

### Massachusetts Part B FFY 2005 SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
Monitoring Priority: FAPE in the LRE		
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 61.6%. The State met its FFY 2005 target of 61.6%.</p>	<p>The State revised the targets and added improvement activities for this indicator in its SPP. OSEP accepts these revisions.</p> <p>OSEP's March 28, 2006 SPP response letter required the State to include in the February 1, 2007 APR data on its graduation rate since it was only able to report data on its competency determination rate for FFY 2004 (2004-2005). The State provided data on its graduation rate in the FFY 2005 APR.</p> <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State did not provide FFY 2005 progress data for this indicator.</p>	<p>The State revised its targets for 2005-2006 and 2006-2007 and added improvement activities for this indicator. OSEP accepts these revisions.</p> <p>OSEP's March 20, 2006 SPP response letter required the State to include in the February 1, 2007 APR both FFY 2004 (2004-2005) baseline data and FFY 2005 (2005-2006) progress data. Massachusetts provided FFY 2004 baseline data of 5.6%. However, the State reported FFY 2005 progress data was not available by the February 1, 2007 submission date. Massachusetts expects to have this information in Spring 2007. Massachusetts must provide FFY 2005 (2005-2006) and FFY 2006 (2006-2007) progress data in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for</p>	<p>The State's FFY 2005 reported data for this indicator are 25% for English Language Arts and 19% for Math. This represents slippage from FFY 2004 data of 45% for English Language Arts and 37% for Math. The State</p>	<p>Massachusetts stated that it believed the slippage was caused by higher standards that went into effect in the State.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>

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<p>progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>did not meet its FFY 2005 target of 45% for English Language Arts and 37% for Math.</p>	
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 97.6% for English Language Arts and 97.7% for Math. This represents slippage from FFY 2004 data of 99.3% for English Language Arts and 99.4% for Math. The State did not meet its FFY 2005 target of 99%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 26.1% for English Language Arts and 15.5% for Math. The State met its FFY 2005 target of 23.9% for English Language Arts and 14.3% for Math.</p>	<p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 1.2%. The State met its FFY 2005 target of 1.8%.</p>	<p>The State revised its targets and improvement activities for this indicator and OSEP accepts these revisions.</p> <p>OSEP's March 20, 2006 SPP response letter required the State to include in the February 1, 2007 FFY 2005 APR: 1) baseline data from FFY 2004 (2004-2005); (2) a revised definition of significant discrepancy that omits the language that a review of the district's policies and procedures is part of its criteria for determining a significant discrepancy; and 3) the results of its review of policies and procedures in the five districts it identified in FFY 2003 (2003-2004) as having a difference of more than 4% in their rate of students with IEPs who were expelled or suspended for more than 10 days as compared to students without IEPs. Massachusetts provided</p>

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		<p>FFY 2004 baseline data and FFY 2005 progress data. However, Massachusetts did not revise its definition of significant discrepancy to be consistent with Federal requirements and did not provide any information on its review of policies and procedures of the five districts identified in FFY 2003.</p> <p>Massachusetts defines significant discrepancy as a suspension rate of greater than five times the State rate <u>and</u> at least one identified issue with local policies or procedures related to suspension. The State continued to use an inappropriate method of identifying significant discrepancies because it included a review of policies, practices and procedures as a part of its identification process. This is inconsistent with 34 CFR §300.170, which provides that the review of policies, practices and procedures is a consequence of, and not a part of, the identification of significant discrepancies. Therefore, we conclude that the State is not complying with 34 CFR §300.170. To correct this noncompliance the State must demonstrate in the FFY 2006 APR that it has adopted and used an appropriate method of identifying significant discrepancies among LEAs.</p> <p>Massachusetts indicated that it reviewed policies and procedures of the six districts identified in FFY 2004 (2004-2005) and four districts identified in the FFY 2005 (2005-2006) as having a suspension rate of greater than five times the State rate, but did not indicate that the review, and if appropriate revision, covered policies, practices and procedures relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The State must demonstrate in the FFY 2006 APR that when it identified significant discrepancies, it has reviewed, and if appropriate, revised (or required the affected LEAs to revise) policies, practices and procedures relating to each of the following topics: development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards: (1) for the five districts identified in FFY 2003 (2003-2004); (2) for the six districts identified in FFY 2004 (2004-2005); (3) for the four districts identified in the FFY 2005 (2005-2006); and (4) for any LEAs identified as having significant discrepancies in the FFY 2006 APR.</p>
4. Rates of suspension and expulsion:		Based upon our preliminary review of all State submissions for Indicator

