



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 15 2007

Honorable Lucille Davy
Commissioner of Education
New Jersey Department of Education
100 Riverview Plaza
Trenton, New Jersey 08625-0500

Dear Commissioner Davy:

Thank you for the timely submission of New Jersey's Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also appreciate the revisions to New Jersey's SPP received on April 27, 2007.

As you know, under IDEA section 616, each State has an SPP that evaluates the State's efforts to implement the requirements and purposes of Part B of the IDEA and describes how the State will improve its implementation of Part B. In the revised SPP due by February 1, 2007, States were required to provide information on: (1) specific new indicators; and (2) correction of any deficiencies identified in the Office of Special Education Programs' (OSEP's) SPP response letter sent to your State last year. States were also required to submit by February 1, 2007, an APR for Federal fiscal year (FFY) 2005 that describes the State's: (1) progress or slippage in meeting the measurable and rigorous targets established in the SPP; and (2) any revisions to the State's targets, improvement activities, timelines or resources in the SPP and justifications for the revisions. We appreciate the State's efforts in preparing the FFY 2005 APR and revised SPP.

The Department has reviewed the information provided in the State's FFY 2005 APR and revised SPP, other State-reported data, information obtained through monitoring visits, and other public information and has determined that, under IDEA section 616(d), New Jersey needs assistance in meeting the requirements of Part B of the IDEA. The State should review IDEA section 616(e) regarding the potential future impact of the Department's determination.

The Department's determination is based on the totality of the State's data in its SPP/APR and other publicly available information, including any compliance issues. The factors in States' FFY 2005 APR and February 1, 2007 SPP submissions that affected the Department's determinations were whether the State: (1) provided valid and reliable FFY 2005 data that reflect the measurement for each indicator, and if not, whether the State provided a plan to collect the missing or deficient data; and (2) for each compliance indicator that was not new (a) demonstrated compliance or timely corrected noncompliance, and (b) in instances where it did not demonstrate compliance, had nonetheless made progress in ensuring compliance over prior performance in that area. We also considered whether the State had other IDEA compliance issues that were identified previously through the Department's monitoring, audit or other activities, and the State's progress in resolving those problems. See the enclosure entitled "How the

Department Made Determinations under Section 616(d) of the IDEA in 2007” for further details.

Specific factors affecting OSEP’s determination of needs assistance for New Jersey include: (1) the State did not provide valid and reliable FFY 2005 data for Indicators 3B and 3C (the State did not administer the alternate assessment in grades 5, 6 and 7 due to a timing issue, however, the State reported that these grades would be tested in 2006 and in subsequent years); (2) the State provided no data for Indicator 8 (the State reported a plan to collect data for the next submission); (3) the State reported data on the number of findings rather than the percent of youth whose IEPs included the required content for Indicator 13; and (4) the State reported 73% compliance for Indicator 12, 80.89% compliance for Indicator 15, 80% compliance for Indicator 16, and 93% compliance for Indicator 17. For these reasons, we were unable to determine that your State met requirements under section 616(d). We commend the State for its improvement in Indicators 12, 15, 16, and 17 and hope that the State will be able to demonstrate that it meets requirements in its next APR.

The Table enclosed with this letter provides OSEP’s analysis of the State’s FFY 2005 APR and revised SPP and identifies, by indicator, OSEP’s review and acceptance of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State’s SPP. It also identifies, by indicator, the State’s status in meeting its targets, and whether the State’s data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data. The table also lists, by indicator, any additional information the State must include in the FFY 2006 APR or, as needed, the SPP due February 1, 2008, to address the problems OSEP identified in the revised SPP or FFY 2005 APR. The State must provide this required information. We plan to factor into our determinations next year whether or not States provided the additional information requested in this table in their FFY 2006 APR, due February 1, 2008, and may take other actions as well, if the State’s data, or lack of data, regarding these issues indicates continuing noncompliance.

