraded, based on the year in which they become 17 years old). The state evaluates the cohort's performance 4 years after the students enter 9th grade to determine how many students have met the math and English graduation requirement. Students take the appropriate Regents examination (or alternate assessment) after completing the course requirements (or for the alternate assessment upon reaching the appropriate age). Typically, students take the first high school mathematics examination in grade 9 and the first English examination in grade 11. There are many students who are still enrolled after 4 years of first entering grade 9. These students may still be working toward meeting math and English graduation requirements.

In New York, ELL students who arrived in the United States within 12 months of the assessment window take the New York State English as a Second Language Achievement Test (NYSESLAT) to determine their level of English proficiency. These students may not use the NYSESLAT to fulfill the participation or the performance criteria for making AYP. All students are required to demonstrate their proficiency in high school ELA by taking the regular high school assessments. Their scores are reported in Table 6 only

if they took a regular state assessment. At this time, New York does not track the number of high school students who did not take the regular or alternate reading assessments in their first year, as they are still provided the opportunity to do so until their senior year.

New York's 2007-08 assessment data show an increase in the number of math and reading assessments administered with accommodations. When reporting data for the 2006-07 school year, New York was not able to report the number of students with disabilities provided testing accommodations, but did so for the 2007-08 school year. Students with disabilities received testing accommodations in both years as per their IEPs.

These data also show a notable increase in proficiency rates in both reading and math regular assessment-based grade-level achievement standards. The state has seen a positive trend in the numbers of students with disabilities performing at proficient levels in both language assessments since the 2005-06 school year, when the state began testing in grades 3-8 and continued its high school assessments.

Please see New York's special education APRs under Indicator 3 (Participation and Performance on State Assessments) for a description of state initiatives aimed at improving performance of students with disabilities. These reports are posted at <http://www.vesid.nysed.gov/specialed/spp/>.

### North Carolina

The types of non-participants we have for NCLB are:

1. absent,
2. invalid scores due to non-allowable accommodation (rarely happens),
3. invalid scores due to a misadministration and circumstances prevented retesting (rarely happens).

Students with medical exclusions are neither participants nor nonparticipants for NCLB, and the state does not allow parent refusals.

On page 30 of North Carolina's Accountability workbook, the ELP test score does not replace a score for students in United States schools less than 12 months. The ELP score is used (per federal regulations) to make the participation determination for AYP. North Carolina does not have ELP data available for the 2007-08 school year; however, they will be collected and reported on the 2008-09 DTS.

North Carolina has four achievement levels for all of its assessments. However, the reading result used for AYP determination at grade 10 is made up of English I and grade 10 writing. North Carolina's policy on proficiency at grade 10 for AYP purposes is that the student must score proficient (Achievement Level III or Level IV) on both assessments in order to be considered proficient for AYP. Therefore, the proficiency levels in Table 6 for reading reflect the state's policy by saying Yes or No to whether the student was proficient on both the English I and grade 10 writing assessments. The state's calculation of banked scores does not have any bearing on the final outcome of this report other than allowing it to merge scores from the two editions of English I to meet the AMO standards and requirements for AYP. The state reports only Achievement Level II, for No, or Achievement Level III, for Yes, to the question of whether the student was proficient on both assessments.

### North Dakota

North Dakota does not permit students with disabilities to participate in assessments below their grade level.

Newly arrived ELL students may be exempted from one administration of the state's reading assessment. ELL students who fully participate in the regular reading assessment are scored the same as all other students and reported under one subgroup designation and are included in calculations for overall performance.

#### Northern Marianas (CNMI)

There are no data for 4th-grade math due to the fact that 4th graders did not take the SAT 10, and in the standards-based assessment, they were only tested in reading and science. There are no data for 7th-grade reading due to the fact that 7th graders did not take the SAT 1, and in the standards-based assessment, they were only tested in writing and math.

For SY 2008-09, all 4th graders in the CNMI will take a state assessment in math, and all 7th graders in the CNMI will take a state assessment in reading. The district created standards-based assessments to cover two grade levels, and these assessments will be given.

Additionally, the district does not permit students, with or without disabilities, to participate in assessments below their grade levels. The district does not collect data regarding the number of students reported as proficient under the 1% cap. Also, the district does not collect data regarding the number of LEP students who did not participate in the assessment process because the district policy states that all students are to participate in state assessments.

