

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

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
<b>Monitoring Priority: FAPE in the LRE</b>		
<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 73.83%. This represents slippage from the State's FFY 2004 reported data of 74.68%. The State did not meet its FFY 2005 target of 74.8%.</p>	<p>The State revised the baseline and targets for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</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's FFY 2005 reported data for this indicator are 3.17%. This represents slippage from the State's FFY 2004 reported data of 3.09%. The State did not meet its FFY 2005 target of 2.6%.</p>	<p>The State revised the baseline for this indicator in its SPP and OSEP accepts this revision.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance 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 progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 70.77%. This represents slippage from the State's FFY 2004 reported data of 80.69%. The State did not meet all of its FFY 2005 targets for this indicator.</p>	<p>The State attributed slippage to the increase from 145 to 260 in the number of school districts in Nebraska meeting the State's minimum "n" size for the disability subgroup, making it impossible to compare data from FFY 2004 and FFY 2005. OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</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</p>	<p>The State's FFY 2005 reported data for this indicator are 88.08% for math, 88.00% for reading and 88.38% for writing.</p> <p>This represents slippage from</p>	<p>The State revised the targets to 95% to be consistent with requirements in the No Child Left Behind Act. The State also revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State reported that the current State data collection system does not have the capacity to collect data for all grades assessed but that it is planning to revise its data collection system to collect all needed data.</p>

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<p>standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>the State's FFY 2004 reported data of 97.7% for math, 98.50% for reading, and 92.20% for writing. The State did not meet its FFY 2005 revised targets of 95% for Indicator 3B.</p>	<p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</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 set targets based on grade level groupings and subject area for proficiency on regular assessments and alternate assessments. The State did not meet any of its FFY 2005 targets for math or reading.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</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 0.4%. These are the same as FFY 2004 reported data of 0.4%.</p>	<p>The State revised the targets for this indicator in its SPP, and OSEP accepts those revisions.</p> <p>The State identified two of Nebraska's 460 school districts as having significant discrepancies in rates of long-term suspension and expulsion in FFY 2005. The State indicated in the APR that when it identifies school districts with significant discrepancies in rates of long-term suspension or expulsion, it will require school districts to review their improvement strategies and, if necessary, revise school district policies, procedures and practices. The State also reported that during the 2005-06 school year, it implemented the Improved Learning for Children with Disabilities (ILCD) process and website to review policies and procedures and track suspension/expulsion data. However, the State did not indicate that the review, and if appropriate revision, covered policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b).</p> <p>In its FFY 2006 APR, due February 1, 2008, the State must describe the review, and if appropriate revision, of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure</p>

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		compliance with the IDEA for: (1) The school districts identified as having significant discrepancies in the FFY 2005 APR; and (2) the school districts identified as having significant discrepancies in the FFY 2006 APR. (The review for school districts identified in the FFY 2006 APR may occur either during or after the FFY 2006 reporting period, so long as the State describes that review in the FFY 2006 APR.)
<p>4. Rates of suspension and expulsion:</p> <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>Based upon our preliminary review of all State submissions for Indicator 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.</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</p>	<p>The State's FFY 2005 reported data for Indicator 5A are 70.95%. The State met its FFY 2005 target of 58.50%. The State's FFY 2005 reported data for Indicator 5B are 2.5%. The State met its FFY 2005 target of 12.20%.</p> <p>The State's FFY 2005</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. OSEP appreciates the State's efforts to improve performance for Indicators 5A and 5B. OSEP looks forward to the State's data for Indicator 5C demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's review of the State's 618 data indicates that the total number of children served in separate outside placements increased by 980 students, or 80%, in one year. The State's FFY 2005 reported data for Indicator 5C reflect a 3% increase in the number of students served in public and private separate placements. The instructions for this indicator require States to use</p>

