

South Dakota Part B FFY 2005 SPP/APR Response Table

| Monitoring Priorities and Indicators | Status | OSEP Analysis/Next Steps |
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| 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 APR reported data for this indicator are 82.6%. The State met its FFY 2005 target of 80%.</p> | <p>The State revised its method of calculating graduation rates to include 9th graders for this indicator in its SPP and OSEP accepts the revision.</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's FFY 2005 APR reported data for this indicator are 3.9%. The State met its FFY 2005 target of 5%.</p> | <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</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 APR reported data for this indicator are 98.8% for reading and 97.6% for math. The State met its FFY targets of 96% for reading and 96% for math.</p> | <p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</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 APR reported data for this indicator are 99.1% for reading and 99.17% for math. The State met its FFY 2005 targets of 97.7% for reading and 98% for math.</p> | <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p> |

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| <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 did not meet its targets for FFY 2005. The State's FFY 2004 baseline data and FFY 2005 targets and reported data for this indicator are set out in the analysis to the right. The State reported progress for reading (K-8) and math (9-12). The State reported slippage for reading (9-12) and math (K-8).</p> | <table border="1" data-bbox="1115 215 2022 406"> <thead> <tr> <th rowspan="2"></th> <th colspan="3">Reading</th> <th colspan="3">Math</th> </tr> <tr> <th>Baseline</th> <th>Target</th> <th>Actual</th> <th>Baseline</th> <th>Target</th> <th>Actual</th> </tr> </thead> <tbody> <tr> <td>K-8</td> <td>52.88%</td> <td>78%</td> <td>53.07%</td> <td>42.91%</td> <td>65%</td> <td>40.05%</td> </tr> <tr> <td>9-12</td> <td>23.06%</td> <td>66%</td> <td>21.03%</td> <td>10.96%</td> <td>54%</td> <td>11.68%</td> </tr> </tbody> </table> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p> | | Reading | | | Math | | | Baseline | Target | Actual | Baseline | Target | Actual | K-8 | 52.88% | 78% | 53.07% | 42.91% | 65% | 40.05% | 9-12 | 23.06% | 66% | 21.03% | 10.96% | 54% | 11.68% |
| | Reading | | | Math | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Baseline | Target | Actual | Baseline | Target | Actual | | | | | | | | | | | | | | | | | | | | | | | |
| K-8 | 52.88% | 78% | 53.07% | 42.91% | 65% | 40.05% | | | | | | | | | | | | | | | | | | | | | | | |
| 9-12 | 23.06% | 66% | 21.03% | 10.96% | 54% | 11.68% | | | | | | | | | | | | | | | | | | | | | | | |
| <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 APR reported data for this indicator are 0.6%. The State met its FFY 2005 target of 1.8%.</p> | <p>The State revised targets and recalculated baseline data for this indicator in its SPP and OSEP accepts those revisions.</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>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,</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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|--|--|--|
| | | procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. |
| <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 APR reported data for this indicator are 65%. The State met its FFY 2005 target of 64%.</p> <p>B. The State's FFY 2005 APR reported data for this indicator are 6.5%. The State met its FFY 2005 target of 7%.</p> <p>C. The State's FFY 2005 APR reported data for this indicator are 3.3%. The State met its FFY 2005 target of 4.3%.</p> | <p>The State met its target 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 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 did not meet its targets for FFY 2005. The State's FFY 2005 reported data for this indicator are 48%. The State did not meet its FFY 2005 target of 52%. This represents slippage from FFY 2004 data of 51%.</p> | <p>Please note that, due to changes in the 618 State-reported data collection, the measurement for 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>Entry data provided.</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> |

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| <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator; New]</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 FFY 2005 reported baseline data for this indicator are 62.2%.</p> | <p>The State provided baseline data, targets, improvement activities and OSEP accepts the SPP for this indicator.</p> |
| <p>Monitoring Priority: Disproportionality</p> | | |
| <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 provided data on the number of districts with disproportionate representation in special education but did not identify whether there was inappropriate identification.</p> | <p>The State proposed to revise its criteria for determining disproportionate representation to compare the districts with high Native American enrollment to White enrollment to determine if the Native American or White population is overrepresented. 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, such a change may not be fully consistent with 34 CFR §300.600(d)(3). In addition, a State may, in reviewing data for each race ethnicity category, do so in a statistically appropriate manner, and may set an "n" size that applies to all racial and ethnic groups, but it must review data for all race ethnicity categories in the State and must do the analysis at the LEA level for all race and ethnic groups meeting that "n" size that are present in any of its LEAs. If the State revises its criteria for determining disproportionate representation, it must do so consistent with these requirements.</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</p> |

