

Kentucky Part B 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 63.9%. The State met its target of 62.1%.</p>	<p>The State revised its baseline data and improvement activities for this indicator 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>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 5.0%. The State met its target of 5.08%.</p>	<p>The State revised its baseline data and improvement activities for this indicator 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>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>A. The State's FFY 2005 reported data for this indicator are:</p> <p>45.5% of its districts met the State's AYP objectives for progress for children with disabilities. The State met its target of 31%.</p> <p>For reading, 64% of its districts met the State's AYP objectives. This represents slippage from the State's FFY 2004 reported data of 69%. The State did not meet its target of 69%.</p> <p>For math, 65% of its districts met the State's AYP objectives. The State met its</p>	<p>A. The State revised the baseline information, targets and improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State's revised target is lower than the State reported baseline target. The State indicated that the revision of the target was based on issues related to the noncompliant status of its alternate assessment. The target was set in consultation with the State's Advisory Panel.</p> <p>The State reported that it met its overall target and math target for this indicator, and OSEP looks forward to the State's data demonstrating improvement in performance in reading in the FFY 2006 APR, due February 1, 2008.</p> <p>B. The State revised its improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State reported slippage and OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p> <p>C. The State revised its improvement activities for this indicator in its SPP and OSEP accepts those revisions. The State reported progress and OSEP looks forward to the State's data demonstrating continued improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>

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	<p>target of 63%.</p> <p>B. The State's FFY 2005 reported data for this indicator are 91%. This represents slippage from the State's FFY 2004 reported data of 92.91%. The State did not meet its target of 100%.</p> <p>C. The State's FFY 2005 reported data for this indicator are 35.86% in reading and 24.52% in math. This represents progress in reading from the State's FFY 2004 reported data of 32.74%, and progress in math from the State's FFY 2004 reported data of 20.80%. The State did not meet its targets of 50% for proficiency in reading and math.</p>	<p>The Special Conditions attached to the State's July 3, 2006 Part B grant award letter required the State to demonstrate that: (1) it has developed and implemented guidelines for the participation of children with disabilities in alternate assessments in all areas for all grades assessed, as required at 20 U.S.C. 1412(a)(16)(C); (2) has administered alternate assessments for students who cannot take the regular assessments in all areas for all grades assessed; and (3) is reporting publicly and to the Secretary on the participation and performance of children with disabilities in all alternate assessments in all areas for all grades assessed, as required at 20 U.S.C. 1412(a)(16)(D). As OSEP set out in its November 20, 2006 letter, Kentucky's September 1, 2006 letter reported that it had addressed the first two conditions but the State indicated that it could not report publicly and to the Secretary on the participation and performance of children with disabilities in all alternate assessments in all areas for all grades assessed, as required at 20 U.S.C. 1412(a)(16)(D) until August 2007. This issue will be addressed further under separate cover.</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 11.93%. This represents slippage from the State's revised FFY 2004 data of 10.23%. The State did not meet its revised target of 9.09%.</p>	<p>The State revised the baseline, targets, and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 24, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR clarification that the baseline data submitted included both suspensions and expulsions. The State provided that clarification and OSEP appreciates the State's response.</p> <p>The State identified significant discrepancies, but did not describe how it reviewed, and if appropriate revised (or required the affected LEAs to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b). In its FFY 2006 APR, 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</p>

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		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 for 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>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator; New]</p>		<p>Based upon our preliminary review of all State submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this year's submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that States immediately cease using Indicator 4B measurements and targets, unless they are based on a finding of inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p>
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>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</p>	<p>A. The State's FFY 2005 reported data for this indicator are 64.33%. The State met its target of 63%.</p> <p>B. The State's FFY 2005 reported data for this indicator are 11.09%. The State met its target of 11.50%.</p>	<p>It is OSEP's understanding, and the State has confirmed in writing, that in establishing targets for 2005, 2007, and 2009, the State intended to use each of those targets for two years. That is, the target for 2005-2006 also applies for 2006-2007, the target for 2007-2008 also applies for 2008-2009, and the target for 2009-2010 also applies 2010-2011. To ensure that this is clear in the State's public reporting, OSEP is requiring additional clarification. With the FFY 2006 APR, due February 1, 2008, the State must include separate specific targets for 2006-2007, 2008-2009 and 2010-2011 as part of its revised SPP.</p>

