



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Christopher D. Cerf  
Acting Commissioner  
New Jersey Department of Education  
100 Riverview Plaza  
PO Box 500  
Trenton, New Jersey 08625-0500

**JUN 20 2011**

Dear Acting Commissioner Cerf:

Thank you for the timely submission of New Jersey's Federal fiscal year (FFY) 2009 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA section 616(d), New Jersey needs assistance in meeting the requirements of Part B of IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2009 APR and revised SPP (including targets and improvement activities for each year through FFY 2012), other State-reported data, and other publicly available information. However, we did not consider whether a State was in compliance with the requirement in section 612(a)(18)(A) to maintain State financial support for special education and related services. This is a key component of a State's eligibility for a grant under Part B of the IDEA. However, because the statute provides a specific remedy when a State is not in compliance with this provision (and the Department is taking action consistent with the statute) and recognizing that this is the first time that a number of States have failed to meet this requirement, the Department decided not to include compliance with this provision in the determinations process this year. The Department is actively considering including a State's compliance with this requirement in the 2012 determinations. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2011: Part B" for further details.

The specific factors affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for New Jersey were that the State's FFY 2009 data reflect 89.1% compliance for Indicator 15 and 86% compliance for Indicator 16. For these reasons, we were unable to determine that New Jersey met requirements for FFY 2009 under IDEA section 616(d).

OSEP notes other areas that reflect a high level of performance, including that New Jersey reported valid and reliable data for all indicators and a high level of compliance for Indicator 9 (.97%), Indicator 10 (.48%), Indicator 17 (100%), and Indicator 20 (100%). We hope that New Jersey will be able to demonstrate that it meets requirements in its next APR.

The enclosed table provides OSEP's analysis of the State's FFY 2009 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2009 data; (2) whether such data met

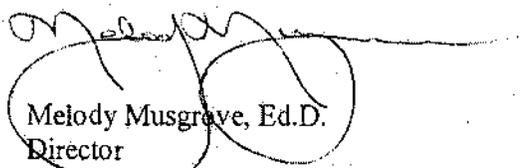
the State's FFY 2009 targets and reflect progress or slippage from the prior year's data; (3) if applicable, that the State's data are not valid and reliable; and (4) whether the State corrected findings of noncompliance.

Your State may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of "The Right IDEA" Web site at: <http://therightidea.tadnet.org/technicalassistance>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, Web seminars and other sources of relevant technical assistance for that indicator.

As you know, pursuant to IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(A), your State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the SPP as soon as practicable, but no later than June 1, 2011. In addition, your State must: (1) review LEA performance against targets in the State's SPP; (2) determine if each LEA "meets requirements of Part B," or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the IDEA; (3) take appropriate enforcement action; and (4) inform each LEA of its determination. 34 CFR §300.600(a)(2) and (3). For further information regarding these requirements, see "The Right IDEA" Web site at: <http://therightidea.tadnet.org/determinations>. Finally, please ensure that your updated SPP is posted on the State educational agency's Web site and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

OSEP is committed to supporting New Jersey's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Susan Falkenhan, your OSEP State Contact, at 202-245-7242.

Sincerely,



Melody Musgrave, Ed.D.  
Director  
Office of Special Education Programs

Enclosures

cc: State Director of Special Education

**New Jersey Part B FFY 2009 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The State provided improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State reported that its CSPR did not include graduation rate data for students with disabilities. Therefore, the State was unable to report graduation rates using CSPR data for the FFY 2009 submission. The State provided a detailed progress report in its APR on the status of implementing a data collection system that will allow the State to calculate the graduation rate in accordance with 34 CFR §200.19. The State did not provide FFY 2009 targets for this indicator.</p> <p>The State reported that it is currently in a transition period preparing to meet the new reporting requirement for the adjusted cohort graduation rate in 2010-2011, to be reported in 2012.</p>	<p>The State did not provide data based on the required measurement and the State must provide the required data for FFY 2010 in the FFY 2010 APR, due February 1, 2012.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State provided improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 2.8%. The State did not provide a FFY 2009 target for this indicator, therefore OSEP is not able to determine whether the State meet its FFY 2009 target.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 76.01%. These data represent slippage from the FFY 2008 data of 84.7%. The State did not meet its FFY 2009 target of 100%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: B. Participation rate for children</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p>	<p>OSEP appreciates the State's efforts to improve performance. The State did not report publicly on the participation of children</p>

