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

JUN - 3 2010

Honorable Jim McBride
Superintendent of Public Instruction
Wyoming Department of Education
Hathaway Building
2300 Capitol Avenue, 2nd Floor
Cheyenne, Wyoming 82002-0050

Dear Superintendent McBride:

Thank you for the timely submission of Wyoming'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), Wyoming needs assistance in meeting the requirements of Part B of IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 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.

The specific factors affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for Wyoming include that the State did not report correction of findings for Indicator 11 and its FFY 2008 data reflect 91.1% compliance. Further, the State's FFY 2008 data reflect 87.81% compliance for Indicator 20. The State also reported outstanding findings from FFY 2006 under Indicator 15. For these reasons, we are unable to determine that Wyoming met requirements for FFY 2008 under IDEA section 616(d).

OSEP notes other areas that reflect a high level of performance, which include that Wyoming reported valid and reliable data for all indicators and a high level of compliance for Indicator 9 (0%), Indicator 10 (0%), Indicator 15 (97.5%), and Indicator 16 (100%). We hope that Wyoming will be able to demonstrate that it meets requirements in its next APR.

The enclosed table provides OSEP's analysis of the State's FFY 2008 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 2008 data; (2) whether such data met the State's FFY 2008 targets and reflect progress or slippage from prior year's data; (3) if applicable, that the State's data are not valid and reliable; and (4) whether the State corrected findings of noncompliance.

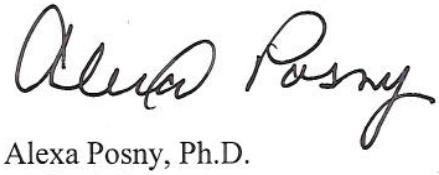
Your State may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at http://spp-apr-calendar.rrfcnetwork.org/. You will be

directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator.

As you know, pursuant to IDEA section 616(b)(2)(C)(ii)(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, 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 Planning Calendar website 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 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 Wyoming'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 Ellen Safranek, your OSEP State Contact, at 202-245-7515.

Sincerely,



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

Enclosures

cc: State Director of Special Education

Wyoming Part B FFY 2008 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 revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table), target, and improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 59.72%. Because the State's actual target data for this indicator are from the same year as the data reported for this indicator in the State's FFY 2007 APR, OSEP cannot comment on whether there is progress or slippage. The State met its FFY 2007 target of 49%. The State provided a narrative that describes the conditions youth must meet to graduate with a regular diploma. 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). In its APR submitted February 1, 2010, the State reported FFY 2007 data for this indicator.	OSEP appreciates the State's efforts to improve performance.
2. Percent of youth with IEPs dropping out of high school. [Results Indicator]	The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table), baseline, and improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 7.08%. Because the State's actual target data for this indicator are from the same year as the data reported for this indicator in the State's FFY 2007 APR, OSEP cannot comment on whether there is progress or slippage. The State met its FFY 2007 target of 13.6%. 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. The State reported the required dropout rate calculation and timeline established by the Department under the ESEA. This means that the State submitted the most recent dropout data that the State reported to the Department as part of its CSPR. In its APR submitted February 1, 2010, the State reported FFY 2007 data for this indicator.	OSEP appreciates the State's efforts to improve performance.
3. Participation and performance of children with IEPs on statewide	The State's reported data for this indicator are:	OSEP appreciates the State's efforts to improve performance and looks forward to

<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>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]</td><td>
<table>
<tr><td>Grade</td><td>FFY 2007 Data</td><td>FFY 2008 Data</td><td>FFY 2008 Target</td><td>FFY 2007 Data</td><td>FFY 2008 Data</td><td>FFY 2008 Target</td></tr>
<tr><td></td><td colspan="3">Language Arts</td><td colspan="3">Math</td></tr>
<tr><td>Elem</td><td>47.2%</td><td>54.3%</td><td>78%</td><td>97.2%</td><td>100%</td><td>78%</td></tr>
<tr><td>Middle</td><td>52.4%</td><td>66.7%</td><td>57%</td><td>91.9%</td><td>76.2%</td><td>63%</td></tr>
<tr><td>High</td><td>16.7%</td><td>100%</td><td>57%</td><td>50%</td><td>80%</td><td>40%</td></tr>
</table>
The State's FFY 2008 reported data for this indicator represent progress in part and slippage in part from the FFY 2007 data. The State met five of its six targets for FFY 2008.
</td><td>the State's data demonstrating improvement in performance in the FFY 2009 APR, due February 1, 2011.</td></tr>
<tr><td>3. Participation and performance of children with IEPs on statewide assessments:

B. Participation rate for children with IEPs.

[Results Indicator]</td><td>
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.

