



Part B Data Notes

2009-10 Reporting Year and Fall 2010

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.

2010 Child Count

Arizona

Effective in the 2009-10 school reporting year, Arizona added a developmental delay category that included students between the ages of 3 and 10 years old.

Prior to the 2009-10 school reporting year, students reported in the federal developmental delay category were ages 3 to 5 years old and comprised the following state disability categories: preschool severe delay (PSD), preschool moderate delay (PMD), and preschool speech language (PSL).

An Education Omnibus bill signed by Governor Janice Brewer on July 10, 2009, included language for a new developmental delay category. With the introduction of developmental delay as a state category in 2009-10, the PMD category was replaced, and the age was extended to 10 years. Additionally, the PSL category was eliminated as it was included in the definition of speech language impairment (this was previously a school-age only category but now includes both preschool and school-age students). It should be noted that the speech language impairment count also decreased in the 2009-10 school reporting year, which may be attributed to more of these students being reported in the developmental delay category.

The increase in students ages 3 to 5 years being reported in the developmental delay category is likely due to the recent alignment of the new state developmental delay category to the federal developmental delay category, as well as an increased understanding of the use of this category by Public Education Agencies (PEAs).

Arkansas

In Arkansas, the developmental delay disability category does not apply to children age 6 and older.

Arkansas does not use the mental retardation, emotional disabilities, or specific learning disabilities categories for preschool students (3 to 5 years of age). These categories are available for K-12 and therefore are found only in the 5-year-old preschool data, which represents the kindergarten students who were rolled back to the preschool count.

Bureau of Indian Education (BIE)

BIE does not serve 3-year-old students. Per 25 CFR a child must be 5 by December 31st of a given school year to be enrolled.

California

California's data show a decrease since 2009 in the proportion of 3- to 5-year-old children categorized as having specific learning disabilities. The state reports that the change noted on Part B 2010 child count is a result in a change of reporting by Los Angeles Unified School District (LAUSD). LAUSD uses the eligibility of developmental delay for preschool students. There is no developmental delay eligibility category in the CA Special Education Management Information System (CASEMIS), so LAUSD mapped students to the specific learning disability classification for CASEMIS reporting.

There was a dramatic change in LAUSD reporting after the district did an additional in-depth analysis of its 3-to 5-year-old developmentally delayed students and changed from specific learning disabilities designation to speech or language impairments and autism to reflect the more appropriate designations.

Delaware

The state noted an increase in the proportion of 3- to 5-year-old children categorized as having developmental delays, while the proportion of children categorized as having specific learning disabilities has decreased since 2009. The state explained that although the classification of developmental disabilities was available for use, there were no state units of funding for this classification. Changing the funding system from a categorical unit system to needs-based funding system likely accounted for this change.

Guam

The decrease in the proportion of children ages 3 to 5 categorized as having autism may be attributed to the increase in the proportion of children ages 3 to 5 identified as being developmentally delayed. Individualized education program (IEP) teams for these children may have been making the determination under developmentally delayed versus autism due to the need for further observations and/or additional evaluations.

The Guam Part B 3 to 5 population is quite small, however, so any changes (either an increase or decrease in any of the disability categories) can affect the proportion of an identified category.

Maryland

Maryland's data show an increase in the proportion of 3- to 5-year-old children categorized as having developmental delays; whereas, the proportion of children categorized as having speech and language disabilities has decreased since 2009. The state attributed these changes to an enhanced statewide effort to inform families of the eligibility criteria for developmental delay and the option for parent choice in order to make appropriate decisions for their child's developmental status and educational needs. Often, families will choose the developmental delay category to identify their child's disability instead of another disability category, such as autism or intellectual disability.

New Jersey

All children ages 3 and 4 receiving services in New Jersey are classified preschool disabled or the equivalent of the federal definition of developmentally delayed. The earliest age children can be classified in any category other than preschool disabled is age 5.

New Mexico

The state attributed child count increases in the age 6 to 21 categories, in part, to children in the age 3 to 5 categories turning age 6 and thus being counted in the age 6 to 21 categories. This transition is evident when comparing the year-to-year increase of 2,193 children in the age 6 to 21 categories to a reduction of 1,361 in the age 3 to 5 categories. The age 6 to 21 population is significantly larger than the age 3 to 5 population, which results in the disproportionate percentages displayed in Table 1. In order to conduct valid and reliable analysis under these circumstances, the state used the actual count to determine that population shifts explain the data flagged as significant.

In conjunction with some children turning age 6 and thus being counted in the age 6 to 21 categories, child count for age 6 to 21 speech or language impairments increased by an additional 425 students, and child count for age 6 to 21 autism increased by an additional 181 students for a total of 606 students. The state attributed these additional increases to the year-to-year decrease of 618 students in the age 3 to 5 developmental delay category. The state also attributed the increase in the number of children ages 6 to 21 diagnosed with autism to the state's maturing autism awareness initiative. Literature, training, support groups, and other autism resources, once a small population in the state, can now be obtained from multiple sources. In addition, the more stringent criteria for identifying students with specific learning disabilities has slowed the growth in that area and has increased the number of students with speech and language impairments.

New York

New York State reports all its preschool children with disabilities who are either 3 or 4 years of age on the child count date under the developmental disability category. The definition of a preschool child with a disability in our regulations is as follows:

(mm) *Preschool student with a disability* is a preschool child as defined in section 4410(1)(i) of Education Law who is eligible to receive preschool programs and services, is not entitled to attend the public schools of the school district of residence pursuant to section 3202 of the Education Law and who, because of mental, physical, or emotional reasons, has been identified as having a disability and can receive appropriate educational opportunities from special programs and services approved by the department. Eligibility as a preschool student with a disability shall be based on the results of an individual evaluation which is provided in the student's native language, not dependent on a single procedure, and administered by a multidisciplinary team in accordance with all other requirements as described in section 200.4 (b) (1) through (5) of this Part.

(1) Commencing July 1, 1993, to be identified as having a disability a preschool student shall either:

(i) exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, socio-emotional or motor development which adversely affects the student's ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes but is not limited to information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview and other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for child development, indicate:

(a) a 12-month delay in one or more functional area(s); or

(b) a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas; or

(c) if appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviations below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas; or

(ii) meet the criteria set forth in paragraphs (1), (2), (3), (5), (9), (10), (12) or (13) of subdivision (zz) of this section.

(2) Commencing July 1, 1991, in the calendar year in which such preschool student becomes three years of age, a student shall be first eligible for preschool programs and services on January 2nd of such calendar year, if the student's birthday falls before July 1st, otherwise a student shall be first eligible on July 1st of the calendar year; except that a student who, as of his or her third birthday, is already receiving services pursuant to section 236 of the Family Court Act or its successor, or section 4204-a of the Education Law, may, if the parent so chooses, continue to receive such services through August 31st of the calendar year in which the student first becomes eligible to receive services pursuant to section 4410 of the Education Law. A student shall be deemed to be a preschool student with a disability through the month of August of the school year in which the student first becomes eligible to attend school pursuant to section 3202 of the Education Law.

