

New Mexico 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 58%. This represents progress from FFY 2004 data of 49%. The State did not meet its FFY 2005 target of 60%.</p>	<p>The State revised the SPP improvement activities in the APR for this indicator and OSEP accepts those revisions. The State did not reflect the revised improvement activities in the SPP and must update the SPP to include these 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 .69%. This represents slippage from FFY 2004 data of .68%. The State did not meet its FFY 2005 target of .67%.</p>	<p>The State revised the SPP targets and improvement activities in the APR for this indicator and OSEP accept those revisions. The State did not reflect the revised improvement activities in the SPP and must update the SPP to include these 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>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 3% for reading and 8% for math. This is the same as FFY 2004 data of 3% for reading and 8% for math. The State did not meet its FFY 2005 targets of 8% for reading and 13% for math.</p>	<p>The State revised the SPP improvement activities in the APR for this indicator and OSEP accepts those revisions. The State did not reflect the revised improvement activities in the SPP and must update the SPP to include these 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>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;</p>	<p>The State’s FFY 2005 reported data for this indicator are 98% for both reading and math. The State met its FFY 2005 targets of 94.9% for</p>	<p>The State revised the SPP improvement activities in the APR for this indicator and OSEP accepts those revisions. The State did not reflect the revised improvement activities in the SPP and must update the SPP to include these revisions.</p>

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<p>alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>reading and 95.1% for math.</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 17% for reading and 10% for math. This represents progress from FFY 2004 data of 16.1% for reading and 9% for math. The State did not meet its FFY 2005 targets of 20% for reading and 13% for math.</p>	<p>The State revised the SPP improvement activities in the APR for this indicator and OSEP accepts those revisions. The State did not reflect the revised improvement activities in the SPP and must update the SPP to include these 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>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 5.6%. The State met its FFY 2005 target of 7%.</p>	<p>The State revised the SPP improvement activities in the APR for this indicator and OSEP accepts those revisions. The State did not reflect the revised improvement activities in the SPP and must update the SPP to include these revisions.</p> <p>OSEP's March 27, SPP response letter, Table B required the State to "review and, if necessary, revise its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with 34 CFR §300.146 (now 34 CFR §300.170). Failure to demonstrate compliance at that time may affect OSEP's determination of the States status under section 616(d) of the IDEA."</p> <p>In the FFY 2005 APR, the State reported that during the Spring of 2006, the seven LEAs considered significantly discrepant during FFY 2004 participated in a policy, procedure and practice review and self-assessment. All seven LEAs' policies and procedures were not up to date. The State reported that it has entered into a contract to update the policies, procedures and practices in accordance with the Part B regulations published in October 2006. According to its improvement activities, the State intends to have the revised policies in place by June 30, 2007.</p> <p>The State also reported that in November 2006, five districts were found to</p>

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		<p>have a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year. Two of the districts were identified in FFY 2004. Those two LEAs are working with a consultant to assist them in writing an Educational Plan for Student Success goal or strategy to meet the State's target for this indicator and are receiving targeted assistance and professional development through the State's Leadership Development Project. The State has set aside IDEA discretionary dollars for the sole purpose of providing targeted assistance and professional development to support the LEAs in meeting the SPP targets. The State did not indicate, however, whether the problems it identified had been corrected.</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: 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. [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>

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<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>The State's FFY 2005 reported data for 5A are 50%. The State met its FFY 2005 target of 50%.</p> <p>The State's FFY 2005 reported data for 5B are 19%. The State met its FFY 2005 target of 20%.</p> <p>The State's FFY 2005 reported data for 5C are 2.1%. This represents slippage from FFY 2004 data of 2.03%. The State did not meet its FFY 2005 target of 2.02%.</p> <p>However, OSEP believes that the State incorrectly calculated its data. Based on a recalculation of the data, OSEP believes that the State has met its targets for 5A, 5B, and 5C for FFY 2005 (see explanation in next column).</p>	<p>The State revised the SPP improvement activities in the APR for this indicator and OSEP accepts those revisions. The State did not reflect the revised improvement activities in the SPP and must update the SPP to include these revisions.</p> <p>In the FFY 2005 APR the State reported that it was unable to meet its target for Indicator 5C due to an increase in the number of students parentally placed in private schools. The State reported that in FFY 2004, the number of students parentally placed in private schools was 183 and during FFY 2005 the number rose to 211. The State should not have included in its calculation the children who were parentally placed in private schools, only those children who were placed in a private school by LEAs should be included. OSEP reviewed the SPP submitted in December 2005, but could not tell if the State had included parentally placed children in the total number of students 6-21 with IEPs (5A and 5B) and those served in public/private separate schools, residential treatment centers, or homebound or hospital placements (5C). If the State included parentally placed children in its calculations, the baselines for Indicator 5A, B, and C are incorrect. The corrected baselines should be 46% or (45.97) for 5A, 21.6% for 5B and 1.7% or (1.65) for 5C. For the FFY 2005 reported data, OSEP recalculated 5A, B and C by subtracting the 211 students from those served in public/private separate schools, residential treatment centers, or homebound or hospital placements and 211 from the total number of students 6-21 with IEPs and it recalculated 5A and 5B by again subtracting 211 from the denominator. The recalculated 5A would still be 50% or (49.95) and 5B would still be 19% (or 19.25) but 5C would be 1.6%. The State met its FFY 2005 target of 2.02% for 5C. In the FFY 2006 APR, due February 1, 2008, the State should clarify whether it included parentally placed children in private schools in its calculations for this indicator in the SPP and the FFY 2005 APR, and revise its data, if necessary.</p> <p>The State reported that the data was collected through OSEP's Annual Report of Children Served, 618 data. The number reported in the FFY 2005 APR for Indicator 5C was 922 but the 618 data reported at www.IDEAData.org was 903. Based on the 618 data, the FFY 2005 data for 5C would be 2.05%. OSEP reminds the State that its APR data should</p>

