

Colorado 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 46.8%. This represents slippage from FFY 2004 reported data of 52.9%. The State did not meet its FFY 2005 target of 53%.</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 44.4%. This represents slippage from FFY 2004 reported data of 40.7%. The State did not meet its FFY 2005 target of 40.5%.</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 23.6%. The State met its FFY 2005 target of 23%.</p>	<p>The State revised the baseline and targets for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</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</p>	<p>The State's FFY 2005 reported data for this indicator are 99.4% for reading and for math, which is the same as the State's reported data for reading and math for FFY 2004. The State did not meet</p>	<p>The State revised the baseline and targets 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>

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standards; alternate assessment against alternate achievement standards. [Results Indicator]	its FFY 2005 target of 99.5%.	
3. Participation and performance of children with disabilities on statewide assessments: C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards. [Results Indicator]	The State's FFY 2005 reported data for this indicator are 57.3% for reading and 52.3% for math. The State met its FFY 2005 targets of 57% for reading and 51.5% for math.	The State revised the baseline and targets 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.
4. Rates of suspension and expulsion: 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 [Results Indicator]	The State's FFY 2005 reported data for this indicator are 3.5%. The State met its target for FFY 2005 of having the districts identified in FFY 2004 as significantly discrepant, close the gap to 1.8 SD from the State average.	The State was instructed in Table B of OSEP's March 27, 2006 SPP response letter to ensure that noncompliance was corrected by describing how the State reviewed, and if appropriate revised policies, procedures, and practices, as required by 34 CFR §300.146(b) (now 34 CFR §300.170(b)) for the LEAs identified with significant discrepancies in the SPP (data for FFY 2004). The State did not provide this information for the LEAs identified with significant discrepancies in the FFY 2004 and FFY 2005 APRs. Rather, the State reported that, "If a flagged AU's [Administrative Unit] rate does not meet its improvement targets for <i>two years in a row</i> , this will trigger a drill-down on policies and procedures related to suspension/expulsion and may lead to the AU being entered into the Continuous Improvement Monitoring Process." The State <i>may not delay</i> the review of policies and procedures required by 34 CFR §300.170(b) for 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 until the identified district has had <i>two years</i> to meet its improvement target. This represents noncompliance with 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

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		<p>for: (1) the LEAs identified as having significant discrepancies in the FFY 2004 and 2005 APRs; and (2) any LEAs identified as having significant discrepancies in the FFY 2006 APR. (The review for LEAs identified in the FFY 2006 APR may occur either during or after the FFY 2006 reporting period, so long as the State describes that review in the FFY 2006 APR.)</p> <p>Furthermore, OSEP notes that the target for Indicator 4A only references districts that have already been identified as significantly discrepant. OSEP strongly recommends that the State revise its targets for Indicator 4A so that the target includes a percentage 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.</p>
<p>4. Rates of suspension and expulsion: 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. [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: A. Removed from regular class less than 21% of the day;</p>	<p>A. The State's FFY 2005 reported data for this indicator are 70.5%. The State met its FFY 2005 target of 70.3%.</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>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>B. The State's FFY 2005 reported data for this indicator are 8.5%. This represents slippage from the State's FFY 2004 data of 7.8%. The State did not meet its FFY 2005 target of 7.8%.</p> <p>C. The State's FFY 2005 reported data for this indicator are 3.7%. The State met its FFY 2005 target of 4.2%.</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 84%. This represents slippage from FFY 2004 data of 85%. The State did not meet its FFY 2005 target of 85%.</p>	<p>The State revised the targets 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, the measurement for 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>Entry data provided.</p>	<p>The State reported the required entry data and activities but did not provide a clear definition for "comparable to same aged peers." The State provided entry data from a pilot of two districts, one rural and one urban. The State was permitted to pilot its data collection and reporting for this indicator as long as the data reported represented the population of children served within the State. The State did not indicate whether the pilot districts were representative of the population of children served within the State. The State also indicated that it planned to use census data for 2006-2007.</p> <p>The State must provide progress data and improvement activities with the FFY 2006 APR, due February 1, 2008. If the State continues to pilot its data collection and reporting, it must include in the FFY 2006 APR, due February 1, 2008, information supporting its determination that the pilot districts are representative of the population of children served within the State. In addition, in the FFY 2006 APR, due February 1, 2008, the State must clarify its definition of "comparable to same aged peers."</p>