#### Ohio

Students are counted as enrolled for this report if they were enrolled in any Ohio public education as of the week that a state test is administered. Not all districts administer the tests during the same week. The date provided was the midpoint of the spring testing window for grades 3 through 8.

Ohio does not administer modified tests, alternate tests based on grade-level achievement, or out-of-grade-level tests.

#### Oklahoma

Oklahoma does not have an alternate assessment based on grade-level achievement standards. Oklahoma does not allow an out-of-level assessment or parental exemptions. Oklahoma only has four performance levels. Oklahoma does not allow an out-of-level assessment.

The state's date of enrollment is the first day of the testing window, which was April 10, 2008. LEAs are required to complete demographics on each student previously enrolled on the October 1 count. LEAs must identify whether the student is still in the district, has moved, dropped out, etc.

#### Oregon

Oregon does not permit students with disabilities to take an assessment below their grade level.

Oregon's 2007-08 assessment data submission shows a substantial increase in the number of students receiving accommodations for reading and math assessments. In Oregon, all students (with and without disabilities) may take mathematics and reading assessments with specific accommodations that do not invalidate the test. In 2006-07, Oregon did not record information on these accommodations. Oregon began tracking this information for students with disabilities during the 2007-08 testing window.

The 2007-08 assessment data also show a notable increase in the proportion of students scoring as proficient on the alternate assessments for reading and math. In 2006-07 following a peer review of Oregon's entire assessment system, Oregon responded to federal expectations that prohibited the administration of several previously permissible assessment options. Based on this adjustment, students were limited to only two assessment options. The immediacy of this change resulted in a lag between instructional practice and the content of the statewide assessment and affected both reading and math proficiency outcomes. Following this change, and based on proficiency outcomes of the 2006-07 math alternate assessments, Oregon cut scores were reviewed and revised prior to the 2007-08 assessment.

### Palau TT

Palau Ministry of Education only administers assessments in grades 5, 6, 8, and high school. Palau does not anticipate assessing any other grade in the near future.

Palau does not permit students with disabilities to participate in assessments below their grade level. Furthermore, Palau does not permit parents to opt their students out of the assessment process.

Because students in TT do not reside within the contiguous United States, the report of newly arrived ELL students' participation in assessments does not apply.

TT does not report under AYP, and therefore the report of students excluded under the 1% cap does not apply.

The Palau Ministry of Education Statewide Assessment Test only assesses students in 4th, 6th, 8th, 10th, and 12th grades. Therefore the number of students who participated in the recent assessment were not the same students who participated in the previous one. The numbers vary depending on the number of students in the odd grades who will be participating in the next testing grades.

### Pennsylvania

Pennsylvania's 2007-08 assessment submission shows a decrease in the proportion of students scoring proficient on AA-AS (or conversely, an increase in those reported as not proficient). The percentage change in not proficient on the Pennsylvania Alternate System of Assessment (PASA ) from 2006-07 to 2007-08 was the result of how the state was requested to report the data in Table 6 for 2007-08. For the first time in 2007-08, Table 6 requested PASA or alternate assessment data with the 1% cap applied. As a result of application of the cap, students' scores that exceeded the cap were counted as not proficient; therefore, it appears in 2007-08 (when this request was first made) that more students were not proficient and that proficiency decreased.

Pennsylvania does not permit students with disabilities to participate in assessments below their grade level.

The recently arrived LEP students (first year in United States schools) are required to fully participate in the regular math assessment but not required to participate in reading assessment. Their scores were not included in AYP performance, but their participation counted toward participation rates if they took the reading assessment. Information regarding the number of these students whose scores were excluded from the AYP reporting are in the data system, but were not available for reporting at this time.

### Rhode Island

There are four achievement levels in New England Common Assessments program (NECAP) for reading and math. There is no alternate assessment based on grade standards. There is no alternate assessments based on modified academic achievements. There are only four levels for alternate academic achievement standards.

Rhode Island does not allow parental exemption. Rhode Island does not allow out-of-level testing.

### South Carolina

South Carolina experienced delays in the processing of 2007 assessment data due to the determination of calculation errors by the company responsible for scoring the student records. The submission of requests for exclusions and the appeals process were therefore extended.

