

Alabama'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.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 29.6%. This represents slippage from the State's FFY 2004 reported data of 31.9%. The State did not meet its FFY 2005 target of 33.9%.</p>	<p>The State's targets required districts to increase by 2% the number of youth with IEPs graduating from high school with a regular Alabama High School Diploma and to increase by 2% the number of youth with IEPs graduating from high school with an Alabama Occupational Diploma (AOD). The State revised the targets by eliminating the AOD target and added one improvement activity 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>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 4.40%. The State met its FFY 2005 target of 4.45%.</p>	<p>The State revised the baseline, targets, and improvement activities in its SPP and OSEP accepts those revisions.</p> <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>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 69%. The State met its FFY 2005 target of 4%.</p>	<p>The State reported that 20 of 29 of Alabama's 131 school districts that met the minimum "n" size for the disability subgroup made adequate yearly progress in reading and math across all the grade spans. The State met its target and OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against</p>	<p>The State's FFY 2005 reported data for this indicator are 99.3%. The State revised its target for this indicator from 100% to 99% and the State met its revised target.</p>	<p>The State revised the targets for this indicator in its SPP and OSEP accepts those revisions. The State met its revised target and OSEP appreciates the State's efforts to improve performance.</p>

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<p>alternate achievement standards.</p> <p>[Results Indicator]</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 34.8%. This represents slippage from the State's FFY 2004 reported data of 35.6%. The State did not meet its FFY 2005 target of 39.6%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 14%. The State met its FFY 2005 target of 19%.</p>	<p>The State revised the targets for this indicator in its SPP so that the end target would not fall below 0% at the conclusion of the six-year period of the SPP and OSEP accepts those revisions.</p> <p>OSEP's February 27, 2006 SPP response letter required the State to describe in the FFY 2005 APR, due February 1, 2008, its procedures in FFY 2004 and FFY 2005 for meeting the requirements in 34 CFR §300.146(b) (now 34 CFR §300.170(b)). Under 34 CFR §300.170(b), if significant discrepancies in rates of long-term suspension or expulsion are occurring in any school district throughout the State, the State educational agency (SEA) must review, and if appropriate revise (or require the affected State agency or LEA to revise), policies, procedures and practices, relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>In response to OSEP's request, the State submitted its five-step process describing how it met the requirements of 34 CFR §300.170(b).</p> <p>However, it is unclear to OSEP from step 2 of this process whether the SEA reviews the requisite policies, procedures, and practices for all districts identified as having a significant discrepancy in disciplinary suspensions and expulsions, as required by 34 CFR §300.170(b), or only reviews the requisite policies, procedures and practices of those districts with significant discrepancies in suspension and expulsion rates that have been selected for focused monitoring.</p> <p>In the FFY 2006 APR, due February 1, 2008, the SEA must: (1) clarify that the SEA reviews the policies, procedures, and practices relating to the</p>

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		<p>development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards for all districts identified as having significant discrepancies in rates of long-term suspension and expulsion for children with disabilities as required by 34 CFR §300.170(b); or (2) provide documentation in the FFY 2006 APR, due February 1, 2008, that it has modified its procedure to require the SEA to review the policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards of all districts identified as having significant discrepancies in rates of long-term suspension and expulsion, as required by 34 CFR §300.170(b).</p> <p>The State identified discrepancies in rates of suspension and expulsion for 18 of its 131 LEAs. 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: (1) the LEAs identified as having significant discrepancies in the FFY 2005 APR; and (2) the LEAs identified as having significant discrepancies in the FFY 2006 APR. (The review of LEAs identified in the FFY 2006 APR may occur either during or after the FFY 2006 reporting period, so long as the State describes that review in the FFY 2006 APR).</p> <p>The State met its target and OSEP appreciates the State's efforts to improve performance and 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>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</p>

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		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>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 67.05%. The State met its FFY 2005 target of 57.26%.</p> <p>B. The State's FFY 2005 reported data for this indicator are 6.61%. The State met its FFY 2005 target of 7.20%.</p> <p>C. The State's FFY 2005 reported data for this indicator are 2.77%. The State met its FFY 2005 target of 2.82%.</p>	<p>The State met its targets and OSEP appreciates the State's efforts to improve performance.</p>
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 62.5%. This represents slippage from the State's FFY 2004 reported data of 64.4%. The State did not meet its FFY 2005 target of 67%.</p>	<p>The State revised the targets for this indicator in its SPP and OSEP accepts those revisions.</p> <p>Please note that, due to changes in the 618 State-reported data collection, this indicator will change for the FFY 2006 APR, due February 1, 2008. States will be required to describe how they will collect valid and reliable data to provide baseline and targets in the FFY 2007 APR, due February 1, 2009.</p>
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and</p>	<p>Entry data provided.</p>	<p>The State reported the required entry data and activities. The State must provide progress data and improvement activities with the FFY 2006 APR, due February 1, 2008.</p> <p>The State did not include its definition of "comparable to same aged peers" as referenced in OSEP's instructions for this indicator. The State should</p>

