

### Minnesota Part B FFY 2005 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 State's FFY 2005 reported data for this indicator are 82.43%. The State met its FFY 2005 target of 81.95%.</p>	<p>OSEP's March 13, 2006 SPP response letter required the State to include in the FFY 2005 APR, due February 1, 2007, a narrative describing the conditions that youth must meet in order to graduate with a regular diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular diploma (with an explanation of why they are different). The State included the required data and information in the APR.</p> <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</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 State's FFY 2005 reported data for this indicator are 4.89%. This represents slippage from the State's FFY 2004 data of 4.6%. The State did not meet its FFY 2005 target of 4.55%.</p>	<p>The State revised the 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>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>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 76.3%. This represents slippage from the State's FFY 2004 data of 79.5%. The State did not meet its FFY 2005 target of 79.5%.</p>	<p>The State revised the improvement activities for Indicator 3, and OSEP accepts those revisions.</p> <p>OSEP's March 13, 2006 SPP response letter required the State to include updated data from FFY 2005 (July 1, 2005 - June 30, 2006) for Indicator 3A, and recommended that the State review the targets it set in the SPP for Indicator 3A in light of those updated data, and determine whether it was appropriate to revise the targets. The State reviewed the data for FFY 2004 and FFY 2005 and determined that revisions to the targets were not necessary.</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</p>	<p>The State reported FFY 2005 data by grade and content</p>	<p>The State met its target and OSEP appreciates the State's efforts to improve</p>

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<p>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>[Results Indicator]</p>	<p>areas for this indicator. The State's overall participation data for FFY 2005 are 97.5%. The State met its FFY 2005 target of 95% for both content areas in all grades.</p>	<p>performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State's reported FFY 2005 data for overall math proficiency are 52.6% and overall reading proficiency are 60.4%, with an overall proficiency rate of 56.6%. The State met its target for math proficiency in grade 3 and reading proficiency in grade 4. It did not meet its FFY 2005 targets in reading or math in the other grades for Indicator 3C.</p> <p>The data represent progress in math in grades 3, 5, and 7, and slippage in math in grades 8 and 11. The data represent progress in reading in grades 3, 5, 7 and 10.</p>	<p>The State revised the 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>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>The State's FFY 2005 reported data for this indicator are 1.25%. The State met its FFY 2005 target of 1.8%.</p> <p>Prior noncompliance not corrected.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 13, 2006 SPP response letter required the State to ensure that noncompliance with 34 CFR §300.146(b) (now 34 CFR §300.170(b)) was corrected and include documentation of the results of the State's review of policies, procedures and practices of the 12 districts identified by the State as having significant discrepancies in the rates of suspensions and</p>

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[Results Indicator]		<p>expulsions of children with disabilities, as required by 34 CFR §300.146(b) (now 34 CFR §300.170(b)). OSEP's March 13, 2006 SPP response letter also recommended that the State review, and if necessary revise, its improvement strategies to ensure that they would enable the State to include data in the FFY 2005 APR, due February 1, 2007, demonstrating compliance with the requirements of 34 CFR §300.146(b) (now 34 CFR §300.170(b)). The State did not address this outstanding noncompliance in its FFY 2005 APR.</p> <p>The State identified districts with significant discrepancies for FFY 2005, and reported that those districts must address any discrepancies and develop action plans to review their policies, procedures and practices in their self-review process as well as in traditional monitoring. Thus, the State indicated that it required affected LEAs to review, and if appropriate revise policies, procedures and practices, but did not indicate that the review, and if appropriate revision, covered policies, practices and procedures relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>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 2004 and FFY 2005 APRs; 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>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</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</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</p>

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<p>disabilities by race and ethnicity. [Results Indicator; New]</p>		<p>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 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: A. Removed from regular class less than 21% of the day; B. Removed from regular class greater than 60% of the day; or C. Served in public or private separate schools, residential placements, or homebound or hospital placements. [Results Indicator]</p>	<p>5A. The State's FFY 2005 reported data for this indicator are 60.4%. This represents progress from the FFY 2004 data of 60.32%. The State did not meet its FFY 2005 target of 61%.  5B. The State's FFY 2005 reported data for this indicator are 9.94%. This represents slippage from the FFY 2004 data of 9.58%. The State did not meet its FFY 2005 target of 9.55%.  5C. The State's FFY 2005 reported data for this indicator are 4.74%. The State met its FFY 2005 target of 5.4%.</p>	<p>The State revised its improvement activities. OSEP accepts these revisions. OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</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</p>	<p>The State's FFY 2005 reported data for this indicator are 50.5%. This represents progress from the FFY 2004</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,</p>

