

North Carolina's 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. [Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 93.9%. The State met its FFY 2005 target of 92%.</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. [Results Indicator]</p>	<p>The State did not report data for FFY 2005.</p>	<p>The State revised the FFY 2004 baseline data, targets and improvement activities for this indicator in its SPP and OSEP accepts those revisions. OSEP's February 27, 2006 SPP response letter required the State to include in its FFY 2005 APR, due February 1, 2007, both updated baseline data for FFY 2004 (July 1, 2004 through June 30, 2005) and its first reporting of progress data for this target from FFY 2005 (July 1, 2005 through June 30, 2006). The State provided updated data for FFY 2004, but did not report any FFY 2005 data for this indicator. The State must provide data from FFY 2005 and FFY 2006 for this indicator in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments: 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. [Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 13.1%. This represents progress from FFY 2004 data of 9.7%. The State did not meet its FFY 2005 target of 15%. With respect to districtwide assessments, the State reported partial correction of prior noncompliance.</p>	<p>The State revised the baseline, targets, and improvement activities and OSEP accepts those revisions. The State reported progress and OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008. OSEP's February 27, 2006 SPP response letter required the State to include in its FFY 2005 APR, due February 1, 2007, documentation that the State was ensuring compliance with the requirements of 34 CFR §§300.138, 300.139, and 300.347(a)(5), as they apply to</p>

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		<p>districtwide assessments (now 34 CFR §§300.160 and 300.320(a)(6)). OSEP's letter specified that the documentation must include: (1) a description of the State's procedures for monitoring regarding such compliance; (2) a summary of the State's findings; and (3) for any findings of noncompliance, the status of correction.</p> <p>In its FFY 2005 APR, the State reported that it determined, based on a survey of LEAs, that 105 LEAs administered districtwide assessments. Based on those survey results, the State reported that some of those LEAs did not: (1) administer alternate assessments to children with disabilities whose IEP teams determined that they could not participate in the standard administration of the districtwide assessment even with accommodations, as required by 34 CFR §§300.160(c) and 300.320(a)(6); and (2) publicly report on the districtwide assessment of children with disabilities with the same frequency and in the same detail as it reports on the districtwide assessment of nondisabled children, as required by 34 CFR §300.160(f). The State must provide in the FFY 2006 APR, due February 1, 2008, data demonstrating that the LEAs identified in the State's survey as being out of compliance with the requirements 34 CFR §§300.160(c) and (f) and 300.320(a)(6) have corrected that noncompliance within one year of identification.</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 reported FFY 2005 data for this indicator separately for each grade level and content area. The State did not meet its FFY 2005 target for any grade level or content area. (These targets ranged from 95% to 99.6%.) With the exception of grade 4 reading, this represents slippage from FFY 2004 data. With the exception of grade 10 reading (87.9%) and grade 10 math (89.3%), the State reported participation data of 98% or higher for FFY 2005.</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>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p>	<p>The State reported FFY 2005 data for this indicator separately for each</p>	<p>The State revised the baseline and targets for this indicator in its SPP and OSEP accepts those revisions.</p>

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<p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards. [Results Indicator]</p> <p>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]</p>	<p>grade level and content area. The State reported progress in reading for grades 3, 4, 5, 7 and 8 and slippage in reading in grades 6 and 10. The State reported progress in math in grades 3 and 10 and slippage in math in grades 4-8. With the exception of grade 7 reading, the State did not meet the FFY 2005 targets for each grade level and content area.</p> <p>The State's FFY 2005 reported data for this indicator are 2.6%. This represents progress from FFY 2004 data of 11.3%. The State met its FFY 2005 target of 10.2%.</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>The State revised its definition of significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year and revised its FFY 2004 baseline. The State revised the baseline data and targets for this indicator in its SPP and OSEP accepts those revisions. However, OSEP notes that the State did not provide a revised target for FFY 2005. OSEP is using the target provided in the SPP in December 2005 as the target for Indicator 4A for FFY 2005.</p> <p>OSEP notes that the State did not include charter schools in its calculations. To the extent that charter school LEAs meet the State-established "n" size, they must be included in the calculation for this indicator.</p> <p>The State was instructed in Table B to OSEP's February 27, 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(b) (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 in its FFY 2005 APR, that "all policies, procedures and practices were reviewed." However, the State did not indicate whether these were the policies, procedures and practices of LEAs identified with significant discrepancies and did not provide the details required by 34 CFR §300.170(b). This represents continuing noncompliance</p>

