

**Table A – 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>(1) The State did not provide an overview or description of the issue, process or system for graduation rates.</p> <p>(2) Also, it provides no baseline data for 2004-2005 for this indicator.</p> <p>(3) The discussion of baseline data does not include or describe the conditions youth must meet to graduate with a regular diploma. On page 4 of the SPP, the Rhode Island Department of Education (RIDE) states that it is currently implementing the RIHS Diploma System that will go into effect for the class of 2008; however, neither the current diploma system nor the RIHS Diploma System is described.</p> <p>(4) The State indicated that districts report graduation rates as part of the special education census reporting process and that graduation rates are calculated for children with and without disabilities in the same manner; however, it did not provide a description of how graduation rates are calculated.</p> <p>(5) The State provided targets for this indicator as percentages only, but did not provide a description in the target as to what the percentages represent.</p> <p>Improvement activities describe a Peer Review Process, a Commissioners Review, and implementation of the Rhode Island Diploma System. However, it is not clear how these activities will improve the graduation rate for students with disabilities, or whether the State would be able to either measure if and when the activities were completed, the impact of those activities on performance, or to determine whether the activities would be sufficient to enable the State to meet its targets. RIDE states on page 4 of the SPP that activities, timelines and</p>	<p>In the FFY 2005 APR, due February 1, 2007, the State must provide the following:</p> <p>(1) an overview or description of the issue, process, system for this indicator.</p> <p>(2) 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).</p> <p>(3) a description of the conditions youth must meet to graduate with a regular diploma.</p> <p>(4) a description of how graduation rates are calculated and a description of what the percentages listed in the measurable and rigorous targets represent.</p> <p>(5) A description of what the percentages listed in the targets represent.</p> <p>Failure to include these data will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>The State should also review its activities to determine if additional activities are needed, or if the activities need to be revised or modified, to have the desired effect.</p>

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<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>resources will be identified, in collaboration with the stakeholders, to improve State performance on this indicator and to reach the levels of performance for delineated targets.</p> <p>(1) The State did not provide a baseline data for 2004-2005 for this indicator.</p> <p>(2) While the State submitted an overview that describes a transition council, "that assists Rhode Island Department of Education (RIDE) in meeting the SPP expectations," it does not describe the "process or system" for this indicator.</p> <p>(3) The discussion of baseline data does not include a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs. The State indicated that districts report drop-out rates as part of the special education census reporting process and that graduation rates are calculated for children with and without disabilities in the same manner. However, the State did not provide a definition of dropout.</p> <p>(4) The State provided targets for this indicator as percentages, but did not provide a description in the target as to what the percentages represent.</p> <p>Improvement activities describe a Peer Review Process, a Commissioners Review, and implementation of the Rhode Island Diploma System. However, it is not clear how these activities will impact the drop-out rate for students with disabilities and that the State would be able to either measure whether and when the activities were completed, the impact of those activities on performance, or to determine whether the activities would be sufficient to enable the State to meet its targets. RIDE states on page 98 of the SPP that activities, timelines and resources will be identified to improve State performance on this indicator and to reach the levels of performance for delineated targets.</p>	<p>In the FFY 2005 APR, due February 1, 2007, the State must provide the following:</p> <p>(1) 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);</p> <p>(2) an overview or description of the issue, process, system for this indicator.</p> <p>(3) a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs. If there is a difference, RIDE must explain why; and</p> <p>(4) a description of what the percentages listed in the measurable and rigorous targets represent.</p> <p>Failure to include this information in the APR may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>The State should also review its activities to determine if additional activities are needed, or if the activities need to be revised or modified, to have the desired effect.</p>

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<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. (20 U.S.C. 1416 (a)(3)(A))</p>	<p><b>Noncompliance – See Table B.</b></p> <p><b>Other:</b> The State provided data regarding participation and performance on the alternate assessment measured against alternate achievement standards conducted in grades 3-8. However the percentage proficient in the English/Language Arts (ELA) and Mathematics was aggregated, rather than disaggregated.</p>	<p>The requirements regarding reporting on alternate assessments have been in effect since July 1, 2000. Under 34 CFR §300.138 and 20 U.S.C. 1412(a)(16) (effective July 1, 2005), States must ensure the public reporting of participation and performance on State and district-wide assessments with the same frequency and detail as reported on assessments of children without disabilities. The State must include this information in the APR, due February 1, 2007. Failure to include this information in the APR may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</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. (20 U.S.C. 1416(a)(3)(A); 1412(a)(22))</p>	<p><b>Noncompliance – See also Table B.</b></p> <p><b>Other:</b> <b>4A.</b> The State reported that 18.9% of LEAs had significant discrepancies in the rates of suspensions and expulsions of children with disabilities for more than 10 days in a school year. While the State indicated it will be "working with data" and districts will receive "priority attention," the State did not indicate that it conducts a review of policies, procedures and practices in the districts that reported discrepancies.</p> <p><b>4B.</b> No plan for data collection was provided. The Rhode Island Department of Education (RIDE) indicated that it is contracting with an agent to develop a plan for data collection and baseline targets will be reported in the APR due February 1, 2007. OSEP is unable to determine whether RIDE will be able to submit the</p>	<p>The State must include information in the APR, due February 1, 2007 regarding how it reviewed and, if appropriate, revised its 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.</p> <p>The State must ensure that any activities or strategies regarding indicator 4B 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</p>