As you know, 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 under IDEA section 616(b)(2)(C)(ii)(I). The requirement for public reporting on LEA performance is a critical provision in ensuring accountability and focusing on improved results for children with disabilities. Please have your staff notify your OSEP State Contact when and where your State makes available its public report on LEA performance. In addition, States must review LEA performance against targets in the State’s SPP, especially the compliance indicators, determine if each LEA meets the requirements of the IDEA and inform each LEA of its determination. For further information regarding these requirements, see SPP/APR Guidance Materials at <http://www.rfcnetwork.org/>.

We hope that the State found helpful, and was able to benefit from, the monthly technical assistance conference calls conducted by this Office, ongoing consultation with OSEP State Contacts and OSEP-funded Technical Assistance Center staff, materials found on the IDEA 2004 website, and attendance at OSEP-sponsored conferences. OSEP will continue to provide technical assistance opportunities to assist your State as it works to improve performance under Part B of the IDEA. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to

hear from you as we work to develop further mechanisms to support State improvement activities.

OSEP is committed to supporting New Jersey's efforts to improve results for children 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 do not hesitate to call Susan Falkenhan, your OSEP State Contact, at 202-245-7242.

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education

New Jersey Part B FFY 2005 SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
Monitoring Priority: FAPE in the LRE		
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 75.8%. This represents progress from the State's FFY 2004 reported data of 74.99%. The State did not meet its FFY 2005 target of 76%.</p>	<p>The State revised the baseline and targets for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 28, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR the baseline data from FFY 2004 and progress data from FFY 2005.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 APR reported data for this indicator are 5.0%. The State met its FFY 2005 target of 5.0%.</p>	<p>The State revised the baseline and targets for this indicator in its SPP and OSEP accepts those revision.</p> <p>OSEP's March 28, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR the baseline data from FFY 2004 and progress from FFY 2005.</p> <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 APR reported data for this indicator are 83%. This represents progress from the State's FFY 2004 reported data of 21.1%. The State did not meet its FFY 2005 target of 100%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations;</p>	<p>The State reported FFY 2005 APR data by grade and content areas for this indicator. The State met its FFY 2005 targets for both</p>	<p>As noted in OSEP's December 6, 2006 verification visit letter, the State did not include all children with disabilities in its general statewide assessment, as required by section 612(a)(16)(A) of the IDEA. The State administered a statewide assessment for math and language arts literacy in grades five through seven during 2005-2006, but did not have an alternate assessment</p>

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<p>alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>content areas of 96.5% for grades 3, 4 and 8 and 96% for grade 11.</p> <p>Data not valid and reliable for grades 5, 6, and 7. The State did not submit FFY 2005 data consistent with the required measurement for this indicator.</p>	<p>for that assessment. The State did not include in its calculations the number of children in grades 5, 6, and 7 who would have participated in the Alternate Proficiency Assessment (APA) because the decision to implement operational general assessments at grades 5, 6 and 7 was made after the initiation of the APA collection period for FFY 2005. This was reported to OSEP during the verification visit in July 2006. The State also reported during the verification visit that it would collect and report information on all children with disabilities in the tested grades in the future. The State must report on all children with disabilities in the tested grades in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP appreciates the State's efforts to improve performance and looks forward to the State reporting complete data in the FFY 2006 APR.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State did not meet its FFY 2005 targets in language literacy in any grade. The State met its FFY 2005 targets for mathematics in grades 3 and 4, but not in other grades.</p> <p>The data represent progress in language literacy in grade 8 and slippage in grades 3, 4 and 11. The data represent progress in mathematics in grades 3, 4, and 8 and slippage in grade 11.</p> <p>Data not valid and reliable for grades 5, 6, and 7. The State did not submit FFY 2005 data consistent with the required measurement for this indicator.</p>	<p>As noted in OSEP's December 6, 2006 verification visit letter, the State did not include all children with disabilities in its general statewide assessment, as required by Section 612(a)(16)(A) of the IDEA. The State administered a Statewide assessment for math and language arts literacy in grades five through seven during 2005-2006, but did not have an alternate assessment for that assessment. As noted above, the State did not include in its calculations children in grades 5, 6 and 7 who would have participated in the Alternate Proficiency Assessment (APA) because the decision to implement operational general assessments at grades 5, 6 and 7 was made after the initiation of the APA collection period for FFY 2005. The State must report on all children with disabilities in the tested grades in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of</p>	<p>The State's FFY 2005 reported data for this indicator are 2.6%. This represents</p>	<p>The State revised the baseline for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 28, 2006 FFY 2004 SPP response letter required the State to</p>

