

Indiana

Table B Chart – Part B

Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 3A 34 CFR §300.347(a)(5) or §300.138</p> <p>The State's FFY 2003 APR indicated that 2,502 3rd, 813 6th, 583 8th, and 608 10th grade children with disabilities did not participate in any assessment because they were absent. OSEP's October 14, 2005 response to the APR noted that those data suggested that a relatively high percentage of children with disabilities in some grades did not participate in State assessments, and that the State did not provide analysis of its compliance data to determine whether any students with disabilities did not participate in the statewide assessment due to a failure by a public agency to meet the requirements of 34 CFR §300.347(a)(5) or §300.138. OSEP's letter required the State to provide its analysis of the data related to those requirements within 60 days from the date of the letter.</p>	<p>On page 20 of the SPP, the State provided its analysis regarding the participation performance data, explaining that the lowest percentage of reported participation occurred at the 3rd grade level, and this percentage was adversely distorted toward special education participation as the state has identified that some 3rd grade teachers did not count students with communication disorders as students with disabilities. The State conducts annual telephone reminders and more explicit written instructions, which is improving this situation.</p>	<p>The State did not, as required by OSEP's October 2005 letter, include an analysis of compliance data related to 34 CFR §§300.347(a)(5) and 300.138.</p>	<p>As part of its response to indicator 3A in the APR due February 1, 2007, the State must provide an analysis of compliance data related to 34 CFR §§300.347(a)(5) and 300.138.</p>
<p>Indicator 4A 34 CFR §300.146(b)</p> <p>The State's FFY 2003 APR did not include evidence that it made the determination required by 34 CFR §300.146(b), or of a review (and, if appropriate, a revision) of the districts' policies, procedures, and practices related to suspension of children with disabilities. OSEP's October 14, 2005 response required the State to provide, within 60 days, either: (1) Data and analysis demonstrating that it was meeting the requirements at 34 CFR §300.146(b); or (2) a plan to ensure correction of the noncompliance as soon as possible and not more than one year after OSEP accepted the plan. OSEP's letter further specified that, no later than six months from the date of the letter, the State must submit a Progress Report including data and analysis demonstrating progress toward compliance, and provide a report to OSEP, 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 pages 29 and 30 of the SPP, the State described the process and criteria that it used to identify school districts with significant discrepancies in the rates of suspension and expulsion, and indicated that seven districts (2.3%) met those criteria.</p>	<p>The State provided documentation that it conducted the analysis required by 34 CFR §300.146(a), but did not provide documentation that it has met the requirements of 34 CFR §300.146(b), that if discrepancies described 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 the Act</p>	<p>The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with the requirements of 34 CFR §300.146(b). 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>

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<p>Indicator 12 34 CFR §§300.121(c)(1) and 300.132(b)</p> <p>The State's FFY 2003 APR included data showing that 78 percent of eligible children transitioning from Part C to B had timely implementation of services by their third birthdays. OSEP's October 14, 2005 letter required the State to submit, with its SPP, data showing that the State corrected the noncompliance with the requirements of 34 CFR §300.121(c)(1).</p>	<p>On pages 61 and 62 of the SPP, the State reported that the 2004-2005 transition data show that 84 percent of children referred from Part C to B had their IEP implemented by their third birthday, but that "only 3% of eligible children did not have an IEP in place by 3rd birthday due to school failure to implement."</p> <p>The State further reported on page 63 that when the planning district reports children in the "due to school failure to implement" category, schools are required to do a file review. A corresponding plan of corrective action, including timelines, to remediate the situation is required. Special education planning districts were also required to complete an individual file review search for any child where the reason for late implementation was due to parent-missed appointments to determine if a systemic issue exists.</p> <p>On page 63 of the SPP, the State reported that its record review show that school representatives was indeed present during transition planning conferences arranged by the lead agency, but the data was not reported correctly. The State further reported that for 2,465 children, the First Steps service coordinator notified/invited a school representative to the First Steps Transition Conference and its data show that schools reported attending 2,420 (98%) of the First Steps Transition Conferences when invited.</p>	<p>The State reported data showing noncompliance for 3% of Part B-eligible children exiting Part C, and described how it follows up on each instance of noncompliance to ensure improved compliance. While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in achieving a high level of 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 12 34 CFR §300.132(c)</p> <p>The State's FFY 2003 APR data included data showing that in both the 2002-2003 and 2003-2004 school years, a representative from the school attended 98% of the First Steps transition planning conferences for children transitioning from Part C who were determined eligible for Early Childhood Special Education. However, the State further reported that "coding errors existed in schools reporting attendance at transition conferences, resulting in a lower percentage of failure to attend when invited." OSEP's October 14, 2005 letter required the State to report, with its SPP, accurate data regarding its progress in ensuring full compliance with the requirement at 34 CFR §300.132(c).</p>	<p>The State reported data showing that a school representative attended the transition planning conference 98% of the time when invited by the Lead Agency, as required by 34 CFR §300.132(c). While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in achieving a high level of compliance with this requirement.</p>	<p>The State reported data showing that a school representative attended the transition planning conference 98% of the time when invited by the Lead Agency, as required by 34 CFR §300.132(c). While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in achieving a high level of 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>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 17 34 CFR §300.511</p> <p>The State's FFY 2003 APR included data showing noncompliance with the requirements of 34 CFR §300.511, that a final decision is reached in the hearing and a copy of the decision is mailed to each of the parties within 45 days of the receipt of a request for a hearing; and (2) a hearing officer may grant specific extensions of time beyond 45 days at the request of either party. OSEP's October 14, 2005 response required the State to: (1) ensure correction of the noncompliance, as soon as possible, but no later than one year from the date of the letter; (2) no later than six months from the date of the letter, submit a Progress Report including data and analysis demonstrating progress toward compliance; and (3) provide a report to OSEP, with data and analysis demonstrating compliance as soon as possible, but not later than 30 days following one year from the date of the letter.</p>	<p>On page 84 of the SPP, the State reported that there were 12 fully adjudicated hearing requests, including decisions. The State further reported that all hearing requests had extended timelines, and the hearing officer issued written decisions in 11 of the hearing requests before the extended timeline expired, resulting in 92 percent of the requested hearings resulting in written decisions before the documented timeline expired.</p>	<p>The SPP showed a statewide compliance rate for 34 CFR §300.511(a) of 92% for FFY 2004. While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in achieving a high level of compliance with this requirement. On pages 86 and 87, the State included strategies to ensure full compliance.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>