

**Nevada Part B FFY 2005 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
<b>Monitoring Priority: FAPE in the LRE</b>		
<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 reported FFY 2005 data are 23.3%. The State met its FFY 2005 target of 22%.</p>	<p>The State revised its baseline for this indicator to reflect updated FFY 2004 data and its improvement activities. OSEP accepts these 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 did not submit FFY 2005 data for this indicator.</p>	<p>The State revised its baseline for this indicator to reflect updated FFY 2004 data and its improvement activities. OSEP accepts these revisions.</p> <p>The State did not submit FFY 2005 data for this indicator. (Instead the State provided FFY 2004 data, which it indicated were the most recent data available.) The State indicated that FFY 2005 data were not available at the time the State submitted the APR. The State must provide the required data for FFY 2005 and FFY 2006 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 progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>The State’s reported FFY 2005 data are 87.5%. The State met its FFY 2005 target of 85.7%.</p>	<p>The State recalculated its baseline and revised its targets and improvement activities for this indicator. OSEP accepts these 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>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 reported FFY 2005 data are 97.7% for math and 97.3% for ELA/reading. The State met its revised target of 95% for overall participation in all grades except grade 10.</p>	<p>The State revised its targets and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State met most of its targets and OSEP appreciates the State’s efforts to improve performance.</p>

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alternate achievement standards. [Results Indicator]		
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>Grade 3 - The State's FFY 2005 reported data are 30.5% in math and 25.7% in reading. For reading, the State met its FFY 2005 target of 25%. For math, the FFY 2005 data represent slippage from the State's FFY 2004 reported data of 30.8%. The State did not meet its FFY 2005 target of 32% in math.</p> <p>Grade 5 - The State's FFY 2005 reported data are 23.8% in math and 14.1% in reading. These data represent progress from the State's FFY 2004 reported data of 22.5% in math and slippage from the State's FFY 2004 reported data of 18.3% in reading. The State did not meet its FFY 2005 targets of 24% in math and 20% in reading.</p> <p>Grade 8 - The State's FFY 2005 reported data are 15% in math and 16% in reading. These data represent slippage from the State's FFY 2004 reported data of 15.5% in math and 17.5% in reading. The State did not meet its FFY 2005 targets of 17% in math and 18.5% in reading.</p>	<p>The State met its targets for grade 3 and grade 10-11 in reading. 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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	Grade 10 through 11- The State's FFY 2005 reported data are 11.6% in math and 30.1% in reading. The State met its FFY 2005 target of 26% for reading. For math, the data represent slippage from the State's FFY 2004 reported data of 12.2% and the State did not meet its FFY 2005 target of 14%.	
<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 5.9%. This represents slippage from FFY 2004 data of 0%. The State did not meet its FFY 2005 target of 0%.</p>	<p>The State revised its improvement activities for this indicator and OSEP accepts those revisions.</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. The State must demonstrate in the FFY 2006 APR that when it identified significant discrepancies it has reviewed, and if appropriate revised (or required the affected LEAs to revise) policies, practices and procedures relating to each of the following topics: development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</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 submission 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 63.8%. The State met its FFY 2005 target of 53.1%.</p> <p>B. The State's FFY 2005 reported data for this indicator are 15.6%. This represents progress from the State's FFY 2004 reported data of 15.8%. The State met its FFY 2005 target of 15.7%.</p> <p>C. The State's FFY 2005 reported data for this indicator are 2.0%. This represents slippage from the State's FFY 2004 reported data of 1.7%. The State did not meet its FFY 2005 target of 1.7%.</p>	<p>The State revised its improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State met its target for 5A 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 33.1%. This represents slippage from the State's FFY 2004 reported data of 37%. The State did not meet its FFY 2005 target of 37.5%.</p> <p>Additionally, the FFY 2005</p>	<p>The State reported slippage in its FFY 2005 APR. 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>The State included children served in itinerant services outside the home and reverse mainstreaming settings in its calculation of children served in settings with typically developing peers under this indicator. This is</p>

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	data the State submitted are not valid because the State did not use the correct measurement.	inconsistent with the instructions.
<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>	The State provided entry level data.	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>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>	The State provided FFY 2005 baseline data of 71.2%.	The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.
<b>Monitoring Priority: Disproportionality</b>		
<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>	The State reported no data.	<p>The State provided targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State indicated that it would identify a district as having disproportionate representation of racial and ethnic groups in special education and related services if the district was identified for three consecutive years with data above a certain risk ratio. If the State continues to use three-year criteria in subsequent reporting periods, the State must review each year's data and data from the previous two years to determine if an LEA meets the State's definition of disproportionate representation.</p>

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		<p>Under section 616(a)(3)(C) and (b)(2)(C), the State must make an annual determination of whether the disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification. Because the State provided information in its FFY 2005 APR that indicates noncompliance with these requirements, the State must demonstrate in its FFY 2006 APR that this noncompliance has been corrected by demonstrating that it makes an annual determination of whether disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification.</p> <p>In reporting on disproportionate representation, the State reported that it reviewed data for some, but not all, race ethnicity categories present in the State. Under 34 CFR §300.600(d)(3) a State may, in reviewing data for each race ethnicity category, do so in a statistically appropriate manner, and may set an “n” size that applies to all racial and ethnic groups, but it must review data for all race ethnicity categories in the State and must do the analysis at the LEA level for all race and ethnic groups meeting that “n” size that are present in any of its LEAs. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3). To correct this noncompliance, the State, in its FFY 2006 APR, must describe and report on its review of data and information for all race ethnicity categories 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 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>
10. Percent of districts with disproportionate representation of racial and ethnic groups in	The State reported no data.	The State provided targets and improvement activities and OSEP accepts

