



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

Honorable Cecil J. Picard  
State Superintendent  
Louisiana State Department of Education  
P.O. Box 94064  
Baton Rouge, Louisiana 70804-9064

AUG 19 2005

Dear Superintendent Picard:

The purpose of this letter is to respond to Louisiana's March 31, 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***

OSEP's September 15, 2004 letter, responding to Louisiana's FFY 2002 Part B APR (September 2004 letter), directed the State to submit, within three months from the date of the letter, documentation related to correction of specified, unresolved findings of noncompliance from OSEP's July 20, 2001 letter regarding OSEP's 2000 monitoring visit to Louisiana. The State provided the required documentation and analysis related to the noncompliance to OSEP on December 15, 2004. OSEP reviewed the documentation and determined that most of the remaining noncompliance had been corrected. In a letter dated February 25, 2005 (February 2005 letter), OSEP directed the State to submit the following documentation regarding correction of district-level noncompliance in the FFY 2003 APR: (1) placement in the least restrictive environment (LRE) in Jefferson, Pointe Coupee and Union Parishes, and in the City of Monroe; and (2) statements of needed transition services in East Baton Rouge and Jefferson Parishes. If the monitoring or other data demonstrated continuing noncompliance, OSEP directed the State to submit a plan with strategies, proposed evidence of change, targets and timelines to ensure correction of the noncompliance as soon as possible.

In the September 2004 letter, OSEP also directed the State to include the following information in the FFY 2003 APR:

1. The timelines for complaints and due process hearings;
2. For those districts that determined their data illustrate significant disproportionality, the results of the review of the policies, procedures, and practices used in the identification and placement of students with disabilities to ensure that they are consistent with the requirements of Part B and race-neutral;
3. Information regarding the comparison the State used to determine whether significant discrepancies were occurring in the rate of long term suspensions or expulsions;
4. Accurate enrollment and participation data for students with disabilities taking State assessments; and
5. Preschool performance data, targets for improved performance, and strategies to achieve those targets for this area, or a plan to collect the data.

OSEP's comments on the State's submissions are provided in the appropriate sections below.

### ***General Supervision***

#### **Identification and timely correction of noncompliance**

States must have proper methods for ensuring correction of deficiencies identified through monitoring (20 U.S.C. §1232d(b)(3)(E) and 34 CFR §300.600). In its February 2005 letter, OSEP directed Louisiana to provide updated documentation in the FFY 2003 APR regarding the correction of district-level noncompliance. On pages 79-96 and 104-116 of the APR, and in Appendices A-D, the State included data and analysis that demonstrated correction of noncompliance identified in OSEP's September 2004 letter in the following areas: (1) data and analysis indicated that, in Pointe Coupee and Union Parishes, and in the City of Monroe, placement decisions were made on an individual basis in accordance with 34 CFR §300.552; and (2) proper statements of needed transition services were reflected in individualized education programs (IEPs) developed in East Baton Rouge and Jefferson Parishes – (34 CFR §300.347(b)(2)). More details related to correction of these areas of noncompliance are included in the sections below. In addition, the State provided OSEP with a copy of a letter dated June 13, 2005 to Jefferson Parish regarding the district's obligations to ensure the correction of noncompliance related to LRE. In that letter, the State imposed interventions and sanctions that require the district to: (1) use district funds to pay for an LRE consultant selected by the State; (2) with the consultant, develop a plan to move students more aggressively into regular education classes with the necessary supports; and (3) use district funds to cover all costs associated with the consultant's plan for correcting the noncompliance related to LRE. OSEP appreciates the work of the State in ensuring compliance with these requirements. OSEP looks forward to reviewing the State's data in this area as part of the State Performance Plan (SPP) due December 2, 2005.

### Formal written complaints

On page 15 of the APR, the State included data showing that, of the 68 formal complaints filed during the period July 1, 2003 – June 30, 2004, 24 resulted in findings, 39 resulted in no findings, and five were either not investigated or were withdrawn. The State reported that decisions for all 63 of the complaints that it investigated were completed within timelines, with an average time of 58 days to close the complaints. The State further reported that no complaints were pending as of February 1, 2005. OSEP appreciates the State's efforts in this area and looks forward to reviewing the State's data and information regarding complaints in the SPP.