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<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's FFY 2005 reported data for this indicator for K-12 are 40.2%. The State's FFY 2005 reported data for this indicator for preschool range from 93% - 98%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>OSEP's March 28, 2006 SPP response letter required the State to include in the FFY 2005 APR, due February 1, 2007, the revised sampling methodology that describes how data were collected. The State submitted a technically sound sampling plan.</p> <p>With respect to preschool children, the State submitted data that is not responsive to Indicator 8. Rather, the State provided data that is responsive to Indicator 4 for Part C. Although the State provided data for preschool children, the State did not set baseline or targets for preschool children. If the State is going to use a separate survey for parents of preschool children, it must set separate targets and use a survey that is responsive to Indicator 8. In the FFY 2006 APR, due February 1, 2008, the State must clarify whether it is using the same survey for preschool children and if not, provide baseline data, targets, and improvement activities for preschool children.</p>
Monitoring Priority: Disproportionality		
<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's FFY 2005 reported data for this indicator are 1.8% of districts with disproportionate representation.</p>	<p>The State provided baseline data, targets, and improvement activities. OSEP accepts the SPP for this indicator. The State identified districts with disproportionate representation of racial and ethnic groups in special education and related services, but did not determine if the disproportionate representation of racial and ethnic groups was the result of inappropriate identification as required by 34 CFR §300.600(d)(3). The State reported it would not conduct an analysis of whether the disproportionate representation was the result of inappropriate identification until the spring of 2007.</p> <p>The State also reported that, when determining whether a district had disproportionate representation, the State only examined "total minority" data. As such, the State did not review data for each racial and ethnic group, including 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 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. Therefore,</p>

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		<p>we conclude that the State is not complying with 34 CFR §300.600(d)(3).</p> <p>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 FFY 2005 and FFY 2006. 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>If the State identifies any districts as having disproportionate representation that was the result of inappropriate identification in FFY 2005, the State must include data and information that demonstrate that the districts identified in FFY 2005 as having disproportionate representation as a result of inappropriate identification are in compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201 and 300.301 through 300.311.</p> <p>In Indicator 15 of the State’s FFY 2005 APR, the State reported that one AU has been cited for “disproportionate representation of minorities in special education,” and the State indicated that this AU is reporting the use of 15% of its funds for the provision of early intervening services. While the AU may use 15% of its funds for the provision of early intervening services, pursuant to section 613(f), the State cannot require such use unless the State has determined that significant disproportionality is occurring in the AU. 34 CFR §300.646(b)(2).</p> <p>Accordingly, it is unclear to OSEP whether the State is in compliance with 34 CFR §300.646. The State may define “significant disproportionality” and “disproportionate representation” and these definitions may be the same or may differ. However, the State did not appear to define “significant disproportionality” and may be confusing the term with “disproportionate</p>

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		<p>representation.” The State indicated in its SPP that if a district is “flagged for significant disproportionality,” the State will analyze the data further to determine whether the results are due to inappropriate identification, and if such a determination is made, it can also trigger a monitoring visit and a citation if the citation is not corrected within one year. The citation would also “force the use of 15% of early intervening services (EIS) funds for the purpose of addressing disproportionality.” In making a determination of significant disproportionality under 34 CFR §300.646, a State may utilize numerical data collected over more than one year. However, in order to ensure compliance with 34 CFR §300.646, the State must make an annual determination of whether significant disproportionality based on race and ethnicity is occurring in LEAs with respect to identification, placement, and disciplinary actions. Moreover, the determination of whether significant disproportionality is occurring in a district does not involve an analysis of whether the significant disproportionality is a result of inappropriate identification.</p> <p>If the State determines that significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of these children is occurring in an LEA, the State must: (1) provide for the review and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with the requirements of IDEA; (2) require the LEA to reserve the maximum amount of its Part B allocation for early intervening services; and (3) require the LEA to publicly report on the revision of policies, practices, and procedures used in the identification or placement as required by 34 CFR §300.646(b).</p> <p>In addition to the data and information discussed above that the State is required to report, the State must also clarify in the FFY 2006 APR, due February 1, 2008, what the State’s definition for “significant disproportionality” is, and what steps the State takes if it determines that significant disproportionality is occurring.</p>
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	The State’s FFY 2005 reported data for this indicator are 3.5%.	<p>The State provided baseline data, targets, and improvement activities. OSEP accepts the SPP for this indicator.</p> <p>The State identified districts with disproportionate representation of racial and ethnic groups in specific disability categories, but did not determine if</p>

