

New Hampshire Part B FFY 2005 SPP/APR Response Table

| Monitoring Priorities and Indicators | Status | OSEP Analysis/Next Steps |
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| Monitoring Priority: FAPE in the LRE | | |
| <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 did not report FFY 2005 target data.</p> <p>Data are not valid and reliable.</p> | <p>OSEP’s March 20, 2006 SPP response letter required the State to include FFY 2004 data in its FFY 2005 APR, due February 1, 2007. The State included the required baseline data and revised its targets and improvement strategies for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State reported that the FFY 2005 data for this indicator was not available at the time of submission. On March 30, 2007, the State submitted a revised APR, which included the required data.</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 State did not report FFY 2005 target data.</p> <p>Data are not valid and reliable.</p> | <p>OSEP’s March 20, 2006 SPP response required the State to include FFY 2004 data in its FFY 2005 APR, due February 1, 2007. The State included the required baseline and revised its targets and improvement strategies for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State reported that the FFY 2005 data for this indicator were not available at the time of submission. On March 30, 2007, the State submitted the revised APR, which included the required data.</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 2004 baseline was 42%. The FFY 2005 target is 42%. The State did not report FFY 2005 data.</p> | <p>The State’s FFY 2005 reported that data for this indicator are not available because there were no test results for elementary and middle students for the 2004-05 reporting period.</p> <p>A July 19, 2005 letter from the Secretary of the U.S. Department of Education acknowledges that the New England Common Assessment Program would move from a spring testing schedule to a fall testing schedule. Under the transition authority in section 4(c) of NCLB, the State was instructed to make adequate yearly progress for the 2004-05 school year by using only “the other academic indicators” included in the State accountability plan. The State reported that it is unable to make AYP</p> |

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| | | <p>determinations on the district level for 2004-05.</p> <p>OSEP's October 3, 2006 verification letter directed the State to submit in its APR, due February 1, 2008, documentation that the State had corrected noncompliance with the requirements of 20 U.S.C. 1412(a)(16)(A) and 34 CFR §§300.138, 300.139 and 300.347(a)(5) (now 34 CFR §§300.160 and 300.320(a)(6)), as they apply to districtwide assessments. The State reported in its SPP and APR that it had issued a memorandum directing districts to follow the same procedures for districtwide assessments as those required for statewide assessments. The State must report in its FFY 2006 APR, due February 1, 2008, on the results of monitoring on districtwide assessment requirements.</p> |
| <p>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>[Results Indicator]</p> | <p>The State's FFY 2005 reported data for this indicator are 97.24% for language literacy and 96.64% for mathematics. The State met its FFY 2005 target of 96.18%.</p> | <p>OSEP's October 3, 2006 verification letter directed the State to recalculate its baseline data for Indicator 3 regarding the number and percentage of children with disabilities who participated in statewide assessments, evaluate whether the targets need to be modified, and submit the corrected data in the APR, due February 1, 2007. The State recalculated its baseline and changed the targets for Indicator 3B. OSEP accepts these revisions.</p> <p>The State only reported data from grade 10 due to the unavailability of test data from elementary and middle schools (see Indicator 3A).</p> <p>The State must provide the required data in the FFY 2006 APR, due February 1, 2008.</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>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p> | <p>The State's FFY 2005 reported data for this indicator are 41.49% for reading. The State met its FFY 2005 target of 33.34% in reading.</p> <p>The State's FFY 2005 reported data for this indicator are 31.81% for mathematics. This represents slippage from FFY 2004 data in</p> | <p>The State only reported data from grade 10 due to the unavailability of test data from elementary and middle schools (see Indicator 3A).</p> <p>The State must provide the required data in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p> |

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| | <p>mathematics of 44.59%. The State did not meet its FFY 2005 target of 44.59% for mathematics.</p> <p>The State tested only grade 10 during this period due to a change in testing schedule.</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 State's FFY 2005 reported data for this indicator are 2.26%. The State met its FFY 2005 target of 2.8%.</p> | <p>In its SPP, the State revised its definition of significant discrepancy to include a minimum cell size and recalculated its FFY 2004 baseline data to 1.7%. OSEP accepts this revision.</p> <p>The State indicates in its SPP that when it identifies a district as having a significant discrepancy, it reviews, and if necessary requires the 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. However, in its FFY 2005 APR, 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. Failure to provide this information in the FFY 2006 APR will result in a finding of noncompliance under 34 CFR §300.170(b) and will be considered as part of OSEP's determination of the State's status under section 616(d) of the IDEA. (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>Based upon our preliminary review of all State submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently clear</p> |