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<p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator; New]</p>		<p>4B, it appears that the instructions for this indicator were not sufficiently clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this year's submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that States immediately cease using Indicator 4B measurements and targets, unless they are based on a finding of inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The new measurements and targets for Indicator 4B will be required in the FFY 2006 APR due February 1, 2008.</p>
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>A. The State's FFY 2005 reported data for this indicator are 49.1%. The State met its FFY 2005 target of 43.4%.</p> <p>B. The State's FFY 2005 reported data for this indicator are 15.7%. The State met its FFY 2005 target of 16.2%.</p> <p>C. The State's FFY 2005 reported data for this indicator are 6.7%. The State met its FFY 2005 target of 6.8%.</p>	<p>The State added improvement activities for this indicator and OSEP accepts these revisions.</p> <p>The State met its targets and OSEP appreciates the State's efforts to improve performance.</p>
<p>6. Percent of preschool children with IEPs who received special education and related</p>	<p>The State's FFY 2005 reported data in the APR for this</p>	<p>The State revised its improvement activities for this indicator and OSEP</p>

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<p>services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	<p>indicator are 78.3%. The State's 618 data for FFY 2005 are 86%. Based on the 618 data, the State met its target of 78.4%.</p> <p>Data are not valid or reliable. As described in the next column, the State reported that its data might be incomplete.</p>	<p>accepts these revisions.</p> <p>OSEP identified a discrepancy between the State's reported FFY 2005 APR data (78.3%) and the State's reported data under 618 (86%-based on OSEP's calculation using the raw data).</p> <p>Massachusetts reported on page 23 of the APR that not all preschoolers were counted and that environment codes were incorrectly assigned for some children and therefore, its State data may be incomplete. The State provided a plan for collecting valid and reliable data in the FFY 2006 APR, due February 1, 2008.</p> <p>Please note that, due to changes in the 618 State-reported data collection, this indicator will change for the FFY 2006 APR, due February 1, 2008. States will be required to describe how they will collect valid and reliable data to provide baseline and targets in the FFY 2007 APR, due February 1, 2009.</p>
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator; New]</p>	<p>The State provided entry data.</p>	<p>The State submitted the required entry data and activities. The State must provide progress data and improvement activities with the FFY 2006 APR, due February 1, 2008.</p> <p>Massachusetts submitted its sampling plan prior to its FFY 2005 APR/SPP submission. The State's plan was approved by OSEP.</p>
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 76%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>OSEP's March 20, 2006 SPP response letter required the State to submit a</p>

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children with disabilities.  [Results Indicator; New]		valid sampling plan. Massachusetts submitted its plan prior to its FFY 2005 submission. The State's plan was approved by OSEP.
Monitoring Priority: Disproportionality		
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.  [Compliance Indicator; New]	The State did not provide FFY 2005 baseline data.	<p>The State provided targets at 0% and improvement activities for this indicator and OSEP accepts the SPP for this indicator. Massachusetts did not provide FFY 2005 baseline data on the percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>Massachusetts reported that it will consider there to be disproportionate representation-or significant disproportionality-of any racial or ethnic groups in special education and related services when the weighted risk ratio for a particular racial or ethnic group is 2.0 or greater over a period of three consecutive years. However, the State will not have three years worth of data until FFY 2008. This represents noncompliance with section 616(a)(3)(C) and (b)(2)(C) of the IDEA, and §300.600. In making a determination of disproportionate representation under section 616(a)(3)(C) and (b)(2)(C), and 34 CFR §300.600, a State may utilize numerical data collected over more than one year. However, the State may not wait until FFY 2008 to make a determination of disproportionality. In order to ensure compliance with section 616(a)(3)(C) and (b)(2)(C), and 34 CFR §300.600, the State must make an annual determination of the percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>The State must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification, and describe how the State made that determination (e.g., monitoring data, review of policies, practices and procedures, etc.). The State must also provide data, in its FFY 2006 APR, on the percent of districts identified in FFY 2006</p>