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		<p>be consistent with its 618 data.</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>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).</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 53.3%. This represents slippage from FFY 2004 data of 53.7%. The State did not meet its FFY 2005 target of 56%.</p>	<p>The State revised the targets and improvement activities in the APR for this SPP indicator and OSEP accepts those revisions. The State did not reflect the revised targets and improvement activities in the SPP and must update the SPP to include these 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>The State reported that the data were collected through OSEP's Annual Report of Children Served. Although the denominator is the same as the number found at www.IDEAData.org, the numerator was different. While the State reported 3,434 in the FFY 2005 APR, the number reported at the website was 3,312. If this figure is used in the measurement for this indicator, the percent comes to 51.42%. OSEP reminds the State that its APR data should be consistent with its 618 data.</p> <p>The State reported slippage in its FFY 2005 APR. 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. The State 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's FFY 2005 APR did not provide the required entry data.</p>	<p>The State did not report the required entry data. The State must provide the required progress data and improvement activities in the FFY 2006 APR, due February 1, 2008.</p> <p>The State reported progress data on all three and four year olds in early childhood programs in the State instead of the required entry data. The State used four reporting categories rather than the five "revised" categories.</p> <p>The State did not report its criteria for defining "comparable to same aged peers" nor did it report on the instruments that it would use to collect data as required by the instructions for the SPP/APR to be included by the State in the FFY 2005 APR, due February 1, 2007.</p> <p>OSEP's March 27, 2006 SPP response letter, Table A, required the State to include in the FFY 2005 APR a revised sampling plan. The State, however,</p>

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		reported in the revised SPP, submitted on February 1, 2007, that it is moving to a census method. It is unclear, however, whether the State's plan to collect and report data for this indicator will result in the State's ability to provide valid and reliable progress data in the FFY 2006 APR, due February 1, 2008. Please contact your OSEP State Contact for technical assistance.
<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 86%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State's sampling plan was approved February 14, 2006.</p>
Monitoring Priority: Disproportionality		
<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>The State's FFY 2005 reported baseline data for this indicator are 7.9%. The State did not determine if the disproportionate representation was due to inappropriate identification.</p> <p>The State used an incorrect age range for this indicator.</p>	<p>The State provided targets and improvement activities.</p> <p>The SPP/APR instructions for this indicator require States to provide racial/ethnic disproportionality data for children aged <u>6 through 21</u> served under IDEA and to provide these data for all children with disabilities. It appears that the State analyzed data for children with IEPs aged 3-21. If the State used the incorrect age range, it must recalculate the data for this indicator.</p> <p>The instructions for Indicator 9 also require that the data analyzed must be the same data reported to OSEP on the Report of Children with Disabilities Receiving Special Education Under Part B of the Individuals with Disabilities Education Act (Child Count). It is unclear whether the State used its child count data to calculate the data for this indicator. OSEP's March 27, 2006, SPP response letter, Table B, required the State to review and, if necessary, revise its improvement strategies to ensure that it would be able to include data in the APR, due February 1, 2007, that demonstrated full compliance with the requirements of 34 §CFR 300.755 (now 34 CFR §300.646) (20 U.S.C. 1418(d)).</p> <p>In the revised SPP, submitted on February 1, 2007, the State noted that it is using a Risk Ratio and Weighted Risk Ratio to determine disproportionality and a tiered system of disproportionality (at risk for disproportionality, disproportionate, significantly disproportionate). The State reported that</p>

