

### Kansas Part B SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
<b>Monitoring Priority: FAPE in the LRE</b>		
<p>1. 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.</p> <p>[Results Indicator]</p>	<p>The Kansas Department of Education’s (KSDE) FFY 2005 reported data for this indicator are 85.7%. This represents slippage from the State’s FFY 2004 reported data of 87.1%. The State did not meet its FFY 2005 target of 86.7%.</p>	<p>The KSDE revised its baseline to reflect finalized FFY 2004 data. The baseline originally submitted for FFY 2004 was 86.7%. Additionally, the KSDE revised its targets, and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>2. 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.</p> <p>[Results Indicator]</p>	<p>The KSDE’s FFY 2005 reported data for this indicator are 1.67%. This represents slippage from the State’s FFY 2004 reported data of 1.5%. The State did not meet its FFY 2005 target of 1.5%.</p>	<p>The KSDE revised its baseline to reflect finalized FFY 2004 data. The baseline originally submitted for FFY 2004 was 1.4%. Additionally, the KSDE revised its targets, and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The KSDE provided data that indicated that the State dropout average for all students increased. The KSDE conducted a district-by-district analysis of dropout rates and modified the criteria by which a district will be flagged on its District Status Report.</p> <p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State’s minimum “n” size 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;</p>	<p>3A. The KSDE’s FFY 2005 reported data for this indicator are 87.6%. The KSDE met its FFY 2005 target of 83.7%.</p> <p>3B. The KSDE’s FFY 2005 reported data for this indicator are 97.2%. This represents slippage from the State’s FFY 2004 reported data of 99.2%.</p>	<p>The State revised its targets for 3B and OSEP accepts those revisions.</p> <p>The State met its targets for 3A and 3C and OSEP appreciates the State’s efforts to improve performance.</p>

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<p>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.</p> <p>[Results Indicator]</p>	<p>The KSDE did not meet its FFY 2005 target of 100%.</p> <p>3C. The KSDE's FFY 2005 reported data for this indicator are 58.3% in reading and 52.1% in math. The KSDE met its FFY 2005 targets of 52.5% in reading and 46.8% in math.</p>	
<p>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>[Results Indicator]</p>	<p>The KSDE's FFY 2005 reported data for this indicator are 1.00%. The KSDE met its FFY 2005 target of 1.99%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State identified significant discrepancies but did not describe how the State reviewed, and if appropriate revised (or required the affected LEAs to revise) 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 compliance with the IDEA, as required by 34 CFR §300.170(b). In its FFY 2006 APR, the State must describe the review, and if appropriate revision, of 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 compliance with the IDEA for: (1) the LEAs identified as having significant discrepancies in the FFY 2005 APR; and (2) the LEAs identified as having significant discrepancies in the FFY 2006 APR. (The review for LEAs identified in the FFY 2006 APR may occur either during or after the FFY 2006 reporting period, so long as the State describes that review in the FFY 2006 APR.)</p>
<p>4. Rates of suspension and expulsion:</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>[Results Indicator; New]</p>		<p>Based upon our preliminary review of all State submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this</p>

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		<p>year's submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that States immediately cease using Indicator 4B measurements and targets, unless they are based on a finding of inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p>
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>5A. The KSDE's FFY 2005 reported data for this indicator are 59.30%. The KSDE met its FFY 2005 target of 55.58%.</p> <p>5B. The KSDE's FFY 2005 reported data for this indicator are 8.12%. The KSDE met its FFY 2005 target of 10.5%.</p> <p>5C. The KSDE's FFY 2005 reported data for this indicator are 2.44%. The KSDE met its FFY 2005 target of 2.92%.</p>	<p>The State met its targets and OSEP appreciates the State's efforts to improve performance.</p>
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	<p>The KSDE's FFY 2005 reported data for this indicator are 37.7%. This represents slippage from the State's FFY 2004 reported data of 42.16%. The KSDE did not meet its FFY 2005 target of 45%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>Please note that, due to changes in the 618 State-reported data collection, this indicator will change for the FFY 2006 APR, due February 1, 2008. States will be required to describe how they will collect valid and reliable data to provide baseline and targets in the FFY 2007 APR, due February 1, 2009.</p>
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p>	<p>The KSDE provided entry data.</p>	<p>The KSDE reported the required entry data and activities. The State must provide progress data and improvement activities with the FFY 2006 APR,</p>