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| <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>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 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>The State's FFY 2005 reported data for Indicator 5A are 76.3%. The State met its FFY 2005 target of 75.5%.</p> <p>The State's FFY 2005 reported data for Indicator 5B are 3.2%. The State met its FFY 2005 target of 3.3%.</p> <p>The State's FFY 2005 reported data for Indicator 5C are 4.3%. The State met its FFY 2005 target of 4.3%.</p> | <p>The State revised the baseline data for this indicator in its SPP and OSEP accepts those revisions. 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</p> | <p>The State's FFY 2005 reported data for this indicator are 56.31%. This represents progress from FFY 2004 data of 54.34%. The State did not</p> | <p>The State revised the baseline data 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.</p> |

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| childhood special education settings). [Results Indicator] | meet its FFY 2005 target of 59%. | 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. |
| 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. The State did not submit a definition of “comparable to same age peers” that was required to be included in the February 1, 2007 APR. The State must submit this information 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 70.5%. | The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. OSEP’s March 20, 2006 SPP response letter required the State, if OSEP had not previously approved the State’s sampling plan for this indicator, to include, in the February 1, 2007 APR, a revised sampling plan that describes how data were collected for FFY 2005. The State did not submit a revised sampling plan. Rather, the State distributed surveys to the districts that it was monitoring and asked the districts to distribute the surveys to parents. This is not a technically sound sampling plan. However, the State indicated in the SPP that it will move to census data in the 2006-07 year. The State must ensure that its FFY 2006 data submitted in the FFY 2006 APR, due February 1, 2008, is derived from census data, from a sampling plan approved by OSEP, or other method approved by OSEP. |
| Monitoring Priority: Disproportionality | | |
| 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. | The State provided baseline data of 0%. | The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. In reporting on disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate |

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| [Compliance Indicator; New] | | <p>identification, the State did not use the proper measurement.</p> <p>The State reported that it reviewed data for some, but not all race ethnicity categories present in the State. The State did not review data for race/ethnicity groups under 1% of the total State population, and the State did not analyze its data to determine whether there were any districts in the State with disproportionate representation of white students. Under 34 CFR §300.600(d)(3) a State may, in reviewing data for each race ethnicity category, do so in a statistically appropriate manner, and may set an “n” size that applies to all race and ethnic groups, but it must review data for all race ethnicity categories in the State and must do the analysis at the LEA level for all race and ethnic groups meeting that “n” size that are present in any of its LEAs. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3). To correct this noncompliance, the State, in its FFY 2006 APR, must describe and report on, its review of data and information for all race ethnicity categories in the State to determine if there is disproportionate representation that is the result of inappropriate identification for both FFY 2005 and FFY 2006.</p> <p>In addition, the State only provided data on overidentification of racial and ethnic groups in special education and related services. Indicator 9, pursuant to 34 CFR §300.600(d)(3), requires States to identify disproportionate representation, both overrepresentation and underrepresentation, of races and ethnicities in special education and related services. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3). To correct this noncompliance, the State must provide, in its FFY 2006 APR, information demonstrating that it has examined data for FFY 2005 and FFY 2006 for both overrepresentation and underrepresentation of races and ethnicities in special education and related services.</p> <p>The State also reported that it examines numerical data collected over three years before making a determination of disproportionate representation; however, the State will not have three year’s worth of data until FFY 2008. This represents noncompliance with section 616(a)(3)(C), and (b)(2)(C) of the IDEA and 34 CFR §300.600. In making a determination of disproportionate representation, a State may utilize numerical data collected over more than one year. However, in order to ensure compliance with section 616(a)(3)(C), and (b)(2)(C), and 34 CFR §300.600, the State must make an annual determination of the percent of districts with</p> |

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| | | <p>disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>The State must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification, and describe how the State made that determination (e.g., monitoring data, review of policies, practices and procedures, etc.). The State must also provide data, in its FFY 2006 APR, on the percent of districts identified in FFY 2006 with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification, and describe how the State made that determination, even if the determination occurs in the fall of 2007.</p> <p>Finally, 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 disproportionate representation 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 – <i>disproportionate representation</i>, <i>disproportionality</i>, <i>significant disproportionate representation</i>, and <i>significant disproportionality</i> (italics added).</p> <p>States have the discretion to define “disproportionate representation” and New Hampshire appears to define “disproportionate representation” in the same way it defines “significant disproportionality.” While this is permissible, it is important to note that under 34 CFR §300.646(b)(2), when a State identifies LEAs with significant disproportionality with respect to the identification, placement, or discipline of children as children with disabilities, 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>The State must include, in its FFY 2006 APR, its definition of</p> |

