

Montana 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 70.2%. The State met its FFY 2005 target of 69.1%.</p>	<p>The State revised the baseline and targets for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's February 27, 2006 SPP response letter required the State to include in the February 1, 2007 APR baseline (2004-2005) and progress (2005-2006) data. These data were provided in the FFY 2005 APR.</p> <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</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 5.9%. This represents progress from the State's FFY 2004 reported data of 7.9% The State did not meet its FFY 2005 target of 5.8%.</p>	<p>The State revised the baseline and targets for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's February 27, 2006 SPP response letter required the State to include in the February 1, 2007 APR baseline (2004-2005) and progress (2005-2006) data. These data were provided in the FFY 2005 APR.</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>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 39.6%. This represents the new baseline for the State.</p> <p>Target not applicable for FFY 2005.</p>	<p>The State revised the baseline and targets for this indicator in its SPP. Because of the addition of new grades and revised methodology to the statewide assessment, which were approved by the Office of Elementary and Secondary Education, Montana revised its targets and requested that OSEP accept its 2005-2006 data as baseline. OSEP accepts these revisions.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations;</p>	<p>The State's FFY 2005 reported data for this indicator is 99%. This represents the new baseline for the State.</p> <p>The State met its FFY 2005</p>	<p>The State revised the baseline for this indicator in its SPP. Because of the addition of new grades and revised methodology to the statewide assessment, which were approved by the Office of Elementary and Secondary Education, Montana revised its targets and requested that OSEP</p>

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<p>regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>target of 98%.</p>	<p>accept its 2005-2006 data as baseline. OSEP accepts those revisions.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>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 32%. This represents the new baseline for the State.</p>	<p>The State revised the baseline and targets for this indicator in its SPP. Because of the addition of new grades and revised methodology to the statewide assessment, which were approved by the Office of Elementary and Secondary Education, Montana revised its targets and requested that OSEP accept its 2005-2006 data as baseline. OSEP accepts those revisions.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>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 reported data for this indicator are 0%. However, the State's reported data are not valid and reliable because the State did not use an appropriate method of identifying significant discrepancies.</p>	<p>The State did not use an appropriate method of identifying significant discrepancies because it included a review of policies, practices and procedures as a part of its identification process. This is inconsistent with 34 CFR §300.170, which provides that the review of policies, practices and procedures is a consequence of, and not a part of, the identification of significant discrepancies. Therefore, we conclude that the State is not complying with 34 CFR §300.170. To correct this noncompliance the State must demonstrate in the FFY 2006 APR that it has adopted and used an appropriate method of identifying significant discrepancies either in or among LEAs based on both the FFY 2005 and FFY 2006 data.</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</p>

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		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>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>A. The State's FFY 2005 reported data for this indicator are 50.9%. The State met its target of 50%.</p> <p>B. The State's FFY 2005 reported data for this indicator are 11.2%. The State met its target of 12%.</p> <p>C. The State's FFY 2005 reported data for this indicator are 1.5%. The State met its target of 1.8%.</p>	<p>The State met its targets for FFY 2005. However, OSEP could not determine Montana's progress for Indicators 5A and 5C because of inconsistencies between the baseline data reported in the SPP and the APR. On page 49 of the SPP, Montana reported baselines of 51.5% (5A) and 1.8% (5C). On page 23 of the APR, Montana reported baselines of 51.8% (5A) and 1.3% (5C). Montana must clarify its baseline in the FFY 2006 APR due February 1, 2008. In addition, 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 part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	<p>Montana's FFY 2005 reported data for this indicator are 52.4%. This represents slippage from FFY 2004 data of 54.5%. The State did not meet its FFY 2005 target of 54.8%. However, Montana's analysis of the data indicated that this difference is statistically insignificant.</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</p>	<p>Entry data 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>