### Mediation

The State's data on page 15 of the APR indicated that, of the 21 requests for mediation during July 1, 2003 - June 30, 2004, 19 resulted in mediation agreements. As of February 1, 2005, no mediation requests were pending. OSEP looks forward to reviewing information regarding the State's performance in this area in the SPP.

### Due process hearings and reviews

States must ensure that a final decision is reached in a due process hearing and a copy mailed to each of the parties within 45 days from the date of receipt of the hearing request, unless the hearing officer extends the 45-day timeline for a specific period of time at the request of a party to the hearing (34 CFR §300.511(a) and (c)). The State's data on page 15 of the APR and information provided to OSEP in subsequent e-mail communication from the State on May 5 and June 16 showed that the State received 65 hearing requests between July 1, 2003 and June 30, 2004. Of the 64 requests for a special education hearing (one request concerned a child who was gifted): (1) 13 were fully adjudicated within the 45-day timeline or an extended timeline; (2) the decision for one was issued beyond the extended timeline; (3) 15 were settled at mediation; and (4) 35 were withdrawn or dismissed. On page 16, the State reported that the same hearing officer had also issued one hearing decision after the timeline in 2002-03, and that the hearing officer is no longer used by the legal department. The State further reported that the average time to render a decision was 67 days and that no hearings were pending as of February 1, 2005. The State further indicated in the June 16 e-mail to OSEP that most hearings were extended once, and that both parties jointly requested most of the extensions. On page 17 of the APR, the State indicated that a decision would be made in June 2005 whether or not to issue guidelines to hearing officers for extending timelines. On page 16 of the APR, the State reported that all targets related to complaint investigations, mediations, and due process hearings were met during July 1, 2003 – June 30, 2004. New targets, including future activities, and timelines were included on pages 11-12 and 16-17. OSEP appreciates the State's efforts in this area and looks forward to data and information in the SPP, including information, if available, regarding any guidelines that Louisiana has issued to hearing officers regarding extending hearing timelines.

### Personnel

On pages 18-27 of the FFY 2003 APR, the State included data and information regarding certified and non-certified personnel, including administrators, teachers, related service providers and paraprofessionals. Louisiana's stated goal is to increase the number of certified special education teachers to 100 percent by the year 2013-2014. The APR included several strategies, targets, and timelines for reaching this goal. OSEP appreciates the State's efforts to improve performance in this area.

### Collection and timely reporting of accurate data

On pages 29-30 of the FFY 2003 APR, the State included information regarding the collection and timely reporting of accurate data. The State reported on its data systems, including the new Special Education Report (SER) that will be implemented in August 2005. The SER, a web-based system, will replace the current data system as the primary means of data gathering for special education. The APR included a maintenance target, training activities, and timelines related to the new system. OSEP appreciates the State's efforts in this area and looks forward to reviewing information demonstrating continued performance in this area in the SPP.

### ***Early Childhood Transition***

On pages 31-34 of the APR, the State included data and information indicating the following area of noncompliance not previously identified by OSEP: Of the children exiting Part C services who were found eligible for special education and related services, many did not have IEPs in effect by their third birthdays (34 CFR §300.132(b)). On pages 31-34, the State provided detailed information regarding the number and percentage of young children with disabilities that had IEPs developed before their third birthdays. For 2003-2004, there was an increase of 2.1 percent from the prior year for children transitioning from Part C that had IEPs developed by their third birthdays. However, even with this increase, the numbers only represent 30.5 percent of the total number of children participating in Part C who were found eligible for Part B services, reflecting an additional 69.5 percent that had IEPs developed after their third birthdays. On page 33, the State recognized this as noncompliance. To ensure the provision of a free appropriate public education (FAPE) by the third birthday, as required by 34 CFR §300.132(b), the State projected a target to "increase from a baseline of 30.5 percent to 100 percent," the number of children with IEPs developed and implemented by their third birthdays, by June 30, 2005. On pages 33-34 of the APR, the State also included strategies, proposed evidence of change, targets and timelines designed to ensure compliance by June 30, 2005. OSEP accepts this plan. In addition, the State should carefully review its plan for collecting data in this area against the requirements related to this indicator in the SPP packet. The State must make a determination whether plans currently in place to collect preschool transition data will be responsive to those requirements.

