



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Dr. Randy L. Dunn, Superintendent
Illinois State Board of Education
100 North First Street
Springfield, IL 62777-0001

AUG 31 2005

Dear Commissioner Dunn:

The purpose of this letter is to respond to Illinois' April 5, 2005 submission of its Federal Fiscal Year (FFY) 2003 Annual Performance Report (APR) under the Individuals with Disabilities Education Act (IDEA) Part B for the grant period July 1, 2003 through June 30, 2004. The APR reflects actual accomplishments that the State made during the reporting period, compared to established objectives. The Office of Special Education Programs (OSEP) has designed the APR under the IDEA to provide uniform reporting from States and result in high-quality information across States. The APR is a significant data source for OSEP in the Continuous Improvement and Focused Monitoring System (CIFMS).

The State's APR should reflect the collection, analysis, and reporting of relevant data, and include specific data-based determinations regarding performance and compliance in each of the cluster areas. This letter responds to the State's FFY 2003 APR and Progress Report submitted on June 1, 2005. OSEP has set out its comments, analysis and determinations by cluster area.

Background

The conclusion of OSEP's November 16, 2004 FFY 2002 APR response letter required the State to submit to OSEP within 60 days:

1. Monitoring data and analysis that included: (a) the number of districts the Illinois State Board of Education (ISBE) monitored during 2002-2003; (b) of those, the number of districts in which ISBE identified noncompliance; (c) the procedures that ISBE used to verify whether those districts implemented all required corrective actions and corrected the noncompliance; (d) the number of those districts that completed corrective actions and corrected the identified noncompliance within one year from the date of identification; and (e) for those districts in which noncompliance was not corrected within one year, the actions that ISBE took and the current status of correction;
2. Either: (a) documentation from July 1, 2003 to the present, showing that that the State was meeting the due process hearing timeline requirements of 34 CFR §300.511(a) and (c) (i.e., ensuring that all hearing decisions are issued within 45 days or within a properly extended timeline); or (b) a plan, including strategies, proposed evidence of change, targets and timelines, designed to ensure correction of the noncompliance

within a reasonable period of time, not to exceed one year from the date OSEP accepted the plan;

3. Either: (a) documentation showing that it met the timeline for all complaints in 2002-2003, or (b) a plan that included strategies, proposed evidence of change, targets and timelines that would ensure correction of the noncompliance, within a reasonable period of time not to exceed one year from the date when OSEP accepted the plan;
4. Data, analysis, and a determination of compliance related to early childhood transition and 34 CFR §300.132(b). If data were not available, ISBE was to submit, within 60 days from the date of OSEP's letter, a plan for collecting the data and reporting them by the FFY 2003 APR; and
5. Data and analysis on: (a) for 2002-2003, the number of districts ISBE identified with noncompliance in the provision of psychological services; (b) for 2002-2003, the number of those districts that completed such corrective actions; and (c) for those districts in which noncompliance related to the provision of psychological services was not corrected, the status of ISBE's involvement, including interventions and sanctions.

In addition, OSEP's November 2004 APR response letter directed the State to include the following documentation in its FFY 2003 APR:

1. Clear accounting of all due process hearing requests for 2003-2004, including the status of all requests for which a decision was not issued within 45 days;
2. Information indicating that ISBE, when it identified significant disproportionality, had either conducted a review of policies, procedures or practices used in identification or placement of children with disabilities or otherwise ensured that such a review was done;
3. Baseline suspension data, including information regarding the comparison ISBE conducted between the rate of long-term suspensions and expulsions of children with disabilities, either among local education agencies (LEAs) in the State or compared to the rates for nondisabled children within the agencies, to determine whether significant discrepancies were occurring in the rate of long-term suspensions or expulsions; and if significant discrepancies were occurring, a description of those discrepancies and how the State planned to address them; and
4. Either documentation of skills data on preschool children (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data, including a detailed timeline of the activities necessary to implement that plan.

