

Georgia Part B FFY 2005 SPP/APR Response Table

General issue affecting targets for Indicators 1, 2, 3, 4A, 5, 6, 12, 15, 16, 17, 19, and 20.

In its March 14, 2006 SPP response letter, OSEP noted that the State only listed percentages as targets for those indicators where targets were required, and that OSEP could not, therefore, determine whether those percentages were based upon the measurements established by OSEP for each such indicator. OSEP's letter required the State, by no later than its submission of the FFY 2005 APR, due February 1, 2007, to clarify that each percentage target was based upon the measurement established by OSEP. The State clarified the measurement for each target and OSEP accepts those clarifications.

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 32.4%. The State met its FFY 2005 target of 30%.</p>	<p>The State increased the target for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State did not submit raw data (total number of students eligible to graduate) and the State must provide the required data in the FFY 2006 APR due February 1, 2008.</p> <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 6.1%. This represents slippage from FFY 2004 data of 5.9%. The State did not meet its FFY 2005 target of 5.8%.</p>	<p>The State revised the improvement activities 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>A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for</p>	<p>The State's FFY 2005 reported data for this indicator are 61.63%. This represents slippage from FFY 2004 data of 71.34%. The State did not meet its FFY 2005 target of</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>

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<p>progress for disability subgroup. [Results Indicator]</p>	<p>72.34%.</p>	
<p>3. Participation and performance of children with disabilities on statewide assessments: 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. [Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator for both reading and mathematics are 98.82%. The State met its FFY 2005 target of 98.54%.</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: C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards. [Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator in Math are 54.48%. The State met its FFY 2005 target of 51.77%.</p> <p>Although the State reported a 64.07% rate of proficiency for students with disabilities in Reading and English/ Language Arts for Indicator 3C, OSEP recalculated the percentage based on the FFY 2005 data that the State provided in Table 6 and determined a proficiency rate of 61.02%.</p> <p>This represents slippage from the State's FFY 2004 reported data of 65.61%. The State did not meet its FFY 2005 target of 66.61%.</p>	<p>The State met its target for this indicator in Math and OSEP appreciates the State's efforts to improve performance.</p> <p>The State revised its targets and improvement activities for Indicator 3C in the subject area of Reading and English/Language Arts in its SPP. The State revised its targets to be less rigorous based on changes in the way the State reports proficiency in Reading and English/Language Arts. OSEP accepts those revisions.</p> <p>OSEP recalculated the data based on the FFY 2005 raw data that the State provided in Table 6 and determined a proficiency rate of 61.02% $((57457+7690)/106750*100)$. The State must either adopt these data or explain why its calculation is appropriate.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the area of Reading and English/Language Arts proficiency in the FFY 2006 APR due February 1, 2008.</p>

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<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 6.56%. This represents slippage from FFY 2004 data of 4.92%. The State did not meet its FFY 2005 target of 4.37%.</p>	<p>The State revised the targets for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 14, 2006 SPP response letter (Table B) required the State to include in the February 1, 2007 APR evidence that it has implemented its plan to ensure compliance at the local level with the requirements of 34 CFR §300.170 (previously §300.146). The State reported in the FFY 2005 APR, that districts identified as falling into the lowest quartile in the rate of suspension and expulsion when compared to districts of similar size submitted a "Self-Assessment for Disproportionality: A Review of Policies, Procedures, and Practices" to the Georgia Division for Exceptional Students in the spring of 2006; were required to change their policies, procedures and practices; and, were required to address the disproportionality in their Continuous Improvement Plan. Under Indicator 15, the State reported that all eleven findings related to this indicator were corrected in a timely manner.</p> <p>The State indicated that it reviewed, and if appropriate revised (or required the affected LEAs to revise) policies, procedures and practices, but did not indicate that the review, and if appropriate revision, covered policies, practices and procedures relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that such policies, procedures and practices comply with the IDEA, as required by 34 CFR §300.170. To correct the noncompliance, the State must describe, in its 2006 APR, 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 FFY 2004. In its FFY 2006 APR, the State must also describe the review, and if appropriate revision, of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance 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.</p> <p>OSEP looks forward to the State's data demonstrating improvement in</p>

