

### Delaware Part B FFY 2005 SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
<b>Monitoring Priority: FAPE in the LRE</b>		
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The State did not provide FFY 2005 data.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts these revisions.</p> <p>Due to State reporting timelines, the Delaware Department of Education (DDOE) reported graduation rates for the class of 2005 (FFY 2004), rather than for the class of 2006 (FFY 2005). The State must provide the required data in the FFY 2006 APR due February 1, 2008.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State did not provide FFY 2005 data.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts these revisions.</p> <p>Due to State reporting timelines, DDOE data for dropout rates are not available for FFY 2005. The State must provide the required data 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><u>Elementary School - Reading &amp; Math</u></p> <p>The State’s FFY 2005 reported data for this indicator are 92.8% for Reading and 100% for Math. The State met its FFY 2005 targets of 42% and 33%.</p> <p><u>Middle School - Reading/Math</u></p> <p>The State’s FFY 2005 reported data for this indicator are 75% for Reading and 93.4% for Math. The State met its targets of 42% and 33%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts these revisions.</p> <p><u>Elementary School - Math</u></p> <p>For Math, the targets that the State established are lower than the baseline. The State reported its final target for 2010-2011 as 53%, which is considerably lower than the baseline of 84.6%. OSEP recommends that the State review its targets and adjust, as appropriate, in the FFY 2006 APR, due February 1, 2007.</p> <p><u>High School - Reading/ Math</u> The State reported that this slippage in Reading is due to the fact that the number of districts meeting AYP for high school increased; however, the number of districts that had more than 40 students with disabilities also increased so the percentages dropped slightly. The State revised its improvement activities and OSEP accepts those revisions. OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p> <p>The State met its targets for all grade/subject areas except high school</p>

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	<p><u>High School - Reading/Math</u></p> <p>The State's FFY 2005 reported data for this indicator are 55.5% for Reading. This represents slippage from the State's FFY 2004 reported data of 57.1%. The State did not meet its FFY 2005 target of 57%.</p> <p>The State's FFY 2005 reported data for this indicator are 66.7% for Math. The State met its FFY 2005 target of 43%.</p>	<p>Reading 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 standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State FFY 2005 reported data for this indicator for third, fourth, fifth, sixth seventh, eighth and tenth grades for Reading and Math. The data ranged from 95.5% to 99.9%. For each grade, the data was above 95%.</p>	<p>The State expanded its assessments to cover grades four, six and seven, but did not revise its targets to address these additional grades. The State must revise its targets to address these grades in the FFY 2006 SPP/APR, due February 1, 2008.</p> <p>The State met its targets 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>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p><u>Elementary/Middle/High School – Reading</u></p> <p>The State's FFY 2005 reported data for this indicator are 60.6% for grade three. This represents slippage from the FFY 2004 data of 64.6%. The State did not meet its FFY 2005 target of 66%.</p> <p>The State's FFY 2005</p>	<p>The State expanded its assessments to cover grades four, six and seven, but did not provide FFY 2005 baseline data for grade seven for reading or revise its targets to address these additional grades. The State must provide baseline data for grade seven for reading and revise its targets to address these grades in the FFY 2006 SPP/APR, due February 1, 2008.</p> <p>OSEP appreciates the State's efforts to improve performance in those grades in which the State met its targets and looks forward to the State's data demonstrating improvement in performance, in the FFY 2006 APR.</p>

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	<p>reported baseline data are 50.6% for grade four.</p> <p>The State's FFY 2005 reported data are 55.5% for grade five. The State did not meet its FFY 2005 target of 56%.</p> <p>The State's FFY 2005 reported baseline data are 39.7% for grade six.</p> <p>The State's FFY 2005 reported data are 41.1% for grade eight. The State met its FFY 2005 target of 37%.</p> <p>The State's FFY 2005 reported data are 26% for grade ten. The State did not meet the FFY 2005 target of 27%.</p> <p><u>Elementary/Middle/High School - Math</u></p> <p>The State's FFY 2005 reported data for this indicator are 49.5% for grade three. This represents slippage from the State's FFY 2004 reported data of 51.1%. The State did not meet its FFY 2005 target of 54%.</p> <p>The State's FFY 2005 reported baseline data are 45.9% for grade four.</p> <p>The State's FFY 2005 reported data are 46.5% for</p>	