On January 26, 2005, Illinois submitted a Progress Report that included data and analysis addressing each of the areas requested by OSEP. In its March 14, 2005 response to the State's Progress Report, OSEP determined that the documentation was adequate to demonstrate correction of noncompliance related to the provision of psychological services needed as part of

a free appropriate public education (FAPE). In that same March 2005 letter, OSEP directed the State to submit, by June 1, 2005, the following documentation related to noncompliance:

1. Follow-up documentation regarding the status of correction related to unresolved district-level noncompliance in the 57 districts discussed in the Progress Report; and
2. Updated documentation showing that all hearings were resolved within either 45 days or within a specific extension of the timeline that the hearing officer granted at the request of a party.

On June 1, 2005, OSEP received a Progress Report from the State that addressed those two areas. Details of that report are included below in the general supervision section of the APR.

In its March 2005 letter, OSEP further directed the State to include the following information in the FFY 2003 APR:

1. Response to the probe regarding transition from Part C to Part B, including whatever data, including monitoring data, it had available regarding ensuring that FAPE is made available by the third birthday of eligible children with disabilities, and report on the State's progress in improving the sharing and aggregating of data between the Part C lead agency and ISBE; and
2. Report on progress in ensuring full compliance related to timeliness of State complaint decisions.

General Supervision

Identification and timely correction of noncompliance

In its December 2002 Monitoring Report, OSEP found that ISBE was not effective in identifying and ensuring the correction of all systemic noncompliance (34 CFR §300.600(a)(2) and 20 U.S.C. 1232d(b)(3)). OSEP's September 2003 letter directed the State to submit to OSEP, by September 29, 2004, documentation showing that the State was effective in correcting noncompliance found at the district level.

OSEP's November 2004 response to the State's FFY 2002 APR directed the State to report, within 60 days of the date of the letter, further follow-up information regarding the monitoring activities that the State used to ensure full compliance with the requirements of 34 CFR §300.600(a)(2) (i.e., ensuring that public agencies correct all identified noncompliance), including data and analysis on: (1) the numbers of districts monitored for 2002-2003; (2) of those, the number of districts in which ISBE identified noncompliance; (3) the procedures that ISBE used to verify whether those districts implemented all required corrective actions and corrected the noncompliance; (4) the number of those districts that completed corrective actions and corrected the noncompliance within one year from the date of identification; and (5) for those districts in which noncompliance was not corrected within one year, the actions that ISBE took and the current status of correction.

In its March 2005 letter responding to the State's January Progress Report, OSEP directed the State to provide follow-up documentation regarding the status of correction related to unresolved noncompliance in the 57 districts discussed in the Progress Report.

On pages 1-4 and in Appendices A and B of the FFY 2003 APR, the State included data and analysis indicating a need to improve performance in the area of general supervision, specific to coordination of the compliance system and correcting continued noncompliance in one or more districts. On page 1 of the APR, the State reported an increase¹ in the number of district-level monitoring visits it made over the last three years. On page 4 of Appendix A, the State reported that, as a result of the General Supervision Enhancement Grant, Illinois was able to examine all special education data and better use the data elements in the State's revised monitoring system. Specific targets, activities, and timelines were included on pages 15-17 of Appendix A (State Improvement Plan).

The State's June 2005 Progress Report included the following data and analysis demonstrating progress in correcting this area of noncompliance: (1) current status of all 57 districts, most of which are clustered into seven Special Education Entity/District Cooperatives; (2) the specific follow-up actions that ISBE took in each case; and (3) dates by which closure/correction was expected to occur in each case. The State reported that in 15 districts (all part of the Black Hawk Area Special Education District), ISBE accepted the correction plan and the issue was closed in May 2005. In 38 districts, the State indicated that correction was expected to occur between July 2005 and Fall of 2005. In three districts, the State is continuing to provide technical assistance and has incorporated the remaining issues into the comprehensive monitoring review cycle. In Chicago Public School District #299, the State continues to monitor under the *Corey H. v. the Board of Education of the City of Chicago* consent decree.