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<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>performance in the FFY 2006 APR, due February 1, 2008.</p> <p>Based upon our preliminary review of all State submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this year's submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that States immediately cease using Indicator 4B measurements and targets, unless they are based on a finding of inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p>
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>5A. The State's FFY 2005 reported data for this indicator are 54.3%. The State met its FFY 2005 target of 54.0%.</p> <p>5B. The State's FFY 2005 reported data for this indicator are 19.4%. The State met its FFY 2005 target of 20.0%.</p> <p>5C. The State's FFY 2005 reported data for this indicator are 1.4%. This represents slippage from FFY 2004 data of 0.9%. The State did not meet its FFY 2005 target of</p>	<p>The State revised the improvement activities for Indicators 5A, 5B, and 5C in its SPP and OSEP accepts those revisions.</p> <p>The State met its targets for Indicators 5A and 5B, and OSEP appreciates the State's efforts to improve performance. OSEP looks forward to the State's data demonstrating improvement in performance of Indicator 5C in the FFY 2006 APR, due February 1, 2008.</p>

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	0.9%.	
<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 56.0%. This represents slippage from FFY 2004 data of 58.0%. The State did not meet its FFY 2005 target of 59.53%.</p>	<p>The State revised the improvement activities 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 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>Entry data provided.</p>	<p>The State reported the required entry data and activities. The State must provide progress data and improvement activities in the FFY 2006, due February 1, 2008.</p> <p>The State did not provide the definition of comparable to same aged peers that was required by the instructions for the SPP/APR submitted February 1, 2007 APR. The State must 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 32%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State provided a percentage as baseline for this indicator and reported the total number of parents responding to the survey, but did not also report the actual number of parents reporting that schools facilitated parent involvement as a means of improving services and results for children with disabilities. The State must provide the required information in the FFY 2006 APR due February 1, 2008.</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</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 0%. (The State</p>	<p>The State provided baseline data, targets at 0%, and improvement activities, and OSEP accepts the SPP for this indicator.</p>

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<p>the result of inappropriate identification. [Compliance Indicator; New]</p>	<p>reported that no districts had disproportionate representation of racial or ethnic groups in special education and related services.)</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. [Compliance Indicator; New]</p>	<p>As FFY 2005 baseline data, the State reported that 25.68% of districts had significant disproportionality in one or more disability categories, and 23.498% of districts had the most significant disproportionality in one or more disability categories, for a total of 49.18%.</p>	<p>The State provided targets at 0%, and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State identified districts with significant disproportionality 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). The State also did not report data by disability category in accordance with the required measurement. 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 specific disability categories 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.</p> <p>On page 79 of the SPP, the State included information indicating that it is directing LEAs identified with significant disproportionality to spend funds for early intervening services only after reviewing the LEA's policies, procedures, and practices. This represents noncompliance with 34 CFR §300.646(b)(2), which requires that if the State determines that significant disproportionality is occurring in an LEA, the State must require the LEA to reserve the maximum amount for early intervening services, regardless of the result of the review of the LEA's policies, practices, and procedures. Because the State provided information in its FFY 2005 APR that indicates noncompliance with 34 CFR §300.646(b)(2), the State must demonstrate in its FFY 2006 APR that this noncompliance has been corrected. To correct this noncompliance the State must demonstrate, in its FFY 2006 APR, that it</p>

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		requires an LEA to reserve the maximum amount of its Part B allocation for early intervening services when it is determined that significant disproportionality is occurring in the LEA, as required by 34 CFR §300.646(b)(2).
Monitoring Priority: Effective General Supervision		
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State- established timeline).</p> <p>[Compliance Indicator; New]</p>	<p>The State’s FFY 2005 reported baseline data for this indicator are 85.5%. However, OSEP recalculated the baseline using the State’s raw data and determined that baseline data for this indicator are 85.8%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts these for this indicator. The State must either adopt, in the SPP, OSEP’s recalculation of baseline data for this indicator or explain why its calculation is appropriate. The State reported data based on the State established timeframe within which the evaluation must be conducted.</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 §300.301(c)(1), including data demonstrating correction of noncompliance identified in FFY 2005.</p>
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>The State’s FFY 2005 reported data for this indicator are 78%. This represents slippage from the baseline data of 88%. The State did not meet its FFY 2005 target of 100%.</p> <p>The State reported that seven of eleven findings of noncompliance for this indicator were corrected in a timely manner, that only one district remained noncompliant, and that districts that are noncompliant for two consecutive years will have sanctions applied.</p>	<p>The State revised the targets and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP’s March 14, 2006 SPP response letter required the State to include in the February 1, 2007 APR all required data for this indicator, including (1) the number of children referred from Part C to Part B determined, prior to their third birthdays to be NOT eligible; and (2) for children whose eligibility was determined after their third birthdays, the range of days beyond their third birthdays when their eligibility was determined. The State provided the required data for this indicator in the FFY 2005 APR.</p> <p>OSEP’s March 14, 2006 SPP response letter also required the State to include in the February 1, 2007 APR, data that demonstrated compliance with the requirement to ensure that an IEP, or if appropriate, an IFSP, has been developed and is being implemented by the third birthday of a child with a disability who participated in the Part C program and who will participate in a preschool program under Part B, as required by 34 CFR §300.124.</p> <p>In Indicator 15 of the APR, the State reported that it timely corrected four of fourteen findings of noncompliance from 2002-2003 (FFY 2002) and seven of the eleven FFY 2004 findings of noncompliance related to this indicator.</p>

