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

JUN 27 2012

Honorable Christopher D. Cerf
Acting Commissioner
New Jersey Department of Education
100 Riverview Plaza
PO Box 500, Route 29
Trenton, New Jersey 08625-0500

Dear Acting Commissioner Cerf:

Thank you for the timely submission of New Jersey's Federal fiscal year (FFY) 2010 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)(2)(A)(ii), New Jersey needs assistance in implementing 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 2010 APR and revised SPP, other State-reported data, information obtained through verification visits and/or continuous improvement visits and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2012: 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: (1) New Jersey's FFY 2010 data for Indicator 15, which measures the timely correction of findings of noncompliance, reflect 90.81%; and (2) Indicator 16 which measure compliance with the requirements for the timely resolution of complaints, reflect 81% compliance. For these reasons, we are unable to determine that New Jersey met requirements for FFY 2010 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 Indicators 4B (0.32%), 9 (1.4%), 10 (1.56%), 17 (98%), and 20 (96.45%). We hope that New Jersey will be able to demonstrate that it meets requirements in its FFY 2011 APR.

The enclosed table provides OSEP's analysis of the State's FFY 2010 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 2010 data; (2) whether such data met the State's FFY 2010 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.

The State's determination for FFY 2009 was also needs assistance. In accordance with section 616(e)(1) of the IDEA and 34 CFR §300.604(a), if a State is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions: (1) advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance; (2) direct the use of State-level funds on the area or areas in which the State needs assistance; or (3) identify the State as a high-risk grantee and impose Special Conditions on the State's Part B grant award.

Pursuant to these requirements, the Secretary is advising the State of available sources of technical assistance related to Indicators 15, timely correction of noncompliance, and Indicator 16, timely resolution of complaints. 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. For the indicator(s) listed above, your State must report with its FFY 2011 APR submission, due February 1, 2013, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The extent to which your State takes advantage of available technical assistance for these indicators may affect the actions OSEP takes under section 616 should your State not be determined to meet requirements next year. We encourage New Jersey to take advantage of available sources of technical assistance in other areas as well, particularly if the State is reporting low compliance data for an indicator.

As required by section 616(e)(7) of the IDEA and 34 CFR §300.606, the State must notify the public within the State that the Secretary of Education has taken the above enforcement action, including, at a minimum, by posting a public notice on the agency's Web site and distributing the notice to the media and through public agencies.

As you know, pursuant to IDEA section 616(b)(2)(C)(ii)(l) 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, 2012. 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 Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education

New Jersey Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]	The State's FFY 2010 reported data for this indicator are 82.3%. OSEP was unable to determine if there was progress or slippage because the State changed the methodology for calculating and reporting the data. The State met its target of 80%. The State reported the required graduation rate calculation and timeline established by the Department under the Elementary and Secondary Education Act (ESEA). This means that the State submitted the most recent graduation data that the State reported to the Department as part of its Consolidated State Performance Report (CSPR).	OSEP appreciates the State's efforts to improve performance. In reporting data for this indicator in the FFY 2011 APR, due February 1, 2013, States must use the same data they used for reporting to the Department under Title I of the ESEA, using the adjusted cohort graduation rate required under the ESEA.
2. Percent of youth with IEPs dropping out of high school. [Results Indicator]	The State's FFY 2010 reported data for this indicator are 3.9%. These data represent progress from the FFY 2009 data of 4.43%. The State met its FFY 2010 target of <4.6%.	OSEP appreciates the State's efforts to improve performance.
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]	The State's FFY 2010 reported data for this indicator are 87.45%. These data represent progress from the FFY 2009 data of 76.01%. The State did not meet its FFY 2010 target of 100%.	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.
3. Participation and performance of children with IEPs on statewide assessments: B. Participation rate for children with IEPs. [Results Indicator]	The State's FFY 2010 reported data for this indicator are 98.63% for reading and 98.56% for math. These data represent progress from the FFY 2009 data 98.32% for reading and 98.25% for math. The State met its FFY 2010 targets of 97% for both reading and math. The State provided a Web link to 2010 publicly-reported assessment results. OSEP's verification letter, dated March 9, 2012, found that the State did not monitor districts on their implementation of district-wide assessments. OSEP required that the State provide a description of the procedures that it has implemented to determine	OSEP appreciates the State's efforts to improve performance. In the FFY 2011 APR, the State must report, through its monitoring cycle, the number of LEAs that conduct district-wide assessments. Within 30 days of the date of this

