

**Table A – Massachusetts-Part B  
Issues Identified in the State Performance Plan**

<b>SPP Indicator</b>	<b>Issue</b>	<b>Required Action</b>
<p><b>Indicator 1:</b> Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma. (20 U.S.C. 1416 (a)(3)(A))</p>	<p>The State did not use the required measurement in reporting its data. MASSDE noted that it currently does not have a graduation rate but that it utilizes a “competency determination” to evaluate this indicator. MASSDE indicated that it would begin reporting graduation rates in 2005-2006.</p>	<p>The State must include the required data and calculations in reporting its performance on this indicator in the APR, due by 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 2:</b> Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school. (20 U.S.C. 1416 (a)(3)(A))</p>	<p>The State did not provide the information required under this indicator because the 2004 -2005 data were not available. MASSDE reported 2003-2004 drop-out rates.</p>	<p>MASSDE must include, in the FFY 2005 APR, due February 1, 2007, both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to include these data will affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>

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<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>The State did not provide the information required under this indicator because the 2004 -2005 data were not available. MASSDE reported 2003-2004 suspension and expulsion rates.</p> <p>OSEP appreciates that the State is reviewing the policies and procedures of those districts whose rates of long-term suspensions and expulsions identify them as having a significant discrepancy. Such a review is required by 34 CFR §300.146(b).</p> <p>However, on page 20 of the SPP, the State indicated that it only identifies a district as having a significant discrepancy if the difference in the rate of suspensions for children with IEPs is 4% or higher than the rate of suspensions for children without IEPs, <u>and</u> the district's policies and procedures contribute to the discrepancy.</p> <p>34 CFR §300.146 requires States to identify districts as having a significant discrepancy based on a review of the data (i.e., comparison of the rates of long-term suspensions and expulsions).</p>	<p>The State must include data from 2004 -2005 in the APR, due February 1, 2007. In addition, in the FFY 2005 APR, the State must revise its definition of significant discrepancy for this indicator to omit language that includes a review of the district's policies and procedures is part of its criteria for determining a significant discrepancy.</p> <p>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 8:</b> Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>(20 U.S.C. 1416(a)(3)(A))</p>	<p>An evaluation of the plan to collect data for this indicator indicated that it was not technically sound (see OSEP's February 14, 2006 memo). Since MASSDE is using its six-year monitoring cycle of LEAs to gather data for this indicator, it must ensure there is a representative sample of LEAs across the State for each of the six years of its monitoring cycle and every district with an average daily membership greater than 50,000 must be included in the sample each year. 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>
<p><b>Indicator 12:</b> Percent of children referred by Part C prior to age 3,</p>	<p>The SPP did not include the number of children referred from Part C to Part B for eligibility</p>	<p>The State must submit data in the APR, due February 1, 2007, from FFY 2005 (July 1, 2005 through June 30,</p>

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<p>who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	<p>determination, who were determined NOT to be eligible and whose eligibilities were determined prior to their third birthdays.</p> <p>In addition, on page 45 of the SPP, the State indicated that the measurement for this indicator “does not take into account the need for the referral to occur with sufficient time for the district to conduct the eligibility determination.” OSEP notes that under 34 CFR §300.125(c)(3), MASSDE is responsible for compliance with child find, including transition requirements related to a child’s referral from Part C to Part B.</p>	<p>2006) on the number of children referred from Part C to Part B for eligibility determination who were determined NOT to be eligible and whose eligibilities were determined prior to their third birthday. 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>
<p><b>Indicator 13:</b></p> <p>Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	<p>MASSDE indicated that data will be collected through a sample of student files in each district during its Coordinated Program Reviews (compliance monitoring) of local agencies. A “sampling frame” will be developed to collect student-level information. MASSDE indicated that it anticipates starting the collection of this data during the 2006-2007 monitoring cycle. Until MASSDE has this system in place, it will continue to determine district level compliance through its Coordinated Program Reviews. OSEP is unable to determine whether the plan included for this new indicator 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, due February 1, 2007. 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>
<p><b>Indicator 14:</b></p> <p>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.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	<p>MASSDE currently collects data representing the <u>plans</u> (i.e., intentions at graduation) of high school graduates. MASSDE plans to modify a current survey to measure for this indicator. MASSDE indicated that it would develop a sampling framework.</p> <p>An evaluation of the sampling plan for this indicator 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</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>

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	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><b>Indicator 16:</b></p> <p>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.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	<p><u>Noncompliance:</u> See Table B</p>	<p>See Table B</p>
<p><b>Indicator 17:</b></p> <p>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.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	<p><u>Noncompliance:</u> The State reported a 91.6% level of compliance for this indicator in the SPP, specifically the requirement at 34 CFR §300.511(a). 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 working toward compliance with this requirement. (See also Table B.)</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>
<p><b>Indicator 20:</b></p> <p>State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	<p><u>Noncompliance:</u> The State reported a 16.5% level of compliance for timeliness for this indicator in the SPP, for State-reported data required at §618.</p> <p>In addition, the SPP indicated that the State is unable to report accurate data for some indicators. For example, the State reported that it is unable to provide accurate baseline data for indicators 1, 2, 4, 6, 12, and 15.</p>	<p>The State must ensure that noncompliance for timeliness and accuracy of data is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement, as required by 20 U.S.C. §§616(b)(2)(B)(i) and 618. 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>