In the SPP, the State must include data and analysis demonstrating compliance with the requirement that the State ensure correction of identified noncompliance, including: (1) documentation of the State's follow-up actions in the remaining 42 districts/8 cooperatives; (2) the compliance status of the remaining districts/cooperatives; (3) any sanctions that it has taken to ensure correction, and the impact of those actions; and (4) if the State determines that additional strategies are needed or that existing strategies must be modified, its proposed strategies, evidence of change, data and timelines to ensure correction of all noncompliance as soon as possible.

Formal written complaints

In its November 2004 response to the State's FFY 2002 APR, OSEP noted that it could not determine from the APR whether the State was in compliance with the timeline for resolving complaints. OSEP directed the State to submit, within 60 days from the date of the letter, either: (1) documentation showing that it met the timeline for all complaints; or (2) a plan, that included strategies, proposed evidence of change, targets and timelines, that would ensure correction of

¹ The State increased the number of comprehensive district-level monitoring visits from 20 in 2001-2002 to 44 in 2003-2004. In addition, the number of focused monitoring visits increased from three in 2001-2002 to seven in 2003-2004.

the State's failure to meet the timeline, within a reasonable period of time not to exceed one year from the date when OSEP accepted the plan.

In its January 2005 Progress Report, the State included data regarding its 2002-2003 complaints, and a plan to ensure timeliness of all complaint investigations. In its March 2005 response to the Progress Report, OSEP accepted the plan and directed Illinois to report on the State's progress in ensuring full compliance related to timeliness of State complaint decisions in the FFY 2003 APR, and to provide a final report to OSEP, including data and analysis demonstrating full compliance, no later than March 14, 2006.

On pages 4-5 and in Attachment 1 of the FFY 2003 APR, the State included data related to formal complaints, as required. The data in Attachment 1 indicated that, of 154 formal complaints received during the period of July 1, 2003 through June 30, 2004, 43 were withdrawn and eight were set aside because the same issues were being addressed in a due process hearing. For the remaining 103 complaints, the State: (1) issued decisions for 60 of the complaints within 60 days; (2) resolved 19 beyond 60 days with a documented extension; and (3) did not resolve 24 within 60 calendar days or with a documented extension of time.² These data showed that the State remained in noncompliance. The State must include data and analysis documenting progress toward compliance in this area in the SPP. In addition, the State must provide a final report to OSEP, including data and analysis demonstrating full compliance with this requirement, no later than March 14, 2006.

Mediation

On pages 4-5 and in Attachment 1 of the FFY 2003 APR, the State included data and information regarding mediation, indicating that 192 requests were made for mediation during the reporting period of July 1, 2003 through June 30, 2004, and of those, 163 mediation agreements were reached. No mediations were reported to be pending as of June 30, 2004. OSEP appreciates the State's efforts in this area and looks forward to reviewing data and information demonstrating continued improvement in this area in the SPP.

Due process hearings

OSEP's October 2003 verification letter included a finding that the State was not in compliance with the requirements of 34 CFR §300.511(a) and (c), because hearing officers were postponing the date for due process proceedings without making clear that the hearing officer had extended the timeline at the request of a party, and the specific period of time by which the hearing officer had extended the timeline. OSEP directed ISBE to submit, by October 23, 2004, documentation that it had corrected the noncompliance. As part of its FFY 2002 APR, the State provided documentation related to this area of noncompliance by ensuring that when hearing officers extended hearing timelines, they specified the new due date for the hearing decisions. In its November 2004 response to the State's FFY 2002 APR, OSEP stated that Illinois had corrected the procedures related to granting extensions of time as required by 34 CFR §300.511(c).

² The State reported that it had closed all 24 of those complaints by the time it submitted its FFY 2003 APR.

OSEP's November 2004 letter further noted, however, that data in the FFY 2002 APR showed that of 477 hearing requests received during the reporting period, the State issued decisions for 118 beyond the 45-day timeline or extended timelines. OSEP's letter directed the State to submit, within 60 days of the date of that letter, a plan that included strategies, proposed evidence of change, targets and timelines that would ensure correction of the State's failure to meet the due process hearing timelines, within a reasonable period of time not to exceed one year. On January 26, 2005, the State submitted its plan to correct the noncompliance. In its March 2005 letter, OSEP accepted the State's plan.