<table>
<tr><th>Monitoring Priorities and Indicators</th><th>Status of APR Data/SPP Revision Issues</th><th>OSEP Analysis/Next Steps</th></tr>
<tr><td></td><td>whether any LEAs are conducting district-wide assessments; if so, the number, if any, of LEAs that are conducting such assessments; and the procedures it has implemented (or will implement, with a specific timeline for implementing such procedures) to determine whether any LEAs that are conducting district-wide assessments are doing so in a manner that meets the requirements in 20 U.S.C. 1412(a)(16) and 34 CFR §300.160, including that all children with disabilities are included in local assessments, with appropriate accommodations and alternate assessments, if necessary, as indicated in their respective IEPs, as required in 34 CFR §300.160(a) and that LEAs develop accommodation guidelines for district-wide assessments, as required in 34 CFR §300.160(b). On April 17, 2012, the State provided a plan which describes that the State has revised its monitoring process to capture information about whether children with disabilities are included in district-wide assessments, that appropriate accommodations and modifications are included in there IEPs for district-wide assessments, and that the results of district-wide assessments are publicly reported in the same frequency and detail as for other children. The State did not provide a timeline for implementation of these procedures. The State also indicated that it is developing procedures to ensure that LEAs are providing alternate assessments and developing and implementing accommodations guidelines.</td><td>document the State must provide documentation that it has developed the remaining procedures regarding district-wide assessments and the timeline for implementation of all of the procedures.</td></tr>
<tr><td>3. Participation and performance of children with disabilities on statewide assessments:

C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

[Results Indicator]</td><td>The State's reported data for this indicator are:
<table>
<tr><th>Grade</th><th>FFY 2009 Data</th><th>FFY 2010 Data</th><th>FFY 2010 Target</th><th>FFY 2009 Data</th><th>FFY 2010 Data</th><th>FFY 2010 Target</th></tr>
<tr><td></td><td colspan="3">Reading</td><td colspan="3">Math</td></tr>
<tr><td>3</td><td>35.75%</td><td>36.47%</td><td>79%</td><td>62.88%</td><td>65.47%</td><td>83%</td></tr>
<tr><td>4</td><td>32.14%</td><td>38.28%</td><td>79%</td><td>55.52%</td><td>62.34%</td><td>83%</td></tr>
<tr><td>5</td><td>31.38%</td><td>34.00%</td><td>79%</td><td>52.60%</td><td>58.30%</td><td>83%</td></tr>
<tr><td>6</td><td>29.58%</td><td>33.17%</td><td>86%</td><td>39.91%</td><td>48.92%</td><td>80%</td></tr>
<tr><td>7</td><td>30.70%</td><td>28.11%</td><td>86%</td><td>28.94%</td><td>32.82%</td><td>80%</td></tr>
<tr><td>8</td><td>51.03%</td><td>50.23%</td><td>86%</td><td>31.89%</td><td>34.34%</td><td>80%</td></tr>
<tr><td>HS</td><td>54.81%</td><td>62.51%</td><td>92%</td><td>34.06%</td><td>37.48%</td><td>86%</td></tr>
</table>
These data represent progress and slippage from the FFY 2009 data. The State did not meet its FFY 2010 targets for this indicator.</td><td>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</td></tr>
</table>

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	The State provided a Web link to 2010 publicly-reported assessment results.	
4. Rates of suspension and expulsion: 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 [Results Indicator]	The State's FFY 2010 reported data for this indicator are 1.58%. These data represent progress from the FFY 2009 data of 2.58%. The State met its FFY 2010 target of 2.6% The State provided its definition of "significant discrepancy." The State reported that ten districts were identified as having a significant discrepancy, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs. The State did not report whether it uses a minimum "n" size requirement; however, it indicated that all LEAs were included in the calculation. The State reported that it reviewed the districts' 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 districts identified with significant discrepancies in FFY 2010. The State identified no new noncompliance through this review. For the districts identified with significant discrepancies in FFY 2009 whose policies, procedures, and practices were reviewed, consistent with 34 CFR §300.170(b), the State reported on whether there were changes to the policies, procedures and practices since the last review, and whether those changes comply with the requirements regarding 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). The State reported that noncompliance identified in FFY 2009 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected in a timely manner.	OSEP appreciates the State's efforts to improve performance.
4. Rates of suspension and expulsion: 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	The State's FFY 2010 reported data for this indicator are 0.32%. OSEP was unable to determine progress or slippage because the State changed its methodology for this indicator. The State did not meet its FFY 2010 target of 0%. The State reported its definition of "significant discrepancy." The State reported in its narrative that 39 districts were identified as having a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater	OSEP appreciates the State's efforts regarding this indicator and looks forward to data in the FFY 2011 APR demonstrating compliance. In the FFY 2011 APR, the State must report whether, as a result of

