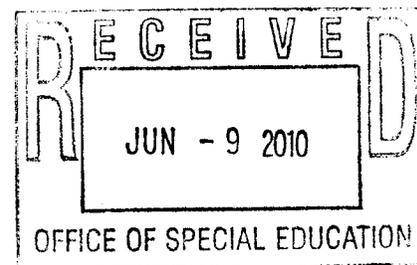




UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN - 3 2010



Honorable Lucille Davy  
Commissioner of Education  
New Jersey Department of Education  
100 Riverview Plaza  
PO Box 500  
Trenton, New Jersey 08625-0500

Dear Commissioner Davy:

Thank you for the timely submission of New Jersey's Federal fiscal year (FFY) 2008 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)(i), New Jersey meets 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 2008 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2010: Part B" for further details.

Specific factors affecting the determination made by the Office of Special Education Programs (OSEP) that New Jersey meets requirements under IDEA section 616(d) include: (1) New Jersey provided valid and reliable FFY 2008 data reflecting the measurement for each indicator; and (2) New Jersey reported high levels of compliance or correction for Indicators 9, 10, 11, 12, 15, 16, 17, and 20. We commend New Jersey for its performance.

The enclosed table provides OSEP's analysis of the State's FFY 2008 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions the State made 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 2008 data; (2) whether such data met the State's FFY 2008 targets and reflect progress or slippage from prior year's data; and (3) whether the State corrected findings of noncompliance.

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, 2010. 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 SPP/APR Calendar at: <http://spp-apr-calendar.rrfcnetwork.org/explorer/view/id/656>. Finally, if your State included revisions to baseline, targets or improvement activities in its APR submission, and OSEP accepted those revisions, please ensure that your SPP is updated accordingly and that the updated SPP is posted

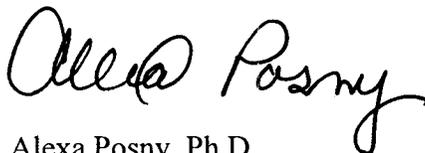
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on the State's website and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

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,

A handwritten signature in black ink that reads "Alexa Posny". The signature is written in a cursive, flowing style.

Alexa Posny, Ph.D.  
Acting Director  
Office of Special Education Programs

Enclosures

cc: State Director of Special Education

**New Jersey Part B FFY 2008 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>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 Consolidated State Performance Report (CSPR) reported data for this indicator are 95.5%. The State was able to report the CSPR graduation rate for all students but not for students with disabilities.</p> <p>The State reported that it is currently in a transition period preparing to meet the new reporting requirements for the adjusted cohort graduation rate in 2010-2011, to be reported in 2012.</p> <p>The State provided a detailed progress report in its CSPR on its status of implementing a data collection system that will allow the State to calculate the graduation rate in accordance with 34 CFR §200.19.</p> <p>The State provided a narrative that describes the conditions youth must meet to graduate with a regular diploma.</p> <p>Since the CSPR report did not include graduation rate for students with disabilities, the State reported the State's previously-established graduation rate calculation compared to the previously-established target.</p> <p>The State's FFY 2008 618 reported data for this indicator are 80.43%. These data represent progress from the FFY 2007 data of 78.3%. The State met its FFY 2008 target of 79%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported CSPR data for this indicator are 2.9%.</p> <p>The State reported that it is currently in a transition period preparing to meet the new reporting requirements for calculating the dropout data used in the ESEA graduation calculation using the adjusted cohort rate in 2010-2011, to be reported in 2012.</p> <p>The State provided a detailed progress report in its CSPR on its status of implementing a data collection system that will allow the State to calculate the</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

**New Jersey Part B FFY 2008 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>graduation rate in accordance with 34 CFR §200.19.</p> <p>The State provided a narrative that describes what counts as dropping out for all youth, and, if different what counts as dropping out for youth with IEPs.</p> <p>Since there is no CSPR target for students with disabilities and New Jersey has not yet adopted an adjusted cohort rate, the State reported the dropout calculation previously established in the SPP and compared it to the previously-established SPP target.</p> <p>The State's FFY 2008 618 reported data for this indicator are 4.43%. These data represent progress from the FFY 2007 data of 4.7%. The State met its FFY 2008 target of 4.7%.</p>	
<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>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.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 84.7%. These data represent slippage from the FFY 2007 data of 89.5%. The State did not meet its FFY 2008 targets of 100%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR, due February 1, 2011.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>B. Participation rate for children with IEPs.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 98.09% for reading and 98.77% for math. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from the State's reported FFY 2007 data. The State met its FFY 2008 targets of 97%.</p> <p>The State provided a web link to 2008 publicly-reported assessment results. <a href="http://www.state.nj.us/education/schools/achievement/2010">www.state.nj.us/education/schools/achievement/2010</a>.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on</p>	<p>The State revised the indicator and the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</p>