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<p>or hospital placements. [Results Indicator]</p>	<p>reported data for Indicator 5C are 5.43%. This represents slippage from the State's FFY 2004 reported data of 2.98%. The State did not meet its FFY 2005 target of 3.0% for Indicator 5C.</p>	<p>section 618 data as their data source for this indicator. OSEP reminds the State that the data reported for Indicator 5 must be consistent with its section 618 data submission.</p>
<p>6. Percent of preschool children with IEPs who received special education and related 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). [Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are:</p> <p>Early Childhood Setting – Full-time: 43.1%. The State met its FFY 2005 target of 30%.</p> <p>Early Childhood Setting/Early Childhood Special Education Setting – Part-time: 3.92%. OSEP is unable to determine progress or slippage because the State did not submit data regarding part-time settings in its SPP. The State did not meet its FFY 2005 target of 26%.</p> <p>Home Setting: 14.41%. The State met its FFY 2005 target of 13%.</p>	<p>OSEP's February 17, 2006 SPP response letter required the State to include in the February 1, 2007 APR baseline data from FFY 2004 and progress data from FFY 2005. The State revised the baseline using 2004 – 2005 data for this indicator in its SPP. However, during 2004 – 2005, the State indicated that it did not have the ability to collect data regarding the number of preschool children who received services in part-time early childhood settings or part-time early childhood special education settings. Therefore, the current baseline is not comparable to the targets or the FFY 2005 reported data.</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: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/</p>	<p>Entry data provided.</p>	<p>The State reported the required entry data and activities. The State must provide progress data and improvement activities in the FFY 2006 APR, due February 1, 2008. OSEP's February 17, 2006 SPP response letter required the State to include in the February 1, 2007 APR, a revised sampling methodology if the State intends to sample for this indicator or inform OSEP that the State will be using census data for this indicator. The State informed OSEP that it will use census data for this indicator and has revised</p>

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<p>communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator; New]</p>		<p>its SPP accordingly.</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 children with disabilities.</p> <p>[Results Indicator; New]</p>	<p>The State's reported baseline data for this indicator are 68.2%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>OSEP's February 17, 2006 SPP response letter required the State to include in the February 1, 2007 APR a revised sampling plan. The State submitted its revised sampling plan and it has been approved.</p>
<b>Monitoring Priority: Disproportionality</b>		
<p>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.</p> <p>[Compliance Indicator; New]</p>	<p>Baseline data not provided.</p>	<p>The State provided targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State's targets for Indicator 9 appropriately reflect the requirements for the indicator, except that the targets must refer to the percent of districts. The State must revise its targets for Indicator 9 in its SPP, by its FFY 2006 APR submission, due February 1, 2008, to state that 0% of districts will have disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>The State provided a definition of disproportionate representation in its SPP as required by OSEP's instructions for this indicator. The State also indicated in its SPP that it would use the composition index and risk ratios and would analyze 2005 child count data when available with the Westat electronic spreadsheet and other appropriate formulas and would determine significant disproportionality using the risk ratio method. However, the State reported in its FFY 2005 APR that it discovered that the Westat spreadsheet was not specific enough to provide an accurate analysis of disproportionality as a result of inappropriate identification in Nebraska statewide or at the local level. It also reported that it would use district-generated data on a local and disability-specific basis, using the guidelines developed by the statewide task force, which is also working on developing a definition of disproportionality for Nebraska and determining formulas to</p>

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		<p>identify disproportionality. Because the State’s activities in this area are still in process, the State did not provide data in the FFY 2005 APR on the percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification. The State also stated incorrectly in its FFY 2005 APR submission that it was not required to provide actual target data for Indicator 9 until the FFY 2006 APR submission.</p> <p>Indicator 9 requires that States report 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, as required by 34 CFR §300.600(d)(3). The State must include in its FFY 2006 APR, due February 1, 2008, baseline data from FFY 2005 on the percent of districts identified based on FFY 2005 data 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 (e.g., monitoring data, review of policies, practices and procedures, etc.). The State also must provide data, in its FFY 2006 APR, due February 1, 2008, on the percent of districts identified in FFY 2006 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. Additionally, the State must include data and information in the FFY 2006 APR that demonstrate that the districts identified as having disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification are in compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201 and 300.301 through 300.311.</p> <p>Although not required by Indicator 9, as one of its improvement activities, the State indicated that when disproportionality parameters are identified and exceeded, school district staff will be required to analyze, report and/or modify policies, practices and procedures affecting placement as a result of inappropriate identification. The State also indicated that it was looking into school district strategies for response to intervention and early intervening services as a result of disproportionality. It appears to OSEP that the State may be confusing requirements for Indicator 9 with</p>

