

Delaware

Table A – Part B

Issues Identified in the State Performance Plan (SPP)

SPP Indicator	Issue	Required Action
<p>Indicator 5: Percent of children with IEPs aged 6 through 21: A. Removed from regular class less than 21% of the day;¹ B. Removed from regular class greater than 60% of the day; or C. Served in public or private separate schools, residential placements, or homebound or hospital placements. (20 U.S.C. 1416(a)(3)(A))</p>	<p>Noncompliance: The Delaware Department of Education's (DDOE's) longstanding noncompliance related to the requirements under 34 CFR §§300.130 and 300.550 is reported under indicator 5 in Table B.</p>	<p>See indicator 5 Table B.</p>
<p>Indicator 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/ communication and early literacy); and C. Use of appropriate behaviors to meet their needs. (20 U.S.C. 1416 (a)(3)(A))</p>	<p>Other: OSEP reads this section of your SPP to say that the State will be collecting data on all preschool children. If this is not correct, and the State intends to use sampling in collecting data for this indicator, it is important that the State have a technically sound sampling plan to ensure that data used for entry or baseline, or to report 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 DDOE intends 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 a sampling methodology with the State's FFY 2005 APR that is due February 1, 2007, that describes how data were collected.</p>

¹ At the time of the release of this package, revised forms for collection of section 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

SPP Indicator	Issue	Required Action
<p>Indicator 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. (20 U.S.C. 1416(a)(3)(B))</p>	<p>Other: On page 57 of the SPP, the State reported monitoring data on the number of children turning 3 and referred by Part C, the number of children receiving services by their third birthdays who were referred by Part C and the number of children not receiving services by their third birthdays who were referred by Part C. The State explained that all children not receiving IEP services by their third birthdays, were either receiving Part C services through an interagency agreement or there were parental requests for delays of services. However, the State did not use the required measurement in reporting its data. Specifically, 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 (measurement element b).</p>	<p>The State must include the required data and calculations in reporting its performance on this indicator 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>Indicator 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. (20 U.S.C. 1416(a)(3)(B))</p>	<p>Noncompliance: On page 72 of the SPP, DDOE reported that baseline data for FFY 2004-05 reflect a 66.6% completion rate for fully adjudicated due process hearing requests within the required timelines, as provided in 34 CFR §300.511. However, the noncompliance is based on two of six cases not meeting the required timelines.</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>