



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

Honorable Francis Barnes
Secretary of Education
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333

SEP -6 2005

Dear Secretary Barnes:

The purpose of this letter is to respond to Pennsylvania's March 24, 2005 submission of its Federal Fiscal Year (FFY) 2003 Annual Performance Report (APR) under the Individuals with Disabilities Education Act (IDEA) Part B for the grant period July 1, 2003 through June 30, 2004. The APR reflects actual accomplishments that the State made during the reporting period, compared to established objectives. The Office of Special Education Programs (OSEP) has designed the APR under the IDEA to provide uniform reporting from States and result in high-quality information across States. The APR is a significant data source for OSEP in the Continuous Improvement and Focused Monitoring System (CIFMS).

The State's APR should reflect the collection, analysis, and reporting of relevant data, and include specific data-based determinations regarding performance and compliance in each of the cluster areas. This letter responds to the State's FFY 2003 APR. OSEP has set out its comments, analysis and determinations by cluster area.

Background

The conclusion of OSEP's November 16, 2004 FFY 2002 APR response letter required the State to submit to OSEP, within 60 days of the date of the response letter, data demonstrating correction of the identified noncompliance in the districts monitored and in the FFY 2003 APR to continue to include data and analysis demonstrating performance and the timely correction of noncompliance in the following areas: (1) individualized educational programs (IEPs) for children with disabilities identify the initiation, duration, frequency, and location of services and modifications provided to, or on behalf of, children with disabilities (34 CFR §300.347(a)(6)); (2) IEPs include a statement of needed transition services that addressed the student's needs, interests, and abilities, and the statement represents a coordinated set of activities within an outcome-oriented process designed to facilitate a student's transition from school to post-school activities (34 CFR §§300.347(b)(1)-(2) and 300.29); and (3) what other steps were taken to obtain the participation of outside agencies invited to an IEP meeting to plan transition services, if they did not attend (34 CFR §300.344(b)(3)(ii)).

The conclusion of OSEP's November 2004 letter also required the State to include data and information in the FFY 2003 APR regarding whether identified deficiencies were corrected in a timely manner in the following areas: (1) placements were based on the individual needs of children (34 CFR §300.550(b)); (2) psychological counseling services were provided in

accordance with the IEP (34 CFR §§300.347(a)(3), 300.300, 300.24(a), and 300.24(b)(9)(v)); and (3) extended school year services, when required as part of a free appropriate public education (FAPE), were provided in accordance with the IEP (34 CFR §§300.309(a)(3) and 300.309(b)(1)).

In the FFY 2002 APR, OSEP also required the State to: (1) continue to report on its progress in ensuring compliance with timeline requirements for issuing due process hearing decisions as required by 34 CFR §300.511 and for complaint decisions as required by 34 CFR §300.661(a); (2) include data and analysis demonstrating whether all Part B eligible children who participated in the Part C program, had an IEP or individualized family service plan (IFSP) developed and implemented by their third birthdays in accordance with 34 CFR §§300.121(c) and 300.132(b), and, if the Pennsylvania Department of Education (PDE) identified noncompliance, include strategies, proposed evidence of change, targets, and timelines to correct the noncompliance within one year from when OSEP accepts the plan; (3) address significant disproportionality evidenced in underrepresentation; (4) submit documentation of data (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for early language/communication, pre-reading, and social-emotional skills of preschool children with disabilities receiving special education and related services, or a plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan; and (5) include the information required to determine whether significant discrepancies were occurring regarding suspension/expulsion rates.

PDE submitted data and information in a Progress Report to OSEP on January 12, 2005. OSEP responded to this submission in a letter dated February 24, 2005. Further comment on this submission will be included in the appropriate sections below.