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		<p>with 34 CFR §300.170(b).</p> <p>In its FFY 2006 APR, due February 1, 2008, the State must describe the review, and if appropriate, revision, of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the LEAs identified as having significant discrepancies in its FFY 2004, FFY 2005, and FFY 2006 APRs.</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator: New]</p>		<p>Based upon our preliminary review of all State submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this year's submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that States immediately cease using Indicator 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>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 61.56%. The State met its FFY 2005 target of 60.59%.</p>	<p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p>
<p>5B. Removed from regular class greater than</p>	<p>The State's FFY 2005 reported data</p>	<p>The State met its target and OSEP appreciates the State's efforts to</p>

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60% of the day; or [Results Indicator]	for this indicator are 16.82%. The State met its FFY 2005 target of 17.27%.	improve performance.
5C. Served in public or private separate schools, residential placements, or homebound or hospital placements. [Results Indicator]	The State's FFY 2005 reported data for this indicator are 2.27%. This represents slippage from FFY 2004 data of 2.23%. The State did not meet its FFY 2005 target of 2.23%.	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.
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]	The State's FFY 2005 reported data for this indicator are 78%. The State met its FFY 2005 target of 73%.	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, 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.
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]	The State reported entry data.	The State reported the required entry data and activities. The State must provide progress data and improvement activities in the FFY 2006, due February 1, 2008.
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. [Results Indicator; New]	The State did not provide baseline data. Data not valid and reliable.	The State provided targets and improvement activities and OSEP accepts the SPP for this indicator. The State did not provide baseline data in the SPP, and reported that it will not have baseline data for FFY 2005. The State must provide baseline data for FFY 2006 and revised targets in the FFY 2006, due February 1, 2008. The targets must state a specific percent of parents

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		<p>for each year reporting that schools facilitated parent involvement as a means of improving services and results for children with disabilities. OSEP's February 27, 2006 SPP response letter required the State to submit a revised sampling plan for this indicator. The State submitted a technically sound revised sampling plan.</p> <p>The State also reported that it intends to use a different survey for the parents of preschool children. If the State uses a different survey, the State must provide separate baseline data, targets, and improvement activities for the percent of parents of preschool children in the FFY 2006 APR, due February 1, 2008.</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. [Compliance Indicator, New]</p>	<p>The State did not provide baseline data for this indicator.</p>	<p>The State provided targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State reported that 104 LEAs "fell into the Desk Audit range." The State did not describe whether these LEAs met the State's definition of significant disproportionate representation of racial and ethnic groups and if so, the State did not analyze the data to determine whether the disproportionate representation of racial and ethnic groups was due to inappropriate identification. Accordingly, OSEP is unable to conclude whether the State identified districts with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification, as required by 34 CFR §300.600(d)(3). 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. If the State</p>

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		<p>determines that any LEAs have disproportionate representation that was the result of inappropriate identification, the State must include data and information that demonstrate that the LEAs identified in FFY 2005 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>While not required to report on significant disproportionality in Indicator 9, the State reported that no LEAs were identified as having significant disproportionality, as defined by the State. The State defines "significant disproportionality" as "a risk ratio greater than or equal to 3." The State further reported that, "LEAs with a Risk Ratio greater than or equal to three will be selected for Targeted Record Review. During the Targeted Record Review, a record review form will be used to help determine if disproportionality is occurring as a result of inappropriate identification." While the State has the discretion to define what constitutes significant disproportionality for the LEAs in the State and for the State in general, the State's definition of significant disproportionality must be based on an analysis of numerical information, and may not include consideration of the State's or LEA's policies, procedures or practices. This is because section 618(d)(1) of the Act is clear that a review of policies, practices and procedures is a consequence of, rather than a part of, a determination of significant disproportionality by race or ethnicity.</p> <p>OSEP's February 27, 2006 SPP response letter required the State to include in its FFY 2005 APR, due February 1, 2007, the results of the State's review of policies, procedures and practices, as required by 34 CFR §300.755(b) (now 34 CFR §300.646(b)). OSEP notes that this request had been based on an assumption that the State had determined in the past that significant disproportionality based on race and ethnicity was occurring in LEAs with respect to identification, placement, and disciplinary action. It appears that the State had not identified any LEAs with significant disproportionality based on race and ethnicity and therefore, OSEP concludes that no further action is necessary with respect to the request in its February 27, 2006 SPP response letter for Indicator 9.</p>
10. Percent of districts with disproportionate:	The State did not provide baseline	The State provided targets at 0% and improvement activities and