The final appeals have been received and are currently being reviewed by the South Carolina Department of Education (SCDE). Upon completion of this review, a determination will be made as to the acceptance and categorization of exclusions. The June 18, 2009, revision reflects data based on changes made during the appeals process.

South Carolina does not allow parental exemptions or out-of-grade-level testing.

South Carolina does not administer an alternate assessment based on grade-level or modified achievement standards.

South Carolina does not have any other levels than those indicated for each assessment.

Recently arrived LEP students (in the United States less than 12 months) take the ELP test instead of the regular state assessment. These numbers are not available at this time. Those students that do participate in the regular state assessment were included in Table 6 reporting, but are excluded from AYP.

### South Dakota

South Dakota does not allow parental exemptions or out-of-level testing. The state has an assessment that LEP students who are first year in country can take whose ELP score can count toward reading proficiency; however, no students with disabilities met these criteria for 2007-08.

### Tennessee

Tennessee State Department of Education (TSDE) is in the process of developing an AA-MAAS. The Tennessee AA-MAAS will be administered in the 2009-10 school year. Test items for the Tennessee AA-MAAS are being field tested during the 2008-09 school year.

Tennessee Comprehensive Assessment program (TCAP) Gateway Reading (English II) and Math (Algebra I), Tennessee's statewide high school assessments are not administered at a specified grade level. Instead, TCAP Gateway Reading (English II) and Math (Algebra I) are administered as end-of-course assessments taken after students complete the course or course content for English II and Algebra I. The high school grade levels shown in this table represent the grade during which the majority of students complete English II and Algebra I and participate in the TCAP Gateway Reading and Math assessments.

LEP students take the TCAP reading/language arts and math assessment and the ELP test the first academic year they are in an American school. Their participation in the TCAP assessments is included in the participation rate but not in the AYP determination. The number of students with disabilities that were not included in the performance reports for this reason was tracked in Tennessee's assessment data system, but the state was unable to provide the report at this time. These numbers will be available for school year 2008-09.

### Texas

Texas does not administer out-of-level tests for students with disabilities. All statewide assessments are aligned to NCLB and IDEA regulations. In Texas, parental exemptions from statewide assessments are not permissible.

### Utah

The number of children with IEPs in the grades assessed is different for math and language arts because math is based on grades 3-8 and 10-12, and language arts is based on grades 3-8 and 10.

Utah bases the number of children with IEPs in grades assessed on the number of children with IEPs enrolled in the courses that generate the Criterion-Referenced Tests.

Despite professional development having been provided, confusion remains about out-of-level assessments (i.e., what they are, what is allowed, and what can be done to avoid one.) The state will provide clarification of requirements as well as examples to each LEA.

### Mathematics

All students: Utah's Special Education Department reports only on students with disabilities. It has no information on why the count of all students is down 17.79% from 2006-07 to 2007-08.

Performance count of regular assessment on grade level: Proficient: Proficiency was determined based only on items aligned to the new 2007 math core curriculum for the 2008 assessment, thus the difference. This limited the number of items used for proficiency determination.

### Reading

Students with IEPs: Instructional efforts and RTI are making a positive impact on Utah's assessment scores.

Total count of children administered assessments: Instructional efforts and RTI are making a positive impact on Utah's assessment scores.

Count of regular assessments on grade-level achievement standards: Instructional efforts and RTI are making a positive impact on Utah's assessment scores.

### Vermont

Vermont does not permit students with disabilities to participate in assessments below their grade level. Similarly, parents are not permitted to opt their students out of the assessment process.

In Vermont, all LEP students take the ELP assessment. This assessment does not replace the regular or alternate reading assessment. However, districts are not required to include the reading proficiency scores of ELP students who have been in the United States for less than 12 months prior to the assessment.

Enrollment counts are actually for the testing window, which is for 3 weeks starting on October 1.

### Virginia

Virginia does not test statewide on a particular date. The majority of the data reported were collected during the spring 2008 test window. The use of unique student identifiers ensures that students are properly accounted for in Virginia's assessment system.

The Standards of Learning (SOL) assessment program includes end-of-course assessments. These could be taken by students in grades ranging from 8 to 12, depending on the course. In Virginia, all end-of-course assessments are coded as grade 11 for purposes of reporting data for Table 6. High school totals are listed as grade 11.

