



Part B Data Notes

2010-11 Reporting Year and Fall 2011

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.

2011 Child Count

Arkansas

Arkansas does not use the categories of Intellectual Disability, Emotional Disturbance, or Specific Learning Disabilities for 3- to 5-year-old preschool students. 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 does not provide services for children less than 4 years of age.

District of Columbia

The state noted an increase in the proportion of 3- to 5-year-old children categorized as having speech/language impairments and a decrease in the proportion of 3- to 5-year-old children categorized as having Developmental Delay since school year (SY) 2009-10. The District has been putting policies and practices in place to ensure that 3- to 5-year-old children are appropriately identified and served within the District. The District expects to see continued fluctuations within the 3- to 5-year-old data set as a result of its active child find efforts and technical assistance provided to LEAs regarding the evaluation process.

Micronesia

Micronesia's data showed a decrease in the proportion of 3- to 5-year-old children categorized as having Specific Learning Disabilities and Multiple Disabilities, while the proportion of children categorized as having Developmental Delay has increased since SY 2009-10. The state attributed these changes to enhanced staff development trainings that continued to improve and enhance the state's identification process by differentiating Specific Learning Disabilities, Multiple Disabilities, and Developmental Delay.

The state also noted an increase in the proportion of 3- to 5-year-old children categorized as having Speech and Language Impairments. The state explained that this is a result of more staff development trainings and hiring of speech pathologists.

Montana

The state noted a decrease in the proportion of 6- to 21-year-old children categorized as having Specific Learning Disabilities and an increase in the proportion of 6- to 21-year-old children categorized as having Multiple Disabilities since SY 2009-10. The state explained the difference in both of these categories by the change made to the calculation of Multiple Disabilities. Previously, if a student had two disabilities and one of them was Specific Learning Disability, Speech Language Impairment, Deaf-Blindness, or Developmental Delay, the student was not considered in the Multiple Disability calculation. This year, only Deaf-Blindness and Developmental Delay removed these students from the calculation.

New Jersey

All children in New Jersey ages 3 and 4 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 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.

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.

2011 Educational Environments

Arkansas

The percentage of 3- to 5-year-old children with disabilities being served in Regular Preschool Programs at Least 10 Hours Per Week and receiving their services in the same location of their peers without disabilities declined between December 2010 and December 2011. The reason for the decline and the resulting increase in the percentage of 3- to 5-year-old children with disabilities being served in Regular Preschool Programs at Least 10 Hours Per Week and receiving their services in another location is primarily due to training. SY 2010-11 was the first year of collecting the new environment codes, and the implementation was conducted very quickly with many questions still to be answered. Additional training was held throughout the year and as annual reviews were conducted, some environment codes were updated.

Connecticut

Connecticut does not permit the incarceration of children ages 6 to 11.

Delaware

Delaware attributed an increase in the proportion of 3- to 5-year-old children categorized as attending Regular Early Childhood Programs at Least 10 Hours Per Week and the related decrease in the proportion of 3- to 5-year-old children categorized as attending Regular Early Childhood Programs Less Than 10

Hours Per Week or in Other Locations Less Than 10 hours Per Week to the utilization of the Expanding Inclusive Early Intervention Opportunities (EIEIO) program, which works with local education agencies (LEAs) and the early education community to actively support inclusion with the 3- to 5-year-old population.

District of Columbia

The state noted a decrease in the percentage of 3- to 5-year-old children attending a Regular Early Childhood Program and receiving services in Other Locations at Least 10 Hours Per Week and an increase in the percentage of 3- to 5-year-old children attending a Regular Early Childhood Program Less Than 10 Hours Per Week since SY 2009-10. The District attributed this change to putting policies and practices in place to ensure that 3- to 5-year-old children are appropriately identified and served within the District. The District expected to see continued fluctuations within the 3- to 5-year-old data set as a result of its active child find efforts. The same explanation applies to the decrease in the proportion of 6- to 21-year-old children categorized as attending a Separate School since 2009.

Florida

Florida noted an increase in the proportion of 3- to 5-year-old children categorized as attending a Separate Special Education class since 2009-10. The state attributed this change to an increasing lack of inclusive environments at the preschool level. Florida has a voluntary prekindergarten program but only for 4-year-olds. The complexity of the data reporting elements has been challenging for LEAs, and it may be that prior-year data were less representative of educational environments.

Guam

The decrease in the proportion of 3- to 5-year-old children categorized as attending Regular Early Childhood Programs and Receiving Services in Other Locations at Least 10 Hours Per Week may be attributed to the increase of the proportion of 3- to 5-year-old children who received a majority of their special education and related services in a Service Provider Location or some other location.

The increase in the proportion of 3- to 5-year-old children who received the majority of their special education and related services in a Service Provider Location or Some Other Location may be attributed to the decrease in the proportion of 3- to 5-year-old children categorized as attending a Regular Early Childhood Program and Receiving Services in Other Location at Least 10 Hours Per Week.

As part of Guam Part B's goal to increase performance in Indicators 5A and 5B, Guam provided professional development sessions on least restrictive environments (LRE), most specifically, training on adverse effect in education and specially designed instruction, to school administrators, service providers, case managers, and personnel within the division and at the school sites. Guam will continue providing these training sessions as part of its commitment to schools and school teams to ensure that it provides free appropriate public education (FAPE) in the LRE to its students with disabilities.

Hawaii

There was a decrease in the percentage of 3- to 5-year-old children attending Separate Special Education Class since SY 2009-10. The state also noted an increase in the proportion of 6- to 21-year-old children who spent time inside the Regular Class 80 Percent or More of the Day, and a decrease in the proportion of 6- to 21-year-old children who spent time inside the Regular Class No More Than 79 Percent of the Day but No Less Than 40 Percent of the Day. The state attributed these changes to state/district audits and verification processes that specifically focused and targeted the accuracy of data input in 2011.

Iowa

The state noted a decrease in the proportion of 3- to 5-year-old children who attended Early Childhood Programs and received services in those programs and an increase in the proportion of 3- to 5-year-old children who attended Early Childhood Programs Who Received Special Education Services in Other Locations. The state was unable to explain these changes, but will continue to monitor the data.

Kansas

The state noted an increase in the proportion of 3- to 5-year-old children categorized as attending Regular Early Childhood Program at Least 10 Hours Per Week since 2009-10 and a decrease in the proportion of 3- to 5-year-old children categorized as attending Regular Early Childhood Program and Receiving Services in Other Locations at Least 10 Hours Per Week since 2009-10.