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<p>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>submit this information in the FFY 2006 APR due February 1, 2008.</p>
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>[Results Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 88.1%.</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 to submit a revised sampling plan prior to or in the February 1, 2007 APR.</p> <p>The State submitted a revised sampling plan for this indicator prior to the submission of its FFY 2005 APR. The State noted in its submission that OSEP subsequently accepted its revised sampling plan, which included a provision that each LEA with over 50,000 students would be surveyed each year. However, the revised sampling plan does not address other applicable requirements and is not technically sound. Please call your State Contact as soon as possible.</p>
<p>Monitoring Priority: Disproportionality</p>		
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 8%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State provided its definition of disproportionate representation, explained that it uses multiple measures in making this determination, reported the percent of districts with significant disproportionality of racial and ethnic groups in special education and related services that is the result of inappropriate identification and described the process it uses for determining whether disproportionality is the result of inappropriate identification. OSEP points out that the State appears to be using the terms "disproportionate representation" and "significant disproportionality" interchangeably, and that when the State identifies significant disproportionality in identification, placement, or disciplinary actions, the State must comply with the requirements of 34 CFR §300.646. The State must refer to disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate</p>

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		<p>identification when reporting on this indicator.</p> <p>The State reported that it examined data for African-American students receiving special education services and found evidence of significant disproportionality but that the total enrollment figures are insignificant for American-Indian/Alaska Native, Asian/Pacific Islander, and Hispanic students. Under 34 CFR §300.600(d)(3), a State must review data for all race ethnicity categories present in the State and must do the analysis at the LEA level for all race and ethnic groups meeting the “n” size that are present in any of its LEAs. Since the State did not report that it looked at data regarding Whites, we are concerned that the State may not be complying with 34 CFR §300.600(d)(3). In the FFY 2006 APR, due February 1, 2008, the State must describe and report on its review of data and information for all race and ethnicity groups in the State to determine if there is disproportionate representation that is the result of inappropriate identification for both FFY 2005 and FFY 2006.</p> <p>The State reported that through focused monitoring, the State conducts a review of prereferral interventions, referral and eligibility procedures and reviews files of students in disability categories and racial/ethnic groups identified with significant disproportionality to verify that appropriate eligibility criteria have been met. Based on this process, the State identified 8% of districts (10 of 131 LEAs) with significant disproportionality that was the result of inappropriate identification and also reported that it has required immediate correction of this noncompliance and documentation of correction. OSEP looks forward to reviewing data and information in the FFY 2006 APR, due February 1, 2008, that demonstrate that the State has in effect policies and procedures that prevent the inappropriate overidentification or disproportionate representation by race or ethnicity of children with disabilities, as required by 34 CFR §300.173. Additionally, the State must include data and information in the FFY 2006 APR, due February 1, 2008, that demonstrate that the LEAs identified in the FFY 2005 APR as having disproportionate representation that was the result of inappropriate identification 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>OSEP notes that the State did not include the words “in special education and related services” in the targets for Indicator 9. In the FFY 2006 APR,</p>

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		<p>due February 1, 2008, the State also must revise all of its targets for Indicator 9 to specify the 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>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 8%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State explained that it has expanded the multiple measure analysis developed for examining whether there is disproportionate representation in the disability categories of mental retardation, specific learning disability and emotional disturbance to the disability categories of autism, other health impairment, and speech language impairment. The State also described the multiple measures it uses to determine whether there is disproportionality and the process it uses for determining whether disproportionate representation of racial and ethnic groups in disability categories is the result of inappropriate identification. As noted under Indicator 9, the State also uses the terms "significant disproportionality" and "disproportionate representation" interchangeably, and OSEP points out that the requirements of 34 CFR §300.646 are applicable when a State identifies significant disproportionality in identification, placement, or disciplinary actions. The State also must refer to disproportionate representation of racial and ethnic groups in disability categories when reporting on Indicator 10.</p> <p>Based on focused monitoring, review of prereferral, referral and eligibility procedures, and student files, the State reported 8% of districts (10 of 131 LEAs) with significant disproportionality of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. Specifically, disproportionate representation of African-American students was identified in seven LEAs in mental retardation, two in emotional disturbance, and one in other health impairment. The State also reported that these LEAs have been required to immediately correct noncompliance and provide documentation of correction.</p> <p>However, in reporting on this indicator, the State did not indicate that it examined data for all racial and ethnic groups present in the State, in determining whether there was disproportionate representation that was the result of inappropriate identification in specific disability categories. Under 34 CFR §300.600(d)(3), a State must review data for all race ethnicity</p>