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[Compliance Indicator; New]		<p>the disproportionate representation of racial and ethnic groups was the result of inappropriate identification as required by 34 CFR §300.600(d)(3). The State reported it would not conduct an analysis of whether the disproportionate representation was the result of inappropriate identification until the Spring of 2007.</p> <p>The State reported that, when determining whether a district had such disproportionate representation, the State only examined “total minority” data. As such, the State did not review data for each racial and ethnic group, including 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 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. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3).</p> <p>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 FFY 2005 and FFY 2006. 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>If the State identifies any districts as having disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification in FFY 2005, the State must include data and information that demonstrate that the districts identified in FFY 2005 as having disproportionate representation of racial and ethnic groups in specific disability categories as a result of inappropriate identification are in</p>

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		<p>compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201 and 300.301 through 300.311.</p> <p>The discussion in Indicator 9 regarding significant disproportionality applies to Indicator 10. In addition to the data and information discussed above that the State is required to report, the State must also clarify in the FFY 2006 APR, due February 1, 2008, what the State’s definition for “significant disproportionality” is, and what steps the State takes if it determines that significant disproportionality is occurring.</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 84.6%.</p> <p>.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. 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)(1), including data demonstrating correction of noncompliance identified in FFY 2005.</p>
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>No data provided. The State indicated that it would provide data for FFY 2005 in late August/Early September 2007.</p>	<p>OSEP’s March 27, 2006 SPP response letter required the State to include in its FFY 2005 APR, due February 1, 2007, baseline data from FFY 2005 (July 1, 2005 through June 30, 2006). The State did not submit the required baseline data. OSEP could not determine whether the State made progress because the State did not provide data for this indicator for FFY 2004 and FFY 2005.</p> <p>OSEP concludes that the State is not in compliance with the requirements of 34 CFR §300.124. The State must provide baseline data for FFY 2004 and progress data for FFY 2005 and FFY 2006 in the FFY 2006 APR, due February 1, 2008. If the State is unable to provide data for FFY 2004, the State must explain why. In addition, the State must review its improvement activities and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.124, including correction of any outstanding noncompliance identified in FFY 2004 and FFY 2005.</p>

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<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 APR reported data for this indicator are 2.1%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>OSEP's March 27, 2006 SPP response letter required the State to ensure that any activities or strategies regarding this indicator result in the collection of the required baseline data, for the required time period, and that the baseline data and any other required data are reported in the APR. The State provided the required data.</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 full compliance with the requirements of 34 CFR §300.320(b), including data demonstrating correction of noncompliance identified in FFY 2005.</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator; New]</p>	<p>The State provided a plan that describes how data will be collected.</p>	<p>The State must provide baseline data, targets, and improvement activities with the FFY 2006 APR, due February 1, 2008. The State's sampling plan is technically sound.</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 88.61% and include noncompliance identified through general supervision (including monitoring, complaints, etc.) and related to monitoring priority areas. The FFY 2005 data represents progress from the State's FFY 2004 reported data of 55.69%. The State did not meet its FFY 2005 target of 100%.</p> <p>Data not valid and reliable because the State used an</p>	<p>The State revised its improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>In its SPP, the State reported FFY 2004 baseline data of 42.3% correction of findings related to monitoring priority areas; 35.5% correction of findings related to nonpriority areas, and 100% correction of findings of noncompliance identified through other mechanisms. OSEP calculated from the data provided by the State in its SPP that the State corrected a total of 44 out of 79 findings, or 55.69%.</p> <p>OSEP's March 27, 2006 SPP response letter required the State to include, in its FFY 2005 APR, due February 1, 2007, data demonstrating that noncompliance is corrected within one year of its identification. The State submitted data in its FFY 2005 APR demonstrating that 88.61% of noncompliance findings made in 2004-05 were corrected in 2005-06 within one year of identification. The State reported "only on those compliance items that involved systemic violations, and not individual violations unique</p>