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		<p>with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification, and describe how the State made that determination, even if the determination occurs in the fall of 2007.</p> <p>Massachusetts stated that its definition of disproportionate representation would consist of overrepresentation only. Indicator 9, pursuant to 34 CFR §300.600(d)(3), requires States to identify disproportionate representation, both overrepresentation and underrepresentation, of races and ethnicities in special education and related services. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3). To correct this noncompliance, the State must provide, in its FFY 2006 APR, information demonstrating that it has examined data for FFY 2005 and FFY 2006 for both overrepresentation and underrepresentation of races and ethnicities in special education and related services. While not required under Indicator 9, the State described its process for determining if significant disproportionality based on race and ethnicity is occurring in LEAs with respect to identification, placement, and disciplinary actions. Massachusetts uses the same definition for “significant disproportionality” and “disproportionate representation.” While this is permissible, it is important to note that under 34 CFR §300.646(b)(2), when a State identifies LEAs with significant disproportionality with respect to the identification, placement, or discipline of children as children with disabilities, the State must: 1) provide for the review (and, if appropriate) revision of policies, procedures, and practices; 2) require the LEA to reserve the maximum amount of funds to be used for early intervening services; and 3) require the LEA to publicly report on the revision of policies, procedures, and practices, even if the significant disproportionality is not the result of inappropriate identification. In making a determination of significant disproportionality under 34 CFR §300.646, a State may utilize numerical data collected over more than one year. However, in order to ensure compliance with 34 CFR §300.646, the State must make an annual determination of whether significant disproportionality is occurring in LEAs with respect to identification, placement, and disciplinary actions. Based on the information provided, it appears Massachusetts is not making an annual determination of</p>

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		<p>significant disproportionality. In addition, Massachusetts indicated that it does not carry out all of the activities in 34 CFR §300.646(b)(2) if the significant disproportionality is not the result of inappropriate identification.</p> <p>Because the State provided information in its FFY 2005 APR that indicates noncompliance with 34 CFR §300.646, the State must demonstrate in its FFY 2006 APR that this noncompliance has been corrected. To correct this noncompliance the State must demonstrate, in its FFY 2006 APR, that it makes an <i>annual</i> determination of whether significant disproportionality based on race and ethnicity is occurring in LEAs with respect to identification, placement, and disciplinary actions, as required by 34 CFR §300.646. In addition, the State must demonstrate that if it identifies significant disproportionality with respect to identification, placement, or disciplinary actions, it carries out all of the activities required in 34 CFR §300.646(b)(2).</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator; New]</p>	<p>The State did not provide FFY 2005 baseline data.</p>	<p>The State provided targets at 0% and improvement activities for this indicator and OSEP accepts the SPP for this indicator. Massachusetts did not provide FFY 2005 baseline data on the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>Massachusetts reported that it will consider there to be disproportionate representation- or significant disproportionality- of any racial or ethnic groups in specific disability categories when the weighted risk ratio for a particular racial or ethnic group is 2.0 or greater over a period of three consecutive years. However, the State will not have three year's worth of data until FFY 2008. This represents noncompliance with section 616(a)(3)(C) and (b)(2)(C) of the IDEA and 34 CFR §300.600. In making a determination of disproportionate representation under section 616(a)(3)(C) and (b)(2)(C), and 34 CFR §300.600, a State may utilize numerical data collected over more than one year. In order to ensure compliance with section 616(a)(3)(C) and (b)(2)(C), and 34 CFR §300.600, the State must make an annual determination on the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate</p>