In its SPP, the State must include a Progress Report with data and analysis demonstrating progress toward compliance in this area, including the following: (1) the number of children exiting Part C during 2004-2005 who may be eligible for services under Part B; (2) the number of those children found eligible for Part B services during the reporting period; (3) the number of eligible children for whom an IEP (or individualized family service plan (IFSP), consistent with Part B) was developed and implemented by the child's third birthday; and (4) for any eligible children who did not have an IEP (or IFSP meeting Part B requirements) developed and implemented by the child's third birthday, an explanation of why not. In addition, the State must provide a report to OSEP with data and analysis demonstrating compliance as soon as possible but not later than 30 days following the end of the one-year timeline, beginning with the date of this letter.

OSEP assumes that any Part C to Part B tracking system that Louisiana develops will not involve the disclosure of personally identifiable information from students' education records, or if it will, that it is consistent with the IDEA and the Family Educational Rights and Privacy Act (FERPA). OSEP has enclosed for your information a copy of its February 11, 2004, letter to Mary Elder, Executive Director, Texas Interagency Council on Early Childhood Intervention, which discusses the limited disclosure of personally identifiable information for purposes of meeting IDEA's child find mandate.

### ***Parent Involvement***

On pages 35-41 of the FFY 2003 APR, the State included data and information regarding parent involvement in special education services in Louisiana. Parents are offered a variety of training activities through regional academies, Families Helping Families (FHF) Family Resource Centers, and LDE-sponsored parent weekend workshops. In addition, parents continue to be involved in the State's continuous improvement monitoring process (CIMP) on-site monitoring activities as full members of the State monitoring teams. The State reported that, in 2004, 19 parents were trained in the monitoring process to prepare them for conducting parent focus meetings and parent interviews during on-site monitoring visits. LDE will distribute the NCSEAM<sup>1</sup> *Parent Participation and Perception Survey* during the fall of 2005 through their statewide network of partners. As a result of this distribution, the State expects to have baseline data by spring of 2006 and be able to report on the data in the FFY 2007 APR. OSEP appreciates the State's efforts in this area and looks forward to reviewing data and information demonstrating continued performance in this area in the SPP.

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

#### **Disproportionality**

In the September 2004 letter, OSEP directed the State to provide, in the FFY 2003 APR, the results of the review of policies, procedures, and practices used in the identification and placement of students with disabilities to ensure that they are consistent with the

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<sup>1</sup> National Center for Special Education Accountability Monitoring (NCSEAM)

requirements of Part B and are race-neutral, for those districts with data that illustrate significant disproportionality in the identification of children in specific disability categories and the placement of children in particular educational settings. Section 300.755 (b) requires that when the State determines that there is significant disproportionality regarding the identification or educational placement of children with disabilities, the State provides for the review and, if appropriate, revision of the policies, procedures, and practices used in identification or placement to ensure that the policies, procedures, and practices comply with the requirements of Part B.

On pages 42-48, and in the table on page 118 of the APR, the State included data and analysis indicating a need to improve performance in this area. The State provided trend data indicating a disproportionate identification of Black students in particular disability categories and in particular educational environments. On pages 47-48, the State outlined a plan that includes activities and responsibilities of each district and the State to improve performance in this area, including districts' examination of policies regarding identification and placement and development of appropriate corrective actions. However, the State did not provide the results of its review of policies, procedures, and practices used in the identification and placement of students with disabilities to ensure that they are consistent with the requirements of Part B and are race-neutral, for those districts with data that illustrate significant disproportionality in the identification of children in specific disability categories and the placement of children in particular educational settings.

Within 30 days from the date of this letter, the State must either: (1) provide the results of its review of policies, procedures, and practices used in the identification and placement of students with disabilities to ensure that they are consistent with the requirements of Part B and are race-neutral, for those districts with data that illustrate significant disproportionality in the identification of children in specific disability categories and the placement of children in particular educational settings, as required by 34 CFR §300.755; or (2) specify what steps the State will take to implement its plan to report on the results of its review of policies, procedures, and practices, as outlined above, and to ensure correction of the noncompliance as soon as possible, not to exceed one year from the date of this letter.