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	<p>grade five. The State did not meet its FFY 2005 target of 48%.</p> <p>The State's FFY 2005 reported baseline data are 32.1% for grade six.</p> <p>The State's FFY 2005 reported baseline data are 26.9% for grade seven.</p> <p>The State's FFY 2005 reported data are 27.3% for grade eight. The State met its FFY 2005 target of 22%.</p> <p>The State's FFY 2005 reported data are 23.1% for grade ten. The State met its FFY 2005 target of 20%.</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 21.1%. The State met its FFY 2005 target of 36.8%.</p>	<p>OSEP's February 27, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR documentation that it reviewed and, if appropriate, revised (or required the affected LEAs to review and, if appropriate, revise) policies, procedures and practices relating to the identification of appropriate services, including the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with the Act. The State reported that seven identified districts submitted documentation in accordance with 34 CFR §300.170(b) [formerly 34 CFR §300.146(b)]. The State reviewed the policies, procedures and practices from these districts and reported that disproportionate rates of suspensions and expulsions were not the result of inappropriate written policies, practices and procedures. OSEP accepts the State's response and appreciates the State's efforts to improve performance.</p> <p>In the FFY 2005 APR the State identified four districts as having a significant discrepancy in the rate of suspensions and expulsions of children with disabilities for greater than 10 days in a school year. It is unclear</p>

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		<p>whether these were the same or different than those seven districts identified above. If different, the State must provide documentation in the FFY 2006 APR, due February 1, 2008, that it reviewed, and if appropriate, revised (or required the affected LEAs to review and, if appropriate, revise) policies, procedures and practices relating to the identification of appropriate services, including the use of positive behavioral interventions and supports, and procedural safeguards to ensure that such policies, procedures, and practices comply with the Act. (See 34 CFR §300.170(b)) In the FFY 2006 APR, due February 1, 2008, the State also must describe the review of policies, procedures and practices in these three areas for districts identified with significant discrepancies in FFY 2006. (The review for LEAs identified in the FFY 2006 APR may occur either during or after the FFY 2006 reporting period, so long as the State describes that review in the FFY 2006 APR.)</p>
<p>4. Rates of suspension and expulsion:  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>

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<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for Indicator 5A are 49.75%. The State did not meet its target of 50%.</p> <p>The State's FFY 2005 reported data for Indicator 5B are 20.16%. The State met its target of 20.2%.</p> <p>The State's FFY 2005 reported data for Indicator 5C are 4.92%. The State met its target of 5.0%.</p>	<p>The State revised its improvement activities for this indicator and OSEP accepts these revisions.</p> <p>OSEP's February 27, 2006 FFY 2004 SPP response letter indicated that the State's funding formula continues to be a barrier toward ensuring the appropriate placement of children in the least restrictive environment. On June 1, 2006, the State submitted an assurance that the funding mechanism will be revised as of June 30, 2006 through the inclusion, in Delaware's 2006 Budget Epilogue (which in Delaware holds the force of law) of language that authorizes the development of a plan to expand the needs based funding structure to include all districts and charter schools by September 2008. As indicated in Delaware's FFY 2006 grant award letter, OSEP expects that the State will fully implement the needs based funding structure by September 2008.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance for Indicator 5A 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 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 59%. This represents slippage from the State's FFY 2004 reported data of 60.2%. The State did not meet its target of 60.2%.</p>	<p>The State revised its improvement activities for this indicator and OSEP accepts these revisions.</p> <p>Please note that, due to changes in the 618 State-reported data collection, this indicator will change for the FFY 2006 APR, due February 1, 2008. 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</p>	<p>Entry data and activities provided.</p>	<p>OSEP's February 9, 2006 response letter required the State to clarify whether DDOE intends to collect information through sampling. The State indicated that sampling will not be used, but rather, data will be collected from a combination of ongoing progress monitoring, parent and early care/education professional interviews, initiation evaluations and reevaluations.</p> <p>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.</p>

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needs. [Results Indicator; New]		
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. [Results Indicator; New]	The State reported no baseline data for this indicator.	The State submitted targets and improvement activities, and OSEP accepts the SPP for this indicator.  The State did not submit FFY 2005 baseline data. The State reported that baseline data would be provided in the FFY 2006 APR, due February 1, 2008. The State also demonstrated that it had revised its survey to address the indicator.
<b>Monitoring Priority: Disproportionality</b>		
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. [Compliance Indicator; New]	The State's FFY 2005 reported baseline data for this indicator are 0%.	The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.  In its September 8, 2005 response to DDOE's FFY 2003 APR, OSEP directed the State to include in the SPP, data and analysis showing progress toward review and revisions of policies, practices and procedures of local agencies with significant disproportionality in the identification and placement of children with disabilities. In the SPP, DDOE described its activities. DDOE satisfied the requirements of OSEP's September 8, 2005 letter.  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 §300.173.
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]	The State's FFY 2005 reported baseline data for this indicator are 0%.	The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.  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 §300.173.
<b>Monitoring Priority: Effective General Supervision</b>		
11. Percent of children with parental consent	The State reported no baseline	The State reported that baseline data will be collected during the 2006-2007