**New Jersey Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>with IEPs. [Results Indicator]</p>	<p>The State's reported data for this indicator are 98.32% for reading and 98.25% for math. The State's FFY 2008 data for this indicator were 98.90% for reading and 98.77% for math. The State met its FFY 2009 targets of 97%.</p> <p>The State provided a Web link to 2009 publicly-reported assessment results. However, the data posted at the Web link provided by the State do not show that the State met the reporting requirements in 34 CFR §300.160(f), for the following reason: the data do not provide the number of children with disabilities who were provided accommodations in order to participate in regular assessments with accommodations at the district and school levels.</p>	<p>with disabilities on statewide assessments at the district and school level with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 CFR §300.160(f). Specifically, the State has not reported the number of children with disabilities in regular assessments who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments at the district and school levels. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.</p> <p>Within 90 days of the receipt of this response table, the State must provide a Web link that demonstrates it has reported to the public on the statewide assessments of children with disabilities in accordance with 34 CFR §300.160(f). In addition, OSEP reminds the State that in the FFY 2010 APR, due February 1, 2012, the State must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f).</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p>	<p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement</p>

**New Jersey Part B FFY 2009 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																																																															
<p>C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="594 337 1562 751"> <thead> <tr> <th>Grade</th> <th>FFY 2008 Data</th> <th>FFY 2009 Data</th> <th>FFY 2009 Target</th> <th>FFY 2008 Data</th> <th>FFY 2009 Data</th> <th>FFY 2009 Target</th> </tr> </thead> <tbody> <tr> <td></td> <td align="center" colspan="3">Reading</td> <td align="center" colspan="3">Math</td> </tr> <tr> <td>3</td> <td>38.76%</td> <td>35.75%</td> <td>59%</td> <td>59.12%</td> <td>62.68%</td> <td>66%</td> </tr> <tr> <td>4</td> <td>35.89%</td> <td>32.14%</td> <td>59%</td> <td>54%</td> <td>55.52%</td> <td>66%</td> </tr> <tr> <td>5</td> <td>33.39%</td> <td>31.38%</td> <td>59%</td> <td>53.95%</td> <td>52.60%</td> <td>66%</td> </tr> <tr> <td>6</td> <td>34.38%</td> <td>29.58%</td> <td>72%</td> <td>39.10%</td> <td>39.91%</td> <td>61%</td> </tr> <tr> <td>7</td> <td>34.82%</td> <td>30.70%</td> <td>72%</td> <td>31.38%</td> <td>28.94%</td> <td>61%</td> </tr> <tr> <td>8</td> <td>48.78%</td> <td>51.03%</td> <td>72%</td> <td>33.06%</td> <td>31.89%</td> <td>61%</td> </tr> <tr> <td>HS</td> <td>47.56%</td> <td>54.81%</td> <td>85%</td> <td>30.49%</td> <td>34.06%</td> <td>74%</td> </tr> </tbody> </table> <p>These data represent progress and slippage from the FFY 2008 data. The State met part of its FFY 2009 targets.</p> <p>The State provided a Web link to 2009 publicly-reported assessment results. The State indicated that it did not publicly report data on performance on the alternate assessments based on alternate academic achievement standards, at the district and school levels because the State suppresses data when the number of students with valid scores for a particular group is greater than zero but ten or fewer, and that all cells in all districts fit into this category.</p> <p>By July 2011, NJDOE will review all State assessment public reports to ensure reporting of results with the same frequency and detail as the reporting of general education assessment results while maintaining student confidentiality in accordance with IDEA and FERPA.</p>	Grade	FFY 2008 Data	FFY 2009 Data	FFY 2009 Target	FFY 2008 Data	FFY 2009 Data	FFY 2009 Target		Reading			Math			3	38.76%	35.75%	59%	59.12%	62.68%	66%	4	35.89%	32.14%	59%	54%	55.52%	66%	5	33.39%	31.38%	59%	53.95%	52.60%	66%	6	34.38%	29.58%	72%	39.10%	39.91%	61%	7	34.82%	30.70%	72%	31.38%	28.94%	61%	8	48.78%	51.03%	72%	33.06%	31.89%	61%	HS	47.56%	54.81%	85%	30.49%	34.06%	74%	<p>in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>OSEP reminds the State that in the FFY 2010 APR, the State must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f).</p>
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<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012.</p> <p>The State's FFY 2009 data for this indicator are 2.58%. These data represent progress from the FFY 2008 data of 2.91%. The State met its FFY 2009 target of 2.8%.</p> <p>The State reported its definition of "significant discrepancy."</p>	<p>OSEP appreciates the State's efforts to improve performance.</p> <p>The State must report, in its FFY 2010 APR, due February 1, 2011, on the correction of noncompliance that the State identified in FFY 2009 based on FFY 2008 data as a result of the</p>																																																															