In its June 2005 Progress Report, and in Appendices B and C of the FFY 2003 APR, ISBE acknowledged that it remained in noncompliance with the requirements of 34 CFR §300.511(a) and (c), and included data showing that, of the 492 hearing requests that the State received in 2003-04, 32.3% were completed within the 45-day timeline, 29.1% were completed within a properly extended timeline, and 38.6% (190 cases) went beyond the 45-day timeline without a documented extension. The State described additional steps that it was taking to achieve compliance, including: (1) redesign of the State's due process database with an automatic warning system, report-generating features, and features to ensure accuracy and efficiency in data entry by hearing officers; (2) legislative and regulatory changes that will allow the hearing officers discretion in granting continuances³; and (3) expanding the pool of active hearing officers from 16 to 20, with the addition of 5 positions held in a reserve pool to fill any temporary vacancies that may occur. In addition, Appendix C of the APR included a form, that ISBE now requires hearing officers to use to document all extensions in due process cases that exceed the 45-day timeline. By April 14, 2006, the State must provide data for the period from July 1 through December 31, 2005, showing that the State is in compliance with the requirements of 34 CFR §300.511(a) and (c).

Personnel

On pages 5-10 of the FFY 2003 APR, the State included data and information regarding the percentage of fully certified or licensed general education and special education teachers in Illinois. The information on page 9 indicated that from 2002-2003 to 2003-2004, the number of certified/employed special education teachers increased by 4.6%. The State continued to focus not only on increasing the number of fully-certified special education teachers, but also on the number of fully-certified general education teachers who were prepared to instruct children with disabilities in the least restrictive environment. OSEP appreciates the State's efforts to improve performance in this area.

Collection and timely reporting of accurate data

On pages 10-12 and in Appendices A and B of the FFY 2003 APR, the State included data and information regarding the collection and reporting of accurate data. The State made improvements in its data collection systems and processes as a result of a comprehensive study,

³ Current State law requires that hearing officers grant all joint requests for continuances.

and the implementation of changes related to that study.⁴ OSEP appreciates the State's efforts in this area and looks forward to reviewing information demonstrating continued improvement in the area of data collection in the SPP.

Early Childhood Transition

In its FFY 2002 APR, Illinois included baseline data showing that, of 3,761 children exiting from Part C Early Intervention services during July 2002-June 2003, there were 461 children for whom Part B eligibility was not determined by age three, representing approximately 13 percent of the children exiting for that year. As noted in OSEP's November 2004 letter responding to the FFY 2002 APR, OSEP could not determine whether these data meant that the State failed to meet its responsibility, under 34 CFR §300.132(b), to ensure that FAPE was made available, by the child's third birthday, to each eligible child with a disability exiting Part C. OSEP's letter directed the State to provide, within 60 days, data, analysis, and a determination of compliance or noncompliance related to the requirements of 34 CFR §300.132(b). The letter further stated that, if the data demonstrated noncompliance, the State must include a plan with strategies, proposed evidence of change, targets and timelines designed to ensure correction of noncompliance within a reasonable period of time, not to exceed one year from the date when OSEP accepted the plan. The letter also indicated that if data were not available, the State should submit, within 60 days, a plan for collecting the data and reporting them by the FFY 2003 APR.

In its January 2005 Progress Report, the State included a plan for collecting and reporting of data related to children transitioning from Part C to Part B, including a plan to track the reasons why eligibility determinations were not made. In its March 2005 letter responding to that Progress Report, OSEP directed the State to respond to the probe regarding transition from Part C to Part B, including whatever monitoring data it had available for ensuring FAPE was made available by the third birthday of eligible children with disabilities; and report on the State's progress on the sharing and aggregating of data between the Part C lead agency and ISBE.