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		<p>identification.</p> <p>The State must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification, and describe how the State made that determination (e.g., monitoring data, review of policies, practices and procedures, etc.). The State must also provide data, in its FFY 2006 APR, on the percent of districts identified in FFY 2006 with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification, and describe how the State made that determination, even if the determination occurs in the fall of 2007.</p> <p>Massachusetts stated that its definition of disproportionate representation would consist of overrepresentation only. Indicator 10, pursuant to 34 CFR §300.600(d)(3), requires States to identify disproportionate representation, both overrepresentation and underrepresentation, of races and ethnicities in specific disability categories. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3). To correct this noncompliance, the State must provide, in its FFY 2006 APR, information demonstrating that it has examined data for FFY 2005 and FFY 2006 for both overrepresentation and underrepresentation of races and ethnicities in special education and related services.</p> <p>See discussion of significant disproportionality under Indicator 9.</p>
Monitoring Priority: Effective General Supervision		
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).</p> <p>[Compliance Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 88.5%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. The State reported data based on a State-established timeline within which the evaluation must be conducted.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirements of 34 CFR §300.301(c)(1), including data demonstrating correction of</p>

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		noncompliance identified in FFY 2005.
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 77%. OSEP recalculated the data for this indicator to be 72%. The State's reported data is the same as the State's FFY 2004 reported data. The State did not meet its FFY 2005 target of 100%.</p> <p>The State did not address timely correction of noncompliance identified in FFY 2004.</p>	<p>OSEP has recalculated the State's FFY 2005 progress data. In calculating the progress data for FFY 2005, under the required measurement, the State must deduct the number of children determined to be not eligible and whose eligibilities were determined prior to their third birthdays. Massachusetts incorrectly deducted the number of children that were determined to be not eligible prior to their third birthdays <u>and</u> the number of children determined to be not eligible after their third birthday. OSEP has recalculated the data for this indicator to be 72%.</p> <p>OSEP's March 20, 2006 SPP response letter required the State to include in the FFY 2005 APR, due February 1, 2007: 1) data in its calculation for this indicator on the number of children referred from Part C to Part B who were determined not to be eligible and whose eligibilities were determined prior to their third birthday; and 2) data that demonstrate correction of noncompliance identified in FFY 2004 with this requirement.</p> <p>As required in the instruction for the SPP/APR, Massachusetts did not provide data on the number of children for whom parental refusal to provide consent caused delays in evaluation or initial services. The State has a plan to collect this data. Massachusetts also did not provide the "reasons for delays" when the eligibility was determined and the IEP was developed beyond the child's third birthday. Massachusetts can indicate in "reasons for the delay" the number of students referred by Part C prior to age three whose eligibility was determined and IEP developed beyond the child's third birthday because the referral was made less than three months prior to the child's third birthday. The State must include the required information in its FFY 2006 APR, due February 1, 2008.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.124, including correction of noncompliance identified in FFY 2004 and FFY 2005.</p>

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<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 83.8%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.320 (b), including data demonstrating correction of noncompliance identified in FFY 2005.</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator; New]</p>	<p>A plan that describes how data will be collected was provided.</p>	<p>The State provided a plan that describes how the baseline data will be collected. The State must provide baseline data, targets, and improvement activities with the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's March 20, 2006 SPP response letter required the State to include in the February 1, 2007 APR a valid sampling plan. The State provided a sampling plan for this indicator that was previously approved by OSEP.</p> <p>The State did not submit definitions of "competitive employment" and "post-secondary school" that the SPP/APR instructions required the State to include in the February 1, 2007 APR. Massachusetts must submit this information in the FFY 2006 APR, due February 1, 2008.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 69%. The State did not meet its FFY 2005 target of 100%.</p>	<p>OSEP's March 20, 2006 SPP response letter required the State to include in the February 1, 2007 APR, FFY 2004 baseline data (the percent of noncompliance identified in 2003-2004 that was corrected within one year of identification in 2004-2005) and FFY 2005 progress data (the percent of noncompliance identified in 2004-2005 that was corrected within one year of identification in 2005-2006). Massachusetts was unable to provide FFY 2004 baseline data on the percent of noncompliance identified within one year of identification because in FFY 2003, it did not require correction of noncompliance within one year of identification, and therefore, did not track the findings of noncompliance corrected within one year of identification. Massachusetts conducted Coordinated Program Reviews (CPRs) and Mid-Cycle Reviews (MCRs). If noncompliance found in a CPR was found again at the MCR, the Program Quality Assurance Services unit (PQA) issued its own corrective action plan, which the school or district was required to implement without delay to avoid escalated enforcement action. Massachusetts provided FFY 2005</p>