More information on Virginia's assessment programs can be found at:  
[www.doe.virginia.gov/VDOE/Assessment/home.shtml](http://www.doe.virginia.gov/VDOE/Assessment/home.shtml)

For regular reading and math assessments for 3rd-7th grades, Virginia uses four performance levels: Fail/Below Basic, Fail/Basic, Pass/Proficient, and Pass/Advanced. Eighth-grade students are assessed using these same levels with an additional level of Fail/Does not Meet Standards. High school students are assessed using three performance levels: Fail/Does Not Meet Standards, Pass/Proficient, and Pass/Advanced.

For students taking alternate assessments on grade-level achievement standards in 3rd-8th grade, Virginia uses four performance levels: Fail/Below Basic, Fail/Basic, Pass/Proficient, and Pass/Advanced. High school students do not participate in this assessment type.

For AA-AAS, students in 3rd grade-high school are assessed using three performance levels: Fail/Does Not Meet Standards, Pass/Proficient, and Pass/Advanced.

The state does not permit students with disabilities to participate in assessments below their grade level.

Virginia does not collect data for LEP students in the United States less than 12 months whose ELP test replaced regular reading assessment and accordingly reported -9. Effective with the 2006-07 school year, Virginia ceased administration of the Stanford English Language Proficiency test (SELP) at the specific written direction of Raymond Simon, Deputy Secretary of the United States Department of Education. In a letter dated Jan. 31, 2007, Mr. Simon outlined options to the administration of the SELP, including administration of SOL tests with accommodations and administration of the Virginia Grade Level Alternative Assessment (VGLA). In addition, USED regulations received in September 2006 allow a one-time exemption in reading for recently arrived LEP students in grades 3-8. LEP students in the United States less than 12 months are reported in one of the testing options per the above.

Virginia's 2007-08 assessment submission shows a decrease in the number of assessments administered with accommodations for both reading and math. The state attributes this change to changes in policy pertaining to the use of standard and nonstandard accommodations on statewide assessments for students with disabilities. These data also show a marked increase in the proportion of students scoring as proficient on the regular assessments based on grade-level achievement standards in both reading and math. This change is explained by the dramatic decrease in the number of students participating in these assessments, while the number scoring as proficient showed a very slight increase.

### Virgin Islands

The Virgin Islands does not permit students with disabilities to participate in assessments below their grade level, nor does it permit parents to opt their students out of the assessment process.

Because students in the Virgin Islands do not reside within the contiguous United States, the report of newly arrived ELL students' participation in assessments does not apply.

### Washington

Students in Washington who are ELL and arrived in the United States less than 12 months prior to the assessment data participate in the regular reading assessment used for AYP and count as exempt for reading and writing, *unless* they meet standard, in which case, their score is counted like their non-LEP counterparts.

### West Virginia

West Virginia does not have an alternate assessment on grade-level academic achievement standards or modified academic achievement standards.

All LEP students, regardless of date of arrival in the United States, are required to participate in the West Virginia Education Standards Test (WESTEST), which is the test on grade-level academic achievement standards, at the grade level in which they are enrolled. All LEP students are included in assessment reports for both NCLB and IDEA, Section 618, on the same basis as all other students. West Virginia does not offer the option of substituting the ELP test (WESTELL) for accountability determination under NCLB. For a determination of AYP under NCLB, all LEP students who have been in the school (or district or state for determinations at those levels) for a full academic year are included in AYP calculations, consistent with NCLB law and regulations and West Virginia's ESEA Consolidated State Application Accountability Workbook as approved by the U.S. Department of Education. Additionally, for purposes of making AYP determinations, West Virginia counts the scores of former LEP students in the LEP subgroup for 2 years after those students are no longer considered to be LEP.

West Virginia policy and the approved ESEA Consolidated State Plan Application Workbook do not provide for out-of-level testing or replacement of the reading assessment with the English proficiency test for LEP students; therefore, no data are available to collect or report.

### Wisconsin

Wisconsin does not permit students with disabilities to participate in assessments below their grade levels.

Wisconsin does not have a LEP test that is a supplement to or takes the places of the reading assessment. LEP students who have been in the United States less than 12 months are not required to take the reading assessment for AYP purposes. If a LEP student who has been in the United States less than 12 months does take the reading assessment, the results for these students are included with the results for all other students who took the reading assessment.