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<p>representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator; New]</p>	<p>data that are responsive to the indicator.</p>	<p>OSEP accepts the SPP for this indicator.</p> <p>The State identified 20 "traditional LEAs" with disproportionate representation of racial and ethnic groups in specific disability categories but did not determine if the disproportionate representation was the result of inappropriate identification, as required by 34 CFR §300.600(d)(3). In addition, the State did not review its data for disproportionate representation of racial and ethnic groups in all six disability categories.</p> <p>The State must provide, in its FFY 2006 APR, its definition of disproportionate representation, and its baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in specific disability categories (mental retardation, specific learning disabilities, emotional disturbance, speech or language impairments, other health impairments, and autism) 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>While not required under Indicator 10, the State reported that it identified 68 LEAs with significant disproportionality of racial and ethnic groups in some specific disability categories and attempted to determine if the significant disproportionality was the result of inappropriate identification. As noted above in the discussion regarding Indicator 9, while the State has the discretion to define what constitutes significant disproportionality for the LEAs in the State and for the State in general, the State's definition of significant disproportionality must be based on an analysis of numerical information, and may not include consideration of the State's or LEA's policies, procedures or practices.</p> <p>In its FFY 2006 APR, due February 1, 2008, the State must provide, for the 68 LEAs identified by the State as having significant</p>

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<p>Monitoring Priority: Effective General Supervision</p>		
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline). [Compliance Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 84.62%.</p>	<p>disproportionality with respect to the identification of children as children with disabilities or the placement in particular educational settings of these children and disciplinary actions, documentation that the State, as required by 34 CFR §300.646(b): (1) provided for the review (and, if appropriate) revision of 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) required the LEAs to reserve the maximum amount of funds under section 613(f) of the IDEA to provide comprehensive coordinated early intervening services to serve children in the LEAs, particularly, but not exclusively, children in those groups that were significantly overidentified; and (3) required the LEAs to publicly report on the revision of policies, procedures, and practices.</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 FFY 2005 reported data for this indicator are 48.4%. This represents slippage from FFY 2004 data of 58%. The State did not meet its FFY 2005 target of 100%. The State did not address timely correction of noncompliance.</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. 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. The State revised its improvement activities. OSEP accepts this revision. OSEP's February 27, 2006 SPP response letter required the State to include in the FFY 2005 APR, due February 1, 2007, data demonstrating compliance with the requirements of 34 CFR §300.132(b) (now 34 CFR §300.124(b)). The State did not provide data demonstrating compliance with these requirements. The State must also implement, and revise if appropriate, its improvement activities 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(b), including</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. [Compliance Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 60%.</p>	<p>data demonstrating correction of noncompliance identified in FFY 2004 and FFY 2005.</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>OSEP's July 3, 2006 Grant Award letter required the State to provide updated documentation in the FFY 2005 APR, due February 1, 2007, on the State's progress in ensuring full compliance in the areas of: (1) inviting students to IEP meetings; and (2) transition related content of IEPs. In Indicator 15 of its FFY 2005 APR, the State provided updated data regarding the LEAs on which the State reported in its May 30, 2006 progress report. The State reported that these LEAs had achieved the following compliance levels: (1) inviting students to the IEP meetings -- 98.03% (34 CFR §300.321(b)); and (2) including required transition components in IEPs -- 97.22% (34 CFR §300.320(b)).</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.320(b), including data demonstrating correction of noncompliance identified in FFY 2005.</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school. [Results Indicator; New]</p>	<p>The State provided a plan that describes how data will be collected.</p>	<p>The State submitted a plan that describes how the data will be collected. 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</p>	<p>The State's reported FFY 2005 data are not valid or reliable. OSEP cannot determine whether the data represents progress or slippage.</p>	<p>The State provided two tables of data. Table 1 is a chart that includes data from 37 LEAs that entered the State's Continuous Improvement Focused Monitoring Process in FFY 2004-05 and submitted a self-assessment in February 2006. The chart includes the number of</p>