Pennsylvania

In Pennsylvania, there may be instances where a 6-year-old child remains in a preschool program for an additional year, thus allowing for the use of developmental delay as a disability category. Otherwise, the developmental delay disability category does not apply to children ages 6 and older.

2010 Educational Environments

American Samoa

American Samoa does not serve 3- to 5-year-old children with disabilities in separate classrooms, separate schools, residential facilities or service provider locations because it does not have these facilities.

American Samoa does not serve 6- to 21-year-old students with disabilities in separate schools or residential facilities because it does not have these facilities. It does not serve 6- to 11-year-old students in correctional facilities.

Bureau of Indian Education

BIE per CFR 25 does not serve students who will not be 5 years old by December 31st of a given year and therefore does not provide counts for children younger than 4 years of age.

District of Columbia

There was an increase in the proportion of 6- to 21-year-old students categorized as having attended Regular Class 80 percent or more of the day since 2009. The state attributed this increase to the impact of the state education agency's (SEA) focus on training, technical assistance, policy issuance, and monitoring related to least restrictive environment (LRE) obligations pursuant to the Individuals with Disabilities Education Act (IDEA). District of Columbia expects that additional changes in these data will occur, reflecting a continued increase in each LEA's understanding of LRE requirements and the capacity to serve children in regular education environments.

Micronesia

In Micronesia, special education and general education teachers have received additional training to more effectively provide special education services within the general education classroom setting. The collaboration between special education and general education has resulted in children with disabilities spending a greater amount of time in the general classroom setting.

Minnesota

The state did not report students in the parentally placed in private schools and correctional facilities categories. In Minnesota, for the 2010-11 school year 100 students were included in the educational environment counts in the district where the correctional facility is located. All were included in the counts for inside regular class 80 percent or more of the day. Parentally placed students receiving special education are included in the child count in the school district where they receive special education services.

New Hampshire

The Department of Education, Bureau of Special Education, has provided additional training to local education agencies on the Part B educational environments data collection to describe that the student who is receiving service in the regular class with his peers should be listed as inside regular class. Students who are actually taken out of the regular class are included in the other types of 40 percent to 79 percent regular class and less than 40 percent regular class.

Many districts are implementing the Response to Intervention (RTI) model, which is reducing the number of students needing special education services.

New Mexico

The state attributed percentage reductions in age 3 to 5 LRE categories to some children in age group 3 to 5 categories turning age 6 and consequently entering age 6 to 21 categories. This shift is apparent when comparing the increase of 2,193 children (1,422 males and 771 females) in age 6 to 21 categories to a reduction of 1,361 (932 males and 429 females) in age 3 to 5 categories. The age 6 to 21 population is significantly larger than the age 3 to 5 population, resulting in the disproportionate percentages found in Table 3. In order to conduct valid and reliable analysis under these circumstances, the state used the actual count to determine that population shifts explain the data flagged as significant.

The decrease in the number of students considered limited English proficient (LEP) can be attributed to the updated state rules that went into effect on December 31, 2009, that require LEP “rule out” as part of identifying students with a disability, particularly in the specific learning disability category.

The overall number of students receiving special education and related services increased by 2,193 students. The majority of those students (939) received their services inside the regular class 40 – 79 percent of the school day. As part of the IEP process, districts are moving students from the more restrictive settings into the lesser restrictive settings in order to meet the State Performance Plan Indicator 5. Hospital settings decreased due to an increase in residential facilities increased in the state. Parental placements in private schools increased even though the overall private school enrollment decreased. Annually as part of the sub-grant process, school districts are required to report child find efforts in the private schools. The accountability measures in this area have increased.

2009 Personnel

Alaska

Alaska does not employ or contract social workers to provide services to children with disabilities.

America Samoa

American Samoa does not employ any staff for the following categories: audiologist, interpreters, physical education teachers and recreation, and therapeutic recreation specialists.

Arkansas

Arkansas does not employ or contract speech language pathologists to provide services to children with disabilities.

Connecticut

Connecticut does not certify or have any jurisdiction over the other listed related service personnel; the state does not collect data on the number of these personnel employed by local education agencies in the state. Therefore, Connecticut is unable to report the number of related services personnel in the other categories that may be providing services to students with disabilities. Connecticut does not intend to collect these personnel categories; they are not required under IDEA, and state law does not allow the Department of Education any jurisdiction over these personnel.

Delaware

According to Delaware, paraprofessionals were not included in the teacher data system but will be accounted for in the next collection. Movement between districts of professional positions could have accounted for duplicate counts, and this issue has been corrected for future submissions.

Hawaii

The state reported that counselor positions are not devoted 100 percent to providing special education and related services to students with disabilities. The reason for the decrease in this category is that counselors work only a percentage of time with special education students.

Illinois

Illinois noted that its data do not include personnel employed by private agencies or staff serving in nonpublic schools. As a result, its 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 with the 6 through 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 was only able to provide a separate count of teachers serving 3- through 5-year-olds when their services were provided in an early childhood or preschool setting. All other personnel who may be serving students' ages 3 through 5 were reported as serving 6- through 21-year-old students. As a result, the number of teachers for children ages 3 through 5 is an undercount, and the number of teachers for students ages 6 through 21 is a slight overcount.

Marshall Islands

Marshall Islands does not employ or contract paraprofessionals to provide special education and related services to children or students with disabilities.

New Jersey

According to New Jersey, during the 2008-09 collection cycle, there was no method in place for collecting the personnel data under the new federal guidelines issued late that year—the data had already been collected using the previous year’s guidelines and were therefore missing required data elements (the number of special education teachers and paraprofessionals serving children and students with disabilities). As of 2009, the collection system had fully incorporated all of the federal guideline changes.

New Mexico

According to New Mexico, the number of qualified special education paraprofessionals for students ages 3 to 5 increased from 2008 to 2009. This was due to a reduction of state funding and district cut backs. In New Mexico, special education teachers have caseload maximums set forth in law. If a district exceeds the caseload waiver, it can apply for a waiver for one year. The waiver allows the teachers to take additional students and utilize instructional assistants to off-set the caseload. The number of special education teachers for students ages 6 to 21 who are not highly qualified was reduced from 2008 to 2009. In working with the Information and Technology division and licensure, special teachers are being properly coded and reported, in accordance with the Elementary and Secondary Education Act (ESEA) and the Individuals with Disabilities Education Act (IDEA), based upon their daily teaching assignments. All technical assistance materials were updated to reflect the proper reporting. The number of special education paraprofessionals for ages 6 to 21 not qualified decreased due to the recent licensure requirements and background checks required for instructional assistants. Instructional assistants must pass a background check and have a license issued by the education department.

