

Florida 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 data lags one year behind. The data reported as FFY 2005 data is from 2004-05. The reported data are 32.2%. This represents slippage from 2003-04 data of 32%. The State did not meet its FFY 2005 target of 30%.</p> <p>Data not reliable and valid. The State did not submit FFY 2005 data consistent with the required measurement.</p>	<p>The State reported gap data between all students and students with individualized education programs who graduated high school in four years with a standard diploma in the 2004-05 school year. However, the State was required to report data for the percent of youths with IEPs graduating from high school with a regular diploma for the 2005-06 school year.</p> <p>The State must provide data for the percent of youth with IEPs graduating from high school with a regular diploma for school years 2005 – 06 and 2006-07 in the FFY 2006 APR, due February 1, 2008. 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 5.5%. This represents slippage from FFY 2004 data of 4.7%. The State did not meet its FFY 2005 target of 4.5%.</p>	<p>The State included additional improvement activities intended to impact the dropout rate. OSEP accepts these revisions and 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 6% for reading and 4% for math. This represents slippage from FFY 2004 data of 13% and 6% respectively. The State did not meet its FFY 2005 targets of 22% and 16%.</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</p>	<p>The State’s FFY 2005</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in</p>

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<p>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>reported data for this indicator are 94% combined for reading and math. This represents progress from FFY 2004 data of 91.5% and 91.8% for reading and math, respectively. The State did not meet its FFY 2005 target of 95%.</p>	<p>performance in the FFY 2006 APR due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 28% for reading and 30% for math. This represents progress from FFY 2004 data of 24.9% and 27% respectively. The State did not meet its FFY 2005 targets of 44% and 50%.</p>	<p>In the State's FFY 2005 APR, the State revised its targets to be less rigorous based on historical data and trends for students with disabilities. These revisions were reviewed and approved by Florida's State Advisory Committee. OSEP accepts these revisions. FDE must revise its targets in the SPP to be consistent with the revised targets in the 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>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 19.4%. This represents progress from FFY 2004 data of 20.9%. The State did not meet its FFY 2005 target of 16.4%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State was instructed in OSEP's April 13, 2006 SPP response letter to describe how the State reviewed, and if appropriate revised (or required the affected LEAs to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.146 (now 34 CFR §300.170(b)) for the LEAs identified with significant discrepancies in FFY 2004. The State did not provide this information. Rather, the State reported a review of district policies and procedures related to discipline in general and specifically related to students with disabilities. This represents noncompliance with 34 CFR §300.170(b).</p> <p>In its FFY 2006 APR, the State must also 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</p>

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		with the IDEA for: (1) the LEAs identified as having significant discrepancies in the FFY 2004 and 2005 APRs; and (2) the LEAs identified as having significant discrepancies in the FFY 2006 APR. (The review for LEAs identified in the FFY 2006 APR may occur either during or after the FFY 2006 reporting period, so long as the State describes that review in the FFY 2006 APR.)
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator; New]</p>		<p>Based upon our preliminary review of all State submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this year's submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that States immediately cease using Indicator 4B measurements and targets, unless they are based on a finding of inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p>
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound</p>	<p>A. The State's FFY 2005 reported data for this indicator are 54.4%. The State met its FFY 2005 target of 52.8%.</p> <p>B. The State's FFY 2005 reported data for this indicator are 23.2 %. The State met its FFY 2005 target of 24.3%.</p> <p>C. The State's FFY 2005</p>	<p>The State met its targets for Indicators 5A and 5B. It did not meet its target for Indicator 5C. OSEP appreciates the State's efforts to improve performance and looks forward to data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>

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<p>or hospital placements. [Results Indicator]</p>	<p>reported data for this indicator are 3.0%. This represents slippage from FFY 2004 data of 2.8 %. The State did not meet its FFY 2005 target of 2.8%.</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). [Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 64.1%. The State met its FFY 2005 target of 64%.</p>	<p>The State met its target and OSEP appreciates the State's efforts to improve performance. 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: 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]</p>	<p>Entry data provided.</p>	<p>The State reported the required entry data and activities. The State must provide progress data and improvement activities in the FFY 2006 APR, due February 1, 2008.</p>
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. [Results Indicator; New]</p>	<p>The State's reported baseline data for this indicator are 29.34%. This figure includes a combined measure of preschool aged and school aged (3-21 years).</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. The State submitted a technically sound sampling plan with its FFY 2005 APR. The State did not submit the surveys to OSEP required by the instructions for the SPP/APR. The State must submit the surveys in the FFY 2006 APR due February 1, 2008. For preschool aged children with disabilities, the State is using census data for this indicator. For children, kindergarten through age 21, the State is sampling. If the State is using different surveys for preschool and school aged populations, separate targets must be established</p>