**New Jersey Part B FFY 2009 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Results Indicator]	<p>The State reported that no district was excluded from the calculation based on the minimum "n" size of at least 75 children with disabilities enrolled.</p> <p>The State reported that it reviewed the LEAs' policies, procedures, and practices related 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) for the LEAs identified with significant discrepancies based on FFY 2008 data. The State identified noncompliance through this review.</p> <p>The State reported that it revised (or required the affected LEAs to revise), the LEAs' 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, pursuant to 34 CFR §300.170(b) for the LEAs identified with noncompliance.</p>	<p>review it conducted pursuant to 34 CFR §300.170(b). When reporting on the correction of this noncompliance, the State must report that it has verified that each LEA with noncompliance identified by the State: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with</p>	<p>The State provided FFY 2009 baseline, using FFY 2008 data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2009 baseline data for this indicator are 1.13%.</p> <p>The State reported that 11 districts were identified as having a significant discrepancy, by race or ethnicity, in the rate of suspension and expulsions of greater than ten days in a school year for children with IEPs. The State also reported that seven districts were identified as having policies, procedures or practices that contribute to the significant discrepancy and do not comply with the requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and</p>	<p>OSEP appreciates the State's efforts regarding this indicator and looks forward to data in the FFY 2010 APR, due February 1, 2012, that demonstrates compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2009 (greater than 0% actual target data for this indicator), the State must report on the status of</p>

**New Jersey Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>procedural safeguards.</p> <p>The State reported its definition of "significant discrepancy."</p> <p>The State reported that no district was excluded from the calculation based on the minimum "n" size of at least eight children with disabilities in the specific racial or ethnic group who were expelled or suspended for more than 10 days.</p> <p>The State reported that it reviewed the LEAs' 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) for the LEAs identified with significant discrepancies based on FFY 2008 data. The State identified noncompliance through this review.</p> <p>The State reported that it revised (or required the affected LEAs to revise), the LEAs' 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, pursuant to 34 CFR §300.170(b) for the LEAs identified with noncompliance.</p>	<p>correction of noncompliance reflected in the data the State reported for this indicator. The State must demonstrate, in the FFY 2010 APR, that the districts identified with noncompliance based on FFY 2008 data have corrected the noncompliance, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State is unable to demonstrate compliance with those requirements in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>OSEP will be carefully reviewing each State's methodology for identifying "significant</p>