South Dakota

South Dakota’s data submission showed a decrease in the proportion of special education teachers serving 3- to 5-year-old children and an increase in the proportion of special education teachers serving 6- to 21-year-old students. According to the state, the 2008 report of special education teachers serving 3- to 5-year-old children included those serving children ages birth to 3. Those personnel were excluded from the 2009 submission. The increase in special education teachers serving 6- to 21-year-old students was attributed to the inclusion of additional special education core teachers, who are coded in the data system as “non-authorized,” but who are qualified in their position.

West Virginia

West Virginia’s data show a decrease in the total number of paraprofessionals serving students ages 6 to 21 with disabilities. The state attributed this decrease to (1) increases in the total number of paraprofessionals serving students ages 3 to 5 in the state, (2) decreases in the total number of school-age students with disabilities in the state, and (3) additional training surrounding the definition of a paraprofessional in recent years.

2009-10 Exiting

Alabama

Prior to the Nov. 1, 2010, exiting data submission, Alabama noted that its electronic system for collecting exiting data inaccurately allowed for the reporting of exiting data for age groups 14 through 20 in the reached maximum age category. Although this problem was identified prior to the November 1 submission time frame, the technical corrections to the electronic system could not be made prior to the collection of the exiting data for the 2009-10 school year or allow for changes to the reported data. However, the necessary corrections to the electronic data collection system that will provide for the accurate reporting of exiting data in the reached maximum age category for only age 21 as required by the *Alabama Administrative Code*, have since been completed for all future collections.

The increase in the number of students with disabilities graduating with a high school diploma from 2008-09 to 2009-10 is an encouraging and rewarding indication that the results of previously implemented initiatives are now being positively reflected through student graduation. However, Alabama has also noted the data trend of increased dropouts. As part of the 2009 Dropout Prevention Act, on March 31, 2011, Alabama announced the *Every Child a Graduate* Dropout Prevention Awareness Campaign, which includes the work of several communities and legislative and educational supports. This wraparound support system comprising the Alabama Department of Education and local school systems, the Alabama Select Commission on High School Graduation and Student Dropouts, America's Promise Alliance, The David C. Matthews Center for Civic Life, and The Mattie C. Stewart Foundation is working collaboratively to identify at-risk students, offer programs or services, and encourage school personnel, parents, and community leaders to help reverse the trend of dropouts in our state. Alabama will monitor the effects of this broad intensive approach to reducing dropouts through future data trends.

Alabama also noted a decrease in the number of students receiving a graduation certificate in 2009 in comparison to the increase of those receiving a diploma. This is another encouraging pattern that will be monitored in the future as one indicator of effectiveness of the *Every Child a Graduate* initiative.

Delaware

Delaware's data showed a decrease in the proportion of students who graduated with a regular high school diploma, while the proportion of students who dropped out of the special education program has increased since 2009. The state reported that the drop in students who graduated with a diploma is a data anomaly and not indicative of a specific issue. The increase in the number of students who dropped out was due to reporting changes for students who were aging out of the program being incorrectly counted as dropouts. This issue has been corrected for the future.

District of Columbia

The State's data showed an increase in the proportion of students with disabilities who graduated with a regular diploma, while the proportion of students with disabilities who dropped out of the special education program had significantly decreased since 2009. District of Columbia attributed the increase in the number of students who graduated with regular high school diploma and a decrease in the number of students who dropped out of the special education program to the Office of the State Superintendent of Education's (OSSE) improved data collection and reaching out to LEAs for clarification where required. The state expects that as OSSE's data collection and processes improve, there will be a change in numbers within exiting categories.

Illinois

Per the Illinois School Code, in addition to other course requirements, each pupil entering the ninth grade must successfully complete the following courses to graduate with a regular diploma: three years of language arts; two years of mathematics, one of which may be related to computer technology; one year of science; two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government; and one 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 are awarded regular diplomas. Students with GEDs and other non-regular completion certificates are not included.

The decrease in the proportion of students who were reported as moved and known to continue and the increase in the proportion of students who graduated with regular high school diploma since the 2008-09 school year was directly attributable to the decrease in the moved and known to continue category. This is as a result of the state's providing targeted technical assistance to a local education agency (LEA) that corrected previous reporting practices that in effect broadened the definition of a catchment area.

Indiana

For this reporting period, the Indiana Department of Education (IDOE) developed and disseminated extensive guidance to the LEAs in Indiana about how to correctly use the moved, known to be continuing category. Prior to the guidance, most schools thought that when a student moved from one district in Indiana to another within Indiana, it should be reported. In actuality, those students should only be reported if they move to a location where special education in the state will not continue, such as to another state. The IDOE learned that districts were overidentifying students in this category, and that is why the guidance was provided.

Furthermore, most special education data prior to 2009-10 were collected in Indiana by the Computerized Data Project (CODA). Through the CODA system, there was no way to validate that students were not being reported multiple times or by multiple districts or to automatically verify the data against other statewide reports. Now that the reporting is done through the STN application center, Indiana's statewide data warehouse for ALL educational data (general and special education), the special education data are automatically checked against many other reports for accuracy. For example, when it comes to the moved, known to be continuing category, the data submission receives an error if one of the students coded shows up on another Indiana school's attendance report after the date the student departs. Similar functions exist for each of the transition categories. The system used prior to 2009-10 did not have this capability.

Kentucky

In prior years, Kentucky's statewide exiter count was simply an aggregation of each individual LEA's report of exiters. However beginning with the 2009-10 school year, Kentucky calculated these data differently. A student may be reported by the LEA where he or she began the school year as an exiter when that student moves to another LEA. However, if that student moved to another district in the state, he or she is not an exiter at the state level even though he/she is for the original LEA. For each child

reported as an exiter under the basis of moved, known to continue, the state checks to see if the child is or was enrolled at another district in the state after leaving the original district. This results in a dramatic decline of moved students on the state level report while at the same time potentially increasing the number of other types of exiters. The increase in other types of exiters at the state level occurs when we find the student exited the other district through some other basis.

Because the number of students reported as moved, known to continue no longer includes students at the state level who moved from one district in the state to another district in the state, the overall total of all exiters decreased. Because the decrease was largely concentrated to this single basis of exiting, other types of exiting became a larger percentage of the total despite only minimal changes in the totals reported for other types of exiting. For example, the total reported as graduates increased from 3,365 to 3,459 (94 students or less than a 3 percent increase). However because Kentucky changed how it reports moved students, to not include students still in a school in Kentucky, the proportionate amount of graduates increased relative to the total of all exiters.

