

Virginia 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 48.6%. This represents slippage from FFY 2004 data of 51.5%. The State did not meet its FFY 2005 target of 55%.</p>	<p>The State revised the targets for this indicator in its APR, and OSEP accepts those revisions. The State did not indicate stakeholder involvement in the revision of targets to be less rigorous. The State did not reflect the revised targets in its revised SPP, and must update the SPP to include the revised targets.</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 2.2%. This represents slippage from FFY 2004 data of 1.96%. The State did not meet its FFY 2005 target of 1.93%.</p>	<p>The State revised the improvement activities for this indicator in its APR, and OSEP accepts those revisions. The State did not reflect the revised improvement activities in its revised SPP, and must update the SPP to include the revised activities.</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 76.5%. The State met its FFY 2005 target of 64%.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p>	<p>Although the State reported a 99.8% rate of participation for</p>	<p>The data that the State reported in the APR were not consistent with the data in Table 6. In the FFY 2006 APR, due February 1, 2008, the State</p>

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<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>reading for Indicator 3B in the APR, the FFY 2005 data in Table 6 (618 data) calculate to a participation rate of 92.9% (83,472/89,895). The Table 6 data show slippage from FFY 2004 data of 97.9%. The State did not meet its target of 95%.</p> <p>Although the State reported a 99.7% rate of participation for math for Indicator 3B in the APR, the FFY 2005 data in Table 6 calculate to a participation rate of 94.6% (95,668/101,147). The Table 6 data show slippage from FFY 2004 data of 98.3%. The State did not meet its target of 95%.</p>	<p>must report data that are consistent with Table 6.</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>Although the State reported FFY 2005 data of 64.6% for reading in Indicator 3C in the APR, the FFY 2005 data in Table 6 calculate to a rate of 59.98% (53,921/89,895). The State did not meet its FFY 2005 target of 69%. OSEP could not determine whether the State made progress from FFY 2004 data, because the FFY 2005 data are a single percentage of students with disabilities who scored “proficient” on the reading assessment. The FFY 2004 data were not separated for reading and</p>	<p>The data that the State reported in the APR were not consistent with the data in Table 6. In the FFY 2006 APR, due February 1, 2008, the State must report data that are consistent with Table 6.</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>math, but were stated separately for students who took the regular assessment with no accommodations, students who took the assessment with accommodations, students who took alternate assessments against grade level standards, and students who took alternate assessments against alternate achievement standards; and were not aggregated into a single percentage.</p> <p>Although the State reported FFY 2005 data of 53.6% for math in Indicator 3C in the APR , the FFY 2005 data in Table 6 calculate to 50.75% (51,328/101,147). OSEP could not determine whether the State made progress from FFY 2004 data of 49.3% for the reasons stated above.</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 suspensions are 20%. This represents slippage from FFY 2004 data of 13.6%. The State did not meet its FFY 2005 target of 12%.</p> <p>The State's FFY 2005 reported data for expulsions are 14%. This represents slippage from FFY 2004 data of 9%. The State did not meet its FFY 2005 target of 8%.</p>	<p>The State included separate baseline data, targets and actual target data for the percent of districts with a significant discrepancy in the rates of: (1) suspensions; and (2) expulsions.</p> <p>The State was instructed in Table B of OSEP's March 14, 2006 SPP response letter to report on the results of its review, under 34 CFR §300.146 (now 34 CFR §300.170(b)), of policies, procedures, and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure they comply with Part B. On page 16 of FFY 2005 APR, the State reported that it provided technical assistance, focusing on</p>

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		<p>providing information on functional behavioral assessments and developing behavior intervention plans, to school divisions where a significant discrepancy was identified. The State also noted that on-going assessments, including review of policies, procedures, and practices are an essential part of the Effective School Discipline project. The State did not, however, provide a report on the results of its review of policies, procedures, and practices. This represents noncompliance with 34 CFR §300.170(b).</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 2005 APR; and (2) the LEAs identified as having significant discrepancies 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 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</p>