General Supervision

Identification and timely correction of noncompliance

On pages 2 through 6, 10 and 11, and 13 and 14 of the FFY 2003 APR and a subsequent email dated July 28, 2005, the State indicated that for the 2003-2004 year: (1) monitoring reports were issued in an average of 33 days following the on-site visit; (2) the average time for closure of all required corrective action plans (CAPs) was 198 days; (3) charter schools were considered to be local educational agencies (LEAs) and were monitored in the same manner as all other LEAs; (4) it closed 62.75 percent of the CAPs for LEAs within the time period; (5) 96 percent of CAPs were closed within timelines and four percent were out of timelines with approved extensions; (6) it had a system to impose sanctions; (7) during the reporting period, five State juvenile facilities, five State correctional institutions, nine county detention centers, and 23 county prisons were included in the monitoring sample; (8) while none of the CAPs for preschool programs operated by the MAWA¹ agencies were closed, all were within timelines²; (9) additional State monitoring staff

¹ The State law uses the Mutually Agreed Upon Written Arrangement (MAWA) to provide preschool services locally. The MAWA is a contract between PDE and intermediate units (IUs), local educational agencies (LEAs), or other public or private agencies to provide early intervention services to preschool children on behalf of PDE.

² The Classroom Sites Study (CSS), the monitoring of Part B Early Intervention Programs, indicated that 58 classrooms were visited, with data from the 38 MAWA agency sites included in the report and the data from the 20 Head Start sites visited, not included in the report.

were added to provide oversight to charter schools; and (10) the status of CAPs was reviewed monthly by the State's single points of contacts (SPOCs)³ and Bureau of Special Education (BSE) division chiefs to assure timely compliance. The State also reported that it included the results of its review of complaints, due process and monitoring to identify systemic issues to be addressed through monitoring, providing technical assistance, and promulgating policy. OSEP appreciates the State's efforts in this area. OSEP looks forward to reviewing data and information in the State Performance Plan (SPP), due December 2, 2005, including the implementation of strategies and resulting data and analysis.

Formal written complaints

On pages 8 and 9, and Attachment 1 of the FFY 2003 APR, the State included data and analysis demonstrating progress with the timeliness of complaint investigations through a pilot complaint resolution project that provided opportunities to: (1) allow the LEA to resolve issues to the complainant's satisfaction within 15 days, withdraw the complaint at the complainant's discretion through a 'sign-off' process if resolution was reached, and report the results to PDE, making an investigation unnecessary; or (2) to pursue the complaint through the PDE if resolution was not reached in the 15 day period, with the 15 days counted within the 60 days allowed for resolution under 34 CFR §300.661(a). The State also reported that approximately one percent of complaint investigations were not resolved within 60 days after the complaints were filed; however all complaints resolved beyond the 60 day calendar days had documented extensions as required by 34 CFR §300.661(b) and were resolved within the extended timelines. The State also provided information about several programs it initiated to resolve complaints in a less formal way, which it found successful or promising. OSEP appreciates the efforts of the State in this area. OSEP looks forward to reviewing the State's data and information in this area in the SPP.

Mediation

On pages 16 through 18 and Attachment 1 of the FFY 2003 APR, the State indicated that: (1) of the 199 mediation requests, 11 were related to hearing requests and 188 were not related to hearing requests; and (2) of the 175 mediation agreements, nine were related to hearing requests and 166 were not related to hearing requests. The State also reported that: (1) 75 percent of mediations were resolved within 40 days; and (2) it made several additional alternative dispute resolution mechanisms available to parties in a dispute. OSEP appreciates the efforts of the State in this area. OSEP looks forward to reviewing the State's data and information in this area in the SPP.

Due process hearings and reviews

On pages 10 and 11, 15 through 18, and Attachment 1 of the FFY 2003 APR, the State indicated that of the 149 due process hearings that were fully adjudicated, 42 decisions were issued within

³ Staff organizational assignments are designed based on the single point of contact (SPOC) concept. One professional special education adviser is assigned to an intermediate unit (IU) area, and the MAWA agencies responsible for the 619 preschool programs on behalf of PDE. That individual is responsible for the special education plan, compliance monitoring, corrective action follow up, and complaint investigations for the LEAs in the geographic area, which facilitates development of regional expertise and familiarity with systemic issues identified from all available sources.