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<p>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>It is unclear to OSEP whether the State's plan to collect and report data for this indicator will result in the State's ability to provide valid and reliable child outcomes progress data in the FFY 2006 APR, due February 1, 2008. On page 60 of the SPP, Montana states that because no single instrument or procedure is used to determine a child's functioning level, the consensus of the IEP team is used to make a determination of comparable to same age peers for each child. The instructions for completing this indicator require States to provide their criteria for defining "comparable to same age peers." Montana must define "comparable to same age peers" and include that definition in its FFY 2006 APR, due February 1, 2008. OSEP is available to provide technical assistance.</p>
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>[Results Indicator; New]</p>	<p>The State's baseline data for this indicator are 65.5%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>OSEP's February 27, 2006 SPP response letter required the State, in the February 1, 2007 APR, to inform OSEP if the State was going to use a sampling plan to collect data for this indicator. Montana provided a technically sound sampling plan.</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 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. 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.</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 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. 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.</p>
Monitoring Priority: Effective General Supervision		
<p>11. Percent of children with parental consent</p>	<p>The State's baseline data for</p>	<p>The State provided baseline data, targets and improvement activities. OSEP</p>

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<p>to evaluate, who were evaluated within 60 days (or State established timeline). [Compliance Indicator; New]</p>	<p>this indicator are 93%.</p>	<p>accepts the SPP for this indicator. However, the instructions for this indicator require the State to “indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.” Montana’s narrative for this indicator, on page 80 of the SPP, provides a general description of perceived reasons for the delays in completing evaluations. Montana must provide a more detailed explanation of any delays in the FFY 2006 APR, due February 1, 2008.</p> <p>The targets on page 80 of the SPP reflect language from Indicator 11, as it was worded last year: Percent of children with parental consent to evaluate, who were evaluated <i>and eligibility determined</i> within 60 days (or State established timeline). The italicized language is not included in the Federal requirement at 34 CFR §300.301(c) or the new indicator. Since Montana reports that it has adopted the Federal standard, OSEP recommends that Montana revise the language in its targets to reflect its standard and the new indicator.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with requirements of 34 CFR § 300.301(c), 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. [Compliance Indicator]</p>	<p>The State’s reported data for this indicator are 100%. However, the State’s reported data are not valid and reliable because the State did not use the proper measurement for this indicator.</p>	<p>OSEP’s February 27, 2006 SPP response letter required the State to include, in the February 1, 2007 APR, baseline (2004-2005) and progress (2005-2006) data. The State revised its SPP to include baseline data for 2004–2005. However, the baseline data provided is not valid and reliable. While Montana provided some information from its monitoring system, and from Part C, the State did not use the measurement for the indicator when determining baseline and progress data, and did not provide a 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. The State must provide baseline data from 2004-05, and progress data from 2005-2006 and 2006- 2007 in the FFY 2006 APR, due February 1, 2008.</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</p>	<p>The State reported baseline data for this indicator are 51%.</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 requirements of 34 CFR</p>

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<p>post-secondary goals. [Compliance Indicator; New]</p>		<p>§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. [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.</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. [Compliance Indicator]</p>	<p>The State's reported data for FFY 2005 are 100% timely correction of noncompliance identified in 2004-20 05 through complaints, due process hearings and mediation and 97.1% timely correction of noncompliance identified in 2004-05 in nonpriority areas. The State did not meet its target of 100%.</p>	<p>OSEP's February 27, 2006 SPP response letter stated that OSEP would review this indicator for full compliance. The State reported in its SPP that it identified no areas of noncompliance for 2004-2005 in priority areas, and therefore did not address correction of noncompliance in priority areas in its FFY 2005 APR.</p> <p>OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with requirements in 20 USC 1232(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 identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 4A, 11 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. [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</p>	<p>This indicator is not applicable because the State reported no fully adjudicated due process hearing requests</p>	<p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance.</p>

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request of either party. [Compliance Indicator]	in FFY 2005.	
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator; New]	This indicator is not applicable because the State reported receiving fewer than 10 due process hearing requests that went to resolution.	The State is not required to provide baseline, targets or improvement activities until any FFY in which 10 or more due process hearing requests were resolved through resolution.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	This indicator is not applicable because the State reported fewer than 10 mediations.	The State is not required to provide baseline data, targets or improvement activities until any FFY in which 10 or more mediations were conducted.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State's FFY 2005 reported data for this indicator are 100%.	<p>OSEP's February 27, 2005 SPP response letter required the State to revise its targets to address accuracy. The State revised its targets in the SPP and OSEP accepts this revision. Although the State reported that its data is 100% timely and accurate, as indicated above, data for Indicators 4A and 12 were not valid and reliable.</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 requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601.</p>