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<p>to evaluate, who were evaluated within 60 days (or State-established timeline).</p> <p>[Compliance Indicator; New]</p>	<p>data for this indicator.</p>	<p>school year and will be submitted in the FFY 2006 APR, due February 1, 2008. The State must submit this data in the FFY 2006 APR.</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).</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 81.6%. This represents progress from the FFY 2004 data of 66%, however, the State did not meet its FFY 2005 target of 100%.</p> <p>The State did not report on timely correction.</p>	<p>The State did not indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed as required in the instructions for this indicator. The State reported that this was due to a lack of an automated data collection for this data. The State must provide the required data in the FFY 2006 APR due February 1, 2008.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure these activities will enable the State to include data in the FFY 2006 APR that demonstrate compliance with the requirements of 34 CFR §300.124, including correction of the 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 74.3%.</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 correction of the 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>Entry level data and activities provided.</p>	<p>The State reported the required entry data and activities. The State must provide baseline data, targets and improvement activities with the FFY 2006 APR due February 1, 2008.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p>	<p>The State's FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%.</p>	<p>Although the State indicated that the findings included issues of noncompliance from the due process, monitoring and State complaint systems, the State did not break these data down by indicator or substantive finding area.</p> <p>OSEP appreciates the State's efforts to achieve compliance and looks</p>



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[Compliance Indicator]		forward to reviewing 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>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 33% (recalculated by OSEP at 20%). 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 revised its improvement activities for this indicator to address staffing and data collection issues and OSEP accepts those revisions.</p> <p>The State's FFY 2005 reported data for this indicator are 33%. It appears that the State's calculation for this indicator is incorrect. OSEP recalculated Delaware's baseline at 20%. This figure was calculated as follows: (Complaints with reports issued - 15; reports within timelines - 1; reports within extended timelines - 2; 3 reports (within timelines and extended timelines) divided by 15 complaints with reports issued = 20%). The State provided an explanation of those issues that contributed to its slippage. DDOE added two new improvement activities and OSEP accepts these revisions. DDOE must include data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with this requirement.</p> <p>The State must review, and revise, if appropriate, its improvement activities to ensure that they will enable the State to provide data in the FFY 2006 APR, due February 1, 2008, that 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 33% (1 of 3 hearings). This represents slippage from the State's FFY 2004 reported data of 66.6%. The State did not meet its FFY 2005 target of 100%.</p>	<p>OSEP's February 2006 response letter required the State to demonstrate in the February 1, 2007 APR that due process hearing requests 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, as required in 34 CFR §300.515 in the February 1, 2007 APR. The State was advised to review and if, necessary revise its improvement strategies included in the SPP to ensure they will enable to State to include data in the APR that demonstrate compliance with the requirements of what is now 34 CFR §300.515(a).</p> <p>The State had three due process hearings that were adjudicated during 2005-</p>

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		2006. The slippage represents proportionally one fewer decision issued within timelines or extended timelines for this reporting period. The State must review, and revise, if appropriate, its improvement activities to ensure that they will enable the State to provide data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.515(a).
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator; New]</p>	<p>The State reported that it had one resolution session in the reporting period.</p>	<p>The State reported that only one of twelve filed hearing requests resulted in a resolution session. The State is not required to provide baseline, targets or improvement activities until any FFY in which 10 or more resolution meetings were held.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 64% (9 of 14 mediations). This represents slippage from the State's FFY 2004 reported data of 87.5%. The State did not meet its FFY 2005 target of 88%.</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 93%. This represents slippage from the FFY 2004 data of 100%. The State did not meet its FFY 2005 target of 100%.</p>	<p>The State reported that its slippage was due to the fact that discipline data due on November 1, 2006 was submitted on December 7, 2007.</p> <p>In addition, as noted in this table, DDOE did not provide data for FFY 2005 for Indicators 1, 2, 8, and 11. The State must consider the accuracy of its APR data when reporting data for this indicator. 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 compliance with the requirements of IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>