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		discrepancy” and will contact the State if there are questions or concerns.																				
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="590 597 1558 1045"> <thead> <tr> <th></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td align="center">47.0</td> <td align="center">47.9</td> <td align="center">43.5</td> <td align="center">0.90%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">15.8</td> <td align="center">15.8</td> <td align="center">19.0</td> <td align="center">0.00%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td align="center">8.0</td> <td align="center">8.0</td> <td align="center">8.5</td> <td align="center">0.00%</td> </tr> </tbody> </table> <p>These data represent progress for 5A and remain unchanged for 5B and 5C from the FFY 2008 data. The State met all of its FFY 2009 targets for this indicator.</p>		<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	47.0	47.9	43.5	0.90%	B. % Inside the regular class less than 40% of the day	15.8	15.8	19.0	0.00%	C. % In separate schools, residential facilities, or homebound/hospital placements	8.0	8.0	8.5	0.00%	<p>OSEP appreciates the State’s efforts to improve performance.</p>
	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>																		
A. % Inside the regular class 80% or more of the day	47.0	47.9	43.5	0.90%																		
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C. % In separate schools, residential facilities, or homebound/hospital placements	8.0	8.0	8.5	0.00%																		
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and</p> <p>B. Separate special education class, separate school or residential</p>	<p>The State is not required to report data for this indicator in the FFY 2009 APR.</p>	<p>The State is not required to report on this indicator in the FFY 2010 APR, due February 1, 2012.</p>																				

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																												
facility. [Results Indicator; New]																														
<p>7. Percent of preschool children age 3 through 5 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]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012 and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="590 581 1556 1438"> <thead> <tr> <th data-bbox="590 581 978 675"><u>Summary Statement 1</u></th> <th data-bbox="978 581 1171 675"><u>FFY 2008 Data</u></th> <th data-bbox="1171 581 1367 675"><u>FFY 2009 Data</u></th> <th data-bbox="1367 581 1556 675"><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="590 675 978 805"><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="978 675 1171 805">78.3</td> <td align="center" data-bbox="1171 675 1367 805">69.4</td> <td align="center" data-bbox="1367 675 1556 805">79.3</td> </tr> <tr> <td data-bbox="590 805 978 967"><b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center" data-bbox="978 805 1171 967">61.4</td> <td align="center" data-bbox="1171 805 1367 967">61.9</td> <td align="center" data-bbox="1367 805 1556 967">62.4</td> </tr> <tr> <td data-bbox="590 967 978 1065"><b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="978 967 1171 1065">69.1</td> <td align="center" data-bbox="1171 967 1367 1065">51.2</td> <td align="center" data-bbox="1367 967 1556 1065">70.1</td> </tr> <tr> <th data-bbox="590 1065 978 1154"><u>Summary Statement 2</u></th> <th data-bbox="978 1065 1171 1154"><u>FFY 2008 Data</u></th> <th data-bbox="1171 1065 1367 1154"><u>FFY 2009 Data</u></th> <th data-bbox="1367 1065 1556 1154"><u>FFY 2009 Target</u></th> </tr> <tr> <td data-bbox="590 1154 978 1284"><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="978 1154 1171 1284">69.7</td> <td align="center" data-bbox="1171 1154 1367 1284">79.3</td> <td align="center" data-bbox="1367 1154 1556 1284">70.7</td> </tr> <tr> <td data-bbox="590 1284 978 1438"><b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center" data-bbox="978 1284 1171 1438">47.8</td> <td align="center" data-bbox="1171 1284 1367 1438">50.7</td> <td align="center" data-bbox="1367 1284 1556 1438">48.8</td> </tr> </tbody> </table>	<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	78.3	69.4	79.3	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	61.4	61.9	62.4	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	69.1	51.2	70.1	<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	69.7	79.3	70.7	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	47.8	50.7	48.8	<p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.</p>
<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>																											
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**New Jersey Part B FFY 2009 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps
	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	56.2	60.3	57.2	
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. [Results Indicator]	These data represent progress and slippage from the FFY 2008 data. The State met part of its FFY 2009 targets for this indicator.  The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.  The State's FFY 2009 data for this indicator are 83.4%. These data represent progress from the FFY 2008 data of 83.3%. The State met its FFY 2009 target of 82.1%.  In its description of its FFY 2009 data, the State addressed whether the response group was representative of the population.				OSEP appreciates the State's efforts to improve performance.
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. [Compliance Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.  The State's FFY 2009 reported data for this indicator are 97%. These data represent progress from the FFY 2008 data of 1.45%. The State did not meet its FFY 2009 target of 0%.  The State reported that 34 districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that six districts were identified with disproportionate representation of racial and ethnic groups in special education that was the result of inappropriate identification.  The State provided its definition of "disproportionate representation."  The State reported that a total of 123 districts did not meet the minimum 'n' size of more than 25 children with disabilities above the expected number in the racial ethnic group analyzed.  The State reported that all nine of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.				OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2010 APR, due February 1, 2012 demonstrating compliance.  Because the State reported less than 100% compliance for FFY 2009 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must demonstrate, in the FFY 2010 APR, that the districts identified in FFY 2009 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate