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. [Compliance Indicator]	than ten days in a school year for children with IEPs. The State also reported in its narrative that two districts were identified as having policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. However, following the narrative the State also included a chart in its APR that identified only two districts with significant discrepancies, rather than two districts with significant discrepancies, by race or ethnicity, and policies, procedures or practices that contribute to the significant discrepancies and do not comply with requirements related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The State did not explain the discrepancy. The State reported that it reviewed the districts' 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 in 34 CFR §300.170(b) for the 39 districts identified with significant discrepancies in FFY 2010. The State identified noncompliance through this review. The State did not report on the result of the review it conducted pursuant to 34 CFR §300.170(b), i.e., the State did not report whether it revised (or required the affected districts to revise), the districts' policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the districts identified with significant discrepancies in FFY 2010. The State reported that 577 of 633 districts did not meet the minimum "n" size requirement of five or more students of a specific racial/ethnic group, suspended for more than 10 days. The State reported that all 39 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.	the review, the State revised, or required the affected districts to revise, policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the districts identified with noncompliance in FFY 2010. The State did not, until FFY 2011, determine whether districts with 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, based on FFY 2009 data, had policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, and therefore did not make findings of noncompliance until FFY 2011. Because the State reported less than 100% compliance for FFY 2010 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		2011 for this indicator for districts with a significant discrepancy based on FFY 2009 discipline data. The State must demonstrate, in the FFY 2011 APR, that these districts 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 Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2011 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 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance. In order to ensure accurate public reporting of its FFY 2010 APR,

<table>
<tr><th>Monitoring Priorities and Indicators</th><th>Status of APR Data/SPP Revision Issues</th><th>OSEP Analysis/Next Steps</th></tr>
<tr><td></td><td></td><td>as required in 34 CFR §§300.601(b) (1) and 300.602(b)(1)(i)(B), the State must revise the chart following the narrative to agree with the narrative regarding the number of districts with significant discrepancies and policies, procedures or practices that contribute to the discrepancies and do not comply with requirements and post the revised FFY 2010 APR on the SEA's Web site.</td></tr>
<tr><td>5. Percent of children with IEPs aged 6 through 21 served:
A. Inside the regular class 80% or more of the day;
B. Inside the regular class less than 40% of the day; or
C. In separate schools, residential facilities, or homebound/hospital placements.
[Results Indicator]</td><td>The State's reported data for this indicator are:
<table>
<tr><th></th><th>FFY 2009 Data</th><th>FFY 2010 Data</th><th>FFY 2010 Target</th><th>Progress</th></tr>
<tr><td>A. % Inside the regular class 80% or more of the day</td><td>43.5</td><td>48.23</td><td>44.0</td><td>4.73%</td></tr>
<tr><td>B. % Inside the regular class less than 40% of the day</td><td>19.0</td><td>16.32</td><td>19.0</td><td>2.68%</td></tr>
<tr><td>C. % In separate schools, residential facilities, or homebound/hospital placements</td><td>8.5</td><td>7.96</td><td>8.0</td><td>0.54%</td></tr>
</table>
These data represent progress for from the FFY 2009 data. The State met all of its FFY 2010 targets for this indicator.
The State's data reported in this indicator are not the same as the State's 618 data reported in Table 3. The State provided an explanation.</td><td>OSEP appreciates the State's efforts to improve performance.</td></tr>
<tr><td>6. Percent of children aged 3</td><td>The State is not required to report on this indicator in the FFY 2010 APR.</td><td>The State must provide FFY 2011</td></tr>
</table>

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
through 5 with IEPs attending a: A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and B. Separate special education class, separate school or residential facility. [Results Indicator; New]		baseline data, an FFY 2012 target, and improvement activities through FFY 2012 in the SPP that it submits with the FFY 2011 APR.
7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]	The State's reported data for this indicator are:	OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR. The State must report progress data and actual target data for FFY 2011 with the FFY 2011 APR.