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| | | disproportionate representation and clarify whether the State has the same definition for significant disproportionality under 34 CFR §300.646(b)(2) as it has for disproportionate representation. |
| <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 reported baseline data of 0%.</p> | <p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>In reporting on disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification, the State did not use the proper measurement.</p> <p>The State reported that it reviewed data for some, but not all, race ethnicity categories present in the State. The State did not review data for race/ethnicity groups under 1% of the total State population, and the State did not analyze its data to determine whether there were any districts in the State with disproportionate representation of White students. Under 34 CFR §300.600(d)(3) a State may, in reviewing data for each race ethnicity category, do so in a statistically appropriate manner, and may set an “n” size that applies to all race and ethnic groups, but it must review data for all race ethnicity categories in the State and must do the analysis at the LEA level for all race and ethnic groups meeting that “n” size that are present in any of its LEAs. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3). To correct this noncompliance, the State, in its FFY 2006 APR, must describe and report on, its review of data and information for all race ethnicity categories in the State to determine if there is disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification for both FFY 2005 and FFY 2006.</p> <p>In addition, the State indicated that it only provided data on overidentification of racial and ethnic groups in specific disability categories. Indicator 10, pursuant to 34 CFR §300.600(d)(3), requires States to identify disproportionate representation, both overrepresentation and underrepresentation, of races and ethnicities in specific disability categories. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3). To correct this noncompliance, the State must provide, in its FFY 2006 APR, information demonstrating that it has examined data for FFY 2005 and FFY 2006 for both overrepresentation and underrepresentation of races and ethnicities in specific disability categories.</p> |

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| | | <p>The State also reported that it examines numerical data collected over three years before making a determination of disproportionate representation; however, the State will not have three year's worth of data until FFY 2008. This represents noncompliance with section 616(a)(3)(C), and (b)(2)(C) of the IDEA and 34 CFR §300.600. In making a determination of disproportionate representation, a State may utilize numerical data collected over more than one year. However, in order to ensure compliance with section 616(a)(3)(C), and (b)(2)(C) and 34 CFR §300.600, the State must make an annual determination of the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>The State must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification, and describe how the State made that determination (e.g., monitoring data, review of policies, practices and procedures, etc.). The State must also provide data, in its FFY 2006 APR, on the percent of districts identified in FFY 2006 with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification, and describe how the State made that determination, even if the determination occurs in the fall of 2007.</p> <p>Finally, it appears to OSEP that the State may be confusing the terms "disproportionate representation" and "significant disproportionality." Indicator 10 requires that States report on the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. The State used several different terms in Indicator 10 – <i>disproportionate representation</i>, <i>disproportionality</i>, <i>significant disproportionate representation</i>, and <i>significant disproportionality</i> (italics added).</p> <p>States have the discretion to define "disproportionate representation" and New Hampshire appears to define "disproportionate representation" the same as it defines "significant disproportionality." While this is permissible, it is important to note that under 34 CFR §300.646(b)(2) when a State identifies LEAs with significant disproportionality with respect to the identification, placement, or discipline of children as children with disabilities, the State must: 1) provide for the review (and, if appropriate)</p> |

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| | | <p>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>The State must 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(b)(2) as it has for disproportionate representation.</p> |
| Monitoring Priority: Effective General Supervision | | |
| <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 State's FFY 2005 reported data for this indicator are 81%.</p> <p>Previous noncompliance not timely corrected.</p> | <p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State reported data based on a State-established timeline within which the evaluation must be conducted. OSEP's July 3, 2006 grant award letter containing Special Conditions required the State to include in the February 1, 2007, APR a progress report regarding previously identified noncompliance with the requirements of 34 CFR §300.301(c). The State submitted its progress report dated January 24, 2007 and provided the required information. The State reported that, for the time period covering June 1, 2004 through June 30, 2005, 28% of districts were in compliance with the timelines for initial evaluations and 19% were in compliance with the timeline for reevaluations. By December 31, 2006, 86% of the previously identified noncompliant districts had corrected their noncompliance for initial evaluations and 94% of the previously identified noncompliant districts had corrected their noncompliance for reevaluations. For any noncompliance that was not corrected by December 31, 2006, the State is providing technical assistance and requiring corrective action. OSEP's July 3, 2006 letter also required the State to submit a second progress report on June 1, 2007. OSEP will respond to this report at a later date.</p> <p>The State was not able to report the "range of delays." The State has indicated that those data will be provided in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February</p> |