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		<p>each LEA's data was disaggregated by the five race ethnicity categories present in the State. The State reported that seven (or 7.9%) of LEAs were considered disproportionate (4 districts) or significantly disproportionate (3 districts). The State reported that it is still in the process of determining whether or not the disproportionality was a result of inappropriate identification and that the LEAs identified as at risk, disproportionate or significantly disproportionate are receiving technical assistance from a consultant and conducting self-assessments to determine if the disproportionality is the result of inappropriate identification.</p> <p>The State identified districts with disproportionate representation of racial and ethnic groups in special education and related services, but did not determine if the disproportionate representation was the result of inappropriate identification, as required by 34 CFR §300.600(d)(3). 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 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>Although States are not required to report on whether significant disproportionality based on race and ethnicity is occurring in the State and LEAs with respect to identification, placement and disciplinary actions, New Mexico reported that 3 districts were considered to be significantly disproportionate. As such, the State should ensure that it is complying with the requirements of 34 CFR §300.646(b), which requires States that make a determination of significant disproportionality to: (1) provide for the review and, if appropriate revision of policies, procedures, and practices used in the identification and placement to ensure that the policies, procedures and practices comply with the requirements of the IDEA; (2) require any LEA identified with significant disproportionality to reserve the maximum amount of funds under 20 U.S.C. §1413(f) to provide comprehensive coordinated early intervening services to serve children in the LEA,</p>

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		<p>particularly, but not exclusively, children in those groups that were significantly overidentified; and (3) require the LEA to publicly report on its revision of policies, procedures, and practices.</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. [Compliance Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator regarding the percent of districts with disproportionate representation of racial and ethnic groups were:</p> <p>Specific Learning Disabilities - 6.8%.</p> <p>Emotional disturbance - 4.5%;</p> <p>Speech Language Impairment - 4.5%.</p> <p>Autism - 2.2%;</p> <p>Mental Retardation - 3.4%; and</p> <p>Other Health Impairments 13.5%.</p> <p>The State used an incorrect age range for this indicator.</p>	<p>The State provided targets at 0% and improvement activities.</p> <p>As with Indicator 9, the instructions for Indicator 10 directed States to provide racial/ethnic disproportionality data for children aged 6-21 served under IDEA and to use the same data reported to OSEP on the Report of Children with Disabilities Receiving Special Education Under Part B of the Individuals with Disabilities Education Act (Child Count). It appears that the State analyzed data for children with IEPs aged 3-21. If the State used the incorrect age range and data, the State must recalculate the data for this indicator.</p> <p>OSEP's March 27, 2006, SPP response letter, Table B, required the State to review and, if necessary, revise its improvement strategies to ensure that it would be able to include data in the APR, due February 1, 2007, that demonstrated full compliance with the requirements of 34 CFR §300.755 (now 34 CFR §300.646) (20 U.S.C. 1418(d)).</p> <p>The State identified districts with disproportionate representation of racial and ethnic groups in specific disability categories but did not determine if the disproportionate representation was the result of inappropriate identification, as required by 34 CFR §300.600(d)(3). 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>Although States are not required to report on whether significant disproportionality based on race and ethnicity is occurring in the State and LEAs with respect to identification, placement and disciplinary actions, New Mexico reported that some districts were considered to be significantly</p>

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		disproportionate for certain disability categories. As such, the State should ensure that it is complying with the requirements of 34 CFR §300.646(b), which requires States that make a determination of significant disproportionality to: (1) provide for the review and, if appropriate revision of policies, procedures, and practices used in the identification and placement to ensure that the policies, procedures and practices comply with the requirements of the IDEA; (2) require any LEA identified with significant disproportionality to reserve the maximum amount of funds under 20 U.S.C. 1413(f) to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly, but not exclusively, children in those groups that were significantly overidentified; and (3) require the LEA to publicly report on its revision of policies, procedures, and practices.
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 80%.</p>	<p>The State provided baseline data, targets and improvement activities for this indicator. The State reported data based on the Federal timeframe within which the evaluation must be conducted.</p> <p>Although the State gathered information from only ten files in 2005 to determine its baseline data for this indicator, and OSEP questions whether that was a valid sample, it understands that the State moved to a census method for collecting data for this indicator in 2006. OSEP accepts the baseline data, targets and improvement activities for this indicator.</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 noncompliance identified in FFY 2005.</p>
<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 94.4%. This represents progress from the FFY 2004 data of 67.5%. The State did not meet its FFY 2005 target of 100%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 27, 2006 SPP response letter, Table A, required the State to include in the FFY 2005 APR the reasons for the delays. The State included the reasons for the delays in the FFY 2005 APR. OSEP's March 27, 2006 letter, Table B, required information and data demonstrating full compliance with 34 CFR §300.132(b)(now 34 CFR §300.124) (20 U.S.C. 1412(a)(9).</p>