timelines under 34 CFR §300.511(a) and 107 decisions were issued within timeline extensions under 34 CFR §300.511(c). These data demonstrated correction of noncompliance identified in OSEP's November 2004 letter regarding the timeliness of due process hearing decisions. The State provided data and analysis that indicated: (1) of the 940 requested due process hearings, 427 proceeded to a first hearing session; and (2) of the 513 due process hearing requests that did not reach a first hearing, 246 were resolved through mediation or local resolution, 220 were withdrawn by the litigant, and 47 dismissed for lack of jurisdiction. The State also reported that: (1) trend data indicated a decrease of 5.24 percent in the number of hearing requests received in 2003-2004 as compared to 2002-2003; (2) of the 940 hearings requested, the 21 for children in Part B early intervention programs never reached the decision level because of local resolution; (3) a large urban school district, and its four surrounding intermediate units (IUs) (with a child count of approximately 78,000), accounted for 511 of the 940 requests for due process hearings in 2003-2004; and (4) compensatory education appeared as an issue in almost 20 percent of the due process hearings and mediations requested in 2003-2004. OSEP looks forward to reviewing the State's data and information in this area in the SPP.

Personnel

On pages 20 through 25 of the FFY 2003 APR, the State indicated that: (1) 98.2 percent of special education teachers were fully certified; (2) a pattern of special education personnel areas of shortage had not emerged in the statewide analysis; (3) some regions reported shortages of special education personnel in specific areas or for disability groups but no consistent pattern of shortages emerged; (4) LEAs identified the areas of speech/language, psychology, emotional disturbance, and learning disabilities supports as difficult to fill; (5) 250 paraeducators were approved for the Credential of Competency, using the Council for Exceptional Children's *Ten Standards of Practice for Paraeducators*; (6) the staff ratio for 2002 of 14.88 children per special education teacher, compared with the child to staff ratio for 2003 of 14.29 children per special education teacher, demonstrated a slight improvement; (7) the State Improvement Grant (SIG) awarded in September 2004 would expand partnerships with LEAs and institutes of higher education (IHEs) to develop pre-service and in-service programs for special education personnel; and (8) a training plan was developed to assist all special education teachers currently teaching in the State to meet the highly qualified requirements. OSEP appreciates the efforts of the State in this area.

Collection and timely reporting of accurate data

On pages 27 and 28 of the FFY 2003 APR, the State indicated that the 29 IUs collected the required special education data from their member districts and PDE supported each IU by providing training opportunities and technical assistance. To ensure a system of timely and accurate data, the State indicated that: (1) a *Data Resource Guide* was updated and disseminated; (2) statewide trainings were conducted for all IU Penn Data managers and IU special education directors regarding the submission of aggregate data and the December first reporting requirements; (3) the BSE comprehensive data review process of the December first IU submissions included edit checks for duplications and other inaccuracies, procedures for identifying anomalies, correcting any inaccuracies, and verifying data with IU personnel; (4) the IU staff verified the BSE audited report; (5) the data were published and placed on the Penn Data website with a statistical summary; and (6) all data reports will be posted on the PDE website

beginning June 2005. The FFY 2003 APR targeted improved data collection in the areas of: (1) statewide post-secondary outcomes; (2) consolidated reporting of graduation, drop-out, and suspension and expulsion rates to allow for comparison of children with and without disabilities; (3) Part C to B transition; and (4) early childhood performance outcomes. OSEP appreciates the efforts of the State in this area and looks forward to reviewing the State's data and information in this area in the SPP.

Early Childhood Transition

OSEP's November 2004 letter required the State to include data and analysis demonstrating whether children transitioning from the Part C program to Part B services have IEPs or IFSPs developed and implemented by their third birthdays, and whether evaluations and eligibility determinations for children not previously served under Part C are conducted in a timely manner in accordance with 34 CFR §§300.121(c) and 300.132(b). On pages 29 through 31 of the FFY 2003 APR, the State included data and analysis on these topics. The State indicated that of seven MAWA agencies monitored in 2003-2004, the results of the facilitated self-assessment demonstrated 100 percent compliance with the requirements that: (1) a transition meeting occurred (with the county Mental Health/Mental Retardation (MH/MR) program, the MAWA Agency, and the parents) at least 90 calendar days prior to the child's third birthday for children who may be eligible for preschool services; and (2) for children found eligible for preschool services, an IEP was in place for implementation by the child's third birthday. However, a statewide data system was not available to track the transition of children from Part C to Part B programs, and verify that all eligible children received services by their third birthdays.