On page 42 of the APR, Louisiana identified two performance indicators for addressing disproportionality regarding the numbers of children with disabilities receiving special education and the numbers of children with disabilities in each educational setting. These indicators address whether the percentage of children with disabilities, by race/ethnicity, receiving special education is proportional to the percentage of children, by race/ethnicity, in the State's general population and whether the percentage of children with disabilities in each educational setting, by race/ethnicity, is proportional to the percentage of children in the State's general enrollment. The proposed use of numerical goals based upon race raises serious concerns under federal civil rights laws and the United States Constitution and is not an appropriate way to address the potential compliance problems that significant disproportionality may indicate. Any proposed use of numerical goals/targets based upon race, even where the numerical goal is based upon

comparable numbers in the general population, raises the same legal concerns. In the SPP, Louisiana must submit revised language for these performance indicators that is consistent with Federal law.

#### Graduation and drop-out rates

On pages 49-53 of the FFY 2003 APR, the State included data and information regarding graduation and drop-out rates in Louisiana. For students with disabilities graduating with a high school diploma, the State's trend data showed improvement between 2000/2001 and 2002/2003, then a decline in 2003/2004. The graduation rates for students with disabilities over years were: 2000/2001 – 16.7 percent; 2001/2002 – 21.0 percent; 2002/2003 – 22.6 percent; and 2003/2004 – 18.9 percent. The State's ten-year target for increasing graduation rates for students with disabilities is: from a baseline of 18.9 percent in 1999-2000 to 50 percent in 2013-2014. For students with disabilities dropping out of high school, the State reported that 24 percent of students with disabilities aged 14-21 dropped out during 2003/2004. The ten-year target for decreasing the drop-out rate for students with disabilities is: from 24 percent in 1999-2000 to 15 percent in 2013-2014.

Because of a change in the State's process for reporting graduation and drop-out rates, trend data comparing the rates of students with disabilities to their nondisabled peers were not available. The State included projected targets and future activities to address performance in this area, including a requirement for LEAs to address low graduation/high drop-out rates in their LEA applications, and a ten-year plan to improve outcomes for students with disabilities exiting school. OSEP appreciates the State's efforts in this area and looks forward to reviewing data and information demonstrating improvement in the SPP.

#### Suspension and expulsion

In its September 2004 letter, OSEP directed the State to provide in the FFY 2003 APR information regarding the comparison the State did to determine whether significant discrepancies were occurring in the rates of long-term suspensions or expulsions and, if significant discrepancies were occurring, a description of those discrepancies and how the State planned to address them. On pages 54-67 of the FFY 2003 APR, the State included data and information, including district-level trend and ranking data for the suspension and expulsion of students with disabilities for more than ten days in a school year. The State's data indicated that students with specific learning disabilities made up 49 percent of all students with disabilities that were suspended or expelled for more than ten days in 2003-2004. The State's analysis on page 62 indicated that two LEAs accounted for almost a third of all students with disabilities in the State receiving suspensions/expulsions for more than ten days. The State further indicated that, since the 2000-2001 school year, there was a 52 percent decrease in the number of students with disabilities with single suspension/expulsions of more than ten days. Louisiana has several collaborative training and technical assistance initiatives underway related to school-wide positive behavioral supports (SWPBS), with over 250 schools participating

during the 2004-2005 school year. Through funding from the Louisiana State Improvement Grant (SIG), and other State funding sources, SWPBS activities have expanded over the past two years and have likely contributed to the decrease in suspensions and expulsions of students with disabilities. OSEP commends Louisiana for its efforts in this area. The APR also included targets and activities to further address disciplinary actions, including a plan to track progress in identified LEAs through action plans on a bi-annual basis.

34 CFR §300.146 requires that States examine data to determine if significant discrepancies are occurring in the rates of long-term suspensions and expulsions of children with disabilities either among LEAs in the State or compared to the rates for nondisabled children within the agencies. Where the State determines that significant discrepancies are occurring, it must review and, if appropriate, revise (or require the affected LEA to revise) its policies, procedures and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards to ensure that the policies, procedures and practices comply with Part B.

It appears from page 62 of the APR that the State has identified significant discrepancies in at least two districts; however, the State did not include evidence of a review (and if appropriate, a revision) of the districts' policies, procedures and practices related to suspension and expulsion of students with disabilities. The State must include updated information related to this area in the SPP, including evidence of the review, and if appropriate, revision, of the policies, procedures and practices of districts with significant discrepancies and the impact of the State's focus on schoolwide positive behavioral supports, to improve performance in this area.