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<p>suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>[Results Indicator]</p>	<p>slippage from FFY 2004 data of 2.0%. The State did not meet its FFY 2005 target of 2.0%.</p>	<p>include in the February 1, 2007 APR documentation of the results of its review of policies, procedures and practices related to the development and implementation of IEPs, the use of behavioral supports, and procedural safeguards to ensure full compliance with this indicator.</p> <p>The State reported on the review of policies, procedures and practices relating to the development and implementation of individualized education programs (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 local education agencies (LEAs) identified with significant discrepancies in FFY 2004. The State identified noncompliance in 15 of those districts, primarily related to manifestation determinations and provision of services on the 11th day of suspension, and that these districts were required to correct noncompliance within one year. The State further reported that districts identified as having significant discrepancies in the FFY 2005 review of data would be reviewed in February 2007. In its FFY 2006 APR, the State must describe the review, and if appropriate revision, of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for: (1) the LEAs identified as having significant discrepancies in the FFY 2005 APR; and (2) the LEAs identified as having significant discrepancies in the FFY 2006 APR. (The review for LEAs identified in the FFY 2006 APR may occur either during or after the FFY 2006 reporting period, so long as the State describes that review in the FFY 2006 APR.)</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator; New]</p>		<p>Based upon our preliminary review of all State submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this year's submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
		future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that States immediately cease using Indicator 4B measurements and targets, unless they are based on a finding of inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>A. The State's FFY 2005 reported data for this indicator are 42%. The State met its FFY 2005 target of 41.9%.</p> <p>B. The State's FFY 2005 reported data for this indicator are 17.8%. The State met its FFY 2005 target of 17.8%.</p> <p>C. The State's FFY 2005 reported data for this indicator are 10.0%. The State met its FFY 2005 target of 10.3%.</p>	<p>The State met its targets and OSEP appreciates the State's efforts to improve performance.</p>
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 25%. The State met its FFY 2005 target of 23%.</p>	<p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p> <p>Please note that, due to changes in the 618 State-reported data collection, this indicator will change for the FFY 2006 APR due February 1, 2008. States will be required to describe how they will collect valid and reliable data to provide baseline and targets in the FFY 2007 APR, due February 1, 2009.</p>
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p>	<p>Entry data provided.</p>	<p>The State reported the required entry data and activities. The State must provide progress data and improvement activities in the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's March 28, 2006 FFY 2004 SPP response required the State to include in the February 1, 2007 APR the revised sampling methodology that</p>