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		<p>The State did not provide information or data on whether the previous noncompliance had been corrected, or had been corrected in a timely manner.</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 requirements of 34 CFR §300.124, including data on the correction of outstanding noncompliance identified in FFY 2004 and FFY 2005.</p> <p>OSEP's July 3, 2006 grant award letter imposed Special Conditions on the State's FFY 2006 IDEA Part B grant award related to an area of noncompliance with respect to the requirement to ensure that a free appropriate public education is made available to each child with a disability entering the Part B program by the child's third birthday, including ensuring that an Individualized Education Program (IEP) or, if appropriate, an individualized family service plan (IFSP) is developed and implemented by the child's third birthday, pursuant to 34 CFR §§300.121(c) (now 34 CFR §300.101(b)), 34 CFR §300.132(b)(now 34 CFR §300.124) and 20 U.S.C. 1412(a)(1), (9). The State was directed to provide two Progress Reports, the first due on February 1, 2007 with its FFY 2005 APR, and the second due June 1, 2007. The State submitted its first Progress Report with the FFY 2005 APR. OSEP will respond to the State's June 1, 2007 Progress Report under separate cover.</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 baseline data for this indicator are 62.4%.</p>	<p>The State provided targets and improvement activities and OSEP accepts these for this SPP indicator.</p> <p>OSEP was unable to determine how the State arrived at its final baseline of 62.4%. The State did not submit an explanation of its calculation that provided the single final baseline. The State provided multiple percentages for post-school goals/activities and an average for transition planning, but did not submit the raw data for those percentages. The State must provide the raw data as well as the percentile scores and explain how it came to a single percent for Indicator 13 in the FFY 2006 APR, due February 1, 2008.</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 of 34 CFR §300.320(b), including data demonstrating correction of</p>

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<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 described how data would be collected.</p>	<p>noncompliance identified in FFY 2005.</p> <p>The State provided a plan that described how data would 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 27, 2006 SPP response letter, Table A, required the State to include a revised sampling plan in the FFY 2005 APR. In March of 2006 the State submitted a revised sampling plan that OSEP approved.</p> <p>The State reported that it has conducted the first statewide post-school outcomes study. The study was conducted as a census of the 2,645 students who exited in 2005. Although the State reported the total number of students who exited during 2005, it did not report raw data that corresponded to the percents that it reported (OSEP noted that the percents in the pie chart on page 91 added up to over 100%). After the State analyzed the results and the process used in the survey, it developed recommendations and improvement activities to strengthen and maximize the survey returns, facilitate the development of a process that is sustainable and manageable and minimize costs. The State is to be commended for its improvement efforts. The State also addressed its efforts to ensure that the returned surveys represented the population of the State.</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%. This represents slippage from the recalculated FFY 2004 baseline data of 71.6%. The State did not meet its FFY 2005 target of 100%.</p> <p>Although the State reported progress, when OSEP recalculated the 2004 data using the revised formula, slippage was noted.</p>	<p>The State revised improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 27, 2006 SPP response letter, Table B, required the State to review and, if necessary, revise its improvement strategies to ensure that they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with the requirements of 34 CFR §300.600 (now 34 CFR §300.149).</p> <p>The State reported, by FFY 2005 Monitoring Priority Area, that 108 or 69% of the 157 (127 in focused monitoring and 30 in formal complaints) findings of noncompliance identified in 2004-05 were corrected within one year of identification. The State reported that 100% of the findings from formal complaints were corrected through corrective action plans no later than one year after identification and 61% of the findings of noncompliance made through the focused monitoring system were corrected within one year. In the 8 LEAs that were monitored in 2004-2005, three met compliance within</p>

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		<p>one year. The remaining five LEAs were moved to a Level One Prescribed Plan as part of the focused monitoring process and were required to submit regular progress reports to the SEA, participate in professional development, and participate in a multi-tiered IEP review process. The State reported that the LEAs have six months before moving to Level Two Intervention.</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 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, the State must, in responding to Indicators 11, 12 and 13, 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>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</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 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 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 §300.515(a).</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p>	<p>Not applicable because the State reported fewer than 10 due process hearing requests went to resolution sessions.</p>	<p>The State is not required to provide baseline, targets or improvement activities until any FFY in which 10 or more resolution meetings were held.</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
[Results Indicator; New]		
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>Not applicable because the State reported only six requests for mediation in FFY 2005.</p>	<p>The State is not required to provide or meet its targets or provide improvement activities until any FFY in which 10 or more mediations were conducted.</p>
<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 data for this indicator are 100%. OSEP could not determine whether the State made progress because a baseline percent for this indicator was not provided in the FFY 2004 SPP.</p>	<p>In its SPP and APR submissions, OSEP notes that the State did not submit the required entry-level data for Indicator 7.</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 requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>