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part-time early childhood/part-time early childhood special education settings). [Results Indicator]	data of 48.9%. The State did not meet its FFY 2005 target of 58%.	2009.
7. Percent of preschool children with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator; New]	Entry data provided.	The State reported the required entry data and activities. The State must provide progress data and improvement activities in the FFY 2006 APR, due February 1, 2008.
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. [Results Indicator; New]	The State reported baseline data of 65.9%.	The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.  OSEP's March 13, 2006 SPP response letter required the State to include in its FFY 2005 APR, due February 1, 2007, a revised sampling methodology that described how data were collected, and explain how the State addressed the deficiencies in the data collection noted in OSEP's February 14, 2006 memorandum. The State submitted a revised sampling plan in December 2006. The sampling plan for this indicator is not technically sound. Please call your State Contact as soon as possible.
<b>Monitoring Priority: Disproportionality</b>		
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. [Compliance Indicator; New]	The State's FFY 2005 reported baseline data for this indicator are 2.9%.	The State provided targets at 0% and improvement activities. OSEP accepts the SPP for this indicator.  The State reported that it did not include data from charter schools in its calculation for Indicator 9. Because of the unique nature of each school's program, many charter schools in Minnesota enroll large numbers of students with specific racial groups and/or large proportions of students with IEPs. The State must include charter schools in its calculation of the percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate

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		<p>identification. When reporting data for Indicator 9, the State must only report those districts where the disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification. Accordingly, while a particular charter school may have a disproportionate percentage of a particular race or ethnic group in special education and related services, the State may conclude, after the required examination, that the disproportionate representation is not a result of inappropriate identification.</p> <p>In its FFY 2006 APR, the State must include charter schools when reporting on the percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification and must provide these data for both FFY 2005 and FFY 2006.</p> <p>The State identified 2.9% of districts with disproportionate representation of racial and ethnic groups in special education 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 demonstrate that the State has in effect policies and procedures that prevent the inappropriate overidentification or disproportionate representation by race or ethnicity of children as children with disabilities, as required by 34 CFR §300.173. Additionally, the State must include data and information that demonstrate 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>It appears to OSEP that the State may be confusing the terms “disproportionate representation” and “significant disproportionality.” Indicator 9 requires that States report on the percent of districts with <u>disproportionate representation</u> of racial and ethnic groups in special education and related services that is the result of inappropriate identification. The State used several different terms in Indicator 9 – “significant disproportionate representation,” “significant disproportionality,” “disproportionate representation” and “disproportionality.” For example, the State reported that LEAs with “significant disproportionate representation due to inappropriate identification” would have access to a team of facilitators to assist with</p>

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		<p>improvement plans. The State also reported that LEAs with “a weighted risk ratio of 2.8 or greater for two or more years will be subject to the mandatory set-aside of funds for Early Intervening Services as well as to a continued review and development of an action plan.”</p> <p>It is unclear to OSEP whether the State is identifying districts with a weighted risk ratio of 2.8 or greater for two or more years as having significant disproportionality. If this is the case, this represents noncompliance with 34 CFR §300.646(b)(2), because the State’s response to its determination of significant disproportionality is not in compliance with that provision. If the State determines that significant disproportionality is occurring in an LEA, the State must: (1) provide for the review (and, if appropriate) revision of policies, procedures, and practices; (2) require the LEA to reserve the maximum amount of funds to be used for early intervening services; and (3) require the LEA to publicly report on the revision of policies, procedures, and practices, even if the significant disproportionality is not the result of inappropriate identification.</p> <p>Furthermore, in making a determination of significant disproportionality under 34 CFR §300.646, a State may utilize numerical data collected over more than one year. However, in order to ensure compliance with 34 CFR §300.646, the State must make an annual determination of whether significant disproportionality based on race and ethnicity is occurring in LEAs with respect to identification, placement, and disciplinary actions.</p> <p>Because the State provided information in its FFY 2005 APR that indicates possible noncompliance with 34 CFR §300.646, the State must demonstrate in its FFY 2006 APR that it makes an annual determination of whether significant disproportionality based on race and ethnicity is occurring in LEAs with respect to identification, placement, and disciplinary actions, as required by 34 CFR §300.646. The State must also include, in its FFY 2006 APR, its definition of disproportionate representation and clarify whether the State has the same definition for significant disproportionality under 34 CFR §300.646 as it has for disproportionate representation.</p> <p>In addition, the State uses the term “disproportionality” in the target for this indicator. Given the confusion over terms for this indicator, OSEP recommends that the State revise the target to read: “The State will have 0% districts with disproportionate representation of racial and ethnic groups in special education and related services that is a result of inappropriate</p>