### Wyoming

All students, including LEP students, are included in Wyoming's accountability system for calculating AYP. No students are exempted from participating in the statewide assessment system on the basis of

LEP status. Similar to the rules for students with disabilities, all LEP students must participate in the Proficiency Assessments for Wyoming Students (PAWS) with accommodations as appropriate.

The majority of LEP students participate in the PAWS with appropriate accommodations. There are no alternative-language versions of the PAWS. All LEP students are included in the statewide assessments in language arts, mathematics, and science, including those LEP students who have been enrolled in United States schools for less than 1 year, and must be assessed with accommodations when appropriate. These directions were reiterated to all LEAs through statewide assessment administration workshops prior to the state assessment. Per recent USED guidance, “States may, but are not required to, include results [of LEP students in their first year in United States schools] from the mathematics and, if given, the reading/language arts content assessments in Adequate Yearly Progress (AYP) calculations.” Therefore, Wyoming does not include the scores of first-year LEP students. Such LEP students, however, are included in participation rate determinations.

Wyoming uses the definition of LEP contained in NCLB Section 9101 to determine what students are included in the LEP subgroup for AYP accountability. Wyoming uses an identification process that includes an assessment to determine whether a student falls within that LEP definition. For AYP calculations, per recent USED guidance, Wyoming includes in the LEP subgroup the scores of students who have attained English proficiency within the last 2 years. English proficiency is determined by showing proficiency on the state LEP assessment, the Wyoming English Language Learners Assessment (WELLA). Once these students attain proficiency on WELLA, they are exited from the LEP subgroup.

## **2007-08 Dispute Resolution**

### Arkansas

Arkansas’ 2007-08 dispute resolution data show a marked decrease in the number of written, signed complaints. The state did not attribute this change to any systematic cause, but believed that it was an artifact of random fluctuation in the data.

### American Samoa

The state will address concerns and notes in its APR February 2009.

### Florida

Florida’s 2007-08 dispute resolution data show a marked increase in the number of written, signed complaints that resulted in reports with findings. The state has been encouraging districts and parents to use alternative resolution options. This may in part have influenced both the number of complaints withdrawn as well as the higher rate of complaint reports with findings. Families and LEAs are resolving the smaller issues locally rather than filing a complaint.

The data also show an increase in the number of expedited due process complaints in 2007-08 as well as the number that resulted in resolution meetings. Florida noted that the increase in expedited hearings for which resolution sessions were held and the decrease in fully adjudicated expedited hearings were likely due to increased awareness among school districts and parents of the resolution session alternative.

## Georgia

The number of mediations held related to due process increased as a result of training to LSS and advocacy groups. The training focused on the efficiency of resolving special education disputes in a course of action that lends itself to collaboration prior to the utilization of a formal due process hearing.

### Due Process Requests

Year	Due Process Requests
FFY04	110
FFY05	84
FFY06	111
FFY07	139

A 4-year review of data indicated that the number of requests varied from year to year. The increase in requests for FFY 2007 showed no relationship to a specific procedural or substantive issue. Data will be monitored for significant changes, but 4-year trend data indicate that the number of requests in the prior year does not serve as a predictor for future requests.

## Hawaii

Written, signed complaints—Reports with findings: Improved data collection procedures and training have reduced the number of findings significantly.

Hearing requests—Due process complaints total: The schools worked very hard to reduce the number of due process hearing requests by using appropriate dispute resolution practices and/or early dispute resolution practices. There has been a significant decline since FFY 2004.

Hearing requests—Resolution sessions: These data are linked and affected by due process complaints. If there are fewer due process hearing requests, there are proportionately fewer resolution sessions. Proportionately, the number of resolution sessions conducted was about 95% in both FFY 2006 and FFY 2007.

Hearing requests—Written settlement agreements: These data are linked to due process complaints and resolution meetings. When the overall number of due process hearing requests is reduced, so follows the number of resolution sessions conducted and subsequent written settlement agreements. Another factor that may have raised the number of settlement agreements was the fact that attorney's fees were included in the settlement agreements in FFY 2007 where they were not allowed in FFY 2006.

Hearing requests—Resolved without a hearing: These data are linked to due process complaints. Therefore, if the overall number of due process hearing requests is reduced, then, the overall number of cases resolved without a hearing will be reduced. The percentage of cases resolved without a hearing in FFY 2006= 39% and FFY 2007=39%. When comparing these percentages, there was no change.