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<p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator; New]</p>		<p>due February 1, 2008.</p>
<p>8. 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.</p> <p>[Results Indicator; New]</p>	<p>The KSDE provided FFY 2005 baseline data of 33%.</p>	<p>The KSDE provided baseline data, targets and improvement activities. However, the State did not submit a copy of the survey they are using to collect the data. The KSDE must provide the required documentation in the FFY 2006 APR due February 1, 2008.</p>
<b>Monitoring Priority: Disproportionality</b>		
<p>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.</p> <p>[Compliance Indicator; New]</p>	<p>The State identified 0% of districts with disproportionate representation.</p>	<p>Because the State reviewed the data and determined that no district had disproportionate representation, it did not have to determine whether identified disproportionate representation was the result of inappropriate identification. However, the State did include its process for determining, if disproportionate representation were to occur, whether disproportionate representation was the result of inappropriate identification.</p> <p>While not required under Indicator 9, the State indicated that it is reviewing the LEA's policies, procedures, and practices before requiring the LEA to reserve the maximum amount for early intervening services. This represents noncompliance with 34 CFR §300.646(b)(2), which requires that if the State determines that significant disproportionality is occurring in an LEA, the State must require the LEA to reserve the maximum amount for early intervening services, regardless of the result of the review of the LEA's policies, practices, and procedures. Because the State provided information in its FFY 2005 APR that indicates noncompliance with 34 CFR §300.646(b)(2), the State must demonstrate in its FFY 2006 APR that this noncompliance has been corrected. To correct this noncompliance the State must demonstrate, in its FFY 2006 APR, that it requires an LEA to reserve</p>

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		the maximum amount of its Part B allocation for early intervening services when it is determined that significant disproportionality is occurring in the LEA, as required by 34 CFR §300.646(b)(2).
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator; New]</p>	<p>The KSDE reported FFY 2005 baseline data of 0.7%.</p>	<p>The State identified 0.7% of districts with disproportionate representation in specific disability categories that was the result of inappropriate identification. OSEP looks forward to reviewing data and information in the FFY 2006 APR, due February 1, 2008, that demonstrates that the State has in effect policies and procedures that prevent the inappropriate overidentification or disproportionate representation of racial and ethnic groups in specific disability categories, as required by 34 CFR §300.173. Additionally, the State must include data and information that demonstrates that the LEAs identified in the FFY 2005 APR as having disproportionate representation that was the result of inappropriate identification are in compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201 and 300.301 through 300.311.</p> <p>While not required under Indicator 10, the State indicated that it is reviewing the LEA's policies, procedures, and practices before requiring the LEA to reserve the maximum amount for early intervening services. See Indicator 9 for the required actions.</p>
<b>Monitoring Priority: Effective General Supervision</b>		
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).</p> <p>[Compliance Indicator; New]</p>	<p>The KSDE provided FFY 2005 baseline data of 98.4%.</p>	<p>The State provided baseline data, targets and improvement activities. The State reported data based on a State-established timeline within which the evaluation must be completed.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirements 34 CFR §300.301(c)(1), including correction of the noncompliance identified in FFY 2005.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The KSDE's FFY 2005 reported data for this indicator are 72%. However, the State neglected to subtract the children for whom parent refusals to consent caused</p>	<p>The State revised its improvement activities for this indicator, and OSEP accepts those revisions.</p> <p>In calculating the data for this indicator the KSDE neglected to subtract the children for whom parent refusals to consent caused delays in the evaluation. Since the KSDE provided the raw data OSEP was able to recalculate it</p>

