

**Table B - LOUISIANA PART B**  
**Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 4.A:</b> The State's FFY 2003 APR included data and analysis related to suspension and expulsion of students with disabilities, including targets and activities to address disciplinary actions. However, the State did not include evidence of a review of policies, procedures, and practices for those districts identified as having significant discrepancies. OSEP's August 19, 2005 response to the State's FFY 2003 APR required the State to include, in the SPP, data and analysis documenting review of district-level policies, procedures and practices in districts with significant discrepancies of disciplinary suspensions and expulsions. (34 CFR §300.146(B))</p>	<p>On pages 27-28 of the SPP, the State included information required under Indicator 4.A, including criteria for determining significant discrepancy. Using the State's 618 data and comparing that data for children with disabilities among LEAs across the State, Louisiana determined that 24.1% of the districts were identified as having significant discrepancy in the rates of suspensions and expulsions of children with disabilities during 2004-2005. The State also described the processes and actions taken by the State to follow up with those districts that meet the criteria, including a review of the districts' policies, procedures and practices.</p>	<p>The State described its rubric and process for identifying districts with significant discrepancies in their rates of suspension and expulsion, and provided the resulting percentage of districts it identified. The State also explained how it would review the policies, procedures and practices of the identified districts. However, the State did not provide the results of its review in the SPP.</p>	<p>In its APR due February 1, 2007, the State must, as part of its response to Indicator 4A, provide the results of its review, consistent with 34 CFR §300.146(b), of the policies, procedures and practices of the districts with significant discrepancies in disciplinary suspensions and expulsions, 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 Part B of the IDEA. Failure to provide that information and demonstrate compliance with 34 CFR §300.146(b) at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p><b>Indicator 9:</b> The State's FFY 2003 APR did not include the results of its review of policies, procedures and practices used in the identification and placement of children with disabilities for those districts with data that illustrate significant disproportionality in the identification of children in specific disability categories and the placement of children in particular educational settings. OSEP's August 19, 2005 response to the State's FFY 2003 APR required the State, within 30 days of the date of that letter, either to submit to OSEP the required information or specify what steps the State would take to implement its plan to report on that information. (34 CFR §300.755(b))</p>	<p>In the documentation submitted on November 18, 2005, the State included a plan for reporting on disproportionality. On page 49 of the SPP, the State provided more details related to its plan, including that: (1) the State will investigate disproportionate representation that is the result of inappropriate identification by analyzing the thirty-four districts already identified as having disproportionate representation for Black children with disabilities; (2) the State will perform an analysis to determine whether current policies, procedures and practices are impacting the disproportionate identification of minorities; and (3) if the review and analysis indicate noncompliance, the district will be required to complete a corrective action plan addressing policies, procedures and practices that must be modified to ensure timely correction.</p>	<p>While the State did not report the results of its review and, if appropriate, revision, of the policies, procedures and practices for the districts identified as having disproportionate representation, it provided a plan to report this information in the FFY 2005 APR, due February 1, 2007.</p>	<p>The State must include documentation under Indicator 9 in the APR, due February 1, 2007, that includes the results of its review of the policies, procedures and practices for those districts identified as having disproportionate representation of racial and ethnic groups receiving special education and related services. 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><b>Indicator 9: Numerical Goals</b>  The State's FFY 2003 APR included performance indicators that addressed whether the percentage of children with disabilities, by race/ethnicity, receiving special education, was proportional to the percentage of children, by race/ethnicity, in the State's general population and whether the percentage of children with disabilities in each educational setting, by race/ethnicity, was proportional to the percentage of children in the State's general enrollment. OSEP's August 19, 2005 response to the FFY 2003 APR informed the State that any proposed use of numerical goals/targets based upon race, even where the numerical goal was based upon comparable numbers in the general population, raised concerns under the Constitution, and that the State must submit revised language, for those performance indicators, that was consistent with Federal law.</p>	<p>The State included no numerical goals in its SPP, based upon race.</p>	<p>OSEP concludes that the State has taken the required action.</p>	<p>No further action is necessary.</p>
<p><b>Indicator 12: Early Childhood Transition</b>  OSEP's August 19, 2005 response to the State's FFY 2003 APR required the State to: (1) ensure correction of the noncompliance with the requirement to ensure that children who participated in Part C and are found eligible for services under Part B, have an IEP in effect by their third birthdays; (2) include a Progress Report in the SPP; and (3) provide a report demonstrating compliance no later than 30 days following one year from the date of the letter. (34 CFR §300.132(b))</p>	<p>On pages 56-59 of the SPP, the State provided data indicating that, during 2004-2005, 31.62% of the children referred by Part C were found to be eligible for Part B and had IEPs developed and implemented prior to their third birthdays.</p> <p>The activities for Indicator 12 were very detailed and included specific timelines and resources to address compliance issues.</p>	<p>The current data provided by the State demonstrate continued noncompliance with 34 CFR §300.132(b). The level of compliance reported was 31.62%.</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 to ensure they will enable the State to include data in the APR, due February 1, 2007, 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>

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<p><b>Indicator 13: Secondary Transition</b> OSEP's August 19, 2005 response to the State's FFY 2003 APR required the State to submit, within 90 days, a Final Report demonstrating full compliance related to Secondary Transition for Orleans, Jefferson, and East Baton Rouge parishes. (34 CFR §300.347(b)(2))</p>	<p>The State submitted documentation on November 18, 2005, as requested.</p>	<p>As noted in OSEP's letter of January 24, 2006, the documentation that the State submitted on November 18, 2005, demonstrated correction of this noncompliance.</p>	<p>No further action is required.</p>
<p><b>Indicator 15: General Supervision System</b> The APR letter directed the State to include in its SPP, data and analysis documenting progress toward compliance related to least restrictive environment (LRE) in Jefferson Parish, including evidence of on-site follow-up visits, record reviews, staff interviews and classroom observations. (34 CFR §300.600)</p>	<p>The State provided a copy of its September 12, 2005 letter to the Parish, and sent an e-mail message to OSEP on February 21, 2006, documenting that, while the Parish has made significant progress in placing children with disabilities in less restrictive environments, the State had not released the Parish from its corrective action status. Further, the State documented that it is continuing to closely monitor the Parish's progress and has required the Parish to pay for an LRE expert selected by the State.</p>	<p>The State provided adequate documentation of its ongoing efforts to ensure that Jefferson Parish, a Parish directly impacted by Hurricanes Katrina and Rita, continues the corrective action process to achieve full compliance with the least restrictive environment requirements in Part B of IDEA.</p>	<p>OSEP looks forward to reviewing the State's data for Indicator 15A in the FFY 2005 APR, due February 2007, including the State's data demonstrating correction of the noncompliance with LRE requirements identified in Jefferson Parish.</p>