

Texas Part B FFY 2005 SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
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's FFY 2005 reported data for this indicator are 74.80%. This represents slippage from the State's FFY 2004 reported data of 75.40%. The State did not meet its FFY 2005 target of 75.60%.</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>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 6.80%. This represents slippage from the State's FFY 2004 reported data of 6.28%. The State did not meet its FFY 2005 target of 2.90%.</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 87.6%. This represents slippage from the State's FFY 2004 reported data of 96.3%. The State did not meet its FFY 2005 target of 100%.</p>	<p>The State suggested that comparison of data across FFY 2004 and FFY 2005 on this indicator was questionable in that the number of districts meeting the "n" size decreased (from 1229 in FFY 2004 to 628 in FFY 2005).</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>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</p>	<p>The State's FFY 2005 reported data for this indicator in reading are 99.07%. The State met its FFY 2005 target of 95%.</p>	<p>OSEP's May 22, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR data on the number of children who took regular assessments with accommodations. The State reported the number of children with IEPs taking the regular assessment with accommodations.</p> <p>OSEP looks forward to the State's data demonstrating improvement in</p>

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<p>alternate achievement standards.</p> <p>[Results Indicator]</p>		<p>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 in math are 65.03%. The State met its FFY 2005 target of 42.00%.</p> <p>The State's FFY 2005 reported data for this indicator in reading are 66.00%. The State met its FFY 2005 target of 53.00%.</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>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 4.6%. This represents slippage from FFY 2004 data of 4.4%. The State did not meet its FFY 2005 target of 0.00%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State revised its methodology for identifying LEAs with significant discrepancies in suspension/expulsion rates 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.) As noted in 34 CFR §300.170(b), that review, and if appropriate revision, must cover policies, practices and procedures relating to each of the following topics: development and implementation of IEPs,</p>

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		the use of positive behavioral interventions and supports, and procedural safeguards.
<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 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>A. The State's FFY 2005 reported data for Indicator 5A are 56.0%. The State met its FFY 2005 target of 54.44%.</p> <p>B. The State's FFY 2005 reported data for Indicator 5B are 12.60%. This represents progress from the State's FFY 2004 reported data of 12.93 %. The State did not meet its FFY 2005 target of</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State met its targets for 5A and 5C and OSEP appreciates the State's efforts to improve performance.</p>

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	<p>12.45%.</p> <p>C. The State's FFY 2005 reported data for Indicator 5C are 1.30%. The State met its FFY 2005 target of 1.35%.</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 State's FFY 2005 reported data for this indicator are 6.6%. This represents progress from FFY 2004 data of 5.10%. The State did not meet its FFY 2005 target of 6.70%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State reported progress. 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>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>The State did not provide entry data.</p>	<p>The State reported a plan to begin data collection, including the instrument to be used (the ECO Summary Form model) and the data collection method. However, the State did not report entry data and indicated that baseline data, targets, and improvement activities would be provided with the FFY 2008 APR, due February 1, 2009, instead of the FFY 2007 APR, due February 1, 2008. The State must provide progress data and improvement activities with the FFY 2006 APR, 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 State reported preliminary baseline data for this indicator.</p>	<p>The State provided preliminary baseline, targets and improvement activities and OSEP accepts the SPP for this indicator.</p>
<p>Monitoring Priority: Disproportionality</p>		

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<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 provided data on the number of districts with disproportionate representation.</p>	<p>The State provided targets at 0% and improvement activities. OSEP accepts the SPP for this indicator.</p> <p>The State identified 25 districts with disproportionate representation of racial and ethnic groups in special education and related services but did not determine if the disproportionate representation was the result of inappropriate identification, as required by 34 CFR §300.600(d)(3). 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>OSEP's May 22, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR data and information that it ensured the noncompliance identified by the State is corrected as soon as possible, to demonstrate compliance with the requirements of 34 CFR §300.755 (now 34 CFR §300.646). The State reported that it would review data in the spring of 2007 to identify districts with significant disproportionality based on race or ethnicity using monitoring data as well as data from the SPP indicators.</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 provided data on the number of districts with disproportionate representation.</p>	<p>The State provided targets at 0% and improvement activities. OSEP accepts the SPP for this indicator.</p> <p>The State identified 81 districts with disproportionate representation of racial and ethnic groups in specific disability categories but did not determine if the disproportionate representation was the result of inappropriate identification, as required by 34 CFR §300.600(d)(3). 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</p>