#### Statewide and districtwide assessment

In the September 2004 letter, OSEP directed the State to provide in the FFY 2003 APR, accurate enrollment and participation data for students with disabilities taking statewide assessments. On pages 68-78 and in Attachment 3, the State included participation and performance data, including trend data, and analysis indicating a need to improve performance of students with disabilities on the Math and English/Language Arts assessments at the fourth and fifth grade levels. For the 2003-2004 school year, 99.4 percent of students with disabilities (in the grades assessed) participated in the State's assessment system, with 93 percent participating in the Louisiana Educational Assessment Program (LEAP) and 6.4 percent participating in the LEAP alternate assessment (LAA). The State also developed strategies to improve performance that include the development (to be piloted in spring of 2006) of a second alternate assessment based on grade-level achievement standards. OSEP looks forward to reviewing information in the SPP related to assessment, including the implementation of strategies and resulting data and analysis demonstrating improvement.

#### Least restrictive environment (LRE)

In its February 2005 letter, OSEP directed the State to provide in the FFY 2003 APR a status report on correction of noncompliance related to LRE in the City of Monroe and in



Jefferson, Pointe Coupee and Union parishes. In Appendices A, B and C of the FFY 2003 APR, the State included data and analysis demonstrating progress in correcting noncompliance related to the area of placement in the LRE (34 CFR §300.552).

Documentation for three of the parishes included summaries of on-site follow-up visits, record reviews, staff interviews and classroom observations. For Pointe Coupee, Union Parish, and the City of Monroe, the State determined that there was no continuing evidence of noncompliance in the area of LRE. The State's documentation further indicated that the City of Monroe far exceeded its goal of reducing the number of students with disabilities served in self-contained settings by three percent each year for four consecutive years.<sup>2</sup>

The State provided OSEP with a copy of a letter to Jefferson Parish, dated June 13, 2005, also referenced in the General Supervision section of this letter, regarding the status of noncompliance related to the placement of students with disabilities in the LRE. The letter indicates that, even with more than two years of State oversight, the most recent monitoring visit showed a continued high rate of placements in segregated settings, and that 79 percent of placements for students with emotional disabilities, 72 percent of students with learning disabilities, and 58 percent of students with developmental delays were placed outside the regular classroom. Therefore, as described in the General Supervision section above, the State imposed specific interventions and sanctions on the District relative to placement in restrictive settings. The State must include data and analysis documenting progress toward compliance related to LRE in Jefferson Parish in the SPP, including evidence of on-site follow-up visits, record reviews, staff interviews and classroom observations.

On pages 79-96 of the FFY 2003 APR, the State included data and analysis indicating a need to improve statewide performance in the areas of least restrictive environment. The State included a numerical goal for increasing the percentage of children educated in the regular education setting (from 49.6 percent (baseline) to 75 percent by the year 2014). While it is not inconsistent with Part B of the IDEA to include a numerical goal to increase the percentage of children with disabilities educated in regular education settings, the State must continue to monitor to ensure that placement decisions for all children are made on an individual basis in conformity with the requirements of Part B of IDEA at 34 CFR §§300.550-300.553.

#### Preschool performance outcomes

In the September 2004 letter, OSEP directed the State to provide in the FFY 2003 APR preschool performance data (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan. The State

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<sup>2</sup> In the City of Monroe, during the 1998-1999 school year, 54.43 percent of students with disabilities were in self-contained classes and only 16.7 percent were in regular class settings. By the 2003-2004 school year, 10.4 percent were in self-contained classes and 40.2 percent were in regular class settings.

did not include preschool performance data in the FFY 2003 APR, but indicated on page 102 of the APR that an early childhood assessment initiative was written to address this indicator. On pages 102-103 of the APR, the State outlined a plan that includes targets, activities, timelines, and resources to address the early language/communication, pre-reading, and social-emotional skills of preschool children with disabilities. Thus far, the State's plan appears to include approval of the Early Childhood Assessment Initiative, plans for meetings of an Early Childhood Task Force, and consideration of various instruments to collect data for this indicator. In preparation for submission of the SPP on December 2, 2005, the State should carefully review its plans for collecting data in this area against the requirements related to this indicator in the SPP packet, and should determine whether plans currently in place to collect data related to this area will be responsive to those requirements.