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		for each group and must be submitted to OSEP as a revision to the SPP by February 1, 2008.
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 baseline data for this indicator are 0%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. The State identified one district with disproportionate representation of black students in special education and related services. However, the State determined that the disproportionate representation was not a result of inappropriate identification. OSEP appreciates the State's efforts in achieving compliance and looks forward to reviewing data and information in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR §300.600(d)(3).</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 0%.</p> <p>The State did not use the proper measure for this indicator.</p>	<p>The State provided targets at 0% and improvement activities and OSEP accepts the SPP for this indicator. However, in reporting baseline data, the State did not use the proper measure for this indicator. This indicator requires the State to identify at the district level, using data collected for section 618, the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. The State applied its risk ratio to statewide data, determining that on the State level black students have a risk ratio above 2 in both mental retardation and emotional disturbance. Based on the statewide examination of data, the State examined the risk ratios for all districts only for these two areas – black students in mental retardation and emotional disturbance -- and only selected districts with risk ratios above 2 in both of these two areas for further review. The State did not examine data for every district to determine whether the districts had disproportionate representation of racial and ethnic groups in specific disability categories.</p> <p>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 in compliance with 34 CFR §300.600(d)(3). To correct this noncompliance,</p>

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		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 in all districts to determine if there is disproportionate representation that is the result of inappropriate identification for both FFY 2005 and FFY 2006.
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%.</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 timeline within which the evaluation must be conducted. The State must review its improvement strategies and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.301(c)(1), including data on the 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 32%. This represents progress from FFY 2004 data of 29%. The State did not meet its FFY 2005 target of 100%.</p> <p>The State did not report correction of previously identified noncompliance.</p>	<p>As a result of a data error, the State revised the baseline data from 35% to 29% and improvement activities for this indicator. OSEP accepts those revisions.</p> <p>OSEP's April 13, 2006 SPP response letter required the State to demonstrate, in the February 1, 2007 APR, that children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under Part B, experience a smooth and effective transition to those preschool programs as required by 34 CFR §300.132(b) (now 34 CFR §300.124). The State did not submit all required information for this indicator. Specifically, the State did not account for the number of children for whom parent refusal to provide consent caused delays in evaluation or initial services (see measurement – item d) and the State did not provide the reasons for the delays beyond the third birthday when eligibility was determined and the IEP developed.</p> <p>In the FFY 2006 APR due February 1, 2007, the State must provide data on the number of children for whom parent refusal to provide consent caused delays in evaluation or initial services and information on the reasons for the delays beyond the third birthday.</p> <p>The State must submit all required information for this indicator as described above. The State must also review its improvement activities and</p>

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		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 34 CFR §300.124, including correction of outstanding noncompliance identified in FFY 2005 and FFY 2004.
<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 61%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.320(b), including correction of outstanding 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 for submission with the APR due February 1, 2008.</p>	<p>The State included the required plan that describes how data will be collected. The State must provide baseline data, targets, and improvement activities in the FFY 2006 APR due February 1, 2008. OSEP notes that the State provided baseline data, targets, and improvement activities in the FFY 2005 APR. However, baseline data, targets, and improvement activities for this indicator are not due until February 1, 2008.</p> <p>OSEP’s April 13, 2006 SPP response letter required the State to ensure that “competitively employed” and “enrolled in some type of postsecondary school” are operationally defined in the FFY 2005 APR. The State provided this information in its SPP.</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 90%. This represents slippage from the FFY 2004 data of 93%. The State did not meet its FFY 2005 target of 100%.</p>	<p>The Florida Department of Education (FDE) listed its targets separately by monitoring priority areas, non-priority areas and other mechanisms (complaints, due process, mediations, etc.). In order to align with the measurement for this indicator, the State must collapse its targets into one target. In other words, the target must indicate that 100% of noncompliance issues identified through the general supervision system will be corrected as soon as possible, but in no case later than one year from identification. The State must provide this information as part of a revised SPP with the FFY 2006 APR due February 1, 2008.</p> <p>The State must review its improvement strategies and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the</p>

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		<p>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 4A, 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.</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 50%. This represents progress from the FFY 2004 data of 32%. The State did not meet its FFY 2005 target of 100%.</p>	<p>OSEP imposed Special Conditions on FDE's FFY 2006 grant award relating to FDE's due process hearing system. Specifically, FDE failed to ensure that due process hearing decisions are issued within the 45-day timeline unless the hearing officer grants a specific extension of the timeline at the request of a party, as required by 20 U.S.C. 1415(f)(1)(B)(ii) and 34 CFR § 300.511(a) and (c) (now 34 CFR §300.515(a) and (c) and 34 CFR §300.510(b) and (c)). OSEP required the State to submit two progress reports – one on February 1, 2007 and one on June 1, 2007.</p> <p>The State's first progress report submitted data covering the period April 1, 2006 to January 25, 2007, and reported that 100% of the fully adjudicated due process hearings were resolved within the 45 day timeline or allowable extensions. OSEP looks forward to reviewing data in the second progress report demonstrating compliance with the requirements of 34 CFR §§300.510(b) and (c) and 300.515(a) and (c). Failure to demonstrate compliance may affect the State's FFY 2007 grant award. In addition, the State must review its improvement strategies and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §§300.510(b) and (c) and 300.515(a) and (c), including data on the correction of outstanding noncompliance identified in FFY 2005.</p>

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<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's FFY 2005 reported baseline data for this indicator are 57%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</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 79%. This represents slippage from FFY 2004 data of 83%. The State did not meet its FFY 2005 target of 84%.</p>	<p>The State revised its targets for subsequent years to 80% and OSEP accepts the revised targets for this indicator.</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%.</p>	<p>The State's FFY 2005 reported data for this indicator are 100%. However, as noted under Indicators 1 and 10, the State did not provide valid and reliable data because it did not use the correct measurement for these indicators. The State must consider the accuracy of its APR data when reporting data for Indicator 20. 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 in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>