

**South Carolina's 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 FFY 2005 reported data for this indicator are 39.9%. The State met its FFY 2005 target of 36.3%.</p>	<p>The State provided percentages for this indicator, but did not also provide actual numbers. The State must provide both percentages and actual numbers 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 .84%. This represents slippage from FFY 2004 data of .66%. The State did not meet its FFY 2005 target of .64%.</p> <p>The State did not provide valid and reliable data.</p>	<p>The State added one new improvement activity for this indicator in its SPP and OSEP accepts this revision.</p> <p>In calculating its FFY 2005 data for this indicator, the State divided the number of students with disabilities dropping out by the number of all students (including both students with disabilities and students without disabilities) in grades 9-12. In order to provide valid and reliable data regarding the percent of youth with disabilities dropping out, both the numerator and the denominator must be for youth with disabilities. Because this problem also affects the State's baseline for the FFY 2004 year, the State will need to recalculate its baseline (using FFY 2004 data) and may want to revise its targets as well. OSEP's February 27, 2006 SPP response letter required the State to include in the February 1, 2007 APR both updated baseline data for FFY 2004 (July 1, 2004 through June 30, 2005) and its first reporting of progress data for this target from FFY 2005 (July 1, 2005 through June 30, 2006). The State provided the required information in its February 1, 2007 APR submission.</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 calculate to 3.53%. (The State reported a percentage of 3.85%.) This represents</p>	<p>The State revised its FFY 2004 baseline data and targets for this indicator and OSEP accepts these revisions.</p> <p>OSEP looks forward to data in the FFY 2006 APR, due February 1, 2008, demonstrating improvement in performance.</p>

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<p>progress for disability subgroup. [Results Indicator]</p>	<p>slippage from the State's recalculated FFY 2004 baseline data of 35.29%. The State did not meet it FFY 2005 target of 35.3%.</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 are 86% for English/language arts (E/LA) and 87% for mathematics. This represents slippage from the State's FFY 2004 reported data of 98% and 98.2% for E/LA and mathematics, respectively. The State did not meet its FFY 2005 target of 95%.</p>	<p>The State provided an explanation for the reported slippage, stating that, based on information from the U.S. Department of Education, it had not included students with disabilities that took out of level tests in participation calculations.</p> <p>OSEP's February 27, 2006 SPP response letter required the State to include in the February 1, 2007 APR the required data and calculations in reporting its participation on this indicator. The State provided the required information in its February 1, 2007 APR submission.</p> <p>On page 5 for math and page 14 for E/LA of Table 6, the State reported the total number of students in each grade level, but did not provide breakout data in columns 6 (parental exemptions), 7 (absent), and 8 (exempt for other reasons). The State provided a note at the bottom of each table which states, "regarding the 'did not have totals' listed above, the data file used to answer this survey does not allow us to clearly categorize students into the three columns above and to differentiate between those who might have attempted to take the test but have no final scores versus those who did not take the assessment at all." The State must provide the required data in the FFY 2006 APR, due February 1, 2008.</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:  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 are 15.5% for E/LA and 15.6% for mathematics. The State met its FFY 2005 target of 13% for mathematics but did not meet its FFY 2005 target of 15.6% for E/LA, though the State made</p>	<p>OSEP's February 27, 2006 SPP response letter required the State to include in the February 1, 2007 APR the required data and calculations in reporting its performance on this indicator. The State provided the required information in its February 1, 2007 APR submission.</p> <p>The State met its target for math and OSEP appreciates the State's efforts to improve performance.</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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	progress for E/LA from its FFY 2004 reported data of 12.6%.	
<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 4.55%. The State met its FFY 2005 target of 11%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's February 27, 2006 SPP response letter required the State to include in the February 1, 2007 APR, documentation that includes the results of the State's review of policies, procedures and practices, consistent with 34 CFR §300.146(b) (now 34 CFR §300.170(b)) for districts with significant discrepancies in disciplinary suspensions and expulsions, relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards.</p> <p>In its February 2007 APR, the State reported that districts that displayed the significant discrepancy were required to submit their discipline policies, practices, and procedures for review to the State monitoring unit, but did not indicate that it reviewed (or required the ten identified LEAs to review) their policies, practices and procedures relating to the development and implementation of IEPs, and the use of positive behavioral interventions and supports and procedural safeguards, 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 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> <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</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</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</p>

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<p>10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator; New]</p>		<p>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 51.31%. The State met its FFY 2005 target of 50.31%.</p> <p>5B. The State's FFY 2005 reported data for this indicator are 22.36%. This represents progress from the State's FFY 2004 reported data of 23.21%. The State did not meet its FFY 2005 target of 22.21%.</p> <p>5C. The State's FFY 2005 reported data for this indicator are 2.36% (the State's 618 data showed 2.32%). This represents slippage from the State's FFY 2004 reported data of 2.19%.</p>	<p>The State met its target for 5A and OSEP appreciates the State's efforts to improve performance.</p> <p>In reviewing the State's APR, we noted that the State's FFY 2005 target for 5C was that it, "Maintain current ranking in the top fifteen for percent of students served in public or private separate school, residential placements, or homebound/hospital placements." In the APR, the State reported that, "South Carolina maintained the current ranking in the top fifteen for percent of students served in public or private separate school, residential placements, or homebound/hospital placements by ranking fourteenth." Since ranked State educational environments data for FFY 2005 has not been released yet, the basis for this assertion is not clear. Additionally, this points out the complications of establishing a target that is dependent at least as much on the actions of other States as it is on actions of South Carolina, and that does not provide the public understandable information about the State's proposed level of performance. In the next APR, due February 1, 2008, the State should revise its targets for Indicator 5C.</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>6. Percent of preschool children with IEPs</p>	<p>The State's FFY 2005</p>	<p>The State met its target and OSEP appreciates the State's efforts to improve</p>