**New Jersey Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State is unable to demonstrate compliance with those requirements in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</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]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are .48%. These data represent progress from the FFY 2008 data of 1.29%. The State did not meet its FFY 2009 target of 0%.</p> <p>The State reported that 12 districts were identified with disproportionate representation</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2010 APR, due February 1, 2012, demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY</p>

**New Jersey Part B FFY 2009 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>of racial and ethnic groups in specific disability categories. The State also reported that three districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>The State provided its definition of "disproportionate representation."</p> <p>The State reported that a total of 67 districts did not meet the minimum 'n' size of more than 10 children with disabilities above the expected number in the racial ethnic groups analyzed.</p> <p>The State reported that all 16 of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.</p>	<p>2009 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must demonstrate, in the FFY 2010 APR, that the districts identified in FFY 2009 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State is unable to demonstrate compliance with those</p>

**New Jersey Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		requirements in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.
<p>11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 92%. These data represent progress from the FFY 2008 data of 88%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all 216 of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the timely initial evaluation requirement in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the</p>

**New Jersey Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 86%. These data represent slippage from the FFY 2008 data of 90%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all 74 of its findings identified in FFY 2008 for this indicator were corrected in a timely manner.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the FFY 2009 data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data</p>

**New Jersey Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2009 reported baseline data for this indicator are 90%.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported</p>

**New Jersey Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>or student who has reached the age of majority. [Compliance Indicator]</p>		<p>for this indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school;</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>C. Enrolled in higher education or in some other postsecondary education or training program; or</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's reported FFY 2009 baseline data for this indicator are:</p> <p>A. 45% enrolled in higher education within one year of leaving high school;</p> <p>B. 74% enrolled in higher education or competitively employed within one year of leaving high school; and</p> <p>C. 84% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p>	<p>The State must report actual target data for FFY 2010 with the FFY 2010 APR, due February 1, 2012.</p>

**New Jersey Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>competitively employed or in some other employment within one year of leaving high school.</p> <p>[Results Indicator]</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 89.1%. These data represent slippage from the FFY 2008 data of 95.9%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 497 of 558 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that 52 findings subsequently were corrected by February 1, 2010. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that the 29 findings of noncompliance identified in FFY 2007 were corrected.</p>	<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2010 APR, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2009 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, due February 1, 2012, the State must report that it verified that each LEA with noncompliance identified in FFY 2009: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP</p>

**New Jersey Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2010 APR, the State must use the Indicator 15 Worksheet.</p> <p>In addition, in responding to Indicators 4A, 4B, 9, 10, 11, 12, and 13 in the FFY 2010 APR due February 1, 2012, the State must report on correction of the noncompliance described 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, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 86%. These data represent slippage from the FFY 2008 data of 99%. The State did not meet its FFY 2009 target of 100%.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2010 APR, due February 1, 2012, demonstrating that the State is in compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data represent progress from the FFY 2008 data of 95%. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>

**New Jersey Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
hearing, within the required timelines. [Compliance Indicator]		
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.  The State's FFY 2009 reported data for this indicator are 57%. These data represent slippage from the FFY 2008 data of 69%. The State met its FFY 2009 target of 50-60%.	OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.  The State's FFY 2009 reported data for this indicator are 32%. These data remain unchanged from the FFY 2008 data of 32%. The State did not meet its FFY 2009 target of 34-41%.	OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.  The State's FFY 2009 reported data for this indicator are 100%. These data remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%.	OSEP appreciates the State's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2010 APR, due February 1, 2012, the State must use the Indicator 20 Data Rubric.