The state explained this has been a training issue in Kansas that local districts have been focusing on to ensure that data collection at the local level improved. At individual education program (IEP) meetings, local districts have been requiring the parents to provide more details on their child's participation in these programs in terms of hours Per week. This information was reported in greater numbers for students in service on December 1.

Minnesota

In Minnesota, for SY 2011-12, there were 86 students in the Correctional Facilities educational environment count in the district where the correctional facility is located. All students in this placement were included in the counts for Inside the Regular Class 80 Percent or More of the Day. Also, Parentally Placed students receiving special education have always been included in child count in the school district where they receive special education services. For SY 2011-12, there were 2,086 Parentally Placed students. All were included in the state's child count submission as discussed.

Because the percentage of 3- to 5-year-old children served in separate early childhood special education programs and in Service Provider Locations was unchanged from 2010 to 2011, Minnesota Department of Education concluded that the decrease in the number and percentage of children served in Regular Early Childhood Programs at least 10 hours Per week and receiving services in that location was due to a decrease in the number of families enrolling their children in child care programs. This may have reflected the economy and the reluctance of families to pay for out-of-home care.

Montana

The state noted a decrease in the proportion of 3- to 5-year-old children categorized as attending Regular Early Childhood Program in Other Locations at Least 10 Hours Per Week since SY 2009-10, and an increase in the proportion of 3- to 5-year-old children categorized as attending Separate Special Education Class since SY 2009-10. They attribute these changes to the continued clarification of the new early childhood educational environments. Districts are getting better at more clearly identifying the appropriate setting for that age group.

Nevada

The state noted a decrease in the proportion of 3- to 5-year-old children categorized as attending Regular Early Childhood Program at Least 10 Hours Per Week since SY 2009-10, an increase in the proportion of 3- to 5-year-old children categorized as attending Regular Early Childhood Program in Other Location at

Least 10 Hours Per Week since SY2009-10, and an increase in the proportion of 3- to 5-year-old children categorized as attending Separate Special Education Class since SY 2009-10.

The number of children attending Regular Early Childhood Programs for at Least 10 Hours Per Week has remained stable, even though the overall number of children in the 3 to 5 age group has increased. Special education services are increasingly being provided in other settings, even when children participate in regular early childhood programs. This trend, in Nevada's dismal economic climate, may reflect the nature and intensity of the services that some of those children require and the economic pressure on school districts to provide those services in cost-effective service-delivery models. The increase in the number of students who were served in Separate Special Education Classes may reflect the economic pressures on families who might otherwise have provided some hours of regular early childhood programs for their children (and would have been counted as attending regular early childhood programs), but cannot afford to do so.

New Mexico

The state noted a decrease in the proportion of 3- to 5-year-old children categorized as attending a Regular Early Childhood Program at Least 10 Hours Per Week since SY 2009-10 and an increase in the proportion of 3- to 5-year-old children categorized as attending a Regular Early Childhood Program in Other Location at Least 10 hours Per Week since SY 2009-10.

This report reflects the many positive things that are occurring in New Mexico, despite declining enrollment and funding due to the economy and loss of jobs. Some of those changes are:

- Improved identification, evaluation, and placement of students with disabilities;
- Effective management of the transition from Part C to Part B;
- Improved and expanding pre-K programs within the LEAs; and
- Improved services within the educational environment.

North Carolina

North Carolina has seen a rise in the number of students ages 3 to 5 coded under Regular Early Childhood Programs and Receiving Services in Other Locations at Least 10 Hours Per Week from 2010 to 2011 and a decrease in the number of students ages 3 to 5 attending Regular Early Childhood Programs at Least 10 Hours Per Week. The State believed this was due to better understanding of the new codes by LEAs.

Palau

Palau Ministry of Education, Special Education Program does not have the following placements: Residential Facility and Correctional Facility. Counts for the above two placements were not reported. All Palau special education students are English language learners. English is their second language.

Palau noted an increase in the proportion of 6- to 21-year-old children who spent time inside the Regular Class 80 Percent or More of the Day since 2009-10 and a decrease in the proportion of 6- to 21-year-old children who spent time Inside the Regular Class Less Than 40 Percent of the Day since 2009-10.

Palau attributed these changes to identification of LRE as the area that Palau had to improve on during OSEP Verification Visit in September 2010. Since then, the program has been providing more support as well as conducting several trainings on IEP and LRE requirements to school administrators, teachers, and parents with technical assistance from the Guam CEDDERS (Center for Excellence on Developmental Disabilities, Education, Research and Evaluation).

Pennsylvania

There was an overall increase since 2009-10 in the number of 3- to 5-year-old children in the educational environment category of Attending a Regular Early Childhood Program and Receiving a Majority of Their Special Education Services in the Regular Early Childhood Program. Subsequent decreases in other reporting categories can be attributed to both the new reporting requirements on educational environments and the utilization of the new data information system, which resulted in changes between categories. Also over the past several years, Pennsylvania has focused training and financial resources to preschool programs throughout the state that were having challenges with developing opportunities for young children in typical preschool settings. It has been through these efforts as well that an additional number of children received services within regular early childhood programs.

Utah

The state noted a decrease in the proportion of 3- to 5-year-old children categorized as attending a Regular Early Childhood Program at Least 10 Hours Per Week since 2009-10 and an increase in the proportion of 3- to 5-year-old children categorized as attending a Regular Early Childhood Programs and Receiving Services in Other Locations Less Than 10 Hours Per Week since 2009-10.

The Utah State Office of Education, Special Education Department provided multiple professional development opportunities to its LEAs to help them understand the new definition and data expectations.

Virginia

The State of Virginia noted an increase in the proportion of 6- to 21-year-old children who spent time Inside the Regular Class 80 Percent or More of the Day, and a decrease in the proportion of 6- to 21-year-old children who spent time inside the Regular Class Less Than 40 Percent of the Day since 2009-10. The state was unable to provide an explanation for this change. However, the data reported by Virginia Department of education for the 2011 educational environments were reviewed by the state and are accurate.

West Virginia

In West Virginia, significantly fewer 3- to 5-year-old children were categorized as receiving services in Regular Early Childhood Programs at Least 10 Hours Per Week in 2010-11 as compared to 2009-10, while an increase in the proportion of 3- to 5-year-old children categorized as attending Regular Early Childhood Program in Other Locations at Least 10 Hours Per Week was evident from SY 2009-2010. Although the reduction in number of children attending the Regular Early Childhood Program at Least 10 Hours Per Week in 2010-11 may partly be attributed to the overall decrease in the preschool child count, the change was largely attributed to additional training on the new preschool environment definitions and increased coding accuracy at the district level.