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<p>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>reported data for this indicator are 41.64%. The State met its FFY 2005 target of 34%.</p>	<p>performance.</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 with the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's February 27, 2006, FFY 2004 SPP response letter required the State to revise its sampling plan for this indicator. The sampling plan submitted is not technically sound. Call your State Contact as soon as possible. We note though that the description of the methodology on pages two through five of this indicator raises questions whether the State is moving to a census collection. If so, a sampling plan would not be required.</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 submit FFY 2005 baseline data in the SPP submitted February 1, 2007. (The State did submit baseline data later in the spring of 2007.)</p>	<p>The State submitted 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 revise its sampling plan for this indicator. The State submitted a detailed 32-page sampling plan in the February 1, 2007 submission. The sampling plan submitted is technically sound.</p> <p>The State did not submit a parent survey, as required by the instructions for the SPP/APR. The State must submit this information in the FFY 2006 APR due February 1, 2008.</p>
<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>The State's FFY 2005 reported baseline data for this indicator are 0%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>While not required under Indicator 9, the State described its process for determining if significant disproportionality based on race and ethnicity is</p>

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[Compliance Indicator; New]		<p>occurring in LEAs with respect to identification as children with disabilities and placement. The State indicated 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 requires an LEA to reserve the maximum amount of its Part B allocation for early intervening services when it is determined based on the data, that significant disproportionality is occurring in the LEA, as required by 34 CFR §300.646(b)(2).</p> <p>OSEP's February 27, 2006, FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR, the results of the State's review of policies, procedures and practices, consistent with 34 CFR §300.755(b) (now 34 CFR §300.646(b)) for districts with significant disproportionality. South Carolina reported that for LEAs identified as having disproportionate representation due to inappropriate identification, a focused review process will be initiated. However, the State reported that no districts in FFY 2005 met its criteria for disproportionate representation.</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 reported baseline data of 37% for FFY 2004, rather than FFY 2005.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State provided baseline data for FFY 2004 rather than FFY 2005. The State must revise its baseline to reflect FFY 2005 data, as well as report on progress data for FFY 2006 in the FFY 2006 APR, due February 1, 2008. The State incorrectly listed its baseline data as its 'target' for FFY 2005. Targets must be 0% for this indicator. The State must either delete its target for FFY 2005 or revise it to 0%.</p> <p>The State indicated that it initially had calculated racial/ethnic disproportionality data only for black students in the mild mental disability category. The State also indicated that it has revised its criteria consistent</p>

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		<p>with the Westat spreadsheet for risk ratios in the six disability categories applied to all five race/ethnicity groups. The State was not clear about when this change occurred, however, the data the State presented (from the FFY 2004 rather than FFY 2005 year) appear to be based on the earlier criteria. 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. The State did not report on its review of the FFY 2005 data under these revised criteria. Therefore, we conclude that the State did 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>While not required under Indicator 10, the State described its process for determining if significant disproportionality based on race and ethnicity is occurring in LEAs with respect to identification in specific disability categories. The State indicated 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 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).</p>
<b>Monitoring Priority: Effective General Supervision</b>		

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<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 83%.</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 the Federal timeframe within which the evaluation must be conducted.</p> <p>In the FFY 2006 APR, due February 1, 2008, the State must describe how it is collecting this data, including whether it is collecting information about all children for whom parental consent for initial evaluations is received, or a subset of that group. OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate full compliance with the requirements in 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 State's FFY 2004 reported baseline data of 91.7%. The State did not meet its FFY 2005 target of 100%.</p> <p>The State addressed timely correction under this indicator regarding findings from FFY 2003, but not the noncompliance identified in FFY 2004.</p>	<p>The State indicated that it was concerned with the accuracy of the FFY 2004 data, which was received from the Part C agency, and for FFY 2005 and future years it had initiated revised procedures to collect accurate data.</p> <p>OSEP's February 27, 2006, FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR both the required baseline data for FFY 2004 (July 1, 2004 through June 30, 2005) and its first reporting of progress data for this target from FFY 2005 (July 1, 2005 through June 30, 2006). The State complied with this instruction.</p> <p>OSEP's February 27, 2006, FFY 2004 SPP response letter also required the State to include in the February 1, 2007 APR data demonstrating the correction of noncompliance identified in three of 23 LEAs monitored in FFY 2003. In Indicator 15, the State reported that 91% of the findings of noncompliance were corrected by the end of 2004-2005 and that the remaining findings concerned suspension and expulsion. Thus, the State satisfied this requirement.</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 34 CFR §300.124, including data demonstrating correction of the 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</p>	<p>The State reported FFY 2005 baseline data of 98%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. The State incorrectly identified its baseline data of 98% as the target for FFY 2005. The State must either</p>