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	<p>delays in the evaluation. The actual performance should have been reported at 79% when calculated correctly. This represents progress from their FFY 2004 reported data 61%. The KSDE did not meet its FFY 2005 target of 100%.</p> <p>The State addressed correction, but did not demonstrate that correction had occurred.</p>	<p>correctly.</p> <p>OSEP's February 16, 2006 FFY 2004 SPP response letter required the KSDE to include in the February 1, 2007 APR data demonstrating compliance for Indicator 12 in the SPP, specifically the requirement at 34 CFR §300.132 that IEPs are developed and implemented by their third birthdays for children referred by Part C prior to age 3, who are found eligible for Part B. In the 2005 SPP the State provided information on the steps it has taken to correct the noncompliance previously reported. Based on the FFY 2004 data, the State notified districts on March 28, 2006 of the need to correct noncompliance within a year of that notification. Although the State has initiated steps to correct the noncompliance, its process is not providing for timely correction, because of the delay in when districts are being notified of problems.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirements of 34 CFR §300.124, including correction of noncompliance identified in FFY 2005 and FFY 2004.</p>
<p>13. 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.</p> <p>[Compliance Indicator; New]</p>	<p>The KSDE reported FFY 2005 baseline data of 83%.</p>	<p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirements of 34 CFR §300.320(b), including data demonstrating correction of noncompliance identified in FFY 2005.</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator; New]</p>	<p>The KSDE provided a plan that describes how data will be collected.</p>	<p>The KSDE provided a plan that describes how data will be collected. The KSDE must provide baseline data, targets, and improvement activities with the FFY 2006 APR, due February 1, 2008.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon</p>	<p>The KSDE's FFY 2005 reported data for this indicator are 100%. However, in</p>	<p>Although the State reported in this indicator that 100% of noncompliance identified in FFY 2004 was corrected within one year of identification, in Indicator 12 the State reported that it did not require corrective action from</p>

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<p>as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>Indicator 12 the State acknowledged that noncompliance from FFY 2004 had not been corrected. The State did not meet its target of 100%.</p>	<p>districts for noncompliance regarding transition from Part C to Part B services until nine months after the close of the FFY 2004 year, and that correction had not yet occurred. This practice is not consistent with the State's obligation to ensure timely correction of identified noncompliance.</p> <p>The State must review its improvement strategies and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600, including data on the correction of outstanding noncompliance identified in FFY 2004. In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 9, 10, 11, 12, and 13, specifically identify and address the noncompliance identified in this table under those indicators.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The KSDE's FFY 2005 reported data for this indicator are 100%. The KSDE met its FFY 2005 target of 100%.</p>	<p>OSEP's February 16, 2006 FFY 2004 SPP response letter required the KSDE to include in the February 1, 2007 APR data demonstrating that the KSDE is in compliance with the requirement at 34 CFR §300.661 (now 34 CFR §300.152) to resolve formal, written complaints within 60 days of receipt. The State submitted data demonstrating timely correction and compliance with this requirement.</p> <p>OSEP appreciates the State's efforts in achieving compliance and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR §300.152.</p>
<p>17. 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.</p> <p>[Compliance Indicator]</p>	<p>The KSDE's FFY 2005 reported data for this indicator are 100%. The KSDE met its FFY 2005 target of 100%.</p>	<p>OSEP appreciates the KSDE's efforts in achieving compliance and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR §300.515(a).</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through</p>	<p>The KSDE reported FFY 2005 baseline data of 35%.</p>	<p>The KSDE provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p>

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<p>resolution session settlement agreements.</p> <p>[Results Indicator; New]</p>		
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The KSDE's FFY 2005 reported data for this indicator are 88%. The KSDE met its FFY 2005 target of 75%.</p>	<p>The State met its targets and OSEP appreciates the KSDE's efforts to improve performance.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The KSDE's FFY 2005 reported data for this indicator are 100%. The KSDE met its FFY 2005 target of 100%.</p>	<p>OSEP appreciates the KSDE's efforts in achieving compliance and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008 that continue to demonstrate compliance with the requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>