### ***Secondary Transition***

Current regulations at 34 CFR §300.347(b)(2) require that for each student beginning at age 16 (or younger, if determined appropriate by the IEP team), the IEP must include a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages. Effective July 1, 2005, §614(d)(1)(A)(i)(VIII) of IDEA 2004 requires that *beginning not later than the first IEP to be in effect when the child is 16*, and updated annually thereafter, the IEP contain: (1) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills; and (2) the transition services (including courses of study) needed to assist the child in reaching those goals.

In its February 2005 response to the State's Progress Report, OSEP directed the State to report on the status of its efforts to correct the noncompliance regarding statements of needed transition services in East Baton Rouge and Jefferson parishes. On pages 104-116 and in Appendix D of the FFY 2003 APR, the State included the following data and analysis demonstrating continued progress in correcting noncompliance related to secondary transition, as required by 34 CFR §300.347(b)(2): (1) district-level charts that include IEP data elements and percentages of evidence for each area of compliance related to secondary transition; and (2) the State's analysis of those data (on page 115) and a determination of correction of the noncompliance. The State reported that both Jefferson and East Baton Rouge parishes submitted 50 IEPs during February 2005 that were reviewed by State education agency (SEA) staff. The results of that review, which are reflected in the data charts in Appendix D, indicate increased compliance in all areas of secondary transition. However, the State determined, through its review, that Orleans, Jefferson, and East Baton Rouge parishes would continue to be targeted through June 2005 for compliance in the area of secondary transition, including the review of statements of needed transition services. Within 90 days from the date of this letter, the State must include a Final Report demonstrating full compliance with IDEA's current secondary transition requirement in Orleans, Jefferson, and East Baton Rouge parishes.

On pages 104-116 of the FFY 2003 APR, the State included data and information regarding secondary transition. On page 106 of the APR, LDE indicated that the State did not have a mechanism in place for collecting statewide data on post-school outcomes for students with disabilities during the 2003-2004 reporting period. With the implementation of the new data reporting system (SER), post-school outcome data collection will be incorporated into the system design. Data collection will take place through the use of a survey administered to students upon exiting school, and at one and three-year follow-up intervals. OSEP appreciates the State's efforts in this area and looks forward to reviewing information and data and in the SPP.

### ***Conclusion***

As noted above, the State must, within 30 days from the date of this letter, submit either: (1) the results of its review of policies, procedures, and practices used in the identification and placement of students with disabilities to ensure that they are consistent with the requirements of Part B and are race-neutral, for those districts with data that illustrate significant disproportionality in the identification of children in specific disability categories and the placement of children in particular educational settings, as required by 34 CFR §300.755; or (2) specify what steps the State will take to implement its plan to report on the results of its review of policies, procedures, and practices as outlined above, to ensure correction of the noncompliance as soon as possible, not to exceed one year from the date of this letter.

As also noted above, within 90 days from the date of this letter, Louisiana must submit to OSEP a Final Report demonstrating full compliance related to secondary transition for Orleans, Jefferson, and East Baton Rouge parishes.

As further noted above, Louisiana must also include the following information in the SPP, due December 2, 2005:

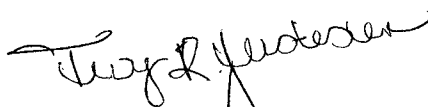
1. A Progress Report, including data and analysis, demonstrating the State's progress in ensuring that children who participated in Part C who are found eligible for services under Part B have an IEP (or IFSP consistent with Part B) in effect by their third birthday (34 CFR §300.132(b));
2. Revised language that is consistent with Federal law for performance indicators regarding the percentage of children with disabilities receiving special education and the percentage of children with disabilities in each educational setting;
3. Data and analysis documenting progress toward compliance related to LRE in Jefferson Parish; and
4. Data and analysis documenting review of district-level policies, procedures and practices in districts with significant discrepancies regarding disciplinary suspensions and expulsions.

In addition, the State must provide a report with data and analysis demonstrating compliance related to early childhood transition to OSEP as soon as possible, but not later than 30 days following the end of the one-year timeline, beginning with the date of this letter.

IDEA 2004, §616, requires each State to submit a State Performance Plan 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 Cynthia Bryant at (202) 245-7284.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy R. Justesen". The signature is written in a cursive style with a large, looping flourish at the end.

Troy R. Justesen  
Acting Director  
Office of Special Education Programs

Enclosure  
cc: Robin Jarvis