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<p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator; New]</p>		<p>describes how data were collected. The State provided a revised sampling plan. The sampling plan for this indicator is not technically sound. Call your State Contact as soon as possible.</p>
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>[Results Indicator; New]</p>	<p>The State reported no baseline data for this indicator.</p>	<p>The State provided targets and improvement activities, and OSEP accepts the SPP for this indicator. The State reported a survey timeline that indicates that the data will be provided in the FFY 2006 APR. The State must provide the required data in the FFY 2006 APR due February 1, 2008.</p> <p>The State did not submit the survey that was required by the instructions for the SPP/APR to be included in the February 1, 2007 APR. The State must submit this information in the FFY 2006 APR due February 1, 2008.</p> <p>The sampling plan for this indicator is not technically sound. Call your State Contact as soon as possible.</p>
<p>Monitoring Priority: Disproportionality</p>		
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator; New]</p>	<p>The State provided data on the number of districts with disproportionate identification.</p>	<p>The State provided targets at 0% and improvement activities. OSEP accepts the SPP for this indicator. The State provided data on the number of districts with disproportionate representation, but did not identify the number with disproportionate representation in special education and related services that is the result of inappropriate identification, as required by 34 CFR §300.600(d)(3).</p> <p>The State reported that in order to determine “as a result of inappropriate identification,” the identified districts will be responsible for data verification, review of compliance indicators related to location, identification, referral, evaluation and general intervention supports, and will review practices that include administrative oversight, general education and assessment tools and strategies as well as the eligibility decision-making process.</p> <p>The State must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in special education and related services that was</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
		<p>the result of inappropriate identification, and describe how the State made that determination (e.g., monitoring data, review of policies, practices and procedures, etc.). The State indicated that the review of districts identified as having disproportionate representation as a result of inappropriate identification will be reported to USOSEP no later than the submission of the FFY 2006 APR submitted February 1, 2008. The State must also provide data, in its FFY 2006 APR, on the percent of districts identified in FFY 2006 with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification, and describe how the State made that determination, even if the determination occurs in the fall of 2007.</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator; New]</p>	<p>The State provided data on the number of districts with disproportionate identification.</p>	<p>The State provided targets at 0% and improvement activities. OSEP accepts the SPP for this indicator. The State provided the number of districts with disproportionate representation in specific disability categories, but did not identify the number with disproportionate representation in specific disability categories that is the result of inappropriate identification, as required by 34 CFR §300.600(d)(3).</p> <p>The State reported that in order to determine “as a result of inappropriate identification,” the identified districts will be responsible for data verification, review of compliance indicators related to location, identification, referral, evaluation and general intervention supports, and will review practices that include administrative oversight, general education and assessment tools and strategies as well as the eligibility decision-making process.</p> <p>The State must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification, and describe how the State made that determination (e.g., monitoring data, review of policies, practices and procedures, etc.). The State indicated that the review of districts identified as having disproportionate representation as a result of inappropriate identification will be reported to OSEP no later than the submission of the FFY 2006 APR submitted February 1, 2008. The State must also provide data, in its FFY 2006 APR, on the percent of districts identified in FFY 2006 with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification,</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
		and describe how the State made that determination, even if the determination occurs in the fall of 2007.
Monitoring Priority: Effective General Supervision		
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline).</p> <p>[Compliance Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 83.9%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. The State reported data based on a State-established timeline within which the evaluation must be conducted.</p> <p>The State reported that all districts below the required target will be identified and notified that 100% correction is required within one year of notification. In addition, districts that have numerous cases of delays will be required to submit mid-year reports demonstrating that outstanding cases have been completed and new cases are being completed within the timelines.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirements of 34 CFR §300.301(c)(1), including data demonstrating correction of noncompliance identified in FFY 2005.</p>
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 73%. This represents progress from the State's FFY 2004 reported data of 68%. The State did not meet its FFY 2005 target of 100%.</p> <p>The State reported timely correction of 15 of 19 findings of noncompliance related to this indicator.</p>	<p>OSEP's March 28, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR a system to calculate range of delays. The State indicated that a new system was implemented that provides information regarding referral information, eligibility determination and the range of delays beyond the third birthday and the reasons for the delay. In the FFY 2006 APR, due February 1, 2008, the State must provide data on the range of delays and the reasons for the delays.</p> <p>The State reported that districts below the required target would be identified and notified that 100% correction is required within one year of notification, and that improvement strategies have been put in place including mid-year reports from districts with numerous cases of delays. In Indicator 15, the State reported that 15 of the 19 findings of noncompliance related to early childhood transition from 2004-2005 were corrected within one year. The State did not report on whether the remaining findings have subsequently been corrected.</p> <p>The State must review its improvement strategies and revise them, if appropriate, to ensure that they will enable the State to include data in the</p>