Also note the following:

1. The catchment area for an LEA is its school boundaries.
2. The catchment area for an SEA is statewide.
3. As a result of the differences in catchment areas, a student reported as an exiter at the LEA may not be an exiter at the SEA.
4. Prior to 2009-10, Kentucky's state total was simply an aggregation of its individual LEA reports. Now Kentucky uses the statewide catchment area.
5. Students who exited an LEA and moved to another LEA within the SEA may no longer be an exiter of the SEA or may have exited the SEA for a different reason (moved from first LEA and graduated, aged out, received certificate, dropped out, died or transferred to regular education) resulting in fewer students at the SEA as exiters overall, fewer as moved, but potentially more exiters in the other types of exiting options.
6. Because of the changes noted in 5, the proportionate amount of each of the categories other than moved increased relative to the overall total because the universe of statewide exiters this year decreased.

Maine

Maine's data show an increase in the proportion of students who graduated with a regular high school diploma, while the proportion of students who moved and were known to continue in a program has decreased since 2009. The state noted that there were no identifiable strategic, procedural, or policy influences that would account for changes in its exiting data. Maine continued the data collection and data validation methods previously deployed. Changes in its year-to-year data were likely attributable to statistical variation and environmental influences, and no known causal influence was identified.

Massachusetts

Massachusetts' 2009-10 exiting submission show an increase in the proportion of students who transferred to regular education and a decrease in the proportion of students graduating with a regular high school diploma. Massachusetts attributed these changes to the improved methods of collecting, validating, and analyzing data.

Micronesia

Micronesia continued to be unable to report the English proficiency status of students, since it has not developed a formal assessment tool to measure English proficiency. Micronesia is anticipating developing the LEP assessment sometime in FFY 2015.

For this reporting period, there was an increase in graduation and decrease in dropouts because there was better tracking of graduation requirements and review of placements for students having an absenteeism problem.

Micronesia attributed a decrease in dropout and moved not known to be continuing to being better able to track the leavers in these two categories as it conducts visits to the dropout students and their families and tracks students as they move to different islands or places.

Micronesia attributed an increase in the number of students transferring to regular education to an overall improvement in collaboration between special education and regular education such that classroom instructions and learning environments are becoming more conducive for IEP students.

Nebraska

Nebraska has been focusing on dropout prevention and retention in high school for all student populations. This would explain the increase in the numbers of students graduating.

Nevada

Nevada's data show an increase in the proportion of students with disabilities who moved and were known to continue in a program, while the proportion of students who received a certificate has markedly decreased since 2009. The state noted that Nevada had far fewer students exit special education programs during 2009-10 for any reason, and the fewer numbers who exited after earning a certificate may reflect students' decisions to continue their education in an attempt to earn a regular education diploma.

New Hampshire

In explanation for the increase in the number of students transferred to regular education and the decrease in the number of students identified as dropouts, the Department of Education, Bureau of Special Education, has provided additional training to LEAs to describe what types of discharges should be used. A student who refuses special education services and still attends school should be listed as transferred to regular education, not as a dropout. The only instance for the use of dropout is when a student has left school and is not attending classes.

Many districts are implementing an RTI model, which is reducing the number of students needing special education.

Legislation passed on July 1, 2009, stated a student under the age of 18 years could not drop out of school.

Northern Marianas

The Northern Marianas's predominant language of instruction is in English. Currently, the Northern Marianas does not have a testing instrument to measure the proficiency of the predominant language for

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

Puerto Rico

Puerto Rico's data show a decrease in the proportion of students who graduated with a regular high school diploma, while the proportion of students who dropped out of the special education program has increased since 2009. The state reported that there was a significant increase in the percentage of students with disabilities who dropped out of special education because of the requirement to drop out of school to enter other programs. For a student to obtain a GED or enter other private initiatives or public or private projects (Adult School, Project Home, WIA, etc.), the state requires students to drop out of school. Students age 16 years or more qualify for these programs. The decline in the number of graduates with a high school diploma was attributed to an increase in the number of students in the dropout category.

Virgin Islands

Virgin Islands' data show an increase in the proportion of students who moved and were known to continue in a program, while the proportion of students who dropped out of the special education program has decreased since 2009. The state reported that the decrease in the number of students dropping out was a result of quarterly monitoring of IEPs, training to the district's administrative and faculty in the use of the Transition Checklist for Indicator B13, yearly youth self-determination summit, and the retrofitting of the student information system.

Additionally, the State Office of Special Education facilitated an initiative of students at risk of dropping out at four of secondary schools in the territory. Eighty students successfully completed the program.

The increase in the number of students who exited in the category moved, known to be continuing was due to improved data collection of transmittal of documents, i.e., transcripts, IEPs, and any other student data request.

Virginia

Virginia reported that the increase in the number of students who transferred to regular education is accurate as reported and is one of the reasons for the declining students with disabilities population.

2009-10 Discipline

Arizona

Effective SY 2009-10, Arizona developed a new way of collecting, tracking, and reporting school safety and discipline incident data for students with and without disabilities—Arizona Safety Accountability for Education (Az SAFE). This new application is incident-driven and records individuals involved; types of violations that occurred; time, date, and place of the incident; as well as the corrective actions that were assigned and when they were completed. An opportunity for manual corrections is offered to PEAs to ensure accurate and valid data.

Arizona reported that no students were removed by a hearing officer in school year 2009-10 due to 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).

Arizona reported that no students were removed to an interim alternative educational setting (IAES) for serious bodily injury in school year 2009-10. Due to the significant decrease in these data compared to school year 2008-09, the state performed a number of confirmatory checks to ensure the reported data were valid and accurate. After ensuring that serious bodily injury incidents were reported for students with and without disabilities and following up with reporting schools, it was clear that serious bodily injury data existed for students with disabilities but did not meet criteria for IAES removals in the 2009-10 school year.

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, which 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 transitioning to a new student data management system over the next 3 years, and special education is working with the administrator of the student management system to get the field added to the new system.

Georgia

Georgia collects discipline data via its student record data collection. The discipline type event of serious bodily injury is defined as listed below. This information is located in the 2010 Student Record Data Element Detail.

Serious Bodily Injury - The term "serious bodily injury" means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

If students had been reported with a discipline type event of serious bodily injury, there are specific discipline action codes that would have been associated with the event that report the outcome, including alternative settings.

Guam

No children ages 3-21 with disabilities were subject to expulsion to report for SY 2009-10. Likewise, no children without disabilities, K-12, were subject to expulsion; therefore, there were no children to report in Section E, 6.2A and 6.2B for SY 2009-10.