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		<p>identification.”</p> <p>Based on a determination by the State in its FFY 2003 APR that significant disproportionality based on race was occurring in the State with respect to the identification of children as children with disabilities, OSEP’s October 21, 2005 letter required the State to review and provide the results of the review (or submit a plan to conduct the review and ensure correction of noncompliance within one year from the date of OSEP’s letter) the policies, procedures, and practices used in the identification and placement of children with disabilities for those districts with data showing significant disproportionality in the identification of children with disabilities. In the December 2005 SPP, the State included its plan to conduct the review required by 34 CFR §300.755(b) (now 34 CFR §300.646(b)), but had not yet complied with that requirement when it submitted its SPP. OSEP’s March 13, 2006 SPP response letter required the State to include in the FFY 2005 APR documentation that demonstrated compliance with this requirement.</p> <p>In its FFY 2005 APR, the State reported on the review of the policies and procedures of districts identified “in the past” as having “‘significant’ or ‘concerns’ about disproportionate representation due to inappropriate identification.” The State also reported that, “for LEAs with corrective action plans (CAPs) related to nondiscriminatory evaluations for special education identification practices, the State has completed a review of LEA policies, procedures, and practices.” It is unclear to OSEP whether the “LEAs with CAPs” are the same districts identified in the State’s FFY 2003 APR. To resolve this issue, the State must submit in its FFY 2006 APR, due February 1, 2008, confirmation that the State has provided for the review of the policies, procedures, and practices used in the identification and placement of children with disabilities for the districts identified in the State’s FFY 2003 APR, and describe the results of that review.</p> <p>The State reported in its FFY 2005 APR that, in communicating with districts regarding “disproportional representation,” it is “emphasizing the need to examine practices for all student groups, with the goal of bringing racial proportions into balance.” As OSEP indicated in its August 17, 2004 FFY 2002 APR response letter, the use of such racial goals raises serious concerns under Federal civil rights laws and the United States Constitution, even when the goal or target is based on comparable numbers in the general population. In addressing disproportionate representation that is the result of</p>



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		<p>inappropriate identification and significant disproportionality, it is appropriate to look at policies, procedures and practices in the referral, evaluation, and identification and placement process to determine if they are educationally appropriate, consistent with the requirements of Part B, and race neutral. Limiting participation in programs on the basis of race would raise significant concerns under Federal civil rights laws and the United States Constitution. The State must revise this language in its SPP for Indicator 9 and submit the revised SPP to OSEP with its FFY 2006 APR, due February 1, 2008.</p>
<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 State's FFY 2005 reported baseline data for this indicator are 6.7%.</p>	<p>The State provided targets at 0% and improvement activities. OSEP accepts the SPP for this indicator.</p> <p>The State reported that it did not include data from charter schools in its calculation for Indicator 10. The discussion of this issue under Indicator 9 is applicable to Indicator 10. In its FFY 2006 APR, the State must include charter schools when reporting on the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories and must provide this data for both FFY 2005 and FFY 2006.</p> <p>The State identified 6.7% of districts with disproportionate representation of racial and ethnic groups 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 demonstrate that the State has in effect policies and procedures that prevent the inappropriate overidentification or disproportionate representation by race or ethnicity of children as children with disabilities, including children with disabilities with a particular impairment, as required by 34 CFR §300.173. Additionally, the State must include data and information that demonstrate that the LEAs identified in the FFY 2005 APR as having disproportionate representation of racial and ethnic groups in specific disability categories 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>It is unclear to OSEP whether the State's definition of disproportionate representation for Indicator 10 is the same as its definition of significant disproportionality. If this is the case, this represents noncompliance with 34 CFR §300.646(b)(2), for the same reasons discussed in Indicator 9. Because</p>

