

**Table A – Part B**

<b>SPP Indicator</b>	<b>Issue</b>	<b>Required Action</b>
<p><b>Indicator 3:</b> Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts meeting the State’s AYP objectives for progress for disability subgroup.</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>(20 U.S.C. 1416 (a)(3)(A))</p>	<p>Noncompliance: The Special Conditions to the 2005 Part B grant award are discussed in Table B.</p>	<p>See Table B.</p>
<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>Noncompliance: 4A. See Table B.</p> <p>Other: In the December 2, 2005 SPP, the State reported data for indicator 4A, on significant discrepancies among the LEAs in the rate of suspensions of children with disabilities for more than 10 days. OSEP could not determine whether the reported data included expulsions of children with disabilities. Therefore, OSEP could not determine whether the State used the required measurement that includes both suspensions and expulsions that are greater than 10 days.</p>	<p>See Table B.</p> <p>The State must clarify whether the baseline data submitted was based upon the correct measurement to include both suspensions and expulsions. If not, the FFY 2005 APR due February 1, 2007 must also include the revised baseline and targets using the correct measurement.</p>

SPP Indicator	Issue	Required Action
<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>Other: 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 entry-level 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 9:</b> Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>(20 U.S.C. 1416(a)(3)(C))</p>	<p>Noncompliance: See Table B.</p>	<p>See Table B.</p>

SPP Indicator	Issue	Required Action
<p><b>Indicator 10</b></p> <p>Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>(20 U.S.C. 1416(a)(3)(C))</p>	<p>Noncompliance: See Table B.</p>	<p>See Table B.</p>
<p><b>Indicator 11:</b></p> <p>Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline).</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	<p>Other: OSEP is unable to determine whether the plan included for new Indicator 11 will result in the collection of the required data by the submission of the APR, due February 1, 2007.</p>	<p>The State must ensure that any activities or strategies regarding this indicator result in the collection of the required baseline data, for the required time period, and that the baseline data and any other required data are reported in the APR. 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>

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<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>Noncompliance: See Table B.  Other: In the SPP, under Indicator 12, the State reported that it does not collect the data required under this Indicator, including 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 and reported that the baseline data is not Statewide data, but comes from its compliance monitoring.</p>	<p>See Table B.  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 14:</b> Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. (20 U.S.C. 1416(a)(3)(B))</p>	<p>Other: An evaluation of the sampling plan for Indicator 14 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>

SPP Indicator	Issue	Required Action
<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>Noncompliance: See Table B</p>	<p>See Table B.</p>
<p><b>Indicator 16:</b> Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. (20 U.S.C. 1416(a)(3)(B))</p>	<p>Noncompliance: See Table B</p>	<p>See Table B.</p>
<p><b>Indicator 17:</b> 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: Previously identified noncompliance corrected. See Table B</p>	<p>See Table B.</p>

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<p><b>Indicator 20:</b>            State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.            (20 U.S.C. 1416(a)(3)(B))</p>	<p>Noncompliance: Under Indicator 20 in the SPP, the State reported that for the past two years, section 618 “data for child count, race/ethnicity and placement have been submitted several weeks late.” The State has reported noncompliance with the requirement at 34 CFR §300.750.</p>	<p>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. 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.</p>