2010 Personnel

Arizona

Through verification with the Arizona Department of Education's Information Technology (including the ED*Facts* coordinator) and Research and Evaluation Divisions, as previously stated, for-profit charter SEA- and LEA-level submissions were included in the 2010-11 and prior year submissions for IDEA data reporting through ED*Facts*.

California

The state attributed the differences in the number of Physical Education Teachers and Recreation and Therapeutic Recreation Specialists-Fully Certified for ages 3 to 21 from 2009-2010 to a combined number of adaptive Physical Education teachers and recreation specialists. Last year, the state reported only recreation specialists.

District of Columbia

The District of Columbia attributed the overall decrease in Special Education Paraprofessionals-Qualified and the overall increase in Counselors and Rehabilitation Counselors-Fully Certified to stronger data collection methods and the adoption of refined policies, practices, and procedures.

Florida

Florida noted a substantial increase in the number of Special Education Teachers serving 3- to 5-year-old children with disabilities. The state attributed this increase to an increase in children served in separate environments, along with an ever-increasing decline in the availability of preschool programs for children without disabilities. (Florida currently offers voluntary prekindergarten programs only for 4-year-old children; younger children with disabilities have few options for being served in regular early childhood programs.)

Idaho

The state attributed the change (2009-10) in the number of Special Education Paraprofessionals for ages 3-5-Qualified and Special Education Paraprofessionals for ages 3-6-Qualified to the fact that the Idaho State Department of Education (SDE) has transitioned all of its data collections to the new Idaho System for Educational Excellence (ISEE) longitudinal data system. As the current system is configured, the state has no way of determining whether a Special Education Paraprofessional works with 3- to 5-year-olds or 6- to 21-year-olds. The state is working to reconfigure the system with new assignment codes so that LEAs can distinguish between paraprofessionals for 3- to 5-year-olds and 6- to 21-year-olds.

Idaho did not report counts for the number of paraprofessionals serving children and students with disabilities served under IDEA. This is due to the fact that Idaho SDE has transitioned all of its data collections to the new ISEE longitudinal data system.

Indiana

The state attributed the overall decrease in the number of Special Education Teachers-Highly Qualified for both ages 3-5 and 6-21 to more Special Education Teachers being reported as teaching “not a core academic subject” or “not the primary instructor” for this subject. The latter code was not available in 2009-10. Since the state could now use that code, which may be more accurate, it appears as if there was a change, when in actuality the state had more specific data to reflect what the teachers were doing. Teachers do not have to be highly qualified if they are not teaching a core academic subject.

Maine

During the 2009-10 reporting year, Maine’s early childhood system consolidated its 15 Child Development Services (CDS) into nine regional sites. Simultaneously, the CDS state Intermediate Educational Unit (IEU) enrolled all staff into a personnel management system that permitted tracking of full-time equivalents (FTE) by job title. The changes in the CDS sites and at the IEU reduced the number

of personnel overall in the CDS system and shifted the counts of teachers and paraprofessionals for children ages 3 to 5 counted as highly qualified.

Marshall Islands

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

Mississippi

The state recently identified that the report of Special Education Teachers has been undercounted since the report referencing SY 2005. This is because the reports have included only those teachers who were teaching core academic subjects—the reports have not included teachers who were providing support to academic instruction. The state now recognizes the error and is taking corrective action to ensure that the data system will include all Special Education Teachers who are providing special education and related services to children and students with disabilities, effective for the report referencing SY 2011. The state is unable to retrieve the omitted counts for the reports referencing SY 2005 through 2010.

New Hampshire

The state attributed the decrease in the number of Special Education Paraprofessionals-Qualified for ages 3-5 and 6-21 to movement among the paraprofessionals supporting these two age groups.

New Mexico

New Mexico partially attributed its growth in the credentialed special education workforce and the growing contingent of special education personnel pursuing credentials to:

- Initiatives like No Child Left Behind (NCLB) and HB 212 (Public School Reforms Act) that blends New Mexico's three-tiered licensure system with federal HQT requirements; and
- High Objective Uniform State Standard of Evaluation (HOUSSE) that offers alternative paths towards professional credentials.

North Carolina

In 2010, North Carolina noted an increase in the number of Special Education Teachers serving children ages 3 to 5 and a decrease in the number of Paraprofessionals serving this population of children with disabilities. They also noted a decrease in the number of Special Education Teachers serving students ages 6 to 21 and an increase in the number of Paraprofessionals serving this population of students with disabilities. During this period, North Carolina changed from LEAs' self-reporting these data to extracting them from the state's Financial Services system. The state attributed these changes to the change in reporting, but will continue to monitor the data.

North Dakota

North Dakota is attempting to improve data accuracy and consistency with its Personnel data report. The state has attempted to pull data utilizing an FTE process from within our automated Management Information System STARS Personnel reporting system. Yet, whether pulling by "major and minor assignments" or by utilizing "course codes" by periods of the school day, the data results are never consistent enough. Therefore, the state has always attempted to further refine by requesting a paper audit from local special education units for additional accuracy. Major rewrites were done prior to this last

school year so the state believes this coming year's personnel data will provide a very good baseline for all future personnel reports.

South Dakota

The state attributed the change in the number of Highly Qualified Special Education Teachers for Ages 3-5 to an interpretation of the instructions for the EDEN file. The instructions specifically stated not to include teachers for students who are age birth through age 2. In the past, this count included teachers who were coded to an assignment code of birth to 3. The state determined last year that it would remove these teachers. As the state researched this area further, it been determined that teachers with this assignment code were working with students from birth to 5. The state included this information for the 2010-11 school year. In addition, the Position Code and Assignment Code for birth to 3 have been changed so this can be accurately reported by districts. The Position Code is now Early Childhood Special Education, and the Assignment Codes are Birth-Age 2 Special Education and Ages 3-5 Special Education.

Utah

The state believed the overall increase in the number of Special Education Paraprofessionals serving children and students with disabilities was due to the incorrect reporting of Paraprofessionals by LEAs in 2009, as they were previously reporting them based on Title 1 qualifications. Many LEAs believed they were supposed to be reporting paraprofessionals who worked in special education based on Title 1 qualifications because the state does not have requirements in place for paraprofessionals working in special education.