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| | | <p>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 was the result of inappropriate identification and describe how the State made the determination, even if the determination occurs in the fall of 2007.</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 provided data on the number of districts with disproportionate identification by disability category, but did not identify whether there was inappropriate identification.</p> | <p>The State proposed to revise its criteria for determining disproportionate representation to compare the districts with high Native American enrollment to White enrollment to determine if the Native American or White population is overrepresented. Indicator 10, pursuant to 34 CFR §300.600(d)(3), requires States to identify disproportionate representation, both overrepresentation and underrepresentation, of races and ethnicities by disability categories. Therefore, such a change may not be fully consistent with 34 CFR §300.600(d)(3). In addition, a State may, in reviewing data for each race ethnicity category, do so in a statistically appropriate manner, and may set an “n” size that applies to all racial and ethnic groups, but it must review data for all race ethnicity categories in the State and must do the analysis at the LEA level for all race and ethnic groups meeting that “n” size that are present in any of its LEAs. If the State revises its criteria for determining disproportionate representation, it must do so consistent with these requirements.</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). In addition, 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 was the result of inappropriate identification and describe how the State made the determination, even if the determination occurs in the fall of 2007.</p> |

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| 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 99.86%.</p> | <p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State completed 4,196 out of 4,202 evaluations using a State-established timeline within which the evaluation must be completed. OSEP commends South Dakota for attaining a very high level of compliance using a relatively short timeline.</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 100%. The State met its FFY 2005 target of 100%.</p> | <p>The State met its target and OSEP appreciates the State's efforts in achieving compliance.</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 baseline data for this indicator are 63.90%.</p> | <p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</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 full compliance with this requirement.</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 must provide baseline data, targets, and improvement activities with 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>The State's FFY 2005 reported data for this indicator are 69.26%.</p> <p>The FFY 2005 data represent slippage from the State's FFY</p> | <p>The State (on page 49 of the APR) revised timelines to begin as soon as districts received the reports. OSEP accepts those revisions.</p> <p>OSEP's February 28, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR documentation that the State ensured the correction of identified noncompliance, as soon as possible but in no</p> |

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| [Compliance Indicator] | 2004 data of 80%. The State did not meet its FFY 2005 target of 100%. | <p>case later than one year from identification. The State reported data using the correct timeline and reported that one noncompliant district had sanctions imposed. In addition, the State reported that for monitoring conducted in 2005-2006, 34 of 37 sites had their noncompliance issues closed and the remaining 3 were still within the one-year timeline for correction.</p> <p>The State provided data for this indicator indicating 69.2%, but did not disaggregate these data by indicator. OSEP looks forward to reviewing 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. 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 13 and 20, 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> | The State's FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%. | <p>The State revised its SPP to use dispute resolution data from the correct reporting period of July 1 through June 30. OSEP accept the revision.</p> <p>The State met its target and OSEP appreciates the State's efforts in achieving compliance.</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> | The State's FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%. | <p>The State revised its SPP to use dispute resolution data from the correct reporting period of July 1 through June 30. OSEP accepts the revision.</p> <p>The State met its target and OSEP appreciates the State's efforts in achieving compliance.</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> | No resolution sessions were held. | The State is not required to provide baseline, targets or improvement activities until any FFY in which 10 or more resolution meetings were held. |

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| <p>19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p> | <p>The State held five mediations and four resulted in agreement.</p> | <p>The State revised its SPP to use dispute resolution data from the correct reporting period of July 1 through June 30. OSEP accepts the revision. 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. [Compliance Indicator]</p> | <p>For timely reported data, the State's FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target. For accurate reported data, the State's FFY 2005 reported data for this indicator are 70%. This represents slippage from the FFY 2004 data of 100%. The State did not meet its target.</p> | <p>For data timeliness, the State met its target and OSEP appreciates the State's efforts in achieving compliance. For the data accuracy measure, the State revised its formula. OSEP accepts this revision. For the data accuracy measure, the State did not meet its target. 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 full compliance with this requirement.</p> |