**New Jersey Part B FFY 2008 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>statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are:</p> <table border="1" data-bbox="569 337 1434 784"> <thead> <tr> <th>Grade</th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> <th>FFY 2007 Data</th> <th>FFY 2008 Data</th> <th>FFY 2008 Target</th> </tr> </thead> <tbody> <tr> <td></td> <td colspan="3">Reading</td> <td colspan="3">Math</td> </tr> <tr> <td>3</td> <td>62.49%</td> <td>38.76%</td> <td>59%</td> <td>73.16%</td> <td>59.12%</td> <td>66%</td> </tr> <tr> <td>4</td> <td>56.19%</td> <td>35.89%</td> <td>59%</td> <td>66.24%</td> <td>54.00%</td> <td>66%</td> </tr> <tr> <td>5</td> <td>27.21%</td> <td>33.39%</td> <td>59%</td> <td>49.96%</td> <td>53.95%</td> <td>66%</td> </tr> <tr> <td>6</td> <td>21.68%</td> <td>34.38%</td> <td>72%</td> <td>38.62%</td> <td>39.10%</td> <td>61%</td> </tr> <tr> <td>7</td> <td>32.14%</td> <td>34.82%</td> <td>72%</td> <td>27.86%</td> <td>31.38%</td> <td>61%</td> </tr> <tr> <td>8</td> <td>45.05%</td> <td>48.78%</td> <td>72%</td> <td>28.38%</td> <td>33.06%</td> <td>61%</td> </tr> <tr> <td>HS</td> <td>44.68%</td> <td>47.56%</td> <td>85%</td> <td>32.55%</td> <td>30.49%</td> <td>74%</td> </tr> </tbody> </table> <p>The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from FFY 2007 data. The State did not meet its FFY 2008 targets.</p> <p>The State provided a web link to 2008 publicly-reported assessment results. <a href="http://www.state.nj.us/education/schools/achievement/2010">www.state.nj.us/education/schools/achievement/2010</a>.</p>	Grade	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target		Reading			Math			3	62.49%	38.76%	59%	73.16%	59.12%	66%	4	56.19%	35.89%	59%	66.24%	54.00%	66%	5	27.21%	33.39%	59%	49.96%	53.95%	66%	6	21.68%	34.38%	72%	38.62%	39.10%	61%	7	32.14%	34.82%	72%	27.86%	31.38%	61%	8	45.05%	48.78%	72%	28.38%	33.06%	61%	HS	44.68%	47.56%	85%	32.55%	30.49%	74%	
Grade	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target																																																											
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HS	44.68%	47.56%	85%	32.55%	30.49%	74%																																																											
<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>[Results Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 2.91%. These data remain unchanged from the FFY 2007 data of 2.9%. The State met its FFY 2008 target of 3.0%.</p> <p>The State reported its definition of "significant discrepancy" that was revised in FFY 2006.</p> <p>The State reported that it reviewed the LEA's 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 for FFY 2007.</p> <p>The State reported that it required the affected LEAs to revise the LEA's policies, procedures, and practices relating to the development and</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>																																																															

**New Jersey Part B FFY 2008 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>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 significant discrepancies for FFY 2007.</p> <p>The State reported that noncompliance identified in FFY 2006 and 2007 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected in a timely manner.</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 requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator; New for FFY 2009]</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR.</p>	<p>Indicator 4B is new for FFY 2009. Baseline data from 2008-2009, targets (0%), and improvement activities must be submitted with the FFY 2009 APR.</p>
<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</p>	<p>The State revised the indicator and measurement language (consistent with the revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's reported data for this indicator are:</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

