

**Table A – New Jersey Part B**  
Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<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 used FFY 2003 data for baseline information in response to this Indicator. However, on page 9 of the SPP, the New Jersey State Department of Education (NJSE) explained that once the 2004-2005 graduation rates are available, the comparison between the graduation rate for students in general education and the graduation rate for students with IEPs will be recalculated.</p>	<p>The State 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>
<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 used FFY 2003 data for baseline information in response to this Indicator. However, on page 14 of the SPP, NJSE explained that once the 2004-2005 drop-out rates are available, the comparison between the drop-out rate for students in general education and the drop-out rate for students with IEPs will be recalculated.</p>	<p>The State 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>
<p><b>Indicator 7:</b> Percent of preschool children with IEPs who demonstrate improved:</p> <ul style="list-style-type: none"> <li>A. Positive social-emotional skills (including social relationships);</li> <li>B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and</li> <li>C. Use of appropriate behaviors to meet their needs.</li> </ul> <p>(20 U.S.C. 1416 (a)(3)(A))</p>	<p>On page 62 of the SPP, the population to be included in the measurement for Indicator 7 is limited to "incoming 3 year olds, who enter preschool, including those transitioning from the Early Intervention System... [measured]... between January 2006 and September 2006."</p> <p>An evaluation of the sampling plan for Indicator 7 indicated that it was not technically sound (see OSEP's February 14, 2006 memorandum). The data will lack validity if based on a sampling plan that is not technically sound. OSEP is concerned because NJSDE's 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>The population to be measured for this Indicator must include either a sampling plan or a census of all</p>	<p>As indicated in OSEP's February 14, 2006 memorandum, if a revised sampling plan has not been accepted by OSEP by the time the State submits its FFY 2005 APR, due February 1, 2007, the State must submit a revised sampling methodology, with its FFY 2005 APR, that describes how data were collected. In the FFY 2005 APR, you must 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>

**Table A – New Jersey Part B**  
Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
	preschool children who have IEPs, not a sub-population of the group such as incoming 3 year olds during a specified time period.	
<p><b><u>Indicator 12:</u></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>The State reported data in the SPP using the appropriate measures for this Indicator. However, on page 78, the State reported that the existing databases do not include fields that provide specific information regarding the range of days beyond the third birthdays when eligibility was determined or the reasons for delays.</p>	<p>The State must include the required data and calculations in reporting its performance on this indicator 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><u>Indicator 15:</u></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><b>Noncompliance: See Table B</b></p> <p><b>Other:</b> On page 91 of the SPP, NJSDE indicated that, at present, the database is not capable of tracking noncompliance by finding. Rather, the system can only track noncompliance by case, or LEA. On pages 95-97 of the SPP, the State reported a level of compliance corrected within one year, ranging from 34% to 62% in the priority and non-priority areas. NJSDE's current system of tracking data may be indicating inflated percentages of uncorrected noncompliance as the system does not identify an LEA's noncompliance as corrected until all noncompliance findings in the LEA are corrected. On page 93 of the SPP, NJSDE described its plans to implement a new categorical system to monitor correction of noncompliance during the 2006-2007 school year. This new system will enable NJSDE to more effectively track all monitoring findings by issue.</p> <p>As required by 34 CFR §300.600 and 20 U.S.C. 1232d(b)(3), NJSDE collects and maintains data to ensure timely correction (within one year of identification) and identify districts where sanctions are warranted. As explained on pages 88-89 of the</p>	<p><b>See Table B</b></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>

**Table A – New Jersey Part B**

Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
	SPP, a broad array of sanctions is imposed upon districts with “pervasive and persistent” noncompliance.	
<p><b><u>Indicator 16:</u></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>On page 98, of the SPP, NJSDE reported that, on December 31, 2004, 100% of complaints with reports issued were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to individual complaints. Subsequently, between January 2005 and June 2005, only 55% of signed written complaints were completed within the required timelines. This brief period of decline was due to a reduction of staff. As of July 2005, a full staff was in place and NJSDE expects to maintain a level of 100% compliance for this Indicator.</p>	<p>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. 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>