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<p><b>Indicator 6:</b> Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings). (20 U.S.C. 1416(a)(3)(A))</p>	<p>required data by the submission of the APR, due February 1, 2007.</p> <p>The State did not provide baseline data in the SPP in response to this indicator because RIDE's data is not accurately aligned with the current Federal definition of least restrictive placements. RIDE provided a timetable for developing new placement categories that align with the Federal definitions and for collecting the required data by Fall-Winter 2006.</p>	<p>information and data in the FFY 2005 APR may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</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 in 2007 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. (20 U.S.C. 1416(a)(3)(A))</p>	<p>An evaluation of the sampling plan for indicator 8 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>
<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>The State did not provide baseline data in the SPP in response to this indicator. The State indicated that an integrated data system between Part C (Department of Human Services) and Part B (Department of Education) does not exist; however, recently an interagency agreement was developed and signed. The agreement will enable the Part C program to release the names of children that participated in Early Intervention and who were referred to the school district for determination of eligibility for special education services. The State expects to have data in the future on the number of children referred by Part C whose IEPs were developed and implemented by their third birthdays. The State also acknowledged the need to develop additional data systems to account for children who were referred to the LEA, but</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 in 2007 of the State's status under section 616(d) of the IDEA.</p>

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<p><b>Indicator 13:</b> 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. (20 U.S.C. 1416(a)(3)(B))</p>	<p>determined to not be eligible for services.</p> <p>The State did not provide a plan for collection of the required baseline data in the SPP in response to this indicator. The State reported that it is examining collection options through monitoring or through special education census reporting.</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 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 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><b>Noncompliance – See Table B.</b></p> <p><b>Other:</b> The State did not provide baseline data in the SPP in response to 15C. On page 61 of the revised SPP, dated January 20, 2006, the State indicated that the SEA complaint system is not used to identify the noncompliance indicated in 15C.</p> <p>According to the instructions for this Indicator, the State was required to provide a description for how districts are selected for monitoring. RIDE provided a website where the description can be found, but OSEP was unable to find information on the website regarding how districts are selected for monitoring.</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 in 2007 of the State's status under section 616(d) of the IDEA.</p> <p>The State must also include in the APR a description of how districts are selected for monitoring.</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><b>Noncompliance – See Table B.</b></p> <p><b>Other:</b> The State submitted an overview indicating that, "the system is consistent with Federal regulations;" however, it did not provide an overview of issue/description of system or process.</p>	<p>The State must provide, in the FFY 2005 APR, due February 1, 2007, an overview of the issue or a description of the process or system for this indicator.</p>

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<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>The State submitted an overview indicating that, "the system is consistent with Federal regulations," however it did not provide an overview of issue/description of system or process.</p>	<p>The State must provide, in the FFY 2005 APR, due February 1, 2007, an overview of the issue or a description of the system or process for this indicator.</p>
<p><b>Indicator 19:</b> Percent of mediations held that resulted in mediation agreements. (20 U.S.C. 1416(a)(3)(B))</p>	<p>(1) The State did not include an overview of issue/description of system or process. (2) The State provided targets for this indicator as percentages, but did not describe what the percentages represent.</p> <p>The State described one improvement activity, to "provide mediator training as needed." While the State included an activity, with a timeline and resources, it is unclear to OSEP that the State would be able to either measure whether and when the activity is completed, the impact of that activity on compliance, or to determine whether the activity would be sufficient to enable the State to meet its targets.</p> <p>The State indicated that it had submitted the APR and SPP data in a timely manner. In addition, all State-reported data (under section 618 of the IDEA) are 100% accurate, but not submitted to WESTAT in a timely manner.</p>	<p>In the FFY 2005 APR, due February 1, 2007, the State must provide the following:</p> <ol style="list-style-type: none"> <li>(1) an overview of issue/description of system or process for this indicator.</li> <li>(2) a description of what the percentages listed in the targets represent.</li> </ol> <p>The State should also review its activity to determine if additional activities are needed, or if the activity needs to be revised or modified, to have the desired effect.</p>
<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>The State indicated that it had submitted the APR and SPP data in a timely manner. In addition, all State-reported data (under section 618 of the IDEA) are 100% accurate, but not submitted to WESTAT in a timely manner.</p>	<p>Failure to report data described in this indicator in a timely manner may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>