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		<p>The State did not report on the status of correction for the FFY 2002 findings. The State reported that for findings made in FFY 2004, two districts did not complete corrections within one year for “Child Find violations.” The State reported that one “district has been cleared in early FFY 06 and the second district is expected to be cleared during FFY 06.” The State also reported that districts determined noncompliant under Indicator 12 must include improvement activities in their Consolidated Application Plan, and that districts noncompliant for two consecutive years will have sanctions applied.</p> <p>The State’s data indicated noncompliance with the requirements of 34 CFR §300.124. 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 full compliance with the requirements in 34 CFR §300.124, including correction of remaining noncompliance identified in FFY 2005, FFY 2004 and FFY 2002.</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 reported baseline data for this indicator are 12.5%.</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 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.</p> <p>[Results Indicator; New]</p>	<p>A plan that describes how data will be collected was provided.</p>	<p>The State reported the required entry data and activities. The State must provide baseline data, targets, and improvement activities with the FFY 2006 APR, due February 1, 2008.</p> <p>In accordance with the measurement of the SPP, the State must provide a narrative that defines (1) competitive employment, whether the work is full time or part-time, and (2) post-secondary school, education or training 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 94.6%. The State did not provide its calculation of</p>	<p>OSEP’s March 14, 2006 SPP response letter required the State to include in the February 1, 2007 APR baseline data on the timely correction of all non-compliance identified in 2002-2003 (FFY 2002). The State had not included baseline data in its December 2005 SPP for Indicators 15A and 15B,</p>

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<p>from identification. [Compliance Indicator]</p>	<p>baseline data. Based on the raw data that the State reported, OSEP calculated the timely correction of noncompliance identified in 2002-2003 (FFY 2002) to be 44.3%. The difference between FFY 2005 data of 94.6% and the OSEP calculated baseline data of 44.3% represents progress. The State did not meet its FFY 2005 target of 100%.</p> <p>The State did not report on the status of correction for findings from 2002-2003 (FFY 2002) that were not timely corrected in FFY 2003.</p>	<p>explaining that the State conducted only post-monitoring reviews during the 2003-2004 school year (FFY 2003) because the State was transitioning to a new accountability system during that school year, and therefore there was no timely correction data available for 2004-2005 (FFY 2004). The State provided a chart in its revised SPP with raw data on the number of findings made and the number of findings timely corrected, but did not calculate the baseline data as required. Based on the State's raw data, OSEP calculated the baseline data to be 44.3%. The State must either accept this calculation and adopt the baseline in its SPP or set out its own calculation of baseline and justification in the SPP. Also, the State did not report on the status of compliance for those FFY 2002 findings of noncompliance that were not timely corrected in FFY 2003. Therefore, the State must report in the FFY 2006 APR, due February 1, 2008 on the status for those FFY 2002 findings not reported as timely corrected in the SPP chart.</p> <p>The State provided data for this indicator for FFY 2005 indicating 94.6%. The State provided disaggregated data by indicator. The State reported that of two remaining noncompliance districts, one "district has been cleared in early FFY 06 and the second district is expected to be cleared during FFY 06."</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. In its response to Indicator 15 in the FFY 2006 APR due February 1, 2008, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 4A, 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 for this indicator.</p>

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<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance for this indicator.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 88%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 62.9%. This represents slippage from FFY 2004 data of 65%. The State did not meet its FFY 2005 target of 66%.</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% for accuracy. The State met its FFY 2005 target of 100% for accuracy.</p> <p>The State's FFY 2005 reported data for this indicator are 85.71% for timeliness. This represents slippage from the FFY 2004 data of 100%. The State did not meet its FFY 2005 target of 100% for timeliness.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State must review its improvement strategies and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>