Hawaii

Hawaii's state code defines removals to an IAES as follows (Title 8 Department of Education, Subtitle 2, Part 1, Chapter 19) reads: "IAES means a temporary placement for a student who has been suspended or otherwise removed from his current educational placement for disciplinary reasons in which the student continues to receive educational services to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP."

Iowa

Iowa did not have any children with disabilities removed to an IAES for serious bodily injury for 2009-10. Serious bodily injury is defined as: “extreme physical pain, protracted and obvious disfigurement, protracted loss or impairment of the function of a bodily member, organ, or faculty, or substantial risk of death.” Data for this element are collected through Iowa’s Project EASIER, which is how all of the state’s removal data are collected at the student and incident levels.

Maine

Maine collects data on behavior incidents that result in disciplinary action. Reported incidents resulted in one of seven behavior resolutions: expulsion with services, out of school suspension, alternative education setting by school personnel, in-school suspension, alternative education setting by hearing officer, expulsion without services, or pending. The behavior resolution alternative education setting (as with all of the other resolutions) is assigned an Event Name from a list of 40 possible infractions listed in the state’s data collection system. Three of those event types are serious bodily injury categories. They are listed below.

1. Aggravated Assault: An attempt to cause or purposely cause serious bodily injury to another, i.e., injury that creates a substantial risk of death or which causes permanent disfigurement, or protracted loss or impairment of the functions of any bodily member or organ. *Example: A student pushes another student in the cafeteria and a fight breaks out. Three students become involved in the altercation and one student ends up with a broken arm. All three students were suspended from school, and criminal charges are pending.*

4. Assault With Firearm: An attempt to cause or purposely cause serious bodily injury to another by use of a firearm. (See also: "Possession of Firearm" definition.)

5. Assault With Other Weapon: An attempt to cause or purposely cause serious bodily injury to another by use of a weapon other than a firearm. (See also: "Possession of Other Weapon" definition.)

For this report year, no student with disabilities was removed to an IAES under the serious bodily injury category.

Michigan

Below are some possible explanations for changes in Michigan’s reporting of unilateral removals and the removals by a hearing officer between 2008-09 and 2009-10:

- Michigan experienced a decline in the number of students with disabilities, which may explain some of the decreases in the number of unilateral removals and the removals by a hearing officer reported.
- Michigan changed to a new data collection and registry system, and some districts experienced technical difficulties and/or reporting problems.
- In contrast, the new system, known as the Michigan Student Data System (MSDS) has enhanced data quality checks, which may have allowed some districts to more accurately report their data.

Some state-sponsored building-level initiatives designed to reduce the number of disciplinary incidents have been scaling up in the past two years and may be having a noticeable effect on the number of unilateral removals and the removals by a hearing officer that occurred.

Michigan has been working to identify and resolve issues related to reporting data accurately and comprehensively. In addition, this summer Michigan will investigate districts that reported substantial differences in disciplinary data reported over the past two years in an effort to identify and resolve reporting problems that surface.

Micronesia

Micronesia continues to be unable to report the English proficiency status of students, since it has not developed a formal assessment tool to measure English Proficiency. FSM does collect suspension for students without disabilities but was unable to verify these particular data during this reporting period.

Minnesota

Minnesota's Disciplinary Incident Reporting System (DIRS) has recently undergone some fine tuning in regard to the reporting of serious bodily injury.

There were no unilateral removals to an IAES involving children with disabilities that resulted in serious bodily injury for the 2009-10 school year.

Following is a brief description of how the DIRS system handles the reporting of serious bodily injuries:

For every incident reported in DIRS there is a question asking if a victim or victims are involved in the incident. This question must be answered 'Yes' or 'No.'

- If 'Yes' is chosen (a victim is involved) . . .the following question must also be answered:

Did injury occur to this victim 'Yes' or 'No'?

If 'Yes' is chosen (injury occurred to victim) . . .the following question must also be answered:

Was the injury a serious bodily injury under federal law? 'Yes' or 'No'

A direct link is provided after this question that provides the following federal definition of "serious bodily injury" as stated in 18 U.S.C. S 1365(h)(3):

(3) the term "serious bodily injury" means bodily injury which involves—

(A) a substantial risk of death;

(B) extreme physical pain;

(C) protracted and obvious disfigurement; or

(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

NOTE: 18 U.S.C. S 1365(h)(3) is specified in the 618 Table 5 business rules as the definition to use for "serious bodily injury."

Mississippi

Mississippi collects discipline data in daily and monthly files submitted by LEAs. For the serious bodily injury category, the state pulls any incidents of homicide, mayhem, poisoning, sexual battery, and rape

that result in a disposition of alternative school placement. For the 2009-10 school year, there were no students with disabilities reported for these incidents.

Nevada

Nevada uses the definition provided under IDEA and provided by OSEP in its data collection instructions. The NDE provides annual training to state directors of special education regarding the discipline provisions of IDEA and the discipline reporting provisions required for annual reporting to OSEP. In this reporting year, no district used a 45-school-day IAES placement in conjunction with an incident involving serious bodily injury

New Jersey

New Jersey collects data from LEAs on the counts of special education students “suspended” from their current educational placement, including both in- and out-of-school suspensions. New Jersey does not further differentiate between types of removals (i.e., suspension vs. expulsion). Regardless of whether a removal is characterized as a suspension or expulsion, the procedural protections afforded the student and parents removed from their current educational placement pursuant to both federal and state law are the same, and all such students with disabilities must still receive educational services to allow them to participate and progress in the curriculum appropriately. All students suspended or removed are included in these data.

Vermont

Vermont uses an Access application called the Combined Incident Reporting Software, which all public schools are required to utilize for reporting this information to the state. The software allows reporting interim removals to an alternate setting for reasons including weapons, drugs, and the threat of serious bodily injury. The reporting instructions provide the following definition of a serious bodily injury:

Serious bodily injury - A bodily injury [is one] that involves a substantial risk of death; extreme physical pain, protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty.

Vermont conducts training sessions with schools each year; this training includes reviewing the definitions and the appropriate use of the reporting categories. The definitions are reviewed annually to ensure that they meet all reporting requirements.

Virginia

Virginia’s definition for removal to an interim alternative educational setting for serious bodily injury is consistent with that specified under the IDEA reporting requirements.

West Virginia

The West Virginia Education Information System (WVEIS) student record system for all students includes a discipline module, which all schools are required to use to record disciplinary actions. The WVEIS online support center contains a list of standard offense and disciplinary action codes (http://wveis.k12.wv.us/wveis2004/documents/StandardDISCIPLINESYSTEM09_000.pdf). The standard action codes include (1) the unilateral removal of a student with a disability to an IAES for not more than 45 days by a school personnel (i.e., not the IEP team) for drugs, weapons and serious bodily injury offenses and (2) the removal of a student with a disability to an IAES for not more than 45 days by an

impartial hearing officer based on the hearing officer's determination that maintaining the child's current placement is substantially likely to result in injury to the child or others. The standard offense codes include codes for various drug and weapons violations and the following code for serious bodily injury, which corresponds to the definition in 18 USC Section 1365(3)(h).