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<p>or hospital placements. [Results Indicator]</p>	<p>C. The State's FFY 2005 reported data for this indicator are 2.18%. The State met its target of 2.20%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions. 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). [Results Indicator]</p>	<p>Although not required, the State reported data and established targets in three subgroups for this indicator.</p> <p>The State's FFY 2005 reported data for Indicator 6(1) are 41.05%. This represents slippage from the State's FFY 2004 reported data of 44.96%. The State did not meet its target of 48.67%.</p> <p>The State's FFY 2005 reported data for Indicator 6(2) are 50.87%. This represents slippage from the State's FFY 2004 reported data of 46.16%. Although the State reported otherwise, the State did not meet its target of decreasing to 42.5%.</p> <p>The State's FFY 2005 reported data for Indicator 6(3) are 7.14%. The State met its target of 7.83%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State reported data and established targets on the following three subgroups for this indicator:</p> <ol style="list-style-type: none"> (1) full-time early childhood regular program participation; (2) part-time early childhood regular/part-time early childhood special education participation; and (3) full-time early childhood special education participation. <p>The State's FFY 2005 submission, on page 67 of the APR, included a statement that the State met its target for subgroup 2. The target for this subgroup was to decrease the percentage to 42.5%. The State reported 50.87%. Therefore, the State did not meet the target that it established for this subgroup.</p> <p>The State met its targets for 6(3) and OSEP appreciates the State's efforts to improve performance. The State reported slippage for the other two subgroups in its FFY 2005 APR.</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>The State provided entry data.</p>	<p>The State reported the required entry data and activities. The State must provide baseline data, targets, and improvement activities in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's March 24, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR either a revised sampling plan that addressed identified deficiencies or a revised SPP description indicating that</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>census data would be collected. The State revised the SPP to indicate that census data would be collected.</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 did not report baseline data for this indicator.</p>	<p>The State did not submit the required baseline data, targets and improvement activities required by the instructions for the SPP/APR to be included in the February 1, 2007 APR. The State must submit this information in the FFY 2006 APR, due February 1, 2008.</p> <p>The State indicated that it intends to survey parents, and provided a copy of the NCSEAM parent survey to be used and a timeline for the collection of the parent survey baseline data. The State reported that it is using the same sampling plan as for Indicator 14. The sampling plan for that indicator is not technically sound. 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 did not report a baseline calculation and improvement activities.</p> <p>The State provided targets of 0%.</p>	<p>Because the State's prior submission addressed significant disproportionality, OSEP's March 24, 2006, FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR an explanation of the review of policies and procedures consistent with 34 CFR §300.755 (currently §300.646). The State revised its data collection for this indicator to utilize risk ratios but the State did not report baseline data for districts with disproportionate representation in special education and related services that is the result of inappropriate identification. The State described a process by which it applied an "n" size of ten for racial and ethnic groups in the various school districts when using the risk ratio process. The State described a longitudinal review that relied on two years' data for districts that did not meet the "n" size for certain groups, but did not use the prior year's data to make an annual determination regarding disproportionate representation for those school districts.</p> <p>The State identified the number of districts with disproportionate representation of racial and ethnic groups in special education and related services but did not determine if the disproportionate representation was the result of inappropriate identification, as required by 34 CFR §300.600(d)(3).</p>

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		<p>The State must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification, and describe how the State made that determination (e.g., monitoring data, review of policies, practices and procedures, etc.). The State must also provide data, in its FFY 2006 APR, on the percent of districts identified in FFY 2006 with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification, and describe how the State made that determination, even if the determination occurs in the fall of 2007.</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 did not report a baseline calculation and improvement activities.</p> <p>The State provided targets of 0%.</p>	<p>Because the State's prior submission addressed significant disproportionality by disability category, OSEP's March 24, 2006, FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR an explanation of the review of policies and procedures consistent with 34 CFR §300.755 (currently §300.646). The State revised its data collection for this indicator to utilize risk ratios but the State did not report baseline data for districts with disproportionate representation by disability category that is the result of inappropriate identification. The State described a process by which it applied an n size of ten for racial and ethnic groups in the various school districts when using the risk ratio process. The State described a longitudinal review that relied on two years' data for districts that did not meet the "n" size for certain groups, but did not use the prior year's data to make an annual determination regarding disproportionate representation for those school districts.</p> <p>The State identified the number of districts with disproportionate representation of racial and ethnic groups by disability category 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 must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification, and describe how the State made that determination (e.g., monitoring data, review of policies, practices and procedures, etc.). The State must also provide data, in its FFY 2006 APR, on the percent of districts identified in FFY 2006 with disproportionate</p>