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		<p>requirements for determinations of significant disproportionality based on race and ethnicity. The requirements in 34 CFR §300.646, which are different from requirements for Indicator 9, apply if the State determines that significant disproportionality based on race and ethnicity is occurring in LEAs with respect to identification, placement, or disciplinary actions. If the State identifies one of its LEAs as having significant disproportionality in these areas, the State must take specific actions, including directing the LEA to spend the maximum amount of funds for early intervening services in accordance with 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>Baseline data not provided.</p>	<p>The State provided targets and improvement activities and OSEP accepts the SPP for this indicator. The State’s targets appropriately reflect the requirements for Indicator 10, except that the targets must refer to the percent of districts. The State must revise its targets for Indicator 10 in its SPP by its FFY 2006 APR submission, due February 1, 2008, to state that 0% of districts have disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>For the reasons noted in OSEP’s analysis of the State’s data and information on Indicator 9, the State did not report baseline data for Indicator 10.</p> <p>Indicator 10 requires States to report the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification, as required by 34 CFR §300.600(d)(3), and to provide the State’s definition of disproportionate representation. Further, in accordance with OSEP’s instructions for Indicator 10, States must, at a minimum, provide racial and ethnic disproportionality data for children aged 6 through 21 served under IDEA, for children in the mental retardation, specific learning disabilities, emotional disturbance, speech or language impairments, other health impairments, and autism disability categories.</p> <p>The State must provide the required baseline data in the FFY 2006 APR, due February 1, 2008, on the percent of districts identified based on FFY 2005 data with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification, and must describe how the State made that determination (e.g., monitoring data, review of policies, practices and procedures, etc.). The State must also</p>

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		<p>provide data in the FFY 2006 APR, due February 1, 2008, 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 that determination occurs in the Fall of 2007.</p> <p>Additionally, the State must include data and information that demonstrate that districts identified as having disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201 and 300.301 through 300.311.</p>
<b>Monitoring Priority: Effective General Supervision</b>		
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline). [Compliance Indicator; New]</p>	<p>The State reported FFY 2005 baseline data of 92.76%. Valid and reliable baseline data not provided.</p>	<p>The State provided baseline data, targets and improvement activities in its SPP and OSEP accepts the SPP for this indicator. The State reported data based on the Federal timeline within which the evaluation must be conducted.</p> <p>The State reported that parental consent to evaluate was received for 428 children who were evaluated and found eligible for services under Part B of the IDEA within 60 days of the date of receipt of parental consent. The State did not report properly on measurement A since that measurement requires the State to report on the number of children for whom parental consent to evaluate was received, regardless of whether the children were found eligible for services under Part B of the IDEA. Although the State indicated that it did not report on measurements B and C for Indicator 11, it did report on the number of children evaluated and found eligible (measurement C), indicating that evaluations for 397 children were completed within the 60-day timeline. However, the State did not collect data on the number of children evaluated within the 60-day timeline who were determined ineligible (measurement B). The State indicated that it is modifying its data collection system to collect data for all required measurements. The State must report data in the FFY 2006 APR, due February 1, 2008, that appropriately reflect the required measurements 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 §300.301(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 100%. The State met its FFY 2005 target of 100%.</p>	<p>The State revised its baseline, targets, and improvement activities in its SPP and OSEP accepts the SPP for this indicator. OSEP's February 17, 2006 SPP response letter required the State to include in the February 1, 2007 APR baseline data from FFY 2004. The State revised the baseline using data from December 2004 to December 2005 for this indicator in its SPP and OSEP accepts those revisions.</p> <p>In its FFY 2005 APR, the State reported that in school year 2005-2006, 584 children served in Part C were found eligible for services under Part B and had an IEP developed and implemented by their third birthdays.</p> <p>The State must provide data for all required measurements for Indicator 12 in its FFY 2006 APR, due February 1, 2008. OSEP appreciates the State's efforts in achieving compliance with the requirements of 34 CFR §300.124 and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR §300.124.</p>
<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 data for this indicator are 94% for transition planning prior to age 16, 94% for transition services, including course of study, and 93% for measurable post-secondary goals, including employment, education/training, and independent living, if appropriate. Valid and reliable baseline data not provided.</p>	<p>The State provided targets and improvement activities and OSEP accepts the SPP for this indicator. Valid and reliable baseline data not provided.</p> <p>The State provided baseline data based on a review of monitoring files as follows:</p> <p>Transition planning by age 16 was reflected in 169 of 179 files, with an overall percentage of 94%;</p> <p>Transition services, including course of study, were reflected in 169 of 179 files, with an overall percentage of 94%; and</p> <p>Measurable post-secondary goals, including employment, education/training and independent living, if appropriate, were reflected in 164 of 176 files with an overall percentage of 93%.</p> <p>The State provided data that does not reflect the appropriate measurement for this indicator. The State acknowledged that its data were inconsistent and indicated that it planned to collect this data.</p> <p>The State must provide in the FFY 2006 APR, due February 1, 2008, a composite baseline that reflects the required measurement for Indicator 13.</p>