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		<p>the State provided information in its FFY 2005 APR that indicates possible noncompliance with 34 CFR §300.646, the State must demonstrate in its FFY 2006 APR that it makes an annual determination of whether significant disproportionality based on race and ethnicity is occurring in LEAs with respect to identification, placement, and disciplinary actions, as required by 34 CFR §300.646. The State must also include, in its FFY 2006 APR, its definition of disproportionate representation and clarify whether the State has the same definition for significant disproportionality under 34 CFR §300.646 as it has for disproportionate representation.</p> <p>In addition, the State uses the term “disproportionality” in the target for this indicator. Given the confusion over terms for this indicator, OSEP recommends that the State revise the target for Indicator 10 to read: “The State will have 0% districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.”</p> <p>Please see the discussion in Indicator 9 of OSEP’s October 21, 2005 letter, as that discussion is applicable to Indicator 10. Although the State reported in Indicator 10 in its FFY 2005 APR that districts identified in the past as having significant disproportionality were required to review policies, procedures and practices, the State did not report on whether the State had provided for the review required by 34 CFR §300.755(b) (now 34 CFR §300.646(b)) for the districts identified in the State’s FFY 2003 APR. To resolve this issue, the State must submit in its FFY 2006 APR, due February 1, 2008, confirmation that it has reviewed the policies, procedures, and practices used in the identification and placement of children with disabilities for those districts and describe the results of that review.</p> <p>The State reported similar goals for Indicator 10 concerning bringing racial proportions into balance. Please see the discussion of the State’s use of racial goals in Indicator 9, as that discussion is also applicable to Indicator 10. The State must revise this language in its SPP for Indicator 10 and submit the revised SPP to OSEP with its FFY 2006 APR, due February 1, 2008.</p>
<b>Monitoring Priority: Effective General Supervision</b>		
11. Percent of children with parental consent to evaluate, who were evaluated within 60 days	The State’s FFY 2005 reported baseline data for this	The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. The State reported data based on a

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<p>(or State established timeline). [Compliance Indicator; New]</p>	<p>indicator are 99.4%. The State's data for this indicator are not valid and reliable.</p>	<p>State-established timeline within which the evaluation must be conducted.</p> <p>The State's data for this indicator are not valid and reliable. The required measurement for this indicator is only for initial evaluations. The State provided data for this indicator on the timeliness of both initial evaluations and reevaluations. In the FFY 2006 APR, due February 1, 2008, the State must provide valid and reliable data that are consistent with the required measurement for this indicator.</p> <p>The State did not report data on the range of days of delay beyond the timeline and the reasons for the delays, and must also provide those data in the FFY 2006 APR. The State must also include in its calculation the number of children determined not eligible whose evaluations and eligibility determinations were completed within the State-established timeline in the FFY 2006 APR.</p> <p>While the State monitored Care and Treatment facilities during the 2005-06 school year, the State did not include data from these visits in the FFY 2005 APR, because the data collected were not maintained in the State's current database. It is unclear to OSEP why these data cannot be used for this indicator, even if they are not maintained in the State's database. In the FFY 2006 APR, due February 1, 2008, the State must provide the monitoring data from the Care and Treatment facilities for this indicator for FFY 2005, and recalculate its statewide FFY 2005 reported data. If the State believes that this calculation is not possible, the State must explain why the data collected from these monitoring visits cannot be included in its FFY 2005 data for this indicator.</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 §300.301(c)(1), including data demonstrating correction of 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. [Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%.</p>	<p>OSEP's March 13, 2006 SPP response letter required the State to include in the February 1, 2007 APR data from FFY 2005 (July 1, 2005 through June 30, 2006) that address the required measure for this indicator.</p> <p>The State included the required data in the APR.</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</p>