## Illinois

Indiana's 2007-08 dispute resolution data show a marked decrease in the number of due process complaints that were resolved without a hearing. In keeping with the IDEA Part B 618 reporting instructions for FFY 2007 (July 1, 2007 – June 30, 2008), the number reported was the number of due process complaints that were resolved without a hearing as of the end of the reporting period (June 30, 2008). The state noted however that a significant number of cases were still pending (i.e., not yet closed) as of the end of the reporting period (June 30, 2008). As of January 2010, all cases initiated in FFY 2007 were closed, of which 312 cases were resolved without a hearing.

## Indiana

Indiana shows a marked decrease in the total number of expedited due process complaints. This may be attributed to a natural ebb and flow to complaints, mediations, and due process requests. It is also possible that the decrease may be attributed to a general effort on the part of the state and districts to encourage parents and schools in working together. Indiana continues to promote parental involvement with the districts through various improvement activities. In addition, Indiana has added a Parent Liaison to its staff recently to address concerns and questions of parents and family members. These examples may provide an explanation to this reduction through changes in practices.

## Kansas

The total number of due process complaints resulting in a resolution meeting increased in school year 2007-08. This increase occurred because the percentage of the total number of due process hearings requested by parents increased. Resolution sessions are only required when it is the parent who requests due process. So, although the total number of due process complaints did not experience significant change, the fact that more of the requests for due process came from parents in 2007 than in 2006 (as opposed to requests for due process from school districts), resulted in a significant increase in the number of resolution meetings. No analysis has been done as to why a greater percentage of the total number of due process requests were made by parents rather than school districts in 2007.

## Louisiana

The number of complaints requested in July 2008, 23, almost doubled from the number requested in June 2007. Likewise, the number of reports issued in July 2008 was 13, up from 6 in June 2007.

The state has maintained similar numbers on mediations, 17 in July 2008 and 14 in June 2007.

The number of due process hearings also almost doubled to 38 in July 2008 from 17 in June 2007; although the number of fully adjudicated hearings, 2, in July 2008 remained the same as June 2007. Of the 38 requests in July 2008, 34 were resolved without a hearing.

The state has doubled its efforts, working with PTIs to inform parents of the many dispute resolution options offered by the state, and attributed the increase in the numbers of complaints and due process hearings to these efforts. With the alternative dispute resolution options available in conjunction with the formal processes, parents are willing to formalize their complaints while using alternative dispute resolution in connection with those procedures. For August 2009, Louisiana instituted state neutral IEP facilitation to provide earlier conflict intervention and is anxious to look at the effects of this procedure. The state also adopted, effective October 20, 2008, a district-level early resolution procedure in connection with administrative complaints in order to promote durable agreements achieved through dispute resolution.

## Massachusetts

Due process complaints and expedited due process complaints related to disciplinary decision – Resolution meetings: Regarding the year-to-year changes for the data reported for these items, there were no changes to how these data were calculated between 2006-07 and 2007-08. Although the information the state received reflected an increase in these two items, it should be noted that the state is not yet satisfied that its current efforts to obtain these data are fully accurate, and it are continuing to make efforts to increase their accuracy.

Expedited hearing complaints: This can be explained, at least in part, by the fact that the Bureau of Special Education Appeals (BSEA) expanded the criteria for allowing expedited status via new hearing rules issued in February 2008, midway through the most recent reporting period.

Regarding the changes seen in the Significant Year to Year Change Report for the 2007-08 dispute resolution data, some of the possibilities regarding changes seen in the data are discussed below:

For SY 2006-07, the state included a sheet of paper with a Notice of Hearing asking the parties to send the form back if they resolved the issue in a resolution meeting. The state received very few back.

In SY 2007-08, support staff called the schools. This was very labor intensive and not as successful as was hoped. This resulted in having to leave messages; calls were not returned; and some school staff did not readily have the answer, etc.

## Marshall Islands

RMI did not receive any reports on dispute resolution for SY 2007-08.

## Mississippi

The number of formal, written, signed complaints decreased as a result of LEAs and parents working cooperatively to provide the most appropriate educational placement, in the student's least restrictive environment.