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		<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 §300.320(b), including correction of the 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>The State provided a plan that describes how data will be collected.</p>	<p>The State reported the required entry data and activities. The State must provide baseline data, targets, and improvement activities with the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's February 16, 2008 SPP response letter required the State to submit with the February 1, 2007 APR a revised sampling methodology if the State intends to sample to collect data for this indicator or inform OSEP that the State will be using census data for this indicator. The State informed OSEP that it will use census data for this indicator and has revised its SPP accordingly.</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 100%. However, the State has not demonstrated that it met its FFY 2005 target of 100%.</p>	<p>The State reported in its FFY 2005 APR that 100% of findings of noncompliance identified through monitoring, complaints, or due process in FFY 2004 were corrected within one year of identification in FFY 2005. However, the State's reported data under Indicator 15 do not confirm that correction of all identified noncompliance has occurred.</p> <p>In particular, the State reported that during the 2004-2005 school years, 52 districts completed file reviews. Of the 52 districts completing file reviews, 20 districts reported that all standards were implemented at an 80% or above implementation rate, with some individual file compliance issues, but no systemic compliance issues. In its SPP, the State has indicated that it requires correction of individual noncompliance identified through these file reviews within one year of its identification, but the State has provided no evidence of timely correction of individual file noncompliance in its FFY 2005 APR submission. The State must provide documentation of correction in FFY 2006 of individual file noncompliance identified in FFY 2005 in its FFY 2006 APR submission.</p> <p>The State reported that monitoring findings were made in the remaining 32 districts that reported one or more standards at the Below 80% implementation rate, that each district was required to implement a corrective action plan, and that the State validated timely correction of identified noncompliance. Although the State's data for Indicator 15</p>

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		<p>identify the number of districts that conducted file reviews and made findings, the State's data do not identify the number of individual findings of noncompliance corrected within one year of identification, as required by OSEP's instructions for Indicator 15.</p> <p>The State also reported that 8 districts had complaint findings that were corrected within one year of identification, but did not identify the number of such findings that were corrected within one year of identification, as required by OSEP's instructions for Indicator 15. Further, the State did not report at all on correction within one year of identification of findings identified through due process hearings decisions, as required by OSEP's instructions for Indicator 15. The State must ensure that its FFY 2006 APR includes data for Indicator 15 that reflect findings of noncompliance identified through complaint decisions and due process hearing decisions issued in FFY 2005 that are corrected within one year of identification.</p> <p>The State must review its improvement strategies, and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in 20 U.S.C. 1232d(b)(3)(E), and 34 CFR §§300.149 and 300.600, including data on the correction of outstanding noncompliance identified in FFY 2004. In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005. In addition, in responding to Indicators 11 and 13, the State must specifically identify and address the noncompliance identified in this table under those indicators.</p>
<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 100%. The State met its FFY 2005 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 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</p>	<p>The State's FFY 2005 reported data for this indicator are 100%. The State met its</p>	<p>OSEP appreciates the State's efforts in achieving compliance and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR</p>

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properly extended by the hearing officer at the request of either party. [Compliance Indicator]	FFY 2005 target of 100%.	§300.515.
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator; New]	No resolution sessions held in FFY 2005.	The State is not required to provide baseline, targets or improvement activities until any FFY in which 10 or more resolution meetings were held.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State's FFY 2005 reported data for this indicator are 80%. The State met its FFY 2005 target of 67%.	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.  OSEP appreciates the State's efforts to improve performance.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State's FFY 2005 reported data for this indicator are 100%. The State did not meet its FFY 2005 target of 100%.  Valid and reliable data were not provided for Indicators 11 and 13.	State reported data for this indicator are based only on the timely and accurate submission of 618 data. Although the State's APR was timely, the State also must consider the accuracy of its APR data when reporting data for this indicator.  The State did not submit the required data for Indicators 11 and 13. In addition, the State did not use the correct measurement in reporting on Indicator 15. The State must review its improvement strategies, and revise them, if appropriate, to ensure that they will enable the State to include 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(b).