

UTAH

Table A – Part B

Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<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. (20 U.S.C. 1416 (a)(3)(A))</li> </ul>	<p>An evaluation of the sampling plan on pages 45-46 of the SPP for indicator 7 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 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>
<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 on pages 47-48 of the SPP 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 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>

SPP Indicator	Issue	Required Action
<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><b>Noncompliance: See Table B</b> <b>Other:</b> The Utah State Office of Education (USOE) did not report all required data for this indicator. In addition, the State did not use all the required measurements in reporting its baseline data for this indicator. Specifically, on page 61 of the SPP, the State did not use 2004-2005 data for reporting on the number of children served in Part C and referred to Part B for eligibility determination. Also, the State did not use 2004-2005 data in reporting on measurement b--those children referred and determined not eligible and whose eligibilities were determined prior to their third birthdays. The State did not specify the number of children whose eligibilities were determined prior to their third birthdays.</p>	<p>The State must include all required data and calculations in reporting its performance on this indicator in the APR due February 1, 2007. The State must include 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 this information at that time may affect OSEP's determination of the State's status under section 616(d) of IDEA.</p>
<p><b>Indicator 14:</b> 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. (20 U.S.C. 1416(a)(3)(B))</p>	<p><b>Other:</b> An evaluation of the sampling plan on pages 61-66 of the SPP for indicator 14 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 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>

SPP Indicator	Issue	Required Action
<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:</b>            In the SPP and in an Addendum (<u>Utah's Response to Issues of Compliance and Special Conditions</u>), the State reported a 61% level of compliance with indicator 15 in the SPP, specifically the requirement at 34 CFR §300.600 and 20 U.S.C. 1232d (b)(3)(E) regarding the identification and timely correction of noncompliance.</p>	<p>The State must ensure that this noncompliance is corrected. 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, due February 1, 2007, 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>