The total number of resolution meetings held in 2007-08 increased as the LEA and parent(s) were made aware of the regulations requiring a resolution meeting and as they (LEAs and parents) became knowledgeable of the positive outcomes when the resolution meeting is used.

The number of written settlement agreements increased as a reflection of the utilization of the resolution process.

## New Mexico

Complaints withdrawn or dismissed: 100% increase from 13 in 2006 to 26 in 2007.

Mediations that resulted in a mediation agreement: 57.89% decrease from 19 in 2006 to 8 in 2007.

In FFY 2007, the New Mexico Public Education Department's, Special Education Bureau enhanced its dispute resolution process through the creation of the Alternative Dispute Resolution (ADR) Coordinator Advanced (A) position. The ADR Coordinator (A) facilitates resolutions to communication issues between parents and school districts by acting as a neutral agent and suggesting practical alternatives, while collaborating with the Dispute Resolution Coordinator (DRC) to further enhance the possibility of

resolving disputes prior to them advancing to formalized complaints. In addition, it appears to be due to the promotion and marketing of ADR options for parents and school districts.

### New York

For Sections C and D, this spreadsheet is a snapshot of the data as of June 30, 2008. In the past, data for these sections were reported as of September 15 of the following school year, rather than June 30. As such, this year's data reflect a change in reporting procedure.

#### Section A: Written, Signed Complaints

- 170 more written signed complaints total,
- 141 more complaints with reports issued,
- 50 more reports with findings,
- 159 more reports within timelines,
- 31 more complaints withdrawn or dismissed,
- There was a greater emphasis at the state level on issuing reports within timelines.

#### Section C: Hearing Requests

- 987 fewer resolution meetings,
- 260 fewer hearings (fully adjudicated),
- 45 fewer decisions within timeline (including expedited),
- 155 fewer decisions within extended timeline,
- The state provided a data note in the comments section of Table 7 to indicate that for Sections C and D, the data contained in the worksheet are a snapshot of the data as of June 30, 2008. In the past, data for these sections were reported as of September 15 of the following school year.

New York's 2007-08 dispute resolution data show that, while there has been a marked increase in the number of written, signed complaints overall, there has been a decrease in the number of complaints that resulted in a finding. There was also a notable increase in the number of reports issued within timeline. The state noted that the 2006 report of total complaints was a significant decrease from the previous 3 years where the number of complaints was consistently over 300. The 2007 report of total complaints was more consistent with the previous trend. The percentage of complaints where noncompliance was found has been decreasing in each of the last 3 years from 99% in 2005, to 85% in 2006 and 65% in 2007. The 2006 percentage of reports issued within timelines was considerably lower than the states previous three year average of 95%. The APR for 2006 year identified the issues related to two regional offices where staffing and tracking issues contributed to the lack of timeliness. These issues were addressed as the 2007 figures indicate, and the state returned to a percentage of reports issued within timelines more in line with the previous 95% average.

The 2007 dispute resolution data also show a notable decrease in the proportion of resolution meetings held in response to a due process complaint. In New York State, a new resolution session is initiated whenever a due process complaint is amended. In 2006, each resolution session was counted; this provided an inflated picture of resolution session in relation to due process complaints. In 2007 and forward, only one resolution session per due process complaint was counted.

Finally, there was a dramatic increase in the proportion of resolution meetings held in response to expedited due process complaints. There were no resolution sessions recorded for any of the expedited cases in 2006. 2006 was the first full year of data collection for resolution session information. Districts were still learning what data were needed. The 2007 data more accurately reflect the resolution session data.

## North Dakota

For the one complaint that received an extension, the parent requested the extension because she wanted the complaint investigator to review and consider one more document. The district agreed to the extension. An extension of 2 weeks was granted. The complaint report was completed within the 2-week extended timeline.

## Ohio

Ohio's data show that there was a decreased proportion of complaints with reports issued as well as reports issued within timelines (but with extensions) from 2006-07 to 2007-08. This pattern is directly linked to the parties attempting to resolve the complaints and or utilizing the Office for Exceptional Children's mediation process prior to the letter of findings being issued. Due to this, the parties have either requested an extension of the 60 day timeline or resolved the issues in the complaint prior to the letter of findings being issued.

## Oklahoma

Oklahoma's 2007-08 dispute resolution data show a substantial increase in the number of written, signed complaints. The state attributed this increase primarily 30 complaints that were filed by one individual against a school district in which he had just left employment.