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<p>from identification.</p> <p>[Compliance Indicator]</p>		<p>records reviewed in each of 11 areas, the number found noncompliant, the number found compliant, and the percent of correction of the noncompliant findings. This chart includes data broken down for 2004-2005 and 2005-2006. However, the State did not provide information on whether the noncompliance identified in 2004-2005 was corrected within one year from identification, as required by this indicator.</p> <p>Table 2 documents the compliance and noncompliance citations from the State's Internal Record Reviews from 2004-2005 and 2005-2006, broken down by indicators. The State reported that the data in Table 2 identify noncompliance corrected within one year of identification. The State did not provide a total number of findings made or a total of findings corrected, and did not provide the data in a format that would permit OSEP to calculate a total. The data provided for 2004-2005 ranges from 82% correction to 90% correction. The data provided for 2005-2006 ranges from 60% to 93% correction.</p> <p>Indicator 15 required the State to report the number of findings of noncompliance made in FFY 2004 and the percent of those findings of noncompliance that were corrected within one year from identification. In the FFY 2006 APR, due February 1, 2008, the State must provide data that are consistent with the required measurement for: (1) FFY 2005 (the number of findings of noncompliance made in FFY 2004 (July 1, 2004-June 30, 2005) and the number and percent of those findings timely corrected (within one year from identification) in FFY 2005 (July 1, 2005-June 30, 2006)); and (2) FFY 2006 (the number of findings of noncompliance made in FFY 2005 (July 1, 2005-June 30, 2006) and the number and percent of those findings timely corrected (within one year from identification) in FFY 2006 (July 1, 2006-June 30, 2007)).</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 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</p>

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		<p>findings identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 3A, 4A, 9, 10, 11, 12, and 13, in the FFY 2006 APR, specifically identify and address the noncompliance identified in this table under those indicators.</p> <p>OSEP's May 17, 2006 email to the State acknowledged that the State had provided documentation of significant progress in correcting previously identified noncompliance regarding the State's effectiveness in ensuring that LEAs correct within one year from identification noncompliance with Part B's requirements for placement in the least restrictive environment (LRE). In that email, OSEP required the State to provide, in the FFY 2005 APR, due February 1, 2007, updated documentation regarding progress in this area. As part of its response to Indicator 5 in the APR, the State reported data showing a compliance rate of 98% from record reviews related to requirements for placement in the LRE. OSEP appreciates the State's efforts in this area.</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 87%. The State did not meet its FFY 2005 target of 100%. This represents progress from the FFY 2004 data of 77%.</p>	<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in 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. [Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 67%. This represents progress from the FFY 2004 data of 50%. The State did not meet its FFY 2005 target of 100%.</p>	<p>The State revised its improvement activities and OSEP accepts these changes. The State must include these revised activities in the SPP. OSEP's July 3, 2006 FFY 2006 Part B grant award letter required the State to provide updated data for the period July 1, 2005 through June 30, 2006 under Indicator 17 in the FFY 2005 APR, due February 1, 2007, identifying the precise number of due process hearings that were fully adjudicated, and of those, the number in which a decision was issued within the 45-day timeline, and the number in which a decision was issued within a specific extension of the timeline at the request of a party. OSEP's letter further required the State to provide, with the FFY 2005 APR, updated data for the period of July 1, 2006-December 31, 2006.</p>

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		<p>The State reported in its FFY 2005 APR that during the FFY 2005 reporting period there were three fully adjudicated hearings. One was fully adjudicated within 45 days, and one was fully adjudicated within a properly extended timeline. The third due process hearing was fully adjudicated four days beyond the timeline. The small number of due process hearings adjudicated may disproportionately negatively impact the State's compliance rate for this indicator.</p> <p>For the period from July 1, 2006 through December 30, 2006, the State reported in its FFY 2005 APR that 25 requests for due process hearings were filed, and no hearings held. Twenty cases were closed within 45 days, one closed with properly extended timelines, and four cases remained open. It appears that the State is reporting no fully adjudicated hearings during this time period.</p> <p>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 in 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. [Results Indicator, New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 86%.</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. [Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 71%. This represents slippage from FFY 2004 data of 84%. The State did not meet its FFY 2005 target of 84%.</p>	<p>The State reported slippage and reported that its percent of mediations held that resulted in mediation agreements dropped because some of the conflicts that, in the past, would have resulted in mediation, were resolved through resolution sessions or the Facilitated IEP Team Meeting Program. 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. [Compliance Indicator]</p>	<p>The State did not provide FFY 2005 data that is responsive to the indicator. The State did not meet its target of 100%. The data are not valid and reliable</p>	<p>The State did not submit in its FFY 2005 APR an overall percentage of its data that was timely and accurate. The State provided information on a variety of types of data and acknowledged that some of its data were not timely and not accurate. The State reported that "Eighty-three percent (5 out of 6 spreadsheets) [for 618 data] were reported in</p>

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	for this indicator and Indicators 2, 8, 12, and 15.	<p>a timely and accurate manner." The State did not provide a percentage of timeliness or accuracy relating to SPP/APR data.</p> <p>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 in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>