

**California Table A – Part B**

**Issues Identified in the State Performance Plan**

SPP Indicator	Issue	Required Action
<p><b>Indicator 4:</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 pages 37 and 38 of the SPP, the State described the process that it <u>will</u> use to identify districts that have a significant discrepancy in the rate of suspension or expulsion, but did not describe the results of the State’s examination of its data to determine if significant discrepancies are occurring among local educational agencies (LEAs) within the State, as required under Indicator 4A.</p>	<p>The State must include this information in the APR, due February 1, 2007. Failure to include this information may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>
<p><b>Indicator 7:</b> 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>(20 U.S.C. 1416 (a)(3)(A))</p>	<p>On page 71 of the SPP, the California Department of Education (CDE) stated that it would report baseline entry and exit data for Indicator 7 in the 2007-2008 APR, due to OSEP in February 2009, presuming the instrument for five-year-olds is completed. That plan will not result in the collection of the required entry data by the submission of the APR, due February 1, 2007, or the baseline data, due February 1, 2008.</p> <p>An evaluation of the sampling plan for Indicator 7 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>The State must ensure that any activities or strategies regarding this Indicator result in the collection of the required entry data, for the required time period, in the APR, due February 1, 2007, and the baseline data are reported, for the required time period, in the APR due February 1, 2008. Failure to report the required data in the APR may 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>

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>OSEP could not determine if the State plans to use sampling in collecting data for Indicator 8. If so, it is important that the State have a technically sound sampling plan to ensure that data used for entry, baseline, or to report on progress are valid and reliable. 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>If you intend to collect information through sampling, your SPP must include sampling methodology to ensure the collection of valid and reliable data on which to base your targets and improvement activities. The State must submit the revised sampling methodology that describes how data were collected with the State's FFY 2005 APR that is due February 1, 2007. 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>The State did not include data in the SPP regarding the number of children referred from Part C to Part B who were determined to be NOT eligible and whose eligibility determinations were made prior to their third birthdays.</p>	<p>The State must include this information in the APR, due February 1, 2007. Failure to include this information may impact OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p><b>Indicator 15:</b> 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. (20 U.S.C. 1416 (a)(3)(B))</p>	<p><b>Noncompliance:</b>  The State reported an 88.35% level of compliance for indicator 15C (timely correction of noncompliance identified through complaints or hearings) in the SPP, specifically the requirement at 34 CFR §300.600.  See also Table B.</p>	<p>The State must ensure that this noncompliance is corrected within one year of its identification 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>