The data also show a marked increase in the number of due process complaints that resulted in resolution meetings. The state was unable to explain this change and noted that there have been no changes in policy that would result in an increase of resolution meetings

## Palau

Palau did not have any complaints to report for SY 2007-08.

## Pennsylvania

- 1.1 Complaints with reports issued—16.18 Decrease: The number of written, signed complaints (total) decreased from 2006 to 2007. This decrease contributed to the drop in the number of complaints with reports issued. Complaints that were dismissed or withdrawn also contributed to this decrease. This is viewed as a positive outcome.
- 1.1a Reports with findings—21.66 Decrease: The number of written, signed complaints (total) decreased from 2006 to 2007. This decrease contributed to the drop in the number of reports with findings. Complaints that were dismissed or withdrawn also contributed to this decrease. This is viewed as a positive outcome.
- 1.1b Reports within timelines—16.67 Decrease: The number of written, signed complaints (total) decreased from 2006 to 2007. This decrease contributed to the drop in the number of reports within timelines. Complaints that were dismissed or withdrawn also contributed to this decrease. This is viewed as a positive outcome.
- 2.1 Mediations held—11.39 Increase: The number of mediation requests increased from 2006 to 2007. The number of mediations held is affected by this increase and is viewed as a positive outcome.
- 2.1i Mediation agreements—10.48 Increase: The number of mediation requests increased from 2006 to 2007, contributing to the increase in mediation agreements. This is viewed as a positive outcome.
- 3.2a Decisions within timeline—57.14 Decrease: The number of decisions within timelines decreased from 2006 to 2007. FFY 2007 marked the final year of the one-tier system in Pennsylvania.

Effective July 1, 2008, Pennsylvania moved to a full-time hearing officer model, rather than the contractor/full-time hearing officer model. This slippage in performance resulted from a series of unusual events that are not expected to reoccur.

- 3.3 Resolved without a hearing—15.63 Increase: The number of cases resolved without a hearing increased from 2006 to 2007. This is viewed as a positive outcome attributable in part to Pennsylvania's expanded continuum of dispute resolution options.

### Rhode Island

The state did not keep valid and accurate data regarding resolution sessions for this time period. A system is in development and will be used to accurately report these data next year.

### South Dakota

In South Dakota, the total number of written, signed complaints increased in 2007-08 as compared to 2006-07. This increase may be attributed to a joint training initiative carried out by the Parent Connection, South Dakota Advocacy Services, South Dakota Center for Disabilities and the South Dakota Transition Services Liaison Project that published and distributed a book called, *What Parents Should Know...About Special Education in South Dakota*. This book contains information on the federal IDEA as well as the state rules, but it goes beyond by making that information available to parents in an easy to understand format. The book is set up the same way throughout: First – what is the federal law, and then what is the state rule that goes along with the federal law and finally the question – what does this mean?

The South Dakota Department of Education, Special Education Programs helped review this book before publication and assisted in parent trainings after the book was published. Over 20,000 books have been distributed to parents throughout South Dakota. Many school districts give them out to parents who are new to special education. The South Dakota Office of Special Education Programs believes that part of the rise in complaints was due to the publication of this book and the trainings that took place in 2007 and 2008.

### Tennessee

In school year 2007-08, there was a decrease in the number of written, signed complaints that resulted in reports issued with findings of noncompliance, as well as a decrease in the number of written, signed complaints that were withdrawn or dismissed. These changes were attributable to the enactment of T.C.A. 49-10-604, effective July 1, 2007. The statute requires the department to conduct a more thorough investigation and review than what is required by 34 CFR § 300.151-153.

### Vermont

Specifically, row 3.3 has been changed from 21 to 18. As of the end of the reporting period on June 30, 2008, three cases reported in the original submission as resolved without a hearing were still pending. In each instance, these complaints were, in fact, resolved without a hearing. However, these resolutions occurred after June 30, 2008.

### Washington

The state verified all data reported as correct. The total numbers of mediations and complaints statewide have both decreased as a result of work in the state's APR. Also, Washington made gains in the number of resolution meetings, so those increases are viewed as a positive.

Wisconsin

The increase in written complaints was because during the 2007-08 school year, multiple complaints were received from one individual specific to one school district in the state, which accounted to some extent for the significant increase in the number of complaints received.