In cluster area II of the FFY 2003 APR, the State included data and analysis indicating a need to improve performance in the area of early childhood transition. In this section of the APR, the State reported trend data that indicated improvement in the percentage of children for whom eligibility was not determined by age three.⁵ The State reported that, for FFY 2003-2004, special education eligibility was not determined for 708 (9.1%) of children exiting Part C⁶. ISBE and the Department of Human Services (DHS) agreed to enter into a data-sharing interagency agreement with the goals of improving Part B child find activities and assessing child outcomes. As a result of this agreement, the State reported that a new tracking system would be completed and in operation throughout the State before the next reporting period.

⁴ The purpose of the 2003 seven-month study was to "Identify, Enhance, and Align Special Education Student and School Data and Develop a Framework for Integrating and Analyzing Critical Indicators with the Illinois Continuous Improvement Plan."

⁵ For FFY 2001, 48.6% of children with terminated IFSPs were not determined to be eligible or ineligible for Part B services at age three; by FFY 2004, only 9.1% of children were not determined eligible or ineligible at age three.

⁶ Data from the Illinois Department of Human Services (Part C lead agency).

This is an indicator in the SPP under section 616 that is due December 2, 2005. In preparation for the submission of the SPP on December 2, 2005, the State should carefully consider its current data collection against the requirements related to this indicator in the SPP packet to ensure that data will be responsive to those requirements. The State must submit responsive baseline data regarding the percentage of children referred by Part C prior to age 3 and who are found eligible for Part B and receive special education and related services by their third birthday in the SPP. The absence of baseline data in this area will be considered in OSEP's decision about approval of the State's SPP.

Parent Involvement

In cluster area III of the FFY 2003 APR, ISBE included information, data and analysis indicating a need to improve performance in the area of parent involvement. The State also included targets, strategies, and future activities to increase parent involvement and participation. In preparation for submission of the SPP on December 2, 2005, the State should carefully consider data and information collected for the APRs, along with OSEP's responses, against the requirements related to this indicator in the SPP packet.

Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)

Disproportionality

OSEP's November 2004 APR response letter directed the State to provide information indicating that the State, when it identified significant disproportionality, either conducted a review of policies, procedures or practices used in identification or placement of children with disabilities or otherwise ensured that such a review was done, in the FFY 2003 APR. In cluster area IV and in Attachment 2 of the FFY 2003 APR, the State included data and information regarding disproportionality, including activities and projected timelines. The State was in its third year of establishing a three-year baseline for identifying districts with significant disproportionality in the identification and placement of children with disabilities. Illinois planned to examine and analyze the data for those districts identified as having significant disproportionality, with a target of reviewing any policies, procedures, and practices in districts where discrepancies were found. Illinois reported that the State did not identify any significant disproportionality to date; however, ISBE's analysis of the State's 2003 placement data showed that Black children continue to be overrepresented in placements outside the regular classroom.⁷ OSEP appreciates the State's efforts in this area and looks forward to reviewing data related to disproportionality, and analysis of that data, in the SPP.

Graduation and dropout rates

In cluster area IV of the FFY 2003 APR, the State included data and information regarding graduation and drop-out rates for students with disabilities compared with the total school population. The data indicated that, during the 2003-2004 school year, 75.8% of students with

⁷ For 2003, Illinois reported that 38% of Black students were educated in environments outside the regular classroom as compared to the national average of 30.71%.

disabilities exiting high school received a standard high school diploma.⁸ The State further reported that, during the 2003/2004 school year, the drop-out rate for students with disabilities was 13.7%, as compared to a rate of 4.6% for the total school population. Although the drop-out rate for students with disabilities appeared to have increased from a rate of 5.6% during the 2002/2003 school year, the State reported that 2003/2004 was the first year that drop-out data were reported accurately.⁹ OSEP appreciates the State's efforts in this area and looks forward to reviewing data and information demonstrating improvement in this area in the SPP.