Summary Statement 1	FFY 2009 Data	FFY 2010 Data	FFY 2010 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	69.4	69.1	73.8
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	61.9	66.9	63.4
Outcome C: Use of appropriate behaviors to meet their needs (%)	51.2	53.9	62.0
Summary Statement 2	**FFY 2009 Data**	**FFY 2010 Data**	**FFY 2010 Target**
Outcome A: Positive social-emotional skills (including social relationships) (%)	79.3	79.1	71.7
Outcome B:	50.7	48.2	49.8

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	Acquisition and use of knowledge and skills (including early language/ communication) (%) | | | | **Outcome C:** Use of appropriate behaviors to meet their needs (%) | 60.3 | 59.0 | 58.2 | These data represent progress and slippage from the FFY 2009 data. The State met part of its FFY 2010 targets for this indicator.	
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]	The State's FFY 2010 reported data for this indicator are 84.2%. These data represent progress from the FFY 2009 data of 83.4%. The State met its FFY 2010 target of 82.6%. In its description of its FFY 2010 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's FFY 2010 reported data for this indicator are 1.40%. These data represent slippage from the FFY 2009 data of 0.97%. The State did not meet its FFY 2010 target of 0%. The State reported that 39 districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that nine districts were identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification. The State provided its definition of "disproportionate representation." The State reported that a total of 134 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 2009 for this indicator were corrected in a timely manner.	OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2011 APR, demonstrating compliance. Because the State reported less than 100% compliance for FFY 2010 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator. The State must demonstrate, in the FFY 2011 APR, that the districts identified in FFY 2010 with disproportionate representation of racial and ethnic groups in special education and related services

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		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 2011 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 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result	The State's FFY 2010 reported data for this indicator are 1.56%. These data represent slippage from the FFY 2009 data of 0.48%. The State did not meet its FFY 2010 target of 0%. The State reported that 43 districts were identified with disproportionate representation	OSEP appreciates the State's efforts and looks forward to reviewing data in the FFY 2011 APR, demonstrating compliance.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
of inappropriate identification. [Compliance Indicator]	of racial and ethnic groups in specific disability categories. The State also reported that 10 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification. The State provided its definition of "disproportionate representation." The State reported that a total of 126 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. The State reported that all three of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.	Because the State reported less than 100% compliance for FFY 2010 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator. The State must demonstrate, in the FFY 2011 APR, that the districts identified in FFY 2010 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 2011 APR, the State must describe the specific actions that were taken to verify the correction.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		If the State is unable to demonstrate compliance with those requirements in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.
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. [Compliance Indicator]	The State's FFY 2010 reported data for this indicator are 93%. These data represent progress from the FFY 2009 data of 92%. The State did not meet its FFY 2010 target of 100%. The State reported that all 64 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.	The State must demonstrate, in the FFY 2011 APR, 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 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 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

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		LEA, consistent with OSEP Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.
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. [Compliance Indicator]	The State's FFY 2010 reported data for this indicator are 91%. These data represent progress from the FFY 2009 data of 86%. The State did not meet its FFY 2010 target of 100%. The State reported that all seven of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.	The State must demonstrate, in the FFY 2011 APR, 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 identified in FFY 2010 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 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 system; and (2) has developed

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		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 2011 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.
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	The State's FFY 2010 reported data for this indicator are 78.38%. These data represent slippage from the FFY 2009 data of 90%. The State did not meet its FFY 2010 target of 100%. The State reported that all 29 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.	The State must demonstrate, in the FFY 2011 APR, 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 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 for this indicator: (1) is correctly implementing 34 CFR

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or student who has reached the age of majority. [Compliance Indicator]		§§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 2011 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.
14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high school; B. Enrolled in higher education or competitively employed within one year of leaving high school. C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some	The State's reported data for this indicator are:	OSEP appreciates the State's efforts to improve performance.

	FFY 2009 Data	FFY 2010 Data	FFY 2010 Target	Progress
A. % Enrolled in higher education	45	48.8	45	3.80%
B. % Enrolled in higher education or competitively employed	74	74.9	74	0.90%
C. % Enrolled in higher education or in some other postsecondary education or training program; or	84	84.9	84	0.90%

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other employment within one year of leaving high school. [Results Indicator]	competitively employed These data represent progress from the FFY 2009 data. The State met all of its FFY 2010 targets for this indicator. In the State's description of its FFY 2010 data, the State addressed whether the response group was representative of the population.	
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. [Compliance Indicator]	The State's FFY 2010 reported data for this indicator are 90.81%. These data represent progress from the FFY 2009 data of 89.1%. The State did not meet its FFY 2010 target of 100%. The State reported that 524 of 577 findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that 33 findings were subsequently corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected noncompliance. The State reported that 61 findings of noncompliance identified in FFY 2008 were corrected.	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 2011 APR, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2010 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02. When reporting on correction of findings of noncompliance in the FFY 2011 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2010 and 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