2010-11 Exiting

Alabama

While Alabama does not provide a minimum age for graduation by law, the ability to acquire all needed credits and take and pass all portions of the Alabama High School Graduation Examinations cannot be accomplished prior to a student's 10th grade year (i.e., age 16 or greater). Therefore, Alabama does not collect the data for ages 14 and 15 for Graduated with Regular High School Diploma basis of exit.

Colorado

The state noted a decrease in the proportion of students who Moved, But Were Known to Continue in an education program since 2009-10. When LEAs report significant changes in data, the Colorado Department of Education requires an explanation from the LEA. After reviewing the information submitted by the LEAs, it appears that the majority reported that economic conditions affected the changes in data reported. Families stayed where jobs were more secure, and this explanation was quite consistent across the state.

Delaware

The increase in Delaware's graduation rate and decrease in dropout rate since the 2009-10 school year was attributed to a renewed emphasis on transition planning. Information on transition best practices is being better disseminated to students, parents, educators, and agency personnel. Delaware continues to improve its interagency collaboration efforts.

District of Columbia

The decrease in the number of students with disabilities Graduating With a Regular High School Diploma and students Receiving a Graduation Certificate in school year 2010-11 was a result of collecting more accurate data due to continued improvement of the data systems and increasing expectations of state's LEAs to collect accurate data. The same reason was applied to the increased rate of students who were moved out of the catchment area or otherwise transferred to another district and known to be continuing in an educational program.

Georgia

In Georgia, the districts are serving students who are 21 on their child count date, even though the maximum age to receive special education services is 21 years.

Guam

Guam noted a decrease in the proportion of students who Graduated with a Regular High School Diploma since SY 2009-10. During this particular school year, there was a delay in the implementation of the credit recovery programs available to all students. These programs are made available and accessible to students with disabilities. Students with disabilities, however, did not avail themselves of these credit recovery programs. Guam Part B's numbers are quite small, however; thus, any increase or decrease in numbers reflects a change in proportion of categories.

The state also noted an increase in the proportion of students who were Transferred to Regular Education since SY 2009-10. As part of Guam Part B's goal to increase performance in Indicators 5A and 5B, Guam provided professional development sessions on LRE, most specifically, training on adverse effects in education and specially designed instruction, to school administrators, service providers, case managers, and personnel within the division and at the school sites. Guam will continue providing these training sessions as part of its commitment to schools and school teams to ensure FAPE in the LRE is provided to its students with disabilities.

Indiana

Indiana started collecting exiting data through the Department of Education (DOE)-TR (Transition) report in SY 2009-10, and SY 2010-11 was the second year of this collection. The state felt that since the first year of any collection is usually not reliable, the data collected from schools for SY 2010-11 were more reliable than those from 2009-10. The increase in the graduation rate and decrease in the number of students who were moved out of the catchment area or otherwise transferred to another district and known to be continuing in an educational program was attributed to the more reliable data collection through the DOE-TR report in SY 2010-11.

Iowa

In Iowa, the maximum age at which a student with disabilities can receive special education services is 24, with approval from the director of special education.

Kentucky

A student with a disability is entitled to special education through age 20 so long as he/she has not graduated with a standard diploma. Districts may provide services to a student over age 20 if they desire and must if there is an order from a Hearing Officer for compulsory education.

Maine

The state attributed the increase in the proportion of students who were Transferred to Regular Education and decrease in the proportion of students who Graduated with Regular High School Diploma and in the proportion of students in the Moved and Known to be Continuing category since SY 2009-10 to a change in the exit reporting communications and data collection system closure procedures for the school year. School personnel were notified of the requirements for year reporting that included the exit reports for special education in May and June, using the Commissioner's updates during those months. The announcements were clear about the end-date requirement and the system shutdown procedures for the end of year. Several school systems failed to complete their changes on time, and the system closed before they could make changes to their data. Subsequent actions were taken to advise the districts of the requirement to complete exits as they occur, and a specific program of correction and reconciliation of those data was completed through the winter months. However, the changes were not completed in time for the November submission of those data. To ensure the data for SY 2010-11 did not repeat the same errors, intensive, repetitive communications were sent to the schools and districts encouraging them to properly exit students. Additionally, validation checks were conducted on data at the end of year to determine suspect data and contact the school personnel to provide technical assistance and support where needed. The additional attention and support to this reporting area has closed the gap in the data submission response and will ensure future submissions are on time and complete.

Maryland

A student with a disability is entitled to special education the entire school year the student turns 21.

Michigan

A student with a disability is entitled to special education no older than 25 years of age as of September 1 of the school year of enrollment, who has not completed a normal course of study, and who has not graduated from high school. A student with a disability who reaches the age of 26 after September 1 is entitled to continue a special education program or service until the end of that school year.

Mississippi

A student with disabilities can exit an educational program by receiving a special diploma or occupational or certificate of completion. In Mississippi, the minimum age for Graduation With a Regular High School Diploma is 16 years.

In the state of Mississippi, although the maximum age for receiving services is 20, if the student is 20 when he/she begins the school year or turns 20 during the school year, he/she is allowed to complete the school year.

Montana

In Montana, the state allows for students to receive services until the age of 21, but most districts have policies in place that set the maximum age of attendance at 19.

Nebraska

Nebraska attributed the decrease in graduation rate and increase in the proportion of students who were Transferred to Regular Education in SY 2010-11 to data anomalies. Nebraska intends to monitor the data in the future to see if this indicated a trend.

New Mexico

New Mexico's data show a decrease in the proportion of students who Graduated With a Regular High School Diploma in SY 2010-11 as compared to SY 2009-10. This was attributed to the rule changes for the computation of graduation data that took effect in 2010-11. In years prior to 2010-11, LEAs in New Mexico could re-assign students with disabilities to a later cohort for graduation computation. The rule changes ended that practice.

The result is that SY 2010-11 had some statistically volatile trends and anomalies in this small group analysis that will not be as dramatic when reviewing the change from SY 2010-11 to 2011-12. With the rule changes:

- The total number of exits increased since students could not be re-assigned to a later cohort;
- The graduation rate decreased because only H4 students were considered; and
- The number of Moved, Known to Continue increased (students continuing as H5 or H6).

The one aspect that was not obvious was the number of students who Dropped Out. While the economy may have forced students with disabilities to seek employment or required their families to move, it is also possible that many of these students may have left school on a transition IEP. It is also plausible that the change in reporting requirements may have caused some erroneous entries.