On page 32 of the FFY 2003 APR, the State included strategies, proposed evidence of change, targets, and timelines designed to establish a uniform reporting system for collecting Part C to Part B transition information from MAWAs. The State indicated that it would: (1) collect data on the aggregate numbers of children referred for transition to the MAWA Agency, determined to be eligible for preschool programs who had IEPs by their third birthdays; (2) develop a database to collect more specific information for the early childhood transition process based on the results of a pilot in a minimum of 20 percent of the MAWA agencies; (3) jointly with the staff of Part C and the MAWA Agencies develop a standardized letter of invitation to the MAWA Agencies to attend the transition meeting that occurs at least 90 days prior to the child's third birthday; (4) implement a process for Part C to share the steps for transition, the dates of the meetings, and the roles and names of those expected to attend; (5) send a joint letter from Part C and the MAWA Agency to County MH/MR infant/toddler programs to clarify the timeline for the letter of invitation and that both programs have an obligation to participate in the transition meeting and maintain documentation of steps taken to prepare the child and family for transition; (6) align Part B and C monitoring systems to collect coordinated data on early childhood transition; (7) offer training and technical assistance to all MAWA Agencies and all county Infant/Toddler programs through the annual Technical Assistance Plan process; and (8) collaborate with the National Early Childhood Transition Center to examine factors that promote successful transitions and validate practices in Pennsylvania that enhance the process of transition at age three. OSEP agrees that this plan should result in more comprehensive data about the early childhood transition process. OSEP appreciates the State's work in this area and looks forward to reviewing data and information on early childhood transition in the SPP.

Parent Involvement

On pages 33 through 39 of the FFY 2003 APR, the State indicated that: (1) responses to parent surveys, as part of the special monitoring process, demonstrated at least 90 percent satisfaction rate for 19 of the 23 items measured; (2) parent participation in the Pennsylvania Training and Technical Assistance Network (PaTTAN) statewide training increased from 2,057 in 2002-2003 to 5,868 in 2003-2004; (3) 561 parents were assisted through the Parent Education Network (PEN), OSEP's funded Parent Training and Information Center; (4) 3,947 consumers were assisted by its dispute resolution center "Consultline;" (5) parent participation increased on local and State level committees, and councils; and (6) it will complete an analysis of barriers to parent participation and of the monitoring indicators on parent involvement. OSEP appreciates the State's work and looks forward to reviewing data and information on parent involvement in the SPP.

Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)

Disproportionality

On pages 41 and 42 of the FFY 2003 APR, the State included data and analysis required by OSEP's November 2004 letter to address disproportionality related to identification. Under 34 CFR §300.755 the State must review policies, procedures, and practices in the referral, evaluation, identification, and placement processes to determine if they are educationally appropriate, consistent with the requirements of Part B, and race-neutral when significant disproportionality is identified. On pages 41 and 42 of the FFY 2003 APR, the State included data and information that indicated: the spreadsheet supplied by WESTAT was used to determine the risk ratio for each disability category and educational environment and conducting a risk ratio analysis of LEAs for disproportionality in identification, disability category, or placement of children with disabilities based on race, it did not find disproportionality in any area. OSEP appreciates the State's work and looks forward to reviewing data and information on disproportionality in the SPP.

Graduation and drop-out rates

On pages 45 through 48 of the FFY 2003 APR, the State included data and information indicating that: (1) in national data comparisons, it was third (of 52) among States and territories for exiting from school with a diploma in 2001-2002, and fourth (of 57) among States and territories in 2002-2003; (2) in national data comparisons it ranked eleventh (of 52) in dropouts in 2001-2002, and eighth (of 57) in 2002-2003; (3) the Data Council made progress in collecting comparative drop-out rates for children with and without disabilities; (4) statewide program initiatives and professional development implemented to improve instructional programs for children with disabilities decreased the drop-out rate; (5) effective practices for dropout prevention were examined, and resources targeted to those LEAs identified through cyclical monitoring and data analysis as needing intervention; and (6) in the cyclical monitoring system, an LEA's performance in graduation and drop-out rates for children with and without disabilities were compared with the State graduation and drop-out rates of children without disabilities. OSEP appreciates the State's work and looks forward to reviewing data and information on graduation and drop-out rates in the SPP.