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| | | 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.301(c)(1), including data demonstrating correction of noncompliance identified in FFY 2004 and FFY 2005. |
| <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 State's FFY 2005 reported data for this indicator are 65.72%. This represents progress from the FFY 2004 data of 58.96%. The State did not meet its FFY 2005 target of 100%.</p> <p>Noncompliance not timely corrected.</p> | <p>OSEP's March 20, 2006 SPP response letter required the State to include both baseline data from FFY 2004 and progress data from FFY 2005. The State reported that it is unable to recalculate its baseline to provide data on the number of children referred by Part C prior to age 3 who were determined not eligible and whose eligibility determinations were made prior to their 3rd birthday. The State provided progress data for FFY 2005. OSEP's March 20, 2006 letter also required the State to 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 34 CFR §300.132(b) (now 34 CFR §300.124).</p> <p>The State reported that it revised improvement Activity 2. OSEP accepts this revision.</p> <p>The State reported in its FFY 2005 APR continued noncompliance with the requirements of 34 CFR §300.124. The State must review its improvement strategies, and revise them if necessary, 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 34 CFR §300.124, including correction of the outstanding noncompliance identified in FFY 2004 and FFY 2005.</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 State's FFY 2005 reported data for this indicator are 75%.</p> | <p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP 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>The State provided a plan that describes how data will be collected.</p> | <p>The State must provide baseline data, targets, and improvement activities with the FFY 2006 APR, due February 1, 2008.</p> <p>The State did not submit a definition of "postsecondary education" that was required by the instructions to be included in the February 1, 2007 APR. The State must submit this information in the FFY 2006 APR due February</p> |

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| [Results Indicator; New] | | 1, 2008. |
| <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 72%. This represents slippage from the FFY 2004 data of 83%. The State did not meet its FFY 2005 target of 100%.</p> | <p>The State revised the baseline and improvement activities for this indicator in its SPP. OSEP accepts those revisions.</p> <p>OSEP's March 20, 2006 SPP response letter required the State to include in the February 1, 2007 APR a report that includes data and analysis demonstrating progress in correcting noncompliance in a timely manner, as required by 34 CFR §300.600 and must submit a final report to OSEP, demonstrating compliance with these requirements, as soon as possible, but no later than 30 days after one year of OSEP's letter. The State submitted a progress report and notified OSEP that its FFY 2005 APR is its final report.</p> <p>State provided data for this indicator indicating that 72% 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 reflects 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 it reflects findings made in 2004-05 and corrected in 2005-06 and submit that data with its FFY 2006 APR, due February 1, 2008.</p> <p>The State reported that although this indicator shows slippage in the number of corrections within one year (83% to 72%), it has designed a more complete tracking system, which provides a comprehensive review of corrective actions and has resulted in more accurate data. In addition, the State has reported that the new system has been successful in tracking programs which do not correct issues of noncompliance within the one-year timeframe and for which the State has initiated enforcement measures.</p> <p>In addition, 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 in 20 U.S.C. 1232d(b)(3)(E), and 34 CFR §§300.149</p> |

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| | | 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 9, 10, 11, 12 and 13, specifically identify and address the noncompliance identified in this table under those indicators. |
| <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>OSEP's March 20, 2006 SPP response letter required the State to include in the February 1, 2007 APR complete data for FFY 2004, accounting for all 107 complaints, and a report with updated data and analysis demonstrating full compliance with the requirements at 34 CFR §300.661 (now 34 CFR §300.152) by June 1, 2006. The State submitted a report on May 22, 2006 documenting compliance with 34 CFR §300.152.</p> <p>The State revised the baseline for this indicator in its SPP. OSEP accepts those revisions.</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 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 20, 2006 SPP response letter recommended that the State review, and if necessary, revise, its improvement strategies and required the State to ensure that noncompliance is corrected and data included in the FFY 2005 APR, due February 1, 2007, that demonstrate compliance with this requirement. The State submitted data in the FFY 2005 APR demonstrating compliance with the requirements of 34 CFR §300.515(a).</p> <p>OSEP appreciates the State's efforts in achieving compliance.</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 reported that four resolution sessions were held.</p> | <p>The State is not required to provide baseline, targets or improvement activities until any FFY in which 10 or more resolution meetings were held.</p> |
| <p>19. Percent of mediations held that resulted in mediation agreements.</p> | <p>The State's FFY 2005 reported data for this indicator are 88.33%. The State met its</p> | <p>The State revised the baseline and OSEP accepts those revisions.</p> <p>OSEP appreciates the State's efforts to improve performance.</p> |

| Monitoring Priorities and Indicators | Status | OSEP Analysis/Next Steps |
|--|--|---|
| [Results Indicator] | FFY 2005 target of 78%. | |
| <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 State's FFY 2005 reported data for this indicator are 95%. 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 reported that one submission to WESTAT was not timely. The submission of the SPP and APR were submitted on time.</p> <p>Although the State reported that its FFY 2005 APR was timely, the State did not provide FFY 2005 actual target data for Indicators 1 and 2 on a timely basis.</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 full compliance with the requirements in IDEA section 618 and 34 CFR §§300.76.720 and 300.601(b).</p> |