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<p>specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator; New]</p>		<p>the SPP for this indicator.</p> <p>The State indicated that it would identify a district as having disproportionate representation of racial and ethnic groups in specific disability categories if the district was identified for three consecutive years with data above a certain risk ratio. If the State continues to use three-year criteria in subsequent reporting periods, the State must review each year's data and data from the previous two years to determine if an LEA meets the State's definition of disproportionate representation. Under section 616(a)(3)(C) and (b)(2)(C), the State must make an annual determination of whether the disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification. Because the State provided information in its FFY 2005 APR that indicates noncompliance with these requirements, the State must demonstrate in its FFY 2006 APR that this noncompliance has been corrected by demonstrating that it makes an annual determination of whether disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification.</p> <p>The State reported that it would review data for some, but not all, race ethnicity categories present in the State. Under 34 CFR §300.600(d)(3) a State may, in reviewing data for each race ethnicity category, do so in a statistically appropriate manner, and may set an "n" size that applies to all racial and ethnic groups, but it must review data for all race ethnicity categories in the State and must do the analysis at the LEA level for all race and ethnic groups meeting that "n" size that are present in any of its LEAs. Therefore, we conclude that the process the State described does not comply with 34 CFR §300.600(d)(3). To correct this noncompliance, the State, in its FFY 2006 APR, must describe and report on its review of data and information for all race ethnicity categories 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 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,</p>

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		on the percent of districts identified in FFY 2006 with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification, and describe how the State made that determination, even if the determination occurs in the fall of 2007.
<b>Monitoring Priority: Effective General Supervision</b>		
<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 reported FFY 2005 baseline data of 76.4%.</p>	<p>The State provided baseline data, targets, and improvement activities, and OSEP accepts the SPP for this indicator.</p> <p>The State reported data based on a State-established timeframe within which an evaluation must be conducted.</p> <p>The State reported that 76.4% of children were evaluated within the State-established timeframe. The State attributed about 57% of the delayed evaluations to the unavailability of students for assessment and parent scheduling issues. While the State included information about the reasons for delays in evaluations, it did not include information about the range of days beyond the timeline when the evaluations were completed, and did not identify for those children whose evaluations were timely completed the number found eligible and the number found not eligible, as directed by the instructions. The State must provide this information in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, demonstrating compliance with the requirements of 34 CFR §300.301(c)(1), including 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 83.9%. This represents progress from the State's FFY 2004 reported data of 66%. The State did not meet its FFY 2005 target of 100%.</p> <p>The State did not report on timely correction.</p>	<p>The State revised its improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State reported that delays caused by the child's unavailability for assessment, parent scheduling conflicts and delayed Part C – Part B transition meetings accounted for 63.5% of the delays. 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 data demonstrating 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 of 21%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.320(b), including correction of the noncompliance identified in FFY 2005.</p>
<p>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 must provide baseline data, targets, and improvement activities with the FFY 2006 APR, due February 1, 2008.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State's reported FFY 2005 data are 52%. This represents progress from the State's recalculated FFY 2004 baseline data of 49%. The State did not meet its FFY 2005 target of 100%.</p>	<p>The State revised the baseline and improvement activities for this indicator in its SPP, and OSEP accepts those revisions. The State implemented a new system of monitoring (Special Education Focused Monitoring and Program Improvement System), provided additional technical assistance and implemented enforcement actions in districts that had noncompliance in 2003-2004.</p> <p>OSEP's February 17, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR documentation that the State ensured the correction of identified noncompliance, as soon as possible but in no case later than one year from identification. The State reported that 49% of the noncompliance identified in the FFY 2004 SPP had been corrected, and that the State has provided additional technical assistance to those districts that have not corrected all findings.</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 of 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. 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</p>

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		<p>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 target of 100% for FFY 2005.</p>	<p>The State revised its improvement activities for this indicator and OSEP accepts those revisions. The State met its FFY 2005 target of 100%. OSEP appreciates the State's efforts in achieving compliance and looks forward to data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 100%. The State met its target of 100% for FFY 2005.</p>	<p>The State revised its improvement activities for this indicator and OSEP accepts those revisions. The State met its FFY 2005 target of 100%. OSEP appreciates the State's efforts in achieving compliance and looks forward to 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.</p> <p>[Results Indicator; New]</p>	<p>The State provided FFY 2005 baseline data of 91%.</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 reported data for FFY 2005 are 80%. The State met its target of 80% for FFY 2005.</p>	<p>The State revised the targets because OSEP's advisement in September 2006 indicated that there was consensus among practitioners that 75-85% is a reasonable rate of mediations that result in agreements and is consistent with national mediation rate data. The State also revised its improvement activities for this indicator. OSEP accepts these revisions.</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 reported data for FFY 2005 are 100%. However, the State did not report valid and reliable data for Indicators 2 and 6. The</p>	<p>The State revised its improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State did not submit FFY 2005 data for Indicator 2. Additionally, as noted in Indicator 6, the State did not provide data consistent with the</p>

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	State did not meet its FFY 2005 target of 100%.	<p>required measurement. Although the State's APR was timely, the State must consider the accuracy of its APR data when reporting data for this indicator.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure that the State will be able to provide 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>