XF2 Serious Bodily Injury:

Inflicting bodily injury on another person that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty.

School discipline procedures followed for all students are outlined in the Student Code of Conduct. School administrators are required to use the standard codes providing the student offenses and school actions correspond to the definition (Policy 4373: *Student Code of Conduct*, §126-99-11). School administrators are required to enter disciplinary offenses and actions within 24 hours of the imposition of the suspension or expulsion per WV Code §18A-5-1a. Although daily maintenance of discipline records for students with disabilities and students without disabilities is the primary responsibility of the school principal or designated school administrator, special education directors have access to report capability functions to assess number of removals and review accuracy of individual records.

LEA discipline records for all students for a given school year are submitted and collected by WVDE during 10th month reporting. Following collection, WVDE performs edit checks for the following issues (1) invalid codes, (2) missing codes and (3) offense codes that do not appear to match action codes or appear unreasonable given the days assigned. Further, WVDE provides the summary totals for the number of incidents wherein a student was unilaterally removed to an IAES by a school administrator and the total number of incidents wherein a student was removed by a hearing officer to an IAES for drugs, weapons, or serious bodily injury for district verification by the special education director. The number of students removed by a hearing officer is cross-checked with due process hearing data maintained by the WVDE, and LEAs are contacted to make corrections as needed.

Wisconsin

LEAs report to the Department of Public Instruction a removal type of "Placement in an Interim Alternative Educational Setting by School Personnel" (see definition below). An LEA is then further required to respond whether the removal was as the result of serious bodily injury (see definition below).

Placement in IAES - School Personnel: Placement in IAES - school personnel is an instance in which school personnel (not the IEP team) order the removal of a student with disabilities from his or her current educational placement to an appropriate [interim alternative educational setting](#) for not more than 45 school days as the result of drug offenses, dangerous weapon offenses, or causing serious bodily injury. The IEP team is responsible for determining the interim alternative educational setting. "Placement in IAES - school personnel" does NOT include decisions by the IEP team to change a student's placement.

This code is valid only if [primary disability](#) as of the [removal period start date](#).

Incident resulted in serious bodily injury. Serious Bodily Injury involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or faculty (18 USC Section 1365 (3)(h)). USES: This data element is required by IDEA for "[Interim Alternative Educational Setting - School Personnel](#)" Removal Type.

2009-10 Assessment

Alaska

Alaska does allow a district to excuse a newly arrived LEP student from participation in the reading assessment, and it also requires a LEP student to be assessed on English language proficiency, but it does not replace the reading or writing assessment scores with the proficiency assessment scores. Alaska also allows a newly arrived LEP student to participate in the reading assessment, but to have those scores excluded from the Adequate Yearly Progress (AYP) determinations. All students with disabilities who were newly arrived LEP students in 2009-10 participated in the reading assessment so their scores were included in the already reported assessment data.

American Samoa

Since American Samoa is an outlying territory, it did not have any LEP students coming into the territory for fewer than 12 months.

Arkansas

The enrollment date is different depending on the test taken; however, April 12, 2010, represents the majority of students.

Arkansas does not allow out-of-grade-level testing.

Arkansas does not allow parental exemptions.

Bureau of Indian Education

BIE does not use a single assessment for all of its schools. By Negotiated Rulemaking for the implementation of PL107-110 and 25 & 40 CFR, the BIE uses the accountability system of the state in which its school resides (including its assessment) to determine whether schools are making AYP. Similarly, BIE-funded schools are advised to use the guidance of the state in which they reside to determine when and how their students should be tested with regard to test windows, test eligibility, and the identification and usage of an appropriate assessment for children with disabilities.

BIE has schools in 23 states; in conjunction with explanation #1, the BIE collects assessment data from all grades in which students are assessed. In high school, the BIE has schools in all states such that all four grades in high school are assessed.

It is not the BIE's practice to allow out-of-level testing for students with disabilities. However, BIE collects data on this topic because some of its schools do not comply with this directive. In any given year, this number is normally zero. However, in the recent past, some students were assessed out of grade level, and we needed to accurately report that this occurred despite the fact the BIE policy forbids it.

California

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 flexibility offered by Secretary Paige's communication of February 19, 2004, California elects to exclude the test results of these students from the Annual Measurable Objectives calculation.

SY 2009-10 assessment data are reported at different times and are currently undergoing data corrections and updates. The data in this section differ slightly due to the slight variations reported in NOO3, NOO4, XO81, NO93, and N146.

Per the California Consolidated Application Accountability Workbook, English learners are tested in their first year.

Tenth-grade students were not available for testing due to suspensions, expulsions, and/or behavioral issues.

Discrepancy in the data fields was due to ongoing data corrections and updates.

Colorado

Colorado has Alternate Assessment Standards. Colorado does not administer Alternate Assessments based on grade-level academic achievement standards. Colorado does not collect data for students who took an out-of-level test. Colorado has no off-level testing. Colorado does not collect data on parental exemption, absent, or exempt for other reasons (5-week testing window available). All students required to participate in testing statewide.

Delaware

Exemptions included: student in treatment facility, student has serious or terminal illness, death in family, student was hospitalized, student out of state for medical reasons.

For students with IE's, the state uses the official December 1 child count numbers. There is some fluctuation between those counts and the number of students who are actually tested as the testing dates do not coincide with the December 1 count.

Delaware does not require LEP students in the United States for fewer than 12 months to participate in regular assessments. Although data regarding the number of these students exist in the system, the state is not able to report these numbers at this time.

District of Columbia

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 were collected.

Florida

Florida does not currently allow the English language proficiency test to replace the regular reading assessment. The state believes blanks are the correct submission.

Passing scores on the 10th-grade FCAT reading and math are requirements for graduation with a standard diploma. Differences between reading and math participation reflect students repeating 10th grade due to lack of credits needed for promotion to 11th grade and needing to retake and pass the 10th- grade reading assessment but not the math assessment.

Guam

Guam does not report students as not participating in assessments for other reasons. If students with disabilities did not participate in the assessments for math or reading, they were categorized as not participating due to being absent.

Guam does not reside within the contiguous United States, and therefore the report of newly arrived English language learners students participating in the district-wide assessment does not apply.

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.

Illinois reported the following categories as N/A in the associated EDEN files because they 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 permit schools or parents to exempt students from assessment.
- Students who took an out-of-level test: Illinois does not permit students with disabilities to take an assessment below their grade level.

Marshall Islands

Marshall Islands administers high school assessments to both 10th and 12th graders.