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	<p>improper standard for reporting the number of findings and determining when noncompliance has been corrected.</p>	<p>to the student.” The State must report on the findings and correction of all noncompliance, including violations involving individual students. In addition, as discussed in OSEP’s April 26, 2007 letter in response to the State’s Progress Report dated February 1, 2007, the State is not using the proper standard for determining when noncompliance has been corrected. The State reported in its Progress Report and in its FFY 2005 APR that it determines that an AU has corrected noncompliance if: (1) the AU has policies and procedures that are intended to and are likely to remedy the noncompliance; (2) the AU has taken immediate steps to implement the policies and procedures; (3) the AU is effectively beginning to address the noncompliance; and, (4) the policies and procedures have future sustainability. As required by 20 U.S.C. §§1232d(b)(3) and 1412(a)(11), and 34 CFR §300.600, CDE is responsible for ensuring that the requirements of Part B are met and that noncompliance is timely corrected. While it is important to have sound policies and procedures, CDE must ensure that the AUs correct the noncompliance that formed the basis of the original findings of noncompliance. Accordingly, it is unclear to OSEP whether the State’s data for Indicator 15 includes findings of correction in an AU based only on a change in policies and procedures, or whether the State determined that the noncompliance was corrected.</p> <p>OSEP’s March 27, 2006 SPP response letter also required the State to include, in its FFY 2005 APR, due February 1, 2007, updated data and analysis on the 21 AUs reported on in the State’s December 27, 2005 letter to OSEP and any additional AUs monitored in 2006 on the requirements at 34 CFR §300.138 (now 34 CFR §300.160). The State was to provide the following information separately for each AU monitored: (1) whether the AU conducts alternate assessments for those children who cannot take the regular districtwide assessment with accommodations; (2) whether that AU developed and provided accommodations; and (3) whether that AU developed guidelines for the provision of alternate assessments and provided samples of alternate assessment guidelines. The State reported that two AUs remain out of compliance and that the State planned on issuing sanctions in mid-February and would continue to provide technical assistance to these AUs.</p> <p>In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008, the State must: (1) recalculate the data reported in Indicator 15 in its FFY 2005 APR, using the proper measurement (individual and systemic</p>

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		<p>violations), and the proper standard of correction, and report this recalculated data; (2) disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005; (3) in responding to Indicators 4A, 9, 10, 11, 12 and 13, specifically identify and address the noncompliance identified in this table under those indicators; (4) review its improvement activities and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 20 U.S.C. §1232(b)(3)(E) and 34 CFR §§300.149 and 300.600, including data on the correction of outstanding noncompliance identified by the State in FFY 2005; and (5) report on the status of the two AUs that remain out of compliance on the requirements of 34 CFR §300.160 regarding districtwide assessments.</p> <p>OSEP’s July 3, 2006 grant award letter imposed Special Conditions on the State with respect to the failure to correct longstanding noncompliance with the requirement to provide: (a) services and supports to meet the needs of children with disabilities; (b) needed psychological counseling services; and (c) adequate supports for children with behavior disorders, as required by 20 U.S.C. §§1232d(b)(3) and 1412(a)(11), and 34 CFR §§300.24; 300.300; 300.346(a)(2)(i); and 300.600 (now 34 CFR §§300.34; 300.101; 300.324(a)(2)(i); and 300.149. The State was directed to provide two Progress Reports, the first due on February 1, 2007 with its FFY 2005 APR, and the second due June 1, 2007. The State submitted its first Progress Report and OSEP will respond to the State under separate cover regarding these issues after it receives the Progress Report due June 1, 2007.</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 88%. This represents slippage from the State’s FFY 2004 reported data of 100 %. The State did not meet its FFY 2005 target of 100%.</p>	<p>The State reported that it resolved seven out of eight complaints within required timelines. However, OSEP notes that the State reported that the remaining one complaint was still pending “due to exceptional circumstances related to the case.” If the timeline for this complaint was properly extended pursuant to 34 CFR §300.152(b)(1), the State should not report this complaint in its FFY 2005 APR.</p> <p>The State should clarify in its FFY 2006 APR, due February 1, 2008, whether the complaint referenced above was properly extended and if so, revise its FFY 2005 reported data for this indicator to 100%. If the State concludes that this complaint was not resolved within the timelines (including extensions) provided for by 34 CFR §300.152, the State must</p>

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		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 34 CFR §300.152.
<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 50%. This represents slippage from the State's FFY 2004 reported data of 100%. The State did not meet its FFY 2005 target of 100%.</p>	<p>The State reported that one out of two due process hearing requests was not adjudicated within the required timeline. 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 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>[Results Indicator; New]</p>	<p>This indicator is not applicable because the State reported fewer than 10 due process hearing requests that went to resolution in FFY 2005.</p>	<p>The State is not required to provide or meet targets until any FFY in which 10 or more due process hearing requests were resolved through resolution.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 88%. The State met its FFY 2005 target of 63%.</p>	<p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 50% for timely and 90% for accurate State-reported data.</p>	<p>OSEP's March 28, 2006 SPP response letter required the State to review and, if necessary revise, its improvement strategies included in the SPP to ensure they would enable the State to include the required data in the FFY 2005 APR, due February 1, 2007. The State did not submit the required data for Indicator 12 and did not provide valid and reliable data for Indicator 15. The State's data indicates noncompliance with the requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601(b). 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 of IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>