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<p>will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator; New]</p>		<p>delete the FFY 2005 target or revise it to be 100%.</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 for submission with the APR due February 1, 2008 was provided.</p>	<p>OSEP's February 27, 2006, FFY 2004 SPP response letter required the State to ensure that any activities or strategies regarding this indicator result in the collection of the required baseline data, for the required time period, and that the baseline data and any other required data are reported in the February 1, 2007 APR.</p> <p>The State submitted a plan that describes how the data will be collected. The State must provide baseline, 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 FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%.</p> <p>The State did not provide data consistent with the required measurement.</p>	<p>The State met its target and OSEP appreciates the State's efforts in achieving compliance. However, the data were not reported in a manner consistent with the required measurement because the State reported the percentage of districts instead of the percentage of findings. The State must provide data consistent with the required measurement in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's February 27, 2006, FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005, i.e., the percentage of findings from 2003-2004 that were corrected in 2004-2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006, i.e., the percentage of findings from 2004-2005 that were corrected in 2005-2006). In its 2005 SPP, the State reported that during 2003-2004 it ensured correction of noncompliance within one year in only 50% of the LEAs monitored. In the APR, the State reported that 91% of the findings of noncompliance from 2003-2004 were corrected by the end of 2004-2005. The State further reported that sanctions have been imposed on the remaining two districts that have failed to correct issues of noncompliance in the area of suspension and expulsion. In the FFY 2006 APR, due February 1, 2008, the State must report on its continued correction activities in these districts.</p> <p>OSEP's February 27, 2006 SPP response letter also required the State to</p>

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		<p>include in the February 1, 2007 APR data that demonstrate full compliance with the requirements at 34 CFR §§300.24(b)(2) and (9) (now 300.34(c)(2) and (10), 300.300 (now 300.101) and 300.347(a)(3) (now 300.320(b)). The State indicated that the only remaining noncompliance from the districts identified in 2003-2004 concerns suspension and expulsion. Thus, OSEP considers this issue resolved.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 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 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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 97.96%. This represents slippage from the State's FFY 2004 reported data of 100%. The State did not meet its FFY 2005 target of 100%.</p>	<p>While it is clear from the APR that the State did not meet the 100% target, OSEP could not determine the State's level of compliance for this indicator because of conflicting data in the APR. On page 41 of the APR, the State reported that of the 64 complaints investigated during the APR period from July 1, 2005 to June 30, 2006, 63 were resolved and a final decision issued in a timely manner. Consistent with those numbers, the State reported on pages 40 and 41 a 97.6% compliance rate for the indicator. However, in the table on page 40 of the APR and in Table 7, the State reported that 48 of 64 complaints were resolved within 60 days or a properly extended timeline, and the State reported a 75% compliance rate in Table 7. In the FFY 2006 APR, due February 1, 2008, the State must provide valid and reliable data and ensure that the data in the APR narrative and in Table 7 are consistent with each other.</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 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</p>	<p>The State's FFY 2005 reported data for this indicator are 83.3% (5 of 6 fully adjudicated hearings). This</p>	<p>The State explained that five of the six fully adjudicated local due process hearings were concluded within forty-five days or an extended timeline, and that the one local due process hearing that exceeded its timeline did so by one day as a result of the local due process hearing officer's involvement in</p>

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request of either party. [Compliance Indicator]	represents slippage from the State's FFY 2004 reported data of 100%. The State did not meet its FFY 2005 target of 100%.	an accident where he sustained a severe injury and was therefore unable to deliver the decision to the parties as set forth in his previously issued order extending the timeline.  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 34 CFR §300.515.
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator; New]	The State reported FFY 2005 baseline data of 62%.	The State provided baseline data, targets and improvement activities. OSEP accepts the SPP for this indicator.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State received no mediation requests in the reporting period.	The State revised the targets for this indicator in its SPP and OSEP accepts those revisions.  The State is not required to provide or meet its targets or provide improvement activities until any FFY in which 10 or more mediations were conducted.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State's FFY 2005 reported data for this indicator are 100%. The State reports meeting its FFY 2005 target of 100%.  However, as noted in Indicators 2, 8 and 15, the State did not provide data that was both timely, and valid and reliable for those indicators. The State did not meet its FFY 2005 target of 100%.	As noted under Indicator 2, the dropout data were not calculated correctly. The State did not provide timely baseline data for Indicator 8. Further, as noted under Indicator 15, the State reported the number of LEAs with noncompliance findings identified through monitoring, rather than the number of findings of noncompliance. The State must consider the accuracy and timeliness of its APR data when reporting data for this indicator.  The State must provide data in the FFY 2006 APR, due February 1, 2008, that demonstrated compliance with the requirements of IDEA section 618 and 34 CFR §§76.720 and 300.601(b).