

Table A – Part B
Issues Identified in the Texas State Performance Plan

SPP Indicator	Issue	Required Action
<p>Indicator 3: Participation and performance of children with disabilities on statewide assessments:</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>(20 U.S.C. 1416(a)(3)(A))</p>	<p>The State did not provide any data on the number of children who took regular assessments with accommodations.</p>	<p>The State needs to provide all required data in the APR due February 1, 2007. Failure to provide required data at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p>Indicator 4: 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))</p>	<p>Noncompliance: 4A See Table B</p>	

SPP Indicator	Issue	Required Action
<p>Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. (20 U.S.C. 1416(a)(3)(C))</p>	<p>Noncompliance: See Table B</p>	
<p>Indicator 12: 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>Noncompliance: The State reported that it does not have a data collection system to accurately report the data for indicator 12 in the SPP, specifically the requirement at 34 CFR §300.132.</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>
<p>Indicator 15: 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>Noncompliance: The State reported 97.3% level of compliance for indicator 15 in the SPP, specifically the requirement at 34 CFR §300.600. 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. Also see 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>

SPP Indicator	Issue	Required Action
<p>Indicator 16: 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>Noncompliance: The State reported 7.6% level of compliance for indicator 16 in the SPP, specifically the requirement at 34 CFR §300.661(a), regarding the timeliness of complaints.</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>