

Alabama Part B-Table A

Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p><b>Indicator 4A:</b> 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>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>(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))</p>	<p>On page 30 of the SPP, the State reported, that 31 of 131 local educational agencies (LEAs) (24%) were identified as having significant discrepancies in suspension and expulsion rates. The State further reported that all identified LEAs are subject to corrective actions. The State provided information concerning corrective actions to include: (1) a review of the data with the LEA for clarification, (2) the development of a corrective action plan to be submitted to the State, and (3) intensive professional development.</p> <p>34 CFR §300.146(b) requires that, for districts in which the State finds that significant discrepancies identified in §300.146(a) are occurring, the State must review and, if appropriate, revise (or require the affected State agency or LEA to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that these policies, procedures, and practices comply with Part B of the act. The SPP required the State to describe its procedures for meeting that requirement. The State did not, however, address the requirements of 34 CFR §300.146(b) in the SPP.</p>	<p>In its APR, due February 1, 2007, the State must describe its procedures for meeting the requirements in 34 CFR §300.146(b) in both FFY 2004 and FFY 2005. Failure to include this information may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

SPP Indicator	Issue	Required Action
<p><b>Indicator 8:</b> 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. (20 U.S.C. 1416(a)(3)(A))</p>	<p>The State reported on page 50 of the SPP that each year it will distribute the Parent Survey to the LEAs that are part of the focused monitoring cycle for that year and will randomly select one third of parents of children with disabilities. An evaluation of the sampling plan for Indicator 8 indicated that it was not technically sound (see OSEP's February 14, 2006 memorandum). Data will lack validity if based on a sampling plan that is not technically sound. OSEP is concerned because your plan is to use these invalid data to establish baseline data for this Indicator. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>	<p>As indicated in the February 14, 2006 OSEP memorandum, if a revised sampling plan has not been accepted by OSEP by the time the State submits its FFY 2005 APR on February 1, 2007, the State must submit a revised sampling methodology that describes how data were collected with the State's FFY 2005 APR. In the FFY 2005 APR, you also need to explain how your State addressed the deficiencies in the data collection noted in the attachment to the OSEP memorandum. If you decide not to sample, but rather gather census data, please inform OSEP and revise your SPP accordingly.</p>
<p><b>Indicator 12:</b> 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. (20 U.S.C. 1416(a)(3)(B))</p>	<p><b>Noncompliance:</b> On page 64 of the SPP, the State reported a 63% level of compliance for Indicator 12, specifically the requirement at 34 CFR §300.132(b). On page 68 of the SPP, the State identified activities to address this noncompliance.</p>	<p>The State must ensure that this noncompliance is corrected and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>