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		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>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>5A: The State's FFY 2005 reported data for this indicator are 56% (FFY 2004 data were also 56%). The State did not meet its FFY 2005 target of 58%.</p> <p>5B: The State's FFY 2005 reported data for this indicator are 14%. This represents progress from FFY 2004 data of 15%. The State met its FFY 2005 target of 14%.</p> <p>5C: Although the State reported in the APR that its data for FFY 2005 were 3%, the actual numbers that the State reported in its APR and its report under section 618 calculate to 3.78%. The data of 3.78% represent slippage from the FFY 2004 data of 3.73%. The State did not meet its FFY 2005 target of 3%.</p>	<p>5A: OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p> <p>5B: The State met its target and OSEP appreciates the State's efforts to improve performance.</p> <p>5C: 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 30%. The State met its FFY 2005 target of 28%.</p>	<p>The State met its target and OSEP appreciates the State's efforts to improve performance.</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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part-time early childhood/part-time early childhood special education settings). [Results Indicator]		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, 2008.
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 with 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's reported baseline data for this indicator are 64.3%.	The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. The State did not provide an explanation of how the response rate was representative of the population in race, ethnicity, and disability, or how the State will have adequate data to report on LEA performance with low response rate. The State must provide the required explanations in the FFY 2006 APR, due February 1, 2008.
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 reported that 6% of districts have "significant disproportionality that was the result of inappropriate identification."	The State provided baseline data, targets at 0% and improvement activities and OSEP accepts the SPP for this indicator. OSEP's March 14, 2006 SPP response letter required the State to ensure that the noncompliance with the requirements of 34 CFR §300.755(b) (now 34 CFR §300.600(d)(3)) was corrected, and to include the results

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[Compliance Indicator; New]		<p>of its review under that section in the APR, due February 1, 2007. On page 34 of the APR, the State reported that it required all school divisions with preliminary determinations of possible disproportionate representation relative to the identification of black students as students with disabilities to use a record review checklist to document that eligibility decisions were made appropriately. The State also reported that it provided information to those school divisions to assist with the examination of policies, procedures and practices related to provided assistance, support and appropriate instructional intervention to all students experiencing academic/behavioral learning difficulties. The school divisions were required to submit to the State a written summary of their record review process, which the State analyzed to determine which school divisions had significant disproportionality that was the result of inappropriate identification. The State reported that the school divisions found to be disproportionately represented due to inappropriate identification will be expected to develop an action plan, which will include a review of local policies, practices and procedures to determine whether revisions are necessary to address issues related to possible significant disproportionality.</p> <p>The State reported the percent of districts with significant disproportionality of racial and ethnic groups in special education and related services that was the result of inappropriate identification. Indicator 9 requires that States report on the percent of districts with <i>disproportionate representation</i> of racial and ethnic groups in special education and related services that was the result of inappropriate identification. The State must include, in its FFY 2006 APR, its definition of disproportionate representation and describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification (e.g. monitoring data, review of polices, practices and procedures, etc.). The State limited its review of data to overrepresentation of Black students, and also did not, as required, review data for all racial and ethnic groups, and address both</p>

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		<p>overrepresentation and underrepresentation. 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 racial 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. Further, the State reported that it did not include school divisions with Black students comprising fewer than 5% of the general education population. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3).</p> <p>To correct this noncompliance, in its FFY 2006 APR, due February 1, 2008, the State must provide information demonstrating that it has examined for FFY 2005 and FFY 2006, both overrepresentation and underrepresentation of all racial and ethnic groups in special education and related services. The State, in its FFY 2006 APR, must also 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>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator; New]</p>	<p>The State reported that 9% of districts “indicated some level of inappropriate identification related to at least one of the six designated disability categories.”</p>	<p>The State provided baseline data, targets at 0% and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>On page 38 of the FFY 2005 APR, the State reported that it notified all school divisions with preliminary determinations of possible disproportionate representation relative to one or more of the six designated disability categories and were further notified that they were required to review records of all black students aged 6-21 referred for an initial eligibility meeting during the 2005-2006 school year. These school divisions used a record review checklist to determine whether specific criteria had been addressed in making eligibility decisions for the six disability categories. The school divisions were required to submit to the State a written summary of their record review process,</p>