Suspension and expulsion

OSEP's November 2004 letter required the State to include data and analysis in the FFY 2003 APR with regard to determining whether significant discrepancies were occurring regarding suspension and expulsion rates as required by 34 CFR §300.146. The State's FFY 2002 APR did not include any information indicating that the State had examined data from the LEAs to determine whether significant discrepancies were occurring based on either one of the comparisons allowed under 34 CFR §300.146. The State addressed this requirement on pages 49 through 51 and Attachments 4 and 5 of the FFY 2003 APR. On page 49 of the FFY 2003 APR, the State indicated that: (1) LEAs were not permitted to suspend children with disabilities beyond a total of 15 cumulative days in a school year without prior notice and signed permission of the child's parents⁴ (2) the State had significantly lower rates of suspension for children with disabilities than for children without disabilities; (3) the State monitored suspension and expulsion practices at the LEA level for at least a decade, and beginning in 2001-2002, it reviewed the comparison of each LEA's number of children with and without disabilities who were suspended; (4) PDE exercised oversight through the effective identification and correction of noncompliance; and (5) in 2003-2004, PDE found deficiencies in ten LEAs, seven of these had completed their CAPs, with three making adequate progress to complete their CAPs within timelines. The State also reported that it is working on developing an LEA data collection on suspension and expulsion data for students with and without disabilities.

In Attachments 4 and 5 of the FFY 2003 APR, the State also reported data and analysis of the comparability of suspension and expulsion rates for children with disabilities among LEAs in the State. These data indicated that: (1) 15 LEAs demonstrated an increase in the number of children unilaterally removed to interim alternative educational settings by school personnel, ten demonstrated decreases and six remained the same; (2) four LEAs demonstrated increases in the numbers of children removed to interim alternative educational settings by hearing officers, while nine demonstrated decreases, and 18 remained the same; (3) 13 LEAs demonstrated increases in suspensions or expulsions greater than ten days, 14 demonstrated decreases, and four remained the same; and (4) no IUs had a significant statistical difference of greater than ten percent in 2003-2004 for the comparability of suspension rates between children with and without disabilities. OSEP appreciates the State's work and looks forward to reviewing data and information on suspension and expulsion in the SPP.

Statewide and districtwide assessment

On pages 53 through 58 of the FFY 2003 APR, the State included data and information regarding participation in the statewide assessment system indicating that: (1) beginning with the 2004 administration of the Pennsylvania Alternate System of Assessment (PASA), test administrators were required to provide an explanation regarding children with IEPs not participating in the

⁴ Chapter 14 Pennsylvania Regulations for Special Education Services indicate at §14.143 Disciplinary Placements (a) Notwithstanding the requirements incorporated by reference in 34 CFR §300.519(b) (relating to change of placement for disciplinary removals), a disciplinary exclusion of a student with a disability for more than 15 cumulative school days in a school year will be considered a pattern so as to be deemed a change in educational placement.

alternate assessment, for reasons such as parent exception due to religious beliefs; (2) it provided training and monitored LEA data to ensure compliance for the requirements related to statewide assessment; (3) in 2003-2004, participation rates in the PASA remained at approximately 0.5 percent of children with IEPs; (4) it offered professional development implemented by PaTTAN in partnership with the IU special education and curriculum departments to provide an integrated approach to school improvement that was based on State assessment results; (5) it conducted the Pennsylvania System of School Assessment (PSSA) computerized assessment pilot; (6) it completed the Pennsylvania Value Added Assessment System (PVAAS) pilots; (7) it implemented progress monitoring techniques to improve achievement; and (8) it arranged for a correlation study of PSSA with curriculum based measurement (CBM) to measure improved performance based on curriculum standards. Additionally, on page 59 of the FFY 2003 APR, the State included data and information regarding the performance of children with disabilities on the PSSA, indicating: (1) increased rates in achieving proficient and advanced level scores in reading and math in grades 5, 8, and 11 in 2003-2004 compared to 2002-2003; (2) decreased rates in scoring at the below proficient levels in reading and math in grades 5 and 8; and (3) increased rates in scoring at the below proficient levels in reading and math for grade 11. OSEP appreciates the efforts of the State and looks forward to reviewing the State's data and information in this area in the SPP.

