

Table B Chart –Washington Part B

Previously-Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p><u>Indicator 6- Preschool LRE</u></p> <p>OSEP’s September 29, 2005 letter, responding to Washington’s FFY 2003 APR, required Washington to provide data and analysis in the SPP, documenting progress toward compliance regarding insuring that placement decisions for preschool children were made on an individual basis, in accordance with applicable regulations.</p>	<p>Data on page 2 of indicator 6 showed that 36% of children, aged 3-5, received special education services in settings with typically developing peers.</p>	<p>The State submitted responsive data in the SPP.</p> <p>The State also provided strategies, activities and resources designed to expand placement options for preschool children with disabilities.</p>	<p>No further action is required.</p>
<p><u>Indicator 15-Identification and Correction of Noncompliance</u></p> <p>OSEP's February 28, 2005 letter, responding to Washington's FFY 2002 APR, and the February 28, 2005 letter, reporting the results of its verification visit to Washington, required the State to submit a plan for correcting noncompliance identified through monitoring, involving individual children with disabilities, within one year of identification, in the FFY 2003 APR and demonstrate full correction of this noncompliance as soon as possible, but not later than thirty days following one year from approval of the plan. In the FFY 2003 APR, the State included strategies, proposed evidence of change, targets and timelines designed to ensure correction of this noncompliance as soon as possible, not to exceed one year from identification, as required in the February 2005 letters.</p> <p>OSEP’s September 29, 2005 responding to Washington's FFY 2003 APR, accepted this plan and required the State to include data and analysis documenting progress toward compliance in the SPP and provide a final report, including data and analysis demonstrating compliance as soon as possible, but no later than thirty days following one year from the date of that letter (October 29, 2006). (20 U.S.C. §1232d(b)(3)(E); 20 U.S.C. §1412(a)(11) and 34 CFR §300.600(a)(2)(ii)).</p>	<p>Data on page 11 of indicator 15 in the SPP showed that a total of 1,019 files were reviewed across 73 school districts in the 2004-2005 monitoring cycle. A total of 10.7% (109) of the files reviewed required child-specific correction of noncompliance, within one year of identification. Of the 109 files identified for child-specific correction of noncompliance, 22.0% (24 files) contained issues that involved the provision of related services and 32.1% (35 files) contained issues in the area of secondary transition. The one-year timeline for correction had not expired on the files identified for correction. Each finding has a specific timeline; however, the deadline for correction of noncompliance for the monitoring cycle is August 29, 2006.</p>	<p>The State provided data that demonstrate progress toward compliance.</p>	<p>The State must review and, if necessary revise, its improvement strategies 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>