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		continue to demonstrate compliance with the requirements of 34 CFR §300.124.
<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 State's FFY 2005 reported data for this indicator are 85.7%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>While the State also monitored Care and Treatment facilities during the 2005-06 school year, data from these visits were not included in the calculations for this indicator, because the data collected were not maintained in the current database, and the State reported that the data were unusable for the purposes of this indicator. It is unclear to OSEP why these data cannot be used for this indicator, even if they are not maintained in the State's database. In the FFY 2006 APR, due February 1, 2008, the State must provide the monitoring data from the Care and Treatment facilities for this indicator for FFY 2005, and recalculate its statewide FFY 2005 reported data. If the State believes that this calculation is not possible, the State must explain why the data collected from these monitoring visits cannot be included in its FFY 2005 data for this indicator.</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 State provided a plan that describes how data will be collected.</p>	<p>The State provided a plan that describes how data will be collected. The State 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 as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 84.5%. This represents progress from the State's FFY 2004 reported data of 57.4% The State did not meet its FFY 2005 target of 100%.</p>	<p>The State revised its baseline data, targets, and improvement activities for this indicator. OSEP accepts those revisions.</p> <p>OSEP's March 13, 2006 SPP response letter required the State to include in its FFY 2005 APR data that demonstrate compliance with the requirements of 34 CFR §300.600 and 20 U.S.C. 1232d(b)(3). The State reported that, prior to 2005-06, its data on correction of noncompliance was an estimate based on the improvement in the number of citations identified involving</p>

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		<p>systemic noncompliance. However, the State now has in effect a system that tracks the correction of all noncompliance.</p> <p>The State provided data for this indicator indicating that 84.5% of noncompliance findings were corrected within one year of identification. However, it is unclear if the State is reporting findings made in 2004-05 and corrected in 2005-06 in a one-year timeframe, or findings made in 2005-06 and corrected in 2005-06 in a one-year timeframe. If the latter, the data may include findings whose one-year timeline has not expired.</p> <p>The State must clarify in the FFY 2006 APR, due February 1, 2008, whether its FFY 2005 reported data reflect findings made in 2004-05 and corrected in 2005-06 in a one-year timeframe, or findings made in 2005-06 and corrected in 2005-06 in a one-year timeframe. If the latter, the State must recalculate its FFY 2005 data so that they reflect findings made in 2004-05 and corrected in 2005-06 and submit those data with its FFY 2006 APR, due February 1, 2008.</p> <p>The State must also 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 in 20 U.S.C. 1232d(b)(3)(E), and 34 CFR §§300.149 and 300.600. 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 4A, 9, 10, 11, and 13, specifically identify and address the noncompliance identified in this table under those indicators.</p> <p>OSEP's March 13, 2006 SPP response letter also required the State to include in its FFY 2005 APR data that demonstrate correction of noncompliance related to the requirements of 34 CFR §§300.347(c) (now 34 CFR §300.320(c)) and 300.517 (now 34 CFR §300.520), regarding the transfer of rights at the age of majority. In the FFY 2005 APR, the State reported that State regulations require compliance with those requirements, and that it monitors for compliance with those requirements. The State did not, however, provide any data regarding its monitoring findings regarding compliance with those requirements, and must do so in the FFY 2006 APR, due February 1, 2008.</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
<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 State's FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%.</p>	<p>The State revised its improvement activities for this indicator. OSEP accepts this revision.</p> <p>OSEP's March 13, 2006, SPP response letter required the State to include in the February 1, 2007 APR data that demonstrate compliance with the requirement of 34 CFR §300.152.</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 show continuing 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 State's FFY 2005 reported data for this indicator are 75%. This represents slippage from the FFY 2004 data of 100%. The State did not meet its FFY 2005 target of 100%.</p>	<p>The State revised the improvement activities for this indicator in its SPP, and OSEP accepts those revisions.</p> <p>The State reported that there were four fully adjudicated hearings, one of which exceeded the extended timeline by three days. The small number of due process hearings adjudicated may disproportionately negatively impact the State's compliance rate for this indicator. While the State is required to ensure that all due process hearings are timely adjudicated, the State's compliance percentage for this indicator may not fully describe its compliance level.</p> <p>OSEP looks forward to the State's data demonstrating compliance in the FFY 2006 APR, due February 1, 2008.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 60%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State reported that the data used for this report came from its staff review of the State's Office of Administrative Hearings correspondence and orders, which mention the scheduling or results of resolution sessions. A more accurate data collection method is being developed for future reporting.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate improvement in performance.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 82.6%. This represents slippage from FFY 2004 data</p>	<p>The State revised its improvement activities for this indicator. OSEP accepts this revision.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February</p>

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	of 88%. The State did not meet its FFY 2005 target of 88%.	1, 2008, that demonstrate improvement in performance.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State's FFY 2005 reported data for this indicator are 100%.	The State's FFY 2005 reported data for this indicator are 100%. The State reports meeting its FFY 2005 target of 100%. The State must provide data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).