

Minnesota— Part B
Table B - Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 4A 34 CFR §300.146(b). In its FFY 2003 APR letter, OSEP required the State to submit either: (1) data and analysis demonstrating compliance with the requirements at 34 CFR §300.146(b); or (2) a plan to ensure compliance as soon as possible and not more than one year after OSEP accepted the plan, a Progress Report no later than six months from the date of the letter, and a 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>The State reported on pages 22-23 of the SPP, that it: (1) defined “significant discrepancy” as any district rate that was higher than the current state average rate of suspensions and expulsions for general education of 2.98%; (2) identified 12 of the State’s 676 districts (1.8%) using this rubric; and (3) will follow-up as appropriate, examining district policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures and practices comply with this requirement, but had not yet done so when it submitted its SPP. (The State explained that during the first year of data collection under the Disciplinary Incident Reporting Systems, the State extended the deadline for districts to enter discipline data to November 16, 2005, so that it could provide technical assistance; therefore, when the State submitted its SPP, no follow-up had yet taken place.)</p>	<p>The State included in its SPP a plan to conduct the review required by 34 CFR §300.146(b), but had not yet complied with that requirement when it submitted its SPP.</p>	<p>The State must ensure that this noncompliance is corrected and include documentation in the APR, due February 1, 2007, that demonstrates compliance with this requirement. This documentation must include the results of the State’s review of policies, procedures and practices, as required by 34 CFR §300.146(b). 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>Indicators 9 and 10 34 CFR §300.755</p> <p>OSEP's October 21, 2005 APR letter required the State to provide, within 60 days, either: (1) documentation that it ensured the review of policies, procedures, and practices required by 34 CFR §300.755(b), and the results of such review; or (2) specify the steps the State would take to implement its plan to report on the results of its review of policies, procedures, and practices, and ensure correction as soon as possible, not to exceed one year from the date of the letter.</p>	<p>The State reported on page 45 of the SPP that 2004 data were not yet available, but that it would analyze them as soon as they were. The State further reported that it would, at that time, define disproportionate representation based on the risk ratio and weighted risk ratio formula in conjunction with measures of student performance, and then "run" district data to determine which districts had significant discriminatory identification policies, procedures and practices.</p>	<p>The State included in its SPP a plan to conduct the review required by 34 CFR §300.755(b), but had not yet complied with that requirement when it submitted its SPP.</p>	<p>The State must ensure that this noncompliance is corrected and include documentation in the APR, due February 1, 2007, that demonstrates compliance with this requirement. This documentation must include the results of the State's review of policies, procedures and practices, as required by 34 CFR §300.755(b). 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>
<p>Indicator 15 34 CFR §300.600 20 U.S.C. 1232d(b)(3)</p> <p>OSEP's October 21, 2005 APR letter directed the State, with the SPP, to provide, in response to Indicator 15: (1) data reflecting timely correction of all noncompliance; or (2) a plan to ensure compliance within one year of OSEP's acceptance of the plan.</p>	<p>On pages 64 and 67 of the SPP, the State provided data showing that, in its monitoring of 136 school districts during the 2003-2004 school year, it: (1) made 3180 findings related to the SPP monitoring priorities, and ensured the correction of 1809 (56.89%) within one year of identification; and (2) made 464 findings in other monitoring areas, and ensured the correction of 286 (61.24%) within one year of the date of identification.</p> <p>MDE reported on page 67 of the SPP that 100% of noncompliance identified through complaints, and 87.5% of noncompliance identified through due process hearings, was corrected within one year of identification.</p> <p>On page 64, the State further reported that it conducted follow-up reviews to verify whether a district has implemented its corrective action plan (CAP), and, when necessary, provided technical assistance related to CAP or increased State oversight. On page 64, the State indicated that it considered findings corrected only if it had <u>verified</u> correction.</p>	<p>The State reported the following levels of compliance for Indicator 15 in the SPP, specifically the requirements for timely correction of noncompliance at 34 CFR §300.600 and 20 U.S.C. 1232d(b)(3):</p> <p>15A: 56.89%</p> <p>15B: 61.24%</p> <p>15C/hearings: 87.5%</p>	<p>The State must ensure that 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. 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 34 CFR §§300.347(c) and 300.517</p> <p>OSEP's October 21, 2005 response to the State's FFY 2003 APR required the State to submit a plan to ensure compliance with 34 CFR §§300.347(c) and 300.517, as soon as possible and not more than one year after OSEP accepted the plan.</p>	<p>The State provided no documentation of correction of its findings in this area, nor a plan to correct this area of noncompliance.</p>	<p>As noted above in the discussion of Indicator 15A, the State provided data, on pages 64 and 67 of the SPP, showing that, in its monitoring of 136 school districts during the 2003-2004 school year, it made 3180 findings related to the SPP monitoring priorities, and ensured the correction of 1809 (56.89%) within one year of identification. OSEP could not, however, determine from the data provided for indicator 15A, the extent to which the State ensured timely correction of noncompliance related to the transfer of rights at the age of majority. The State included general supervision improvement activities for Indicator 15 that the State could implement to ensure the correction of any noncompliance related to the transfer of rights at the age of majority.</p>	<p>As part of its response to Indicator 15 in the APR due February 1, 2007, the State must provide documentation of compliance with the requirements of 34 CFR §§300.347(c) and 300.517 regarding the transfer of rights at the age of majority. 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>
<p>Indicator 19 34 CFR §300.506(b)(5)</p> <p>In its FFY 2003 APR the State did not provide data on the percentage of mediations resulting in written agreements. OSEP's October 21, 2005 response required the State to provide those data in its SPP.</p>	<p>On page 78 of the SPP and in Attachment 1, the State reported the number and percentage of mediations that resulted in agreements.</p>	<p>The State provided the required data</p>	<p>OSEP looks forward to reviewing the State's updated data related to Indicator 19 in the APR due February 1, 2007.</p>