

Table B - ILLINOIS Part B
Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 4 Suspension and Expulsion In the FFY 2003 APR, the State did not include baseline data for suspension/expulsion or a plan to determine whether significant discrepancies are occurring in the rate of long-term suspensions and expulsions. OSEP's August 31, 2005 response to the APR required the State to submit, within 60 days from the date of the letter, a plan designed to ensure correction of the noncompliance, as soon as possible and not more than one year after OSEP accepted the plan.</p> <p>OSEP's letter further required the State to submit, no later than six months from the date of that letter, a Progress Report including data and analysis demonstrating progress toward compliance, and a Final Report, with data and analysis demonstrating compliance, as soon as possible, but not later than 30 days following the end of the one year timeline.</p>	<p>On October 31, 2005, the State submitted a plan to collect data for Indicator 4 of the SPP.</p> <p>In Overview and Description of Process for Indicators 4A and 4B (page 21 of the SPP), the State reported that it compared the rate of long-term suspensions and expulsions of children with disabilities among school districts to determine if significant discrepancies were occurring and included its definition of "significant discrepancy". The State described a process for reviewing and analyzing the data and determining whether revisions to policies and procedures are appropriate and whether additional support is required in districts with significant discrepancies.</p> <p>The State identified 66 districts (7.51%) for 2004-2005 that met the criteria for possible significant discrepancies in the rate of suspensions and expulsions of children with disabilities.</p>	<p>The information provided by the State show that, while the State was in the process of notifying the 66 districts in which significant discrepancies occurred, the State is not currently in compliance with the requirements of 34 CFR §300.146(b), because it did not provide the results of the State's review of policies, procedures and practices in affected LEAs.</p>	<p>The State must ensure that the noncompliance with 34 CFR §300.146(b) 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>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 15 Correction of Identified Noncompliance</p> <p>In its December 2002 Monitoring Report, OSEP found that the State was not effective in identifying and ensuring the correction of all systemic noncompliance (34 CFR §300.600(a)(2) and 20 U.S.C. 1232d(b)(3)). OSEP's September 2003 letter directed the State to submit to OSEP, by September 29, 2004, documentation showing that the State was effective in correcting noncompliance found at the district level. OSEP's August 31, 2005 response to the State's FFY 2003 APR required the State to include, in the SPP, documentation demonstrating compliance with the requirement that the State ensure correction of identified noncompliance, including: (1) documentation of the State's follow-up actions in the remaining 42 districts/8 cooperatives; (2) the compliance status of the remaining districts /cooperatives; (3) any sanctions that it has taken to ensure correction, and the impact of those actions; and (4) if the State determined that additional strategies were needed or that existing strategies must be modified, its proposed strategies, evidence of change data and timelines to ensure correction of all noncompliance as soon as possible.</p>	<p>In the Progress Report that the State submitted to OSEP with its SPP, the State provided documentation showing that, of the 57 districts that the State monitored in 2002-2003, the State had closed out the findings of noncompliance in 32 districts, and anticipated closing out the findings for 21 more districts during December 2005.</p> <p>On page 60 of its SPP, in response to indicators 15A and 15B, the State reported that: "A total of 354 findings of noncompliance were identified during the time period. Findings of noncompliance were resolved within one (1) year after identification at a rate of 5.26% (10 out of 190 findings of noncompliance) for those findings related to priority areas and indicators and at a rate of 14.02% (23 out of 164 findings of noncompliance) for findings in other areas. An additional 15 of the 190 findings of noncompliance were resolved outside the one year timeframe (9 findings related to priority areas and 6 findings in other areas). All other findings of noncompliance remain unresolved.</p>	<p>The State provided data that demonstrate continuing noncompliance with the requirement regarding timely correction of identified noncompliance, as required by 34 CFR §300.600(a)(2) and 20 U.S.C. 1232d(b)(3). The level of compliance reported was 9.35% (33 of 354 findings corrected within one year from identification). OSEP initially identified this noncompliance in its December 2002 monitoring report and required correction.</p>	<p>The State must submit data that demonstrate compliance with this requirement by June 1, 2006. Failure to demonstrate compliance at that time may result in the State being identified as a "high risk" grantee or otherwise affect the State's FFY 2006 grant award.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 16 Formal Complaints</p> <p>OSEP's August 31, 2005 response to the State's FFY 2003 APR required the State to include data and analysis in the SPP documenting progress toward compliance related to timeliness of complaint investigations, and a final report, including data and analysis demonstrating full compliance, no later than March 14, 2006.</p>	<p>On page 63 and in Attachment 1 of its SPP, under Indicator 16, the State included data showing that it resolved 96.5% (111 of 115) of the complaints that it received during the 2004-2005 reporting period within 60 days or within a timeline extended for exceptional circumstances.</p>	<p>The State reported a 96.5% level of compliance with the requirement at 34 CFR §300.661(a) and (b). While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>
<p>Indicator 17 Due Process Hearings</p> <p>In its November 2004 letter, OSEP found that the State was not meeting the timeline for due process hearing decisions (34 CFR §300.511(a) and (c)), and required the State to submit, within 60 days of the date of that letter, a plan that would ensure correction of the noncompliance within a reasonable period of time not to exceed one year. In its March 2005 letter, OSEP accepted the plan that the State submitted on January 26, 2005, and required the State to submit, by June 1, 2005 (this was the timeline for full correction provided by the State in its plan), data showing full compliance.</p> <p>OSEP's August 31, 2005 response to the State's FFY 2003 APR required the State to provide a Final Report related to due process hearings, by April 14, 2006, with data for the period from July 1 through December 31, 2005, showing that the State was in compliance with the requirements of 34 CFR §300.511(a) and (c).</p>	<p>On page 65 of its SPP, the State reported that 71.4% of fully adjudicated due process hearing requests during 2004-2005 were within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party.</p>	<p>The data in the SPP show continuing noncompliance for the 2004-2005 reporting period. The State has a progress report due to OSEP on April 14, 2006.</p>	<p>The State must provide documentation in the progress report due April 14, 2006 that it has corrected the noncompliance the requirements of 34 CFR §300.511(a) and (c). Failure to provide data demonstrating compliance at that time may result in the State being identified as a "high risk" grantee or otherwise affect the State's FFY 2006 grant award.</p>