**New Jersey Part B FFY 2008 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>placements. [Results Indicator]</p>		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	
	A. % Inside the regular class 80% or more of the day	45.0	47.0	43.0	100%	
	B. % Inside the regular class less than 40% of the day	16.2	15.8	19.0	100%	
	C. % In separate schools, residential facilities, or homebound/hospital placements	10.1	8.0	9.0	100%	
	<p>These data represent progress from the FFY 2007 data. The State met all of its FFY 2008 targets for this indicator.</p> <p>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.</p>					
<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 facility.</p> <p>[Results Indicator; New]</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR.</p>					<p>The instruction package for the FFY 2009 APR/SPP will provide guidance regarding the information that States must report for this indicator in their FFY 2009 APRs.</p>
<p>7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved:</p>	<p>The State revised the measurement language (consistent with the revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p>					<p>The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.</p>

**New Jersey Part B FFY 2008 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>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.</p> <p>[Results Indicator]</p>	<p>The State provided FFY 2008 baseline data, targets, and improvement activities for this indicator and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2008 reported baseline data for this indicator are:</p> <table border="1" data-bbox="562 402 1455 922"> <thead> <tr> <th data-bbox="562 402 932 516">08-09 Preschool Outcome Baseline Data</th> <th data-bbox="932 402 1203 516"><u>Summary Statement 1</u><sup>1</sup></th> <th data-bbox="1203 402 1455 516"><u>Summary Statement 2</u><sup>2</sup></th> </tr> </thead> <tbody> <tr> <td data-bbox="562 516 932 654"><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="932 516 1203 654">78.3</td> <td data-bbox="1203 516 1455 654">69.7</td> </tr> <tr> <td data-bbox="562 654 932 824"><b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td data-bbox="932 654 1203 824">61.4</td> <td data-bbox="1203 654 1455 824">47.8</td> </tr> <tr> <td data-bbox="562 824 932 922"><b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)</td> <td data-bbox="932 824 1203 922">69.1</td> <td data-bbox="1203 824 1455 922">56.2</td> </tr> </tbody> </table>	08-09 Preschool Outcome Baseline Data	<u>Summary Statement 1</u> <sup>1</sup>	<u>Summary Statement 2</u> <sup>2</sup>	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	78.3	69.7	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	61.4	47.8	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	69.1	56.2	
08-09 Preschool Outcome Baseline Data	<u>Summary Statement 1</u> <sup>1</sup>	<u>Summary Statement 2</u> <sup>2</sup>												
<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	78.3	69.7												
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	61.4	47.8												
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	69.1	56.2												
<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]</p>	<p>The State's FFY 2008 reported data for this indicator are 83.3%. These data represent progress from the FFY 2007 data of 81.1%. The State met its FFY 2008 target of 81.6% for this indicator.</p> <p>In its description of its FFY 2008 data, the State addressed whether the response group was representative of the population.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>												
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special</p>	<p>The State's FFY 2008 reported data for this indicator are 1.45%. These data represent slippage from the FFY 2007 data of .81%. The State did not meet its</p>	<p>OSEP appreciates the State's efforts regarding this indicator and looks forward to reviewing data in the FFY 2009 APR</p>												

<sup>1</sup> Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned six years of age or exited the program.

<sup>2</sup> Summary Statement 2: The percentage of preschool children who were functioning within age expectations in each Outcome by the time they turned six years of age or exited the program.

**New Jersey Part B FFY 2008 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>education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>target of 0%.</p> <p>The State reported that 24 districts were identified with disproportionate representation of racial and ethnic groups in special education and related services.</p> <p>The State reported that nine districts were determined in FFY 2008 to have disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.</p> <p>The State reported in its APR its definition of disproportionate representation of racial and ethnic groups in special education and related services.</p> <p>The State reported that all five of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2008 (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 2009 APR, that the districts identified in FFY 2008 with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements of 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 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 district, consistent with the OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State is unable to demonstrate compliance with those requirements in the FFY 2009 APR, the State must review its improvement activities and revise them, if</p>