Issue	State Submission	OSEP Analysis	Required Action
<p><u>Indicator 15: Correction of Noncompliance Related to Transition Meetings</u></p> <p>OSEP's February 28, 2005 letter, responding to Washington's FFY 2002 APR, and OSEP's September 29, 2005 letter, responding to Washington's FFY 2003 APR, required Washington to submit documentation of compliance no later than March 30, 2006, with the requirement that students with disabilities are invited to IEP meetings when the purpose of the meeting is the consideration of transition services, and that representatives of other agencies that are likely to be responsible for providing, or paying for, transition services are routinely invited to IEP meetings (34 CFR §300.344(b)). This finding was originally made in OSEP's December 22, 1999 Monitoring Report. OSEP could not determine whether Washington made progress in this area, based on the information submitted in its FFY 2003 APR and requested, in the September 29, 2005 letter, that the State submit documentation of progress toward compliance in the SPP, with a final report documenting compliance not later than March 30, 2006.</p>	<p>On page 4 of indicator 14 in the SPP, the State reported transition files were reviewed for 236 students with disabilities during the monitoring visits conducted in 2004-2005. Of these 236 students, 209 (88.6%) were invited to the IEP team meeting that included transition.</p> <p>Washington ensures that representatives of other agencies likely to be responsible for providing, or paying for, transition services are routinely invited to IEP meetings and on page 4 of indicator 14, stated that each district must describe its plan to connect students with adult agencies. In addition, data on page 2 of indicator 14 showed that of 2,962 youth and families contacted for follow-up telephone surveys after graduation, 2,122 (74%) identified an agency on the IEP that was invited to the IEP meeting with which the family connected after graduation.</p>	<p>In the SPP, the State provided data that document progress toward compliance.</p>	<p>Washington must demonstrate full compliance with this requirement by March 30, 2006. Failure to provide data demonstrating compliance at that time may result in the State being identified as a "high-risk" grantee or may otherwise affect the State's FFY 2006 grant award.</p>
<p><u>Indicator 15: Correction of Noncompliance related to Services for Children with Behavioral Disorders</u></p> <p>OSEP's February 28, 2005 letter, responding to Washington's FFY 2002 APR, and the September 29, 2005 letter, responding to Washington's FFY 2003 APR, required Washington to submit documentation of compliance, no later than March 30, 2006 regarding whether children in need of specially-designed instruction for behavior disorders receive required services despite personnel shortages, and whether children in need of psychological counseling services are receiving those services in accordance with their IEPs, at no cost to the parents (34 CFR §300.300(a)(3)). This finding was originally made in OSEP's December 22, 1999 Monitoring Report. OSEP required Washington to submit a Progress Report in the FFY 2003 APR.</p>	<p>None.</p>	<p>OSEP's February 28, 2005 letter required Washington to provide a report documenting progress toward compliance in the FFY 2003 APR. OSEP's September 29, 2005 letter, responding to the FFY 2003 APR, indicated that OSEP was unable to determine whether Washington had made progress in these areas; however, Washington was required by the September 2005 letter to demonstrate compliance no later than March 30, 2006.</p>	<p>Washington must demonstrate full compliance with this requirement by March 30, 2006. Failure to provide data demonstrating compliance at that time may result in the State being identified as a "high-risk" grantee or may otherwise affect the State's FFY 2006 grant award.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p><u>Indicator 16-Complaint Timelines</u></p> <p>OSEP's February 28, 2005 letter required that the State include data and analysis in its FFY 2003 APR on progress toward compliance with the requirement that complaints are resolved within 60 days from the date the complaint was filed, unless the timeline was extended due to exceptional circumstances with respect to a particular complaint, with a final report to OSEP demonstrating compliance in this area not later than March 30, 2006 (34 CFR §300.661(a)(4) and (b)).</p>	<p>In the FFY 2003 APR, Washington reported on its progress toward compliance with requirements for issuance of timely complaint decisions. Data in Attachment 1 to the SPP indicate that during FFY 2004, complaints were completed 96.5% of the time within required or extended timelines.</p>	<p>The State reported a 96.5% level of compliance with the requirement at 34 CFR §300.661(a)(4) and (b). While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>
<p><u>Indicator 17- Due Process Hearing Timelines</u></p> <p>OSEP's February 28, 2005 letter, responding to Washington's FFY 2002 APR, required Washington to report data and analysis documenting progress in the FFY 2003 APR, with a final report documenting compliance no later than March 30, 2006, with the requirement that decisions in due process hearings are issued no later than 45 days after the receipt of a request for a hearing, unless the hearing officer grants a specific extension of time, at the request of either party (34 CFR §300.511 (a) and (c)).</p>	<p>In Attachment 1, on page 14 of the FFY 2003 APR, data indicated there were 158 hearing requests, 29 hearings held, seven decisions issued within the timeline, and 19 decisions issued within a timeline extended under 34 CFR §300.511(c). Washington indicated that, in FFY 2003, 26 of the 29 fully adjudicated decisions were issued within the 45-day timeline, or with documented, appropriate extensions. The State also identified the strategies it implemented to ensure timely issuance of due process hearing decisions. Data in Attachment 1 to the SPP indicated that due process hearings were completed within required timelines, 85.7% of the time (28 hearings – 24 completed within required timelines).</p>	<p>The data demonstrate a slight decrease in hearings completed within required timelines, from 89.7% to 85.9%. The data demonstrate continuing noncompliance with the requirement regarding timely issuance of due process hearing decisions (34 CFR §300.511(a) and (c)).</p>	<p>Washington must ensure that it is implementing its improvement strategies to enable the State to demonstrate full compliance with this requirement by March 30, 2006. Failure to demonstrate full compliance at that time may result in the State being identified as a "high-risk" grantee or may otherwise affect the State's FFY 2006 grant award.</p>