No Child Left Behind (NCLB) does not apply to Marshall Islands. All students are LEP.

Maryland

Of the allowable categories for reporting students who did not participate in assessments, Maryland reports data on students who did not participate due to medical emergency (zero students were in this category) and who were absent. All other reasons for invalid results were reported as “other reasons.”

Michigan

Participation data do not include LEP students who, at the time of testing, were in the United States for fewer than 10 months and participated in the English Language Proficiency Assessment in place of the regular reading assessment. Michigan uses only three achievement levels on its alternate assessments (i.e., does not have an L1 achievement level). Levels L3 and L4 are considered proficient.

Michigan offers two testing dates in which students may take the assessment. The first is offered at the end of September, and the second is offered at the beginning of February.

Micronesia

Micronesia has revised its statewide assessment from a criterion-reference test to standard-based assessment.

Micronesia still maintains the same standards and benchmarks in its new statewide assessment but has changed its name from National Standardized Test (NST) to National Minimum Competency Test (NMCT). The NMCT, like the NST, tests all 6th-, 8th-, and 10th-grade students in language arts and mathematics.

Micronesia administered the language art test only because the math testing modules were not published before the administering of the test in spring 2010. However, both language arts and math testing modules are prepared and anticipated for administering in spring 2011.

FSM does not have out-of-level tests, therefore -9 is used under column 6 on page 13.

Mississippi

Mississippi does not collect other reasons for nonparticipation.

Nebraska

The tests are not given on a specific day; therefore, there is the possibility for discrepancy between the number of children with IEPs and the number assessed.

New Jersey

New Jersey does not report students as not participating in assessments for “other reasons.” All students are required to participate in testing statewide. New Jersey does not collect these data because according to state guidelines such a value is not permitted. However, all students with disabilities were accounted for during the reporting period

North Carolina

North Carolina confirms that data on LEP students in the United States fewer than 12 months who did not fully participate in the reading assessments were collected by the State Assessment Bureau. However, there were no students in this population that had IEPs, so a zero is reflected in this data category

Palau

Republic of Palau does not assess grades 3, 5, and 7. Its alternate assessment is based on alternate academic achievement standards. Palau does not have an alternate assessment based on grade-level achievement standards or modified academic achievement standards.

PAT stands for Palau Achievement Test. AA-AAS stands for alternate assessment based on alternate achievement standards.

Palau does not collect the number of students included within the NCLB 1 percent cap. Palau is not bound by NCLB regulations.

The category of LEP students who recently arrived in the United States does not apply to the Republic of Palau.

Pennsylvania

English language learners in their first year in the United States do not have to take the reading assessment. If they do take it, their scores do not count for AYP; only their participation counts. The English language proficiency test does not replace the Pennsylvania System of School Assessment.

The modified assessment within Pennsylvania begins at grade 4 for reading and math and grade 8 for science.

South Carolina

PASS (Palmetto Assessment of State Standards) is South Carolina's accountability assessment for grades 3-8. PASS has three proficiency levels: Not Met, Met, and Exemplary. For the purposes of reporting, Proficiency is determined by those scores at or above Met.

HSAP (High School Assessment Program) is South Carolina's accountability assessment for high school (grade 10). HSAP has four proficiency levels: Below Basic, Basic, Proficient, and Advanced. For the purposes of reporting, Proficiency is determined by those scores at or above Proficient. As a result the data on worksheets 5 and 14 are broken down into the two separate assessments, with the two proficiency scales.

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 has an approval system for excused participation in statewide assessments under the reasons of absences and medical issues. Data for these approved excusals were not available for inclusion as of the February 1, 2011, deadline. These data were expected to be available in mid- to late-February, 2011 with the submission of the Comprehensive State Performance Report (CSPR).

South Carolina does not have any other levels than those indicated for each assessment.

PASS and HSAP are administered only to those grades and levels indicated.

According to South Carolina assessment policies, "students enrolled in U.S. schools for less than one year and who score less than "initially proficient" based upon their scores on an English proficiency test...are allowed a one-time exemption from the PASS ELA and writing tests. If a student meets the first year exemption criteria..., his or her scores on these tests will not count for AYP calculations." No student data were available on these very few students. These students were counted as not participating for other reasons on Worksheet 13.

http://www.ed.sc.gov/agency/Accountability/Assessment/old/assessment/publications/documents/PASSTAM2010_001.pdf

South Dakota

The difference of the seventh-grade student count comes from the inclusion of recently arrived students who are LEP and attended schools in the United States fewer than 12 months who took the Access test in lieu of the Dakota State Testing of Educational Progress reading test in the participating file.

South Dakota confirmed that data on LEP students in the United States fewer than 12 months who did not fully participate in the reading assessments were collected by the State Assessment Bureau. However, there were no students in this population that had IEPs, so a zero is reflected in this data category.

Tennessee

Tennessee confirmed that data on LEP students in the United States fewer than 12 months who did not fully participate in the reading assessments were collected by the State Assessment Bureau. However, there were no students in this population that had IEPs, so a zero is reflected in this data category.

Vermont

Vermont provided the following conditions under which a student with a disability (IDEA) may not take the assessment in accordance with the Elementary and Secondary Education Act:

- Parental opt out;
- Absent;
- Did not participate for other reasons.

In Vermont, LEP students with disabilities do not take the regular reading/language arts assessment. These students are not included in performance and accountability reporting for AYP purposes.

Virginia

Virginia did have LEP students that were in the United States fewer than 12 months and does collect data regarding their participation in reading assessments. These counts are appropriately included in Virginia's accountability reporting of AYP, as approved by U.S. Department of Education. Separate counts for these students were not provided in this report.

Wisconsin

The category "did not participate for other reasons" includes absenteeism, chronic truancy, medical emergency, family moves during test window, in the United States fewer than 12 months (reading), invalid test scores. With regard to medical emergencies, districts maintain locally any significant medical emergencies that span the entire test window. Medical emergencies are counted as absences and are only taken into account upon an AYP appeal of the test participation accountability requirement.

LEP students who have been in the United States fewer than 12 months are not required to take the reading assessment for AYP purposes. LEP students who have been in the United States fewer than 12 months may take the regular reading assessment or the alternate reading assessment based on alternate achievement standards. If LEP students who have been in the United States fewer than 12 months take the reading assessment, the results are included with the results for all other students who took the reading assessment.

2009-10 Dispute Resolution

Alaska

Alaska attributed the decrease in the total number of due process complaints from 2008 to 2009 to the absence of a special education attorney. Said attorney maintained a law office in the greater Anchorage area and was known to seek out and solicit parents of students with special needs to file due process

complaints against the state. Since the absence of said attorney, fewer complaints have been filed against the state.