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		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.
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 are 95.43%.</p>	<p>The State submitted baseline data, targets and improvement activities for this indicator. The State reported data based on a State-established timeline within which the evaluation must be completed.</p> <p>The State indicated that it did not collect data on students who were evaluated but not determined eligible. The State reported that it is revising its monitoring instrument to collect this data. OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that are fully consistent with this measurement and demonstrate compliance with the requirements in 34 CFR §300.301(c)(1), including data and information demonstrating correction of the 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 93.75%. This represents progress from the State's FFY 2004 reported data of 79.34%. The State did not meet its FFY 2005 target of 100%.</p> <p>The State reported that the data are preliminary and not final.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 24, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR data reflecting the number of children referred from Part C to Part B who were determined not eligible. The State reported that the data collection has been corrected to include those students deemed not eligible within the KCMP Self-Monitoring Tool. The State did not provide disaggregated data consistent with the measurement as instructed and as required for this indicator. The State must include this information for the FFY 2006 year in the FFY 2006 APR, due February 1, 2008.</p> <p>The State did not report on correction of the prior noncompliance. The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.124, including correction of noncompliance identified in FFY 2004 and FFY 2005.</p>

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<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator; New]</p>	<p>The State reported FFY 2005 baseline data for three areas that relate to Part B of the IDEA as amended in 2004: course of study – 90.71%; transition services – 94.00%; and measurable goals – 87.88%. The other two areas of reported data do not relate to Part B of the IDEA as amended in 2004. Although the State did not provide one overall percentage, based upon the State reported data, OSEP calculated the data for this indicator to be 90.86%.</p>	<p>The State provided baseline data, targets and improvement activities, and indicated that it will revise its baseline. OSEP accepts the SPP for this indicator.</p> <p>The State reported that the baseline data are based upon their monitoring system for the prior regulations, but identified and reported data on the specific items used to determine compliance. The State indicated that it is working in collaboration with NSTTAC to incorporate additional items into the State’s monitoring system and that the State will report data for 2006-2007 using the revised checklist in the APR due February 1, 2008.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance.</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>The State provided a plan that describes how data will be collected.</p>	<p>The State reported the required entry data and activities. The State must provide baseline data, targets, and improvement activities in the FFY 2006 APR, due February 1, 2008.</p> <p>The sampling plan for this indicator is not technically sound. Call your State Contact as soon as possible.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State’s FFY 2005 reported data for this indicator are 84.7% for monitoring findings. The State did not report FFY 2004 data. The State did not meet its FFY 2005 target of 100%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP’s March 24, 2006 FFY 2004 SPP response letter required the State to demonstrate that noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance. The State reported that 84.7% of monitoring findings for FFY 2004 were corrected within one year. Although the State previously reported in the SPP under Indicator 16 that there were 32 State complaints with reports issued in FFY 2004, the State did not identify any findings of noncompliance from those complaints and did not report on correction timelines, if any. The State reported on two FFY 2005 State complaints with findings. The State did not report on the status of correction</p>

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		<p>of FFY 2004 noncompliance findings that were not timely corrected. The State did not disaggregate compliance by indicator as required by the instructions.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate full compliance with the requirements of 20 U.S.C. 1232d(b)(3)(E), and 34 CFR §§300.149 and 300.600 including the status of FFY 2004 noncompliance findings that were not timely corrected. 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 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.</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>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 24, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR documentation of data to demonstrate full compliance with this indicator. The State has provided the required documentation.</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 demonstrate continued compliance.</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.</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>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</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 demonstrate continued compliance.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p>	<p>The State provided baseline, targets, and improvement activities.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p>

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[Results Indicator; New]		
<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 66%. The State met its FFY 2005 target of 57%.</p>	<p>The State met its target and OSEP appreciates the State's efforts to improve performance.</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 related to timely submission for this indicator are 100%. The State met its FFY 2005 target of 100% for timely submission of data.</p> <p>The State's FFY 2005 reported submission of accurate data for this indicator are 42.86%. This represents progress from the State's FFY 2004 reported data of 33.33%. The State did not meet its FFY 2005 target of 100% for submission of accurate data.</p>	<p>The State reported that it submitted its 618 State-reported data and its APR data to OSEP in a timely manner.</p> <p>OSEP's March 24, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR documentation of timely submission of the required data. In the APR, the State did not report: (1) baseline data for FFY 2005 for Indicators 8, 9, and 10; and (2) actual disaggregated numbers as required for Indicator 12. The State reported that: (1) data for Indicator 11 are not generally valid and reliable; and (2) baseline data for Indicator 13 are not aligned with the indicator's measurement.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirements in IDEA sections 616, 618 and 642, and 34 CFR §§303.176 and 303.540.</p>