Suspension and expulsion

OSEP's November 2004 APR response letter directed the State to include baseline suspension data, including information regarding the comparison the State did between the rate of long-term suspensions and expulsions of children with disabilities, either among LEAs in the State or compared to the rates for nondisabled children within the agencies, in the FFY 2003 APR. On page 10 of Appendix F and in cluster area IV of the FFY 2003 APR, the State included data and information regarding suspension and expulsion rates, indicating that a slightly higher rate of .31% of children with disabilities were expelled in 2003 as compared to .28% of children without disabilities. However, the State further reported that consistency in data sources from the 2003-2004 school year to the 2004-2005 school year would allow for a more accurate comparison of the progress or slippage in this area. The State indicated that it did not have comparable data for nondisabled children, but did not include an analysis of suspension and expulsion rates of children with disabilities across LEAs.

OSEP's November 16, 2004 letter indicated that if the FFY 2003 APR did not include information on the results of the State's review of policies, procedures and practices in affected LEAs, OSEP would conclude that the State was not complying with 34 CFR §300.146. 34 CFR §300.146 requires that States examine data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities either among LEAs in the State or compared to the rates for nondisabled children within the agencies. Where the State determines that significant discrepancies are occurring, it must review and, if appropriate, revise (or require the affected State agency or LEA to revise) its policies, procedures and practices relating to the development and implementation of individualized education programs (IEPs), the use of behavioral interventions, and procedural safeguards to ensure that the policies, procedures and practices comply with Part B. Therefore, OSEP concludes that the State is not complying with 34 CFR §300.146. Within 60 days of the date of this letter, the State must submit a plan to OSEP, including strategies, proposed evidence of change, targets and timelines designed to ensure correction of the noncompliance as soon as possible and not more than one year after OSEP accepts the plan. No later than six months from the date of this letter, the State must submit a Progress Report including data and analysis demonstrating progress toward compliance, and provide a report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but not later than 30 days following the end of the one year timeline.

⁸ Graduation rate for students with disabilities increased from 69.1% in 2001/2002 to 75.8% in 2003/2004.

⁹ Prior to 2003/2004, ISBE included students with 504 Plans in the drop-out calculations for students with disabilities, while in 2003-2004, the rate included only students with IEPs.

Statewide and districtwide assessment

In cluster area IV and Attachment 3 of the FFY 2003 APR, the State included data and information regarding the participation and performance of children with disabilities in statewide assessments. The 2004 data represent a significant increase in participation rates for children with disabilities in the statewide assessments, with 98.2% participating in both Math and Reading. The State's data further indicated that Math performance increased at all grade levels and that Reading performance increased at all grade levels except Grade 5. OSEP appreciates the State's efforts in this area and looks forward to reviewing data and information demonstrating continued improvement in this area in the SPP.

Least restrictive environment (LRE)

In cluster area IV and in Tables BF.V 1, 2, and 3 of the FFY 2003 APR, the State included data and analysis indicating a need to improve performance in the area of least restrictive environment, including strategies and projected timelines to improve performance, particularly for children with disabilities aged 6-21. Placement data for children with disabilities aged 3-5 revealed that placements remained relatively constant over three years, with most children with disabilities served in integrated settings. The State's analysis of LRE data was reported not only by disability category but also by age groups.¹⁰ The data showed a difference between LRE placements of elementary-age children with disabilities and secondary-age children with disabilities, particularly for the placement category of "outside general education less than 21% of the day." For children with disabilities in the age groups of 6-21, placements increased for "placement outside the regular classroom less than 21%" across all disability categories¹¹, however, the percentage of children with disabilities in the most restrictive placements remained relatively unchanged. The FFY 2003 APR included strategies and activities that focus on continuing with current initiatives and planned activities to achieve projected LRE targets. The State's projected target for children with disabilities aged 6-21 was to increase placements "outside the general education classroom less than 21% of the day" from 41.82% to 47.32%.