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		<p>data.</p> <p>During FFY 2005, Massachusetts adopted the one-year requirement for correction. Existing materials for the CPR were revised to feature prominently the requirement that all corrective action be completed as soon as possible, but in no case later than one year from identification. Massachusetts is taking several steps to ensure correction of noncompliance within one year of identification, including developing a web-based monitoring system, which will assist with tracking completion of corrective actions. In the FFY 2005 APR, the State reported that 69% of noncompliance identified in FFY 2004 (2004-2005) was corrected within one year of identification in FFY 2005 (2005-2006). Massachusetts reported that almost all of the corrective actions for findings of noncompliance made in CPR reports issued in 2004-2005 were proposed before the one-year requirement was instituted. Massachusetts reports that it anticipates the FFY 2006 APR, due February 1, 2008, will provide all the data required for this indicator.</p> <p>Massachusetts reported that 238 findings of special education noncompliance were made through the Problem Resolution System for complaints received between July 1, 2004 and June 30, 2005, and 100% of these findings were corrected within one year of identification. In the FFY 2006 APR, due February 1, 2008, the State must include FFY 2006 progress data on the correction of findings of noncompliance made through due process hearings, as well as findings of noncompliance made through complaints.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 20 U.S.C. 1232d(b)(3)(E), and 34 CFR §§300.149 and 300.600. In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008, the State must provide: (1) data on the correction of outstanding noncompliance identified in FFY 2004 (2004-2005); and (2) data, disaggregated by APR indicator, on the status of timely correction of the noncompliance of findings identified by the State during FFY 2005 (2005-2006). In addition, the State must, in responding to Indicators 4A,</p>

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		9, 10, 11, 12, and 13, specifically identify and address the noncompliance identified in this table under those indicators.
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 81%. This represents progress from the State's FFY 2004 reported data of 69%. The State did not meet its target of 100%.</p>	<p>OSEP's March 20, 2006 SPP response letter required the State to include in the February 1, 2007 APR data to demonstrate full compliance with the requirement at 34 CFR §300.661 (now 34 CFR §300.152).</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirement in 34 CFR §300.152.</p>
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 88%. This represents slippage from the State's FFY 2004 reported data of 91.6%. The State did not meet its target of 100%.</p>	<p>OSEP's March 20, 2006 SPP response letter required the State to include in the February 1, 2007 APR data to demonstrate full compliance with the requirement at 34 CFR §300.511 (now 34 CFR §300.515).</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirement at 34 CFR §300.515.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator; New]</p>	<p>The State's reported baseline data for this indicator are 48%.</p> <p>The State reported that the data are not valid or reliable.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>Massachusetts reported a baseline of 48%. The State reported on page 97 of the SPP that these data are not valid because they include settlement agreements that took place outside a resolution session. OSEP recognizes that Massachusetts has identified a problem with collecting data for this indicator and has activities to address the problem. The State did not submit valid and reliable data and the State must provide the required data in the FFY 2006 APR, due February 1, 2008.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 83.4%. The represents slippage from the State's FFY 2004 reported data of 85.9%. The State did not</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>

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	meet its target of 86%.	
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 87.5%. This represents progress from the State's FFY 2004 reported data of 16.5%. The State did not meet its target of 100%.</p>	<p>OSEP's March 20, 2006 SPP response letter required the State to include in the February 1, 2007 APR data that would demonstrate noncompliance for timeliness and accuracy was corrected for this indicator.</p> <p>As indicated above, the State did not provide FFY 2005 progress data for Indicator 2, and did not provide valid and reliable data for Indicators 6 and 18.</p> <p>Massachusetts must provide data in the FFY 2006 APR due February 1, 2008, that demonstrate compliance with the requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601.</p>

<sup>1</sup> At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.