Connecticut

Connecticut noted a decrease in due process complaints since 2009-10. The Department has reviewed the files and sees no change in the complaint issues filed or regions of the state from which the complaints originated.

District of Columbia

According to the District of Columbia, in 2008-09, LEAs in the District of Columbia were not properly conducting resolution meetings. In 2009-10, the District of Columbia properly conducted resolution meetings in all cases, except in cases where the parties agreed, in writing, to waive the resolution meeting. Thus, the number of resolution meetings significantly increased in 2008-09. Fully adjudicated hearings decreased during this time period because of the increase in agreements arising from properly conducted resolution meetings.

Guam

According to Guam the reason for the increase in complaints with reports issued was because 25 percent of the complaints were filed by the same individual, a resource room teacher from a northern high school, and were dismissed and This teacher was given the opportunity to resubmit the complaints, meeting filing requirements, but the teacher did not re-file the complaints.

Hawaii

Hawaii noted that there was an increase in the number of due process hearings filed for 2009-10 and that was probably the cause for the increase in resolution meetings. There was no change in procedures, but it is suspected that many parents filed complaints and due process hearings due to the implementation of furlough days.

Kentucky

Kentucky does have available expedited hearings; none were requested or conducted during the 2009-10 school year.

According to Kentucky, the reason for the increase in resolution meetings may be attributed to a number of factors. There was some change in staff in the state that may have resulted in a different approach in providing guidance to districts. There was also a desire to resolve hearings in a less formal environment than an actual hearing. In addition, there was an increase in the number of due process complaints that may have accounted for a parallel increase in the number of resolution meetings. As always, these types of issues are unique to the individual parents, districts, and issues involved from year to year, so a comparison in the data from year to the next is not a viable measure. The specific issues at hand that have caused the dispute and the personalities of the parties involved are not comparable because each year involves different issues, different parents, and often different local school districts. How one district responds philosophically can be significant to the response of another district.

Maryland

Maryland attributed the overall decrease in mediations held and in mediations not held (including pending) from 2008-09 to 2009-10 to the increase in the number of instances where the parties successfully resolved their disputes in another, less formal manner, rather than through the mediation process.

Maryland attributed the overall decrease in resolution meetings and in hearings (fully adjudicated) from 2008-09 to 2009-10 to the increase in the number of instances where the parties successfully resolved their disputes in another, less formal manner, rather than through resolution meetings and due process hearings.

Massachusetts

Massachusetts reported that it was unable to explain the decrease in the number total number of written, signed complaints and the co-occurring increase in the number of mediations that were not held (including those pending).

Michigan

In 2009, the state went to a single-tier complaint procedures system that encourages alternative forms of dispute resolution, including:

- Time built into the formal complaint process to encourage both parties to meet and attempt to resolve the issue(s) informally.
- Quicker interaction with districts that acknowledge noncompliance. In FFY 2009, there were more instances of districts acknowledging noncompliance and offering a resolution at the beginning of the complaint procedures process.
- Enhanced collaboration and trainings with intermediate school district (ISD) investigators on other forms of dispute resolution.

In addition, the Office of Special Education and Early Intervention Services (OSE-EIS) developed and implemented improved procedures and protocols that stipulate complaint criteria, including when to dismiss complaints. Prior to 2009, dismissal occurred well into the investigation process and was documented in a formal report. Beginning in 2009, dismissal often occurred prior to full investigation and was documented in a letter sent to all vested parties.

Two factors may have contributed to the decrease in the number of mediations conducted between 2008-09 and 2009-10: revised state complaint procedures and an increase in the number of mediation requests by ISDs that received extensive conflict resolution training.

In 2009, the OSE-EIS developed and implemented improved complaint procedures and protocols that provide information on complaint criteria, including when to dismiss a complaint, and alternative resolution processes. In 2009-10, mediation requests often involved ISDs, and ISDs received extensive training in collaborating with parents and/or child advocates and using alternative forms of conflict resolution.

Anecdotal evidence also suggests that districts used informal resolution processes with greater frequency in 2009, which would further explain the decrease in the number of mediations held.

Finally, Michigan Special Education Mediation Program data show that in 2009-10, 87 mediation requests did not result in formal mediations, an increase of 32 percent from 2008-09. Again, this can be attributed to enhanced trainings offered to ISDs and perhaps due to informal dispute resolution choices made by both parties.

New Jersey

According to New Jersey, the decrease in complaints with reports issued and the decrease in complaints withdrawn or dismissed was in accordance with 34 CFR §300.152(a)3, whereby parties are offered an opportunity for the early resolution of complaints. Early resolution may involve state-conducted meetings with district personnel that, if successful, may result in an agreement between the parties and the closing of the case with no report issued. The state believes that the decreased number of reports issued from 2008-09 correlated with an increased number of cases successfully resolved through early resolution.

The increase in complaints pending was because during the 2010 calendar year, the NJ Office of Special Education Programs experienced a staffing shortage due to a maternity leave and attrition. The office had only one full-time complaint investigator during this time, which resulted in an increase in pending reports. The state also believes that the staffing shortage may have contributed to the decreased number of complaints with reports issued.

New Mexico

According to New Mexico, the number of formal complaints being filed decreased since 2008-09. This can be attributed to the increase in the number of disputes resolved through informal and formal alternative dispute resolution. Reports with findings of noncompliance require corrective action plans developed by the state and implemented by the LEA. The number of requests for mediation decreased since 2008-09. However, the number of mediations held resulting in an agreement increased in one year.

Pennsylvania

The state attributed the decrease in the proportion of complaints with reports issued and increase in the proportion of complaints that were withdrawn or dismissed to the individualized nature of complaints/allegations, and the State's increased emphasis on use of innovative early dispute resolution processes; variance from year to year is to be anticipated. The number of complaints that did not require a report increased in 2009-10, which the state viewed as positive.

Puerto Rico

The state stated that the decrease in mediations held to the proportion of mediations requested, held, and not held is approximately the same in 2009 as in 2008. Mediation requests decreased, and due process complaints and resolutions meetings increased.

Rhode Island

According to Rhode Island, the decrease in written, signed complaints, was mirrored by a decrease in the number of overall complaints. This may have been affected by an increase in informal remedies rendered between parents and school departments, preventing the need for written complaints seeking state intervention.

The decrease in mediations requested was due to a significant decrease in the number of mediations requested during the 2008 reporting year. For FFY 2008, all of the mediations requested were held. This

was attributed to an increase in informal dispute resolution between parents and school departments, preventing the need for state intervention through formal mediation.

The decrease in hearing requests was due to an increase in cases that did not result in agreement without a formal hearing decision; however, at the same time, the number of disputes/complaints rising to the level of a due process hearing request during this period decreased. It was noted that the percentage of due process complaints/disputes reported as remedied through resolution meetings remained stable across the 2- year period.