While it is not inconsistent with Part B of the IDEA to include a numerical goal to increase the percentage of children with disabilities placed in general education classrooms, the State must continue to monitor to ensure that placement decisions for all children are made in conformity with the requirements of Part B (at 34 CFR §§300.550-300.556) and not based upon a numerical goal. OSEP looks forward to reviewing information in the SPP related to placement in the LRE, including the implementation of strategies and resulting data and analysis.

Preschool performance outcomes

OSEP's November 2004 APR response letter directed the State to include either documentation of skills data on preschool children (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data, including a detailed timeline of the activities necessary to implement that plan. In cluster area IV of the FFY 2003 APR, the State indicated

¹⁰ LRE data reported by age groups of 3-5, 6-11, 12-17, and 18-21.

¹¹ Increase of 4.25% between 2001 and 2003.

that it was developing a system of tracking child outcomes. However, Illinois did not provide OSEP with any information or data in response to this performance indicator, nor did the State provide a specific plan with targets, activities, and projected timelines to collect data and information related to the State's efforts in the area of preschool outcomes (20 U.S.C. 1416(a)(3)(A)).

Under the Government Performance and Results Act of 1993, 31 U.S.C. 1116, the effectiveness of the IDEA section 619 program is being measured based on the extent to which early language/communication, pre-reading, and social-emotional skills of preschool children with disabilities receiving special education and related services are improving. The SPP instructions establish a new indicator in this area, for which States must provide baseline data in the FFY 2005 APR due February 1, 2007. Absence of this information at that time will be considered in OSEP's annual determination on the status of the State's performance and compliance required under section 616(d) of the IDEA. The State should carefully review the instructions to the SPP in developing its plans for this collection.

Secondary Transition

In cluster area V of the FFY 2003 APR, ISBE included data and information regarding students with disabilities participating in post-school activities. The data indicated that the State was tracking 'school-leavers' at one, three, and five-year intervals after exiting school. The tracking areas include students who had IEPs that are employed, enrolled in continuing education, or both. The State provided baseline data for 1999–2002 on these performance indicators showing increases in all three areas. OSEP appreciates the State's efforts in this area and looks forward to reviewing information in this area in the SPP.

Conclusion

As noted above, the State must, within 60 days from the date of this letter, submit to OSEP, a plan that is designed to ensure correction of the noncompliance related to suspensions and expulsions of students with disabilities, as soon as possible and not more than one year after OSEP accepts the plan.

In addition, no later than six months from the date of this letter, the State must submit a Progress Report including data and analysis demonstrating progress toward compliance related to suspension and expulsion of students with disabilities, and provide a Final Report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but not later than 30 days following the end of the one year timeline.

As a Final Report related to due process hearings, the State must, by April 14, 2006, provide data for the period from July 1 through December 31, 2005, showing that the State is in compliance with the requirements of 34 CFR §300.511(a) and (c).

In the SPP, Illinois must submit the following documentation to OSEP:

1. Correction of district noncompliance - data and analysis demonstrating compliance with the requirement that the State ensure correction of identified noncompliance, including: (1) documentation of the State's follow-up actions in the remaining 42 districts/8 cooperatives; (2) the compliance status of the remaining districts/cooperatives; (3) any sanctions that it has taken to ensure correction, and the impact of those actions; and (4) if the State determines that additional strategies are needed or that existing strategies must be modified, its proposed strategies, evidence of change data and timelines to ensure correction of all noncompliance as soon as possible.
2. Formal complaints - data and analysis documenting progress toward compliance in ensuring the timely resolution of complaint investigations, and provide a final report to OSEP, including data and analysis demonstrating full compliance, no later than March 14, 2006.

IDEA 2004, §616, requires each State to submit a State Performance Plan that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators are, for the most part, similar to clusters and probes in the APR. OSEP encourages the State to carefully consider the comments in this letter as it prepares its SPP, due December 2, 2005.

OSEP recognizes that the APR and its related activities represent only a portion of the work in your State and looks forward to collaborating with you as you continue to improve results for children and youth with disabilities and their families. If you have questions, please contact Cynthia Bryant at (202) 245-7284.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Dr. Christopher A. Koch