It is reasonable to expect that the small numbers involved created more dramatic statistical swings in percentage analysis.

A student with a disability is entitled to special education until 22 years of age if truant or if he reaches the age of 22 after the school year began.

New York

Students who are 20 years of age at the beginning of the school year may remain in school until they finish that school year, even if they become 21 years of age during the year. Students who reach age 21 years at the beginning of the school year are not entitled to special education services as per state law and regulations.

North Carolina

North Carolina does not allow the code of Dropped Out or Graduated with Regular High School Diploma for students under the age of 16 in the Exceptional Children Program.

Northern Marianas

The increase in the proportion of students who Graduated with Regular High School Diploma since SY 2009-10 was attributed to the improved collaboration efforts and emphasis among special education teachers, general education teachers, counselors, and principals in ensuring that students with disabilities fulfill the required credits to earn a diploma.

The decrease in the proportion of students in the Moved and Known to be Continuing in an educational program category since SY 2009-10 was attributed to family choice. The Northern Marianas did not implement any new data collection or reporting procedures for exiting the school system that would affect its data reporting.

The process reported last year concerning Limited English Proficiency status determination was not completed in time for this year's reporting. The CNMI Public School System is still in the process of identifying students who qualify for the English Language Proficiency Placement Assessment.

Ohio

Ohio has no age requirement for receiving a diploma; so long as a student has met state and district requirements, he or she can receive a diploma. Ohio offers a single "regular" diploma, and no "certificate of attendance." Each year, several students with disabilities graduate at a relatively young age and are reported as having Graduated With a Regular Diploma. Usually these students are identified both as gifted and as having a disability. Students with disabilities who received regular diplomas, but qualified for the diplomas in ways not available to students not identified as having a disability are included in the counts called "certificate of attendance."

Students with disabilities may receive an Ohio diploma having been exempted from one or more of the graduation standards. For federal reporting, these students are counted as having Received a Certificate. Either one works for the data note.

Oklahoma

A student with a disability is entitled to special education through the age of 21. Oklahoma may provide special education services to students who exit special education programs at the age of 22 who were 21 on the child count date of October 1. The state of Oklahoma has minimum requirements that make it difficult for a student to graduate before the age of 16. However, there is no legislation that stipulates the minimum age for Graduation With Regular High School Diploma.

Oregon

A student with a disability must be under 21 years of age on September 1 to receive special education services in Oregon. A student is eligible to receive special education and related services until the end of the school year in which the student turns 21 years of age. While there is no minimum age at which a student can earn a regular high school diploma in Oregon, the minimum age at which a student can earn an alternate certificate is 16 years (15 on the child count date prior to exit).

Pennsylvania

Students who exit special education programs with other than a high school diploma may return to school to receive an educational program until the age of 21.

Rhode Island

In Rhode Island, students with disabilities can continue to receive special education services until the student's 21st birth date.

South Dakota

South Dakota's 2010-11 exiting data show an increase in the proportion of students who Transferred to Regular Education as compared to SY 2009-10. The state attributed this change to the revocation of consent into the law in December 2008 and the training provided to LEA personnel during IEP workshops in 2009-10.

For this reporting period, there was a decrease in the graduation rate since SY 2009-10. The state noted that in order to implement a new graduation rate for 2012 NCLB, its vendor inserted a graduation tab that required districts to enter the type of diploma the student received. This has helped with accuracy of the exiting data.

The increase in the number of students who exited in the category Moved and Known To Be Continuing in an educational program was affected by the recession during SY 2010-11. Many families moved to different districts for a variety of reasons. The change was noticeable with the White and Native American population.

Utah

The State noted several changes in the exiting data since 2009-10, including an increase in the proportion of students who were Transferred to Regular Education, a marked decrease in the proportion of students who Graduated with Regular High School Diploma, and an increase in the proportion of students who Moved and were Known to be Continuing in an educational program.

During this time, the state provided additional technical assistance to all LEAs (special education and regular education staff) regarding the three-tiered model of instruction for all students, which includes providing specialized instructional support within the general education classroom, as appropriate. The state believed that was what was responsible for some of these changes.

It was also during this time that the state of Utah adopted the federal definitions on graduation and drop-outs. Since these definitions were adopted, the state has provided extensive professional development and technical assistance to the LEAs to use these definitions and report data accurately.

Finally, the state believed these changes were due to the training on correct exit codes and because the state opened multiple charters that school year, and the portion of students with disabilities in charter schools increased.

Virginia

The state noted a decrease in the proportion of students who were Transferred to Regular Education since 2009-10 and an increase in the proportion of students who Graduated with Regular High School Diploma. The state was unable to explain these changes, but will continue to monitor the data.

Washington

Washington's Comprehensive Education Data and Research System (CEDARS) added an application to track the enrollment status of all middle and high school students in the state. This enabled Washington to track and report those students who Reached Maximum Age and Returned to Regular Education (no longer in need of special education). This system also helped resolve district's incorrectly over-reporting in all areas (because of the Unique State Student Identifier), especially the transfer and dropout categories. The results can be seen throughout this entire submission.

Wisconsin

Children are reported in the Reached Maximum Age category based on the school year in which they reach the maximum age for services, which is age 21. This means a child may exit at age 20, but because it is the child's maximum age school year, the child is included in the Reached Maximum Age category. When the child's age is computed to the child count prior to exiting, the reported age for the child may be age 19.

Wisconsin's state superintendent has as one of his initiatives 'Every Child a Graduate.' As a result of activities being implemented to support this initiative, the state would expect an increase in the percentage of students with disabilities who exit special education with a regular diploma.

In addition, the state has had a continuing problem with districts' local vendor software in which the districts incorrectly exit students from special education prior to the students' graduation date. This resulted in students with disabilities who graduated with a regular diploma being reported to the state as nondisabled graduates. For federal reporting purposes, these students were reported in the Returned to Regular Education category. Unfortunately, once the data system closes for a given year, the state is limited in the corrections that it can make to the data collected. The state continues, however, to point out this reporting error at every available training opportunity.

Wyoming

In Wyoming's 2010-11 exiting submission, the state reported 20-year-old students as reaching maximum age. These data are correct as the state identified that the reported data are not consistent with its SY 2010-11 EMAPS State Supplemental Survey for Reached Maximum Age category. The state incorrectly reported the Reached Maximum Age category as 22. Wyoming statutes 21-2-501 and 21-4-301 clearly define the maximum age as under 21 on September 15 of the applicable school year. For any student turning 21 during a school year, the student is allowed to complete the school year. The state has made the necessary revisions to the 2011-12 metadata survey to eliminate this discrepancy in the future.