Least restrictive environment (LRE)

On pages 61 through 69 of the FFY 2003 APR, the State included data and information indicating that: (1) there was an upward trend for children with disabilities outside the regular education class less than 21 percent of the time, from 36 percent in 1999 to 44.1 percent in 2003; (2) children with disabilities outside of regular education more than 60 percent of the time continued to demonstrate a decrease, from 28 percent in 1999 to 18 percent in 2003; (3) procedural violations were not identified as contributing to the determination of more restrictive placement options; (4) placement decisions were made by IEP teams; and (5) analyses of the data were conducted at the LEA and regional levels for children with disabilities placed in public/private separate facilities to determine the causes for increases from 2.9 percent in 1999 to 3.4 percent in 2003. The State also reported data and information indicating that the cyclical monitoring reviews demonstrated its general supervisory oversight in this area by: (1) reviewing the LEA's use of settings data comparable to the State average; (2) approving and closing CAPs related to placement (CAPs were not closed in four LEAs but were issued within timelines); (3) reviewing services and policies related to the continuum of placement options; (4) interviewing parents, teachers, and children to determine the appropriateness of individual child placements; (5) conducting file reviews that confirm whether appropriate procedures were followed in determining placement; and (6) analyzing trend data indicating that it was effectively identifying and correcting noncompliance regarding the LRE placement options identified in the child's IEP as required by 34 CFR §300.552.

On page 64 of the FFY 2003 APR, the State reported settings data for preschool children with disabilities that indicated: (1) 36.8 percent were placed in early childhood settings; (2) 34.5 percent were placed in the early childhood special education settings; (3) 15.1 percent were placed in itinerant services outside the home; and (4) 9.3 percent were in the home. OSEP appreciates the State's work in this area and looks forward to reviewing data and information in this area in the SPP.

OSEP's November 2004 letter required the State to report on whether placement decisions were based on the individual needs of children with disabilities, as required by 34 CFR §§300.500–300.556. On pages 65 and 69 of the FFY 2003 APR, the State indicated that: (1) the State's monitoring reviews continued to identify noncompliance with the requirement that placements were made in the LRE based on the individual needs of the children as determined by the IEP team, but the State required timely corrective actions; and (2) at least 95 percent positive responses to parent and teacher survey data, with regard to the IEP team addressing recommendations in the development of the IEP regarding modifications and accommodations included in the child's most recent evaluation report. OSEP appreciates the work of the State in ensuring performance and compliance with these requirements and looks forward to reviewing data and information in this area in the SPP.

Other: IEP content

OSEP's November 2004 letter required the State to report on whether IEPs identified the projected date for the beginning of special education and related services, supplementary aids and services, and program modifications that were provided to children with disabilities, or on behalf of children with disabilities, and supports for school personnel were provided for children with disabilities, and that, in addition, whether the IEP identified the location, frequency, anticipated initiation and duration of those services and modifications as required by 34 CFR §300.347(a)(6). In PDE's January 2005 Progress Report and on page 65 of the FFY 2003 APR, it reported that: (1) monitoring data were collected regarding the location, frequency, anticipated initiation and duration of services for program modifications and specially designed instruction, related services, and supports for the child provided for school personnel, if included in the IEP; (2) extensive training and technical assistance were provided at the IU and LEA levels regarding this issue; and (3) the majority of IEPs included in the 2003-2004 monitoring cycle were developed prior to the training initiative. OSEP's February 2004 response to PDE's January Progress Report indicated that the State: (1) addressed the issues identified in the OSEP approved April 2003 Pennsylvania Improvement Plan; (2) provided general supervisory oversight responsibilities in the areas identified in the Progress Report; and (3) identified and was correcting noncompliance in a timely manner through its monitoring system. The results of the monitoring data reported in the FFY 2003 APR and a subsequent email dated July 28, 2005, indicate that the State has ensured correction of all noncompliance in all LEAs that were monitored in 2003-2004 and for which the correction timeline has expired by the FFY 2003 report date. OSEP appreciates the work of the State in ensuring compliance with these requirements.