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		<p>categories present in the State and must do the analysis at the LEA level for all race and ethnic groups meeting the “n” size that are present in any of its LEAs. Since the State did not report that it looked at data regarding all racial and ethnic groups present in the State, including Whites, OSEP is concerned that the State may not be complying with 34 CFR §300.600(d)(3). In the FFY 2006 APR, due February 1, 2008, the State must describe and report on its review of data and information for all race and ethnicity groups in the State to determine if there is disproportionate representation that is the result of inappropriate identification for both FFY 2005 and FFY 2006.</p> <p>OSEP looks forward to reviewing data and information in the FFY 2006 APR, due February 1, 2008, that demonstrate that the State has in effect policies and procedures that prevent the inappropriate overidentification or disproportionate representation by race or ethnicity of children in specific disability categories, as required by 34 CFR §300.173. Additionally, the State must include data and information that demonstrate that the LEAs identified in the FFY 2005 APR as having disproportionate representation that was the result of inappropriate identification 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>
Monitoring Priority: Effective General Supervision		
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline). [Compliance Indicator; New]</p>	<p>The State’s FFY 2005 reported baseline data for this indicator are 82%.</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 and acknowledged that its timeline of 60 days from parental consent to eligibility determination is more stringent than the Federal timeline. In the FFY 2006 APR, due February 1, 2008, the State must revise its targets to be consistent with the timeline that the State measures.</p> <p>The State provided data that indicated the range of days beyond the timeline when the evaluation was completed and provided a chart to show the documented reasons for timeline extensions, but did not provide the reasons for delays (referred to as reasons for school district error), as indicated in OSEP’s instructions for this indicator. The State must provide this information for the data reported in the FFY 2006 APR due February 1, 2008.</p>

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		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.
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 76.3%. This represents progress from the State's FFY 2004 reported data of 60.4%. The State did not meet its FFY 2005 target of 100%.</p> <p>The State did not report on correction of the prior noncompliance.</p>	<p>OSEP's February 27, 2006 SPP response letter required the State to include in the FFY 2005 APR data demonstrating correction of the noncompliance with 34 CFR §300.132 (now 34 CFR §300.124). The State provided no evidence of correction of the noncompliance identified in the SPP. 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 §300.124, including correction of noncompliance identified in FFY 2004 and FFY 2005.</p>
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator; New]</p>	<p>The State's FFY 2005 baseline data for this indicator are 91.62%.</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 34 CFR §300.320(b), including 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.</p> <p>[Results Indicator; New]</p>	<p>A plan that describes how data will be collected was provided.</p>	<p>The State provided 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>The State did not submit definitions for competitive employment or post-secondary school as required by the instructions for the February 1, 2007 submission. The State must submit this information in 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 FFY 2005 reported data for this indicator are 100%. However, the State provided no evidence of correction of prior</p>	<p>The State reported 100% compliance for this indicator for both FFY 2004 and FFY 2005. However, the State did not report on correction of prior noncompliance with Indicator 12. In addition, in the FFY 2005 APR, the State reported that it made 368 findings of noncompliance in FFY 2004 (356 findings through monitoring and 12 findings through complaints and due</p>

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<p>from identification. [Compliance Indicator]</p>	<p>noncompliance identified under Indicator 12. As explained further in the OSEP Analysis column, the State did not meet its FFY 2005 target of 100%.</p>	<p>process hearings), which were due for correction in FFY 2005. The State explained that there were seven findings of noncompliance that were not corrected within one year. However, four findings were corrected within five months after the due date with documented extensions. One finding was later corrected. Two findings had not been corrected when the State submitted its February 1, 2007 APR. Based on this information, the State's FFY 2005 reported data for this indicator should be recalculated as 98.1%.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in 20 U.S.C. 1232d(b)(3)(E), and 34 CFR §§300.149 and 300.600, including data on the correction of outstanding noncompliance identified in FFY 2004 under Indicator 12. In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 9, 10, 11, 12, and 13, specifically identify and address the noncompliance identified in this table under those indicators.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. [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, 2006, that continue to demonstrate compliance with 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 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 §300.515.</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 baseline data for this indicator are 47%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p>

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<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 62.5%. This represents slippage from the State's FFY 2004 reported data of 86.05%. The State did not meet its FFY 2005 target of 86.06%.</p>	<p>The State revised the 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>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008 that continue to demonstrate compliance with the requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>