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		FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in 34 CFR §300.124, including correction of noncompliance identified in FFY 2005 and remaining noncompliance identified in FFY 2004.
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator; New]</p>	<p>Valid and reliable baseline data not provided. The State's FFY 2005 reported baseline for this indicator are that it monitored 119 districts in FFY 2005 regarding secondary transition statements, made four findings, and obtained correction of two of these findings. The State did not provide the percent of youth whose IEPs included the required content, as required by the measurement for this indicator.</p>	<p>The State provided targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State reported that monitoring data is used to determine baseline data, establish targets and determine annual progress towards targets. Although the State reported that districts were identified through the monitoring process, the State data represented the number of districts in which transition IEPs were an area of need and not the percentage of youth with IEPs that included the required content, as required by the measurement for this indicator. The data reported is not sufficient for this indicator.</p> <p>OSEP looks forward to reviewing data on the correct measurement in the FFY 2006 APR, due February 1, 2008 that demonstrate compliance with the requirements of 34 CFR §300.320(b), including correction of the remaining noncompliance identified in FFY 2005.</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator; New]</p>	<p>The State provided a plan that describes how data will be collected.</p>	<p>The State provided a plan that describes how data will be collected. The State must provide baseline data, targets, and improvement activities with the FFY 2006 APR, due February 1, 2008.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 80.89%. The FFY 2005 data represent progress from the State's FFY 2004 reported data of 34%-62%. (The State could not recalculate the FFY 2004 data to provide for a</p>	<p>The State could not recalculate the baseline data for 04-05.</p> <p>OSEP's March 28, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR a report on uncorrected noncompliance between 1999-2003. The State reported that 91.3% of the districts monitored in that time period have achieved full compliance, and that the remaining districts have been subject to various enforcement actions. The State must report in the FFY 2006 APR, due February 1, 2008, on its continued efforts to bring these districts into compliance, including any</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
	single percentage for the indicator.) The State did not meet its FFY 2005 target of 100%.	<p>continuing enforcement actions.</p> <p>The State must review its improvement strategies and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600, including data on the correction of outstanding noncompliance identified in FFY 2004. In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 11, 12, and 13, specifically address the noncompliance identified in this table under those indicators.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 80%. This represents progress from the State's FFY 2004 reported data of 55%, however, the State did not meet its FFY 2005 target of 100%.</p>	<p>OSEP's March 28, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR a review and, if necessary, revision to the improvement strategies included in the SPP to ensure that they will enable the State to include data in the APR that demonstrate compliance with this requirement. The State reviewed the improvement strategies and determined that revision was not necessary to demonstrate compliance.</p> <p>The State must review its improvement strategies and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in 34 CFR §300.152.</p>
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 93%. This represents progress from the State's FFY 2004 reported data of 87.2%, however, the State did not meet its FFY 2005 target of 100%.</p>	<p>The State reported that only four of the 57 cases were not fully adjudicated within the appropriate timelines, and of the four cases, three were fully adjudicated within four days of the 45-day timeline.</p> <p>The State must review its improvement strategies and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in 34 CFR §300.515(a).</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p>	<p>The State reported baseline data of 77%.</p>	<p>The State provided baseline data, targets and improvement activities. OSEP accepts the SPP for this indicator.</p> <p>The State provided a target that is lower than the baseline. Stakeholders</p>

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[Results Indicator; New]		<p>agreed with this decision. The State believes that the baseline is not accurate based on the fact that the tracking system was not operational until July 1, 2005 and that school districts were not diligent in reporting resolution sessions.</p> <p>The State indicated that if the rate of agreements continues to remain at 77% or above, the State would revise the target for future years. OSEP is accepting the State's SPP for this indicator subject to this understanding.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 38%. The State met its FFY 2005 target of 32%.</p>	<p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 85%. The State did not meet its FFY 2005 target of 100%. This represents slippage from the State's FFY 2004 reported data of 100%.</p>	<p>The State reported that Assessment data was submitted two months late due to misunderstanding of the due date. One of seven reports was not timely. The State has established new procedures for submitting 618 data in coordination with Westat to reduce delays in the future.</p> <p>Although the State noted that the APR was timely, the State did not provide baseline data for Indicator 8 and did not provide valid and reliable data for Indicators 3B and C and 13.</p> <p>The State must review its improvement strategies and revise them, if appropriate, to ensure that they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>