**New Jersey Part B FFY 2008 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>necessary to ensure compliance.</p> <p>OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State if there are questions or concerns.</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]</p>	<p>The State's FFY 2008 reported data for this indicator are 1.29%. These data represent slippage from the FFY 2007 data of 0%. The State did not meet its target of 0%.</p> <p>The State reported that 16 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories.</p> <p>The State reported that eight districts were determined in FFY 2008 to have disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>The State reported in its APR its definition of disproportionate representation of racial and ethnic groups in specific disability categories.</p> <p>The State reported that all four of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State's efforts regarding this indicator and looks forward to reviewing data in the FFY 2009 APR demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2008 (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 2009 APR, that the districts identified in FFY 2008 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 of 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 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 district, consistent with OSEP Memo</p>

**New Jersey Part B FFY 2008 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>09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State is unable to demonstrate compliance with those requirements in the FFY 2009 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 definition of disproportionate representation and will contact the State if there are questions or concerns.</p>
<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 revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 88%. These data represent slippage from the FFY 2007 data of 99%. The State did not meet its target of 100%.</p> <p>The State reported that all three of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the timely initial evaluation requirements in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2008, 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 the correction of noncompliance, the State must report, in its FFY 2009 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 §300.301(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</p>

**New Jersey Part B FFY 2008 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>jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 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 2009 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 revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 89.6%. These data represent slippage from the FFY 2007 data of 93%. The State did not meet its target of 100%.</p> <p>The State reported that all 47 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>The State must demonstrate, in the FFY 2009 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 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. When reporting the correction of noncompliance, the State must report, in its FFY 2009 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 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 2009 APR, the State must describe the</p>

**New Jersey Part B FFY 2008 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>specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 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 or student who has reached the age of majority.</p> <p>[Compliance Indicator]</p>	<p>The State is not required to provide actual target data for FFY 2008 for this indicator.</p> <p>The State reported that all 23 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>In the FFY 2009 APR, the State must provide a revised baseline using data from 2009-2010. Targets must remain 100%.</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</p>	<p>The State is not required to provide actual target data, targets or improvement activities for FFY 2008 for this indicator.</p> <p>Although not required for the FFY 2008 APR submission, the State reported on this indicator using the "previous" requirement.</p>	<p>In the FFY 2009 APR, the State must report a new baseline, targets, and, as needed, improvement activities.</p>

**New Jersey Part B FFY 2008 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>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 other employment within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2008 reported data (using previous indicator requirement) for this indicator are 79%. These data remain unchanged from the FFY 2007 data of 79%. The State did not meet its FFY 2008 target of 80%.</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 2008 reported data for this indicator are 95.92%. These data represent progress from the FFY 2007 data of 95.44%. The State did not meet its target of 100%.</p> <p>The State reported that 683 of 712 findings of noncompliance identified in FFY 2007 were corrected in a timely manner and that 21 of 29 remaining findings were subsequently corrected by February 1, 2010.</p> <p>For the remaining eight findings of noncompliance, the State reported on actions it took to address the continuing noncompliance.</p> <p>The State reported that 79 of 79 findings of noncompliance identified in FFY 2006 were corrected.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that the State timely corrected noncompliance, identified in FFY 2008, in accordance with 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>In reporting on correction of noncompliance in the FFY 2009 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2008: (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 Memo 09-02. In the FFY 2009 APR, the State must describe the</p>

**New Jersey Part B FFY 2008 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>specific actions that were taken to verify the correction.</p> <p>In responding to Indicators 11 and 12 in the FFY 2009 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>In addition, in reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 Worksheet.</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 revised the indicator language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 98%. These data represent slippage from the FFY 2007 data of 99%. The State did not meet its target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that it is in compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</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 hearing, within the required timelines.</p> <p>[Compliance Indicator]</p>	<p>The State revised the indicator language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 95%. These data represent progress from the FFY 2007 data of 91%. The State did not meet its target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that it is in compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>

**New Jersey Part B FFY 2008 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>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 69%. These data represent progress from the FFY 2007 data of 50%. The State met its FFY 2008 target of 45-55%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State revised the target for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets utilize a range for the target for this indicator.</p> <p>The State's FFY 2008 reported data for this indicator are 32%. These data represent slippage from the FFY 2007 data of 37%. The State met its FFY 2008 target of 32-42%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</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 2008 reported data for this indicator are 95.24%. These data represent slippage from the FFY 2007 reported data of 97.7%. The State did not meet its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 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). In reporting on Indicator 20 in the FFY 2009 APR, the State must use the Indicator 20 Data Rubric.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>