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		within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2011 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 2011 APR, the State must use the Indicator 15 Worksheet. Further, in responding to Indicators 4B, 9, 10, 11, 12, 13, 16, and 17 in the FFY 2011 APR, the State must report on correction of the noncompliance described in this table under those indicators.
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. [Compliance Indicator]	The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 81%. These data represent slippage from the FFY 2009 data of 86%. The State did not meet its FFY 2010 target of 100%. Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012. OSEP's Verification Letter of March 9, 2012 identified noncompliance regarding the State's practice with the IDEA Part B regulations that require a State to resolve written complaints in accordance with 34 CFR §300.151 through §300.153. OSEP's verification letter, dated March 9, 2012, required that the State: • Review all complaints received during the 12 months preceding the date of the letter that : (1) the State declined to accept or were dismissed without resolution; or (2) submitted on behalf of a class of students but for whom the resolution addressed only the named students. • Identify which of those complaints above: (1) have been resolved through a due process hearing that addressed all allegations; (2) have been resolved through a court decision or settlement agreement pursuant to the IDEA or other State procedures that addressed all allegations; (3) involved children who no longer	OSEP looks forward to reviewing the State's FFY 2011 IDEA section 618 data, demonstrating that it is in compliance with the timely complaint resolution requirements in 34 CFR §300.152. Within 90 days of receipt of the APR Determination letter, the State must provide documentation that the one remaining complaint has been resolved.

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	reside within the jurisdiction in which the complaint was filed; or (4) involve children who have graduated. • For all complaints not meeting the second bullet: (1) provide a letter to all complainants or inquirers and offer to reopen and resolve the complaint; (2) review all files, determine which should have been resolved, notify the complainant or inquirer and proceed to resolve the complaint; or (3) review all files, determine which should have been resolved, and provide a letter to the complainant or inquirer and ask if they want the complaint resolved, and, if they do, proceed to resolve it. • Identify all complaints from the above actions that required resolution. Submit documentation that it resolved all complaints identified that should have been previously resolved. On April 17, 2012, the State provided information that all required actions were completed and that all but one complaint were resolved.	
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 hearing, within the required timelines. [Compliance Indicator]	The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 98%. These data represent slippage from the FFY 2009 data of 100%. The State did not meet its FFY 2010 target of 100% Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012. OSEP's verification letter, dated March 9, 2012, found that the State was not ensuring that LEAs implement corrective actions specified in due process hearing decisions, and required that the State provide a written assurance that all corrective actions that a due process hearing officer orders in a due process hearing decision are implemented. OSEP's verification letter also required the State to provide a Web link to updated due process and State complaint model forms that clearly indicate which content is required and what is optional based on review of 34 CFR §§300.153(b) and 300.508(b). The State provided the required information on April 17, 2012. No further action is required.	OSEP appreciates the State's efforts and looks forward to reviewing the State's FFY 2011 IDEA section 618 data, demonstrating that it is in compliance with the due process hearing timeline requirements in 34 CFR §300.515.
18. Percent of hearing requests that went to resolution sessions that	The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 61%. These data represent progress from the FFY 2009 data of 57%. The State met its FFY	OSEP looks forward to reviewing the State's data in the FFY 2011

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were resolved through resolution session settlement agreements. [Results Indicator]	2010 target of 50-60%. Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012. OSEP's verification letter, dated March 9, 2012, found that the State was not consistently ensuring that LEAs hold timely resolution meetings on notice of a parent's due process complaint and required that the State provide an assurance that it (1) monitors LEA compliance with IDEA resolution meeting requirements and (2) issues findings of noncompliance when an LEA fails to comply with 34 CFR §300.510(a) and ensures correction of the noncompliance as soon as possible and in no case later than one year from the date of the identification of noncompliance. The State provided the required information on April 17, 2012. No further action is required.	APR.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State's FFY 2010 reported data for this indicator, as of January 2012, are 30%. These data represent slippage from the FFY 2009 data of 32%. The State did not meet its FFY 2010 target of 34-41%. Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.	OSEP looks forward to reviewing the State's data in the FFY 2011 APR.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State's FFY 2010 reported data for this indicator are 97.80%. However, OSEP's calculation of the data for this indicator is 96.45%. These data represents slippage from the FFY 2009 data of 100%. The State did not meet its FFY 2010 target of 100%.	OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2011 APR, the State's data demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary. In reporting on Indicator 20 in the FFY 2011 APR, the State must use the

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		Indicator 20 Data Rubric.