Students can graduate with a certificate of completion. It is up to the local school boards to establish this policy.

2010-11 Discipline

Alabama

Alabama noted a slight increase in the total number of disciplinary removals for greater than 10 days between the data collection years of 2009-10 to 2010-11. However, a broader review of the reported disciplinary data indicated a comparative decrease in the total number of children with out-of-school suspensions and expulsions for greater than 10 days. In 2009, the Alabama State Department of Education

(ALSDE), through LEAs' implementation of the Alabama Graduation Tracking System (AGTS), began to identify and analyze data that indicated students potentially off-track and likely to dropout. One of the three early warning indicators from which data were collected was behavior, which included disciplinary removals. Based on the resultant data analysis, additional supports were implemented at the local level to assist these students to remain in school. The ALSDE attributed the positive decreasing trend of total number of students with out-of-school suspensions greater than 10 days in large part to the implementation of AGTS. Therefore, both disciplinary trends will continue to be monitored comparatively to identify the need for focused technical assistance to improve student retention.

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 are 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.

California

California was unable to report the number of students expelled in the general education system.

New York

New York noted that, comparing the 2010-11 report to the 2009-10 report, while there was little change overall in the number of Unilateral Removals, there was a notable decrease in the number of Removals for Drug Offenses, and an increase in Removals for Serious Bodily Injury. The state was unaware of any systemic factors, in either policy or practice on the state or district levels that may have explained this change.

2010-11 Assessment

Arkansas

Based on the CSPR assessment data and the IDEA assessment data submitted for Table 6, it is the Arkansas Department of Education's Special Education Unit's understanding that the enrollment counts submitted by the Data Administration section were lower than the number of students reported as tested and not-tested in the IDEA data submission. The state attributed the difference to the exclusion of student records from the Data Administration file due to missing demographics such as race that do not affect the IDEA data. No student records were excluded from the IDEA data submission.

Arkansas noted an increase in proficiency rates on the Alternate Assessments Based on Alternate Achievement Standards for Math. The mathematics rate for alternate assessment appears to be fluctuating each year. This trend has become evident since the state included the high school portfolio math course in the assessment data collection a few years ago. There is no apparent systemic reason for the yearly fluctuation.

Connecticut

The State noted that there was a drop in the percentage of students scoring as proficient on the Alternate Assessments Based on Modified Achievement Standards for Math. The state was not aware of any specific factors that would explain this change, but will continue to monitor the data to assess whether it is a persistent trend.

Delaware

Delaware is continuing to centralize student data reporting across all areas. In that effort the IDEA Part B data reporting on student populations for the Assessment data came from a dynamic table, while some of the data came from snapshot data, causing very minor differences in some of the total student counts for some areas due to normal student attrition. Delaware continues to refine the data elements and hopes to eliminate this in future submissions.

Georgia

Georgia's current manner of reporting assessment data resulted in discrepancies in the counts of participants and the counts for performance data for the Regular Assessment and the Alternate Assessment Based on Modified Achievement Standards for Reading and Language Arts for grades 3-8.

Scores were reported as .5 for reading and .5 for language arts. Georgia has three performance levels for the regular and modified assessments in grades 3-8. If a student performs at one performance level for reading and another performance level for language arts, the student is reported as .5 in both levels. Participant count may exceed enrollment count if a student is reported as .5 in two participation areas such as participant for reading (.5) and absent for language arts (.5).

Reporting requirements do not allow for the reporting of fractional values, therefore rounding the values may result in discrepancies of not greater than +2. This occurs exclusively in reading/language arts grades 3-8.

During school year 2010-11, the Georgia Department of Education implemented new assessments on modified achievement standards for both math and reading assessments. Students participating in this assessment previously participated in the regular assessments on grade-level standards. The decrease in participation on the grade-level standards was proportionate to the number of students who participated in the Alternate Assessment on the modified standards. Performance on both the reading and mathematics assessments grade-level standards continued to increase, consistent with the trend observed in the previous 2 years.

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 4 performance levels, with the top 2 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 since 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.

The enrollment counts 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 April. Thus, in order to provide the most accurate enrollment count, Illinois provided enrollment counts based on the enrollment in each LEA during its respective testing window, which varies among LEAs in Illinois.

The differences on the Table 6 DTS based on the EDEN submissions and ED*Facts* reports were attributed to the omission of “LEP Students in US <12 Months Whose English Language Proficiency (ELP) Test Replaced Regular Reading Assessment” from the N081 EDEN file.

Indiana

Students tested during the 2011 summer assessment testing window were included in students with IEPs count for Grade 10. However, these students were excluded from the count of students who did not take any assessment. This was because these students tested after Adequate Yearly Progress (AYP) was run, and they were not captured in the “not tested” count, since that lookup was after the static AYP run.

Indiana does not have Number of Students Included Within the ESEA 2% Cap data.

Michigan

Michigan learned there was an error in the way counts of children with disabilities who were not tested was calculated. This resulted in some students who took Michigan’s alternate assessment being incorrectly counted in the not-tested categories. Please note that Michigan has reexamined its business rules related to this issue and taken steps to ensure they are followed correctly for future submissions. Michigan noted a drop in its proficiency rates for Regular Assessments Based on Grade Level Standards for Reading.

Between 2009 and 2010, Michigan’s proficiency targets increased for each grade level by 8 percent, which may explain a reduction in the overall proficiency rate for students with disabilities deemed proficient or above on the regular reading assessment. For example, the proficiency target for high school students (11th grade) increased from 71.0 percent (2009) to 79.0 percent (2010). Michigan will continue to monitor fluctuations in proficiency rates to identify any factors that may impact student test scores.

Micronesia

Micronesia continued to report missing values under the Limited English Proficiency (LEP) category because it has yet to develop a formal assessment tool to measure English proficiency for every student. Micronesia anticipated developing the LEP assessment sometime in FFY 2015.

Micronesia started administering the math portion of the FSM National Minimum Competency Test to all 4th graders during school year 2010-11. Micronesia does not have out-of-level tests, therefore -9 was used under column 6 on both pages 4 and 13. For this reporting period, one of the four Micronesia LEAs

did not administer the math portion to all of its 4th, 6th, 8th, and 10th graders because sufficient testing materials were not provided during the administering of the test.