Other: Psychological counseling

OSEP's November 2004 letter required the State to report on whether psychological counseling services were provided to children with disabilities in accordance with the IEP as required by 34 CFR §§300.347(a)(3), 300.300, 300.24(a), and 300.24(b)(9)(v). On page 68 of the FFY 2003 APR, the State indicated at least 92 percent positive responses to parent and teacher surveys that addressed: (1) psychological counseling, if included in the child's IEP as a related service; and (2) if these services, including transportation if needed, were provided at no cost; and (3) if the child's most recent evaluation report contained recommendations for provision of related services,

including psychological counseling, the IEP team addressed those recommendations in the development of the child's current IEP and accepted or rejected evaluation review recommendations for appropriate educational reasons. The results of State monitoring data for the provision of related services, including psychological counseling, indicated that CAPs for two LEAs were open, but within timelines. OSEP appreciates the work of the State in ensuring compliance with these requirements.

Other: Extended school year

OSEP's November 2004 letter required the State to report on whether extended school year services, when required as part of FAPE, were provided to children with disabilities, as required by 34 CFR §§300.309(a)(3) and 300.309(b)(1). On page 69 of the FFY 2003 APR, the State indicated that: (1) the LEAs must comply with requirements for the provision of ESY services; (2) IEPs contained a statement of the specific ESY services or programs to be provided to the child, (3) four CAPs remained open; (4) three of the open CAPs were within timelines; and (5) one LEA CAP was over timeline but the State had ensured correction by the FFY 2003 APR report date. OSEP appreciates the work of the State in ensuring compliance with these requirements.

Preschool performance outcomes

OSEP's November 2004 letter required the State to report on data (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for early language/communication, pre-reading, and social-emotional skills of preschool children with disabilities. On pages 72 through 85 of the FFY 2003 APR, the State indicated that 98 percent of preschool children with disabilities in a sample size of 499 demonstrated improvement as measured by the following instruments: (1) *Ladders to Literacy* screening oral language, print/book awareness, and meta-linguistic awareness; (2) *Get Ready to Read* screening emergent writing, print knowledge, and linguistic awareness; and (3) *Individual Growth and Development Indicators* (IGDIs) screening for picture naming, alliteration and rhyming. The State also indicated that, based on data submitted by 14 of 34 MAWAs on the *Battelle Developmental Inventory* with a sample size of 789 preschool children: (1) in the area of communication, 95.56 percent of the preschool children demonstrated progress, 3.70 percent maintained performance levels, and 0.74 percent demonstrated slippage in skills; (2) in the area of personal-social skills, 93.38 percent of preschool children demonstrated progress in skills, 2.57 percent maintained performance levels, and 4.04 percent demonstrated slippage; and (3) in the area of adaptive skills, 93.69 percent of preschool children demonstrated progress, 3.15 percent maintained performance levels, and 3.15 percent demonstrated slippage.

The State also provided a plan to collect data and information in this area as follows: (1) all MAWAs will be required to use developmental assessment instruments that measure developmental age scores on early language/communication and social emotional skills; (2) early literacy data will be collected using *Ladders to Literacy*, *Get Ready to Read* or IGDI; (3) by June 2005 it will increase the sample size of MAWAs collecting and submitting literacy data; and (4) the Early Childhood Outcomes Center will provide technical assistance. The SPP instructions establish a new indicator in this area, for which States must provide baseline data in the FFY 2005

APR due February 1, 2007. The State should carefully review the instructions to the SPP in developing its plans for this collection. The State must make a determination whether plans currently in place to collect data related to this area will be responsive to those requirements. OSEP looks forward to reviewing the data and information in this area in the State's SPP.