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		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.
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 reported no baseline data for this indicator.</p>	<p>The State provided targets, and improvement activities. OSEP accepts the SPP for this indicator. The State reported monitoring data related to the indicator, but concluded that the monitoring data were limited in nature, and were not aligned with the indicator.</p> <p>The State must provide the required baseline data in the FFY 2006 APR due February 1, 2008, demonstrating compliance with the requirements of 34 CFR §300.301(c)(1).</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 State reported no baseline data for this indicator.</p> <p>The State did not report that prior noncompliance had been corrected.</p>	<p>The State revised the improvement activities for this indicator in its SPP. OSEP accepts those revisions. The State reported monitoring data related to the indicator, but concluded that the monitoring data were limited in nature and were not directly aligned with the indicator. The State must provide the required baseline data in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's May 22, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR data and information to ensure that noncompliance relative to the State's failure to have a system to identify whether children have IEPs in place by their third birthdays, consistent with 34 CFR §300.132 (now 34 CFR §300.124) was corrected within one year of that letter. The State reported that data collection from a representative sample of students would be conducted during the 2006-2007 school year in the 14 largest LEAs with average daily membership over 50,000, and that all districts would be required to report on a representative sample in future years. Thus, the State has not yet resolved this issue.</p> <p>The State must provide, in the FFY 2006 APR, due February 1, 2008, data demonstrating compliance with the requirements of 34 CFR §300.124.</p>
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable,</p>	<p>The State reported no baseline data for this indicator.</p>	<p>The State provided targets and improvement activities. OSEP accepts the SPP for this indicator. The State reported monitoring data related to the</p>

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<p>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>indicator, but concluded that the monitoring data were limited in nature and were not directly aligned with the indicator. The State did not submit baseline data and the State must provide the required baseline data in the FFY 2006 APR, due February 1, 2008.</p> <p>The State reported that data collection from a representative sample of students would be conducted during the 2006-2007 school year in the 14 largest LEAs with average daily membership over 50,000, and that all districts would be required to report on a representative sample in future years.</p> <p>The State must provide in the FFY 2006 APR, due February 1, 2008 data demonstrating compliance with the requirements of 34 CFR §300.320(b).</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 submitted a plan that describes how data will be collected for submission with the APR due February 1, 2008.</p>	<p>The State included a plan that describes how the 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>The State did not provide a narrative that defines competitive employment and post-secondary school as required by the instructions for the FFY 2005 SPP/APR. The State must submit this information in 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 94.6%. This represents 2.7% slippage from the State's FFY 2004 reported data of 97.3%. 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>OSEP's May 22, 2006 FFY 2004 SPP response letter required the State in the FFY 2005 APR, due February 1, 2007, to provide data demonstrating that:</p> <ul style="list-style-type: none"> The noncompliance identified by the State at Texas Youth Commission (TYC) facilities is corrected as soon as possible and submit data no later than the date of the submission of the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State reported that it conducted on-site reviews of three TYC sites and that it identified continuing noncompliance in one of those sites. The State further reported that the TYC was notified that it was subject to escalated oversight and interventions. The State must report in the FFY 2006 APR, due February 1, 2008, on its continuing follow-up with the TYC to verify correction of

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		<p>outstanding issues.</p> <ul style="list-style-type: none"> The noncompliance identified in OSEP’s September 1, 2005 letter regarding provision of services consistent with IEPs, and providing access to commensurate school day, facilities, services and environments was corrected. The State reported that it identified 109 LEAs with findings in these areas, of which 106 have corrected the noncompliance and six are not yet resolved. The State must report in the FFY 2006 APR, due February 1, 2008, on its continuing follow-up with these LEAs. The noncompliance identified in OSEP’s May 2006 letter in Indicator 15 was corrected. The State provided updated information on the monitoring it conducted during 2003-2004. The State reported on its continuing enforcement and monitoring activities regarding this LEA. <p>The State reported that 94.6% of noncompliance was timely corrected in FFY 2005, but did not break down this data by indicator or substantive finding area. The State must review its improvement activities and revise them, if appropriate, to ensure that the State will be able to provide 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. 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 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 State’s FFY 2005 reported data for this indicator are 99.50%. This represents progress from the State’s FFY 2004 reported data of 7.6%. The State did not meet its FFY 2005 target of 100%.</p> <p>The State reported that prior</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP’s May 22, 2006 FFY 2004 SPP response letter indicated that: (1) the 7.6% level of compliance regarding the timeliness of complaints must be corrected, with data reported in the APR, due February 1, 2007, demonstrating compliance with this requirement; and (2) the State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR that demonstrate full compliance with this requirement. The State reported a</p>

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	noncompliance was corrected.	99.50% level of compliance with this indicator, and has revised its procedures related to the indicator. OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR § 300.152.
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. [Compliance Indicator]	The State's FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%.	OSEP appreciates the State's efforts in achieving compliance and looks forward to data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR §300.515(a).
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator; New]	Baseline, targets, and improvement activities provided.	The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State's FFY 2005 reported data for this indicator are 79.6%. The State met its FFY 2005 target of 77.0%.	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State met its target and OSEP appreciates the State's efforts to improve performance.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State reported that two of five reports under section 618 were submitted late and that the FFY 2004 SPP was submitted within an extension approved in recognition of Hurricanes Katrina and Rita. Additionally, as noted in this table, the State failed to submit in the FFY 2005 APR entry data for Indicator 7, and baseline data for Indicators 11, 12, and 13. The State did	The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. Although the State reported on the timeliness of the FFY 2004 SPP, it did not, for the FFY 2005 APR, provide data for Indicators 7, 11, 12, and 13. 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).

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	not meet its target for FFY 2005.	