Minnesota

The state noted that new assessments on modified achievement standards were implemented during school year 2010-11. As a result, there was a decrease in the number of students participating in Regular Assessments Based on Grade Level Standards.

Mississippi

The Mississippi Curriculum Test, 2nd Edition (MCT2) was first administered during the 2007-08 school year. The MCT2 consists of customized criterion-referenced reading/language arts and mathematics assessments that are fully aligned with the 2006 Mississippi Language Arts Framework Revised and the 2007 Mississippi Mathematics Framework Revised. These assessments allow Mississippi to be in compliance with the requirements of NCLB.

The state noted a decrease in proficiency rates on the Alternate Assessments on Alternate Academic Standards for both math and reading. The new MCT2 is not only new to the state, but it is also a more rigorous test. It will take 3 to 5 years for the proficiency results to become stable.

Nevada

Nevada noted a decrease in proficiency rates for students with disabilities on the Alternate Assessments Based on Alternate Achievement Standards for Math. Due to the ongoing, iterative process the NDE has been engaged in under its compliance agreement with ESEA, further alterations were made to the assessment, which increased the depth of knowledge required of students. Additionally, teachers are still growing in their capacity to deliver grade-level, standards-based instruction at varying levels of complexity to students with significant cognitive disabilities.

New Hampshire

New Hampshire used two data sources to generate the 618 Assessment data submission. Of the two data sources, one of the sources wasn't able to load all of the student data, therefore resulting in data that were unavailable during the reporting period. Next year, New Hampshire will only be using one source of data, which will prevent this issue from recurring.

North Carolina

The scores for first-year students with Limited English Proficiency who scored below 4.0 on the state English language reading test were not included in the report of proficiency scores. These students were included in the participation count only. At the high school, students who transfer in with Algebra I credit are not required to be assessed on the Algebra I EOC. These students count for participation only.

North Dakota

North Dakota noted a decrease in the proficiency rates on both the math and reading assessment based on Modified Achievement Standards. The state further noted that these assessments were newly implemented in SY 2007-08, and attributed the drop in proficiency rates to teachers adjusting to the new standards and students adjusting to new content.

North Dakota noted a decrease in the proficiency rates on both the math and reading assessment based on Modified Achievement Standards.

Several changes in the Alternate Assessment Based on Modified Achievement Standards have occurred since 2008-09; these changes include increasing item quality and anchoring the test. The changes in proficiency could be a reflection of these changes as well as teachers and students still adjusting to this relatively new test.

Northern Marianas

The Northern Marianas does not have data to report for 3- to 5-year old and 6- to 21-year-old children under the Limited English Proficiency status. The CNMI Public School System recently administered the CNMI English Language Proficiency Placement Assessment and is still in the process of compiling and editing the data before it can be officially reported.

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 were 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 for withdrawal and medical absences. South Carolina does not have any other levels than those indicated for each assessment. PASS is administered only to those grades and levels indicated. HSAP is administered in the second year of high school. Students may be 9th grade repeaters or 10th grade.

The Office of Exceptional Children noted a decrease in the proportion of students scoring proficient and above on the Regular Assessment Based on Grade-Level Achievement Standards on the Math Assessment and Reading Assessments.

In SY 2008-09, South Carolina changed the assessment instrument for grades 3 through 8. The previous assessment (Palmetto Achievement Challenge Tests) was characterized by four major proficiency levels—below basic, basic, proficient, and advanced. The replacement assessment (PASS), administered for the first time in spring 2008, has three major proficiency levels—not met, met, and exemplary. This change caused fluctuations in the numbers of students scoring proficient and above.

Vermont

In 2010, Vermont changed the alternative assessment instrument used to evaluate qualifying students. The new assessment's focus on academic content instead of on life skills was responsible for the significant change in student performance from 2009-10 to 2010-11.

Virginia

The Standards of Learning (SOL) assessment program includes end-of-course assessments. These could be taken by students in grades ranging from 8th to 12th grades; all end-of-course assessments were reported as 11th grade.

The increase in the proportion of students who participated in regular assessments and grade-level standards was a function of the annual variation in the number of students participating in testing overall and efforts of school personnel to ensure that students participated in the assessments that were most appropriate for them.

The increase in the proportion of students who received accommodations on the regular assessments based on grade-level standards: math and reading was a function of the annual variation in the number of students participating and efforts of school personnel to ensure that students participated in assessments that were the most appropriate for them.

The decrease in the proportion of students who participated in alternate assessments on grade-level achievement standards was a function of annual variation in the number of students participating in testing overall and efforts of school personnel to ensure that students participated in the assessments that were most appropriate.

West Virginia

Participation and achievement status for the reading assessment was reported for all students with IEPs in enrollment plus two additional students who participated in the assessment but were not captured in the reading enrollment due to mobility during the test window.

2010-11 Dispute Resolution

Alabama

According to Alabama, the overall decrease for 2009-2010 in mediation was due to a voluntary process for those choosing to address special education disagreements between parent(s) and school systems by utilizing the Alabama State Department of Education (ALSDE) mediation system. Mediation has been available whenever parents of students with disabilities and school officials were in disagreement about special education issues. The decrease in total number of requests from 2009-2010 to 2010-2011 generally accounted for a subsequent decrease in the number of mediations held between the two data collection years. The ALSDE noted this decrease and will continue to monitor future trends.

Arizona

The state attributed the decrease from 2009-10 to mediation statistics that are dependent on the parties in a given year. During reporting years 2010-11, Arizona received a greater number of requests for mediation. However, in numerous instances during 2010-11, the parties were able to resolve the issues without the assistance of a mediator. There were also numerous instances during this reporting period where the public education agency declined the parent's request for mediation. These two factors accounted for both the decrease in the number of mediations held and the increase in the mediations not held.

Thorough verification with the Arizona Department of Education's Information Technology (including the ED*Facts* coordinator) and Research and Evaluation Divisions, as previously stated, for-profit charter SEA- and LEA-level submissions were included in the SY 2010-2011 and prior year submissions for IDEA data reporting through ED*Facts*.

California

The state attributed the overall decrease in complaints pending from 2009-10 to increased efforts to systematically monitor complaint timelines and track progress toward resolution.

The increase from 2009-2010 for complaints withdrawn or dismissed were due to the five regional Focused Monitoring and Technical Assistance units being very effective in facilitating and supporting school districts to resolve local issues through mutually agreeable solutions between the complainant and the district.