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		<p>which the State analyzed to determine which school divisions had significant disproportionality that was the result of inappropriate identification for one or more of the six designated disability categories. The State reported that the school divisions found to have disproportionate representation due to inappropriate identification in any of the designated disability categories will be expected to develop an action plan, which will include a review of local policies, practices and procedures to determine whether revisions are necessary to address issues related to possible significant disproportionality.</p> <p>The State reported the percent of districts with significant disproportionality of racial and ethnic groups in specific disability categories that was the result of inappropriate identification. Indicator 10 requires that States report on the percent of districts with <i>disproportionate representation</i> of racial and ethnic groups in specific disability categories that was the result of inappropriate identification. The State must include, in its FFY 2006 APR, its definition of disproportionate representation and describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification (e.g., monitoring data, review of policies, practices and procedures, etc.).</p> <p>The State limited its review of data to overrepresentation of Black students, and did not also, as required, review data for all racial and ethnic groups, and address both overrepresentation and underrepresentation. 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 racial 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. Further, the State reported that it did not include school divisions with Black students comprising fewer than 5% of the general education</p>

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		<p>population. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3).</p> <p>To correct this noncompliance, in its FFY 2006 APR, due February 1, 2008, the State must provide information demonstrating that it has examined for FFY 2005 and FFY 2006, both overrepresentation and underrepresentation of all racial and ethnic groups. The State, in its FFY 2006 APR, must also 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>
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 baseline data for this indicator are 92.7%</p>	<p>The State provided baseline data, targets and improvement activities. The State reported data based on a State-established timeframe within which the evaluation must be conducted.</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)(2), 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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 89.3%. This represents slippage from the FFY 2004 data of 91.2%. The State did not meet its FFY 2005 target of 100%.</p> <p>The State reported partial timely correction of noncompliance.</p>	<p>OSEP's March 14, 2006 SPP response letter, Table A, required the State to include in the APR, due February 1, 2007, both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Table B of OSEP's SPP response letter required the State to ensure that noncompliance is corrected, include data in the APR, due February 1, 2007 that demonstrate compliance with 34 CFR §300.132 (now §300.124), and to review and, if necessary revise, its improvement strategies included in the SPP to ensure they would enable the State to include data in the APR that demonstrate full compliance with this requirement.</p> <p>The State provided FFY 2004 baseline data and FFY 2005 target data</p>

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		<p>for this indicator, and OSEP accepts that revision.</p> <p>In its response to Indicator 15 in the FFY 2005 APR, the State reported partial timely correction of noncompliance related to this indicator. The State indicated that, for the issue raised related to Indicator 12 in the SPP for the 2004-2005 school year, all noncompliance findings, including those that had not been corrected within one year of identification, have been corrected. The State reported that it made on-site visits to districts that failed to make corrections within one year, met with the special education directors and superintendents, required monthly progress reports, provided technical assistance, and received documentation verifying compliance with identified noncompliance findings.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.124, including data on the correction of outstanding noncompliance identified in 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 baseline data for this indicator are 76.83%.</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 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>

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[Results Indicator; New]		
<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 96%. 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 provided data for this indicator indicating 96% compliance, and OSEP appreciates the State's efforts.</p> <p>OSEP looks forward to reviewing 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, 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 100%. The State met its FFY 2005 target of 100%.</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 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 §300.515(a).</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p>	<p>The State reported baseline of 27%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p>

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[Results Indicator; New]		
<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 75% (FFY 2004 data were 75.68). The State did not meet its FFY 2005 target of 76%.</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>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 100%. The State met its FFY 2005 target of 100%.</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 in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>