Secondary Transition

OSEP's November 2004 letter required the State to report on whether IEPs included a statement of needed transition services that addressed the student's needs, interests, and abilities, and the statement represented a coordinated set of activities within an outcome-oriented process designed to facilitate a student's transition from school to post-school activities as required by 34 CFR §§300.347(b)(1)-(2) and 300.29. On pages 88 through 94 of the FFY 2003 APR, the State indicated that: (1) in 45 of 51 LEAs monitored in 2003-2004, the IEPs included a statement of needed transition services that addressed the student's needs, interests, and abilities, and represented a coordinated set of activities within an outcome-oriented process designed to facilitate a student's transition from high school into an appropriate post-secondary situation; (2) for 2003-2004, five of the six CAPs were closed, and one remained open but was within timelines; (3) during 2003-2004, a student interview survey format was piloted with 29 students, and would be expanded to a larger sample in 2004-2005; and (4) a post-school outcomes follow-up survey was being designed to provide information regarding adequate preparation for adult life.

OSEP's November 2004 letter required the State to report on whether other steps were taken to obtain the participation of outside agencies invited to an IEP meeting to plan transition services, if they did not attend as required by 34 CFR §300.344(b)(3)(ii). On pages 88 through 94 of the FFY 2003 APR, the State indicated that: (1) PaTTAN provided intensive statewide training specifically designed to improve performance in the areas of secondary transition related to the monitoring probes; (2) training sessions were provided for multiple issues related to secondary transition that included participants from LEAs, PDE, Juvenile Justice, the Department of Health, the Department of Labor and Industry, the Department of Public Welfare, family members, advocates, and higher education personnel; (3) a tool for ensuring successful completion of IEPs for secondary students was disseminated; (4) follow-up activities were implemented at regional quarterly meetings with IU and LEA transition consultants, local interagency council meetings and three yearly State interagency council meetings; and (5) it identified noncompliance in 8 of 51 LEAs monitored for 2003-2004, six of the eight CAPs were closed, and two remained open but were within timelines.

In the January 2005 Progress Report, the State provided information regarding the two transition issues above that indicated: (1) the IEP format used statewide by all LEAs was modified; (2) extensive training and technical assistance were provided to LEAs regarding IEP requirements during the 2003-2004 school year; (3) the majority of IEPs included in the 2003-2004 cyclical monitoring were developed prior to the training initiative; and (4) IEPs developed after September 1, 2004 demonstrated improvement that will also be reflected in the next monitoring cycle. OSEP's February 2004 response letter to PDE's January Progress Report indicated that the State: (1) addressed the issues identified in the OSEP-approved April 2003 Pennsylvania Improvement Plan; (2) provided general supervisory oversight responsibilities in the areas identified in its report; and (3) identified and is correcting noncompliance in a timely manner through its

monitoring system. OSEP appreciates the work of the State in ensuring performance and compliance with these requirements and looks forward to reviewing data and information in this area in the SPP.

Conclusion

As noted above, the SPP instructions establish a new indicator for preschool outcomes, for which States must provide baseline data in the FFY 2005 APR due February 1, 2007. In preparation for submission of the SPP, the State should carefully review the instructions to the SPP in developing its plans for the collection of data and information collected for the APRs, along with OSEP's responses, against the requirements related to preschool performance outcomes in the SPP packet. The State must either make a determination whether plans currently in place to collect data related to this area will be responsive to those requirements.

IDEA 2004, §616, requires each State to submit a State Performance Plan (SPP) that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators are, for the most part, similar to clusters and probes in the APR. OSEP encourages the State to carefully consider the comments in this letter as it prepares its SPP, due December 2, 2005.

OSEP recognizes that the APR and its related activities represent only a portion of the work in your State and looks forward to collaborating with you as you continue to improve results for children and youth with disabilities and their families. If you have questions, please contact Hugh Reid at (202) 245-7491.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Linda Rhen