Connecticut

The state cannot with certainty explain the increase in the number of complaints withdrawn or dismissed from 2010-09, when 59 complaints were withdrawn or dismissed, to 2010-11, when 81 complaints were withdrawn or dismissed. Complaint investigators were likely more successful in resolving complaint issues before the investigation was completed which resulted in the complaint being withdrawn.

The reason for the overall decrease was because the Department has a strong and widely respected group of mediators. Because of this, both districts and families are choosing to pursue the mediation option more frequently.

District of Columbia

According to District of Columbia, the overall decrease in resolutions meetings was because a review of data revealed the cases filed were more complex and addressed multiple issues. Therefore, it is feasible that the nature of the cases made resolution sessions a less likely choice.

Idaho

The state attributed the overall increase in mediations held from 2009-10 to the Office of Dispute Resolution marketing efforts regarding appropriate and less adversarial dispute resolution processes. This increased awareness and accessing of mediations during this period.

Massachusetts

According to Massachusetts, the figures for complaints with reports issued and mediations not held are correct. However, in 2009-10 mediation statistics include the following scenarios: mediations requested during FY 2010 but not held until FY 2011; cases in which there was an initial request for mediation, but later one party opted not to proceed with the process; and cases in which there was a request for mediation but the parties resolved the matter in advance of the scheduled mediation.

This was a much stricter interpretation than had been applied during previous reporting years in collecting data, but was done by the mediators in an attempt to obtain an even more accurate report.

New Jersey

The state attributed the overall decrease in complaints pending from 2009 to 2010 to a reduction in the number of complaint investigations. This was due to two factors. First, the New Jersey Department of Education, Office of Special Education, hired two full-time and one part-time complaint investigator in 2010-11 and had a full-time complaint investigator who was on maternity leave return during that year.

This increase from one full-time staff member to four full-time complaint investigators and one part-time complaint investigator resulted in investigations being completed in a timely manner, which had been an issue when there was only one staff member.

The timing of filing requests for complaint investigation also affects the number of requests pending when the reporting year closes. For the 2010-11 year, there were fewer requests filed late in the year, and coupled with the increased efficiency in completing investigations, fewer requests for complaint investigation were pending when the reporting period closed.

New Mexico

New Mexico explained the flags that indicate an increase in the number of written complaints by noting that there was a corresponding decrease in the number of withdrawn complaints.

The increase was attributable to improved website usage by parents of students with disabilities and a better awareness of their rights (as promoted by the LEAs).

New Mexico considered the availability of a free, mediated approach to dispute resolution as a positive aspect of its services. Staff actively encourage parents with complaints to visit the Special Education Bureau's web page and to take advantage of their many options (including dispute resolution).

New Mexico is actively contracting Parent Training Centers (or advising similar agencies) to help provide guidance to parents on their rights and dispute resolution.

Pennsylvania

According to Pennsylvania, the overall decrease in complaints withdrawn or dismissed was because there was a slight decline from 2009-10 to 2010-11 in the percentage of complaints withdrawn/dismissed. Such year-to-year fluctuation is anticipated due to the nature of the complaint issues and the willingness of the parties to reach agreement within federally required timelines.

The overall increase in mediations held from 2009 to 2010 was due to the fact that the ratio of mediation requests to mediations held varies each year. Mediations held is always a subset of total mediations requests received because, for a variety of reasons, a party may request mediation but it doesn't ultimately occur, e.g., the other party declines mediation; the parties decide to use due process instead; consent to mediate is withdrawn after first being given; or the parties settle prior to the mediation session. The slight increase from 2009-10 to 2010-11 in percentage of mediations held was not unanticipated.

Puerto Rico

According to Puerto Rico, the overall decrease in mediations held was because parents did not want to follow or continue the mediation process (parents were not open to dialogue).

The overall increase in mediations not held (including pending) was due to the increase in the number of complaints dismissed by the parents (before starting the process).

Texas

The state attributed the overall decrease in mediations not held to the few due process complaints that were filed and resulted in a fully adjudicated hearing. Most parties settled their disputes informally, through the resolution session process, or through the mediation process. The state believed that the decrease in the number of mediations not held was due to the fact that the parties often resolved their disputes through informal settlement negotiations or resolution session agreements before their mediation date. The state also noted that while the number of mediation requests decreased in 2010-11, the percentage of mediations that were held increased. The percentage of mediations held that resulted in mediation agreements also increased.

The decrease in the number of resolution meetings was in part due to the fact that the number of due process complaints that were filed decreased by approximately 11 percent. Also, in a significant number of cases, the parties opted to participate in mediation rather than holding a resolution session or waived the resolution session in writing.

Utah

According to Utah, the reason for the overall increase in complaints with reports issued was because in 2010, two parents, alone, filed eight of the complaints.

Virgin Islands

According to the Virgin Islands, the increase from 2009-10 to 2010-11 was due to an increase in the number of formal state complaints that were filed in 2010-11.

The increase in complaints withdrawn or dismissed from 2009-10 to 2010-11 was because there were more formal state complaints filed. In addition, all of the formal state complaints filed were resolved prior to investigations. While preparing the Federal Fiscal Year 2010 APR, the Virgin Islands received technical assistance from the national Center on Dispute Resolution in Special Education and learned that it was incorrectly asking the LEAs to hold resolution meetings on formal state complaints. All of the formal state complaints were resolved through resolution session meetings.

The decrease in hearings (fully adjudicated) from 2009-10 to 2010-11 was because there were fewer due process hearing requests filed in 2010-11 than there were in 2009-10.

Washington

According to Washington, the overall increase in complaints with reports issued from 2009-10 was due to the number of complaints in 2010, while an increase from 2009 was a more accurate reflection of yearly complaints. Please note that the number of complaints in the APR for 2008 was 48. The state expects that the total number of complaints to be reported in the 2011 APR will be more than 50. The number of complaints in 2009 was an extremely low number and not consistent with past or current trends.

The overall decrease in mediations not held (including pending) from 2009-2010 was attributed to the offer of IEP meeting facilitations, which may have resolved issues before parents or districts requested mediation. When parties do request mediations, they have already attempted to resolve issues prior to requesting mediation.

Wisconsin

According to Wisconsin, the overall decrease in complaints with reports issued was correctly reported. The state has not changed any of its procedures or practices regarding the IDEA complaint process, and advocates and parents continue to use the system. In addition, the state continues to emphasize through Indicator 8 (parent involvement), the dispute options parents have available if they disagree with a decision of the school district.