The State's FFY 2008 reported data for this indicator are:
<table>
<tr><td>Grade</td><td>FFY 2007 Data</td><td>FFY 2008 Data</td><td>FFY 2008 Target</td><td>FFY 2007 Data</td><td>FFY 2008 Data</td><td>FFY 2008 Target</td></tr>
<tr><td></td><td colspan="3">Language Arts</td><td></td><td colspan="2">Math</td></tr>
<tr><td>Elem</td><td>98.2%</td><td>99.2%</td><td>100%</td><td>98.3%</td><td>99.2%</td><td>100%</td></tr>
<tr><td>Middle</td><td>97.8%</td><td>98.2%</td><td>100%</td><td>98%</td><td>98.1%</td><td>100%</td></tr>
<tr><td>High</td><td>97.2%</td><td>97.9%</td><td>100%</td><td>96.8%</td><td>98.1%</td><td>100%</td></tr>
</table>
The State's FFY 2008 reported data for this indicator represent progress in part and slippage in part from the FFY 2007 data. The State did not meet any of its FFY 2008 targets of 100% for this indicator.

The State provided a web link to 2008 publicly-reported assessment results. http://fusion.edu.wyoming.gov/MySites/Data_Reporting/data_assessment_reports.aspx
</td><td>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</td></tr>
<tr><td>3. Participation and performance of children with disabilities on</td><td>The State revised the indicator and the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP</td><td>OSEP appreciates the State's efforts to improve performance and looks forward to</td></tr>
</table>

<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>statewide assessments:

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

[Results Indicator]</td><td>accepts those revisions.

The State's FFY 2008 reported data for this indicator are:
<table>
<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>
<tr><td></td><td colspan="3">Language Arts</td><td colspan="3">Math</td></tr>
<tr><td>Elem</td><td>33.5%</td><td>32.2%</td><td>53.60%</td><td>51.3%</td><td>51.2%</td><td>49.2%</td></tr>
<tr><td>Middle</td><td>28.6%</td><td>23.5%</td><td>56.33%</td><td>33.6%</td><td>32.7%</td><td>50.2%</td></tr>
<tr><td>High</td><td>22.9%</td><td>24.8%</td><td>56.60%</td><td>18.8%</td><td>19.9%</td><td>57.2%</td></tr>
</table>
The State's FFY 2008 reported data for this indicator represent progress in part and slippage in part from the FFY 2007 data. The State met one of its six targets for FFY 2008.

The State provided a web link to 2008 publicly-reported assessment results. http://fusion.edu.wyoming.gov/MySites/Data_Reporting/data_assessment_reports.aspx</td><td>the State's data demonstrating improvement in performance in the FFY 2009 APR.</td></tr>
<tr><td>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]</td><td>The State's FFY 2007 reported data for this indicator were 0%. Because the State's actual target data for this indicator are from the same year as the data reported for this indicator in the State's FFY 2007 APR, OSEP cannot comment on whether there is progress or slippage. The State met its FFY 2007 target of 0%.

The State reported its definition of "significant discrepancy."

DO YOU NEED PPP LANGUAGE?</td><td>OSEP appreciates the State's efforts to improve performance.</td></tr>
<tr><td>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</td><td>The State is not required to report on this indicator in the FFY 2008 APR.</td><td>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.</td></tr>
</table>

<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>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.

[Results Indicator; New for FFY 2009]</td><td></td><td></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 revised the indicator and measurement language (consistent with the revision in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.

The State’s reported data for this indicator are:
<table>
<tr><th></th><th>FFY 2007 Data</th><th>FFY 2008 Data</th><th>FFY 2008 Target</th><th>Progress</th></tr>
<tr><td>A. % Inside the regular class 80% or more of the day</td><td>59.60</td><td>60.50</td><td>57.4</td><td>0.90%</td></tr>
<tr><td>B. % Inside the regular class less than 40% of the day</td><td>8.33</td><td>8.38</td><td>9.44</td><td>-0.05%</td></tr>
<tr><td>C. % In separate schools, residential facilities, or homebound/hospital placements</td><td>2.43</td><td>1.23</td><td>2.43</td><td>1.20%</td></tr>
</table>
These data represent progress for Indicators 5A and 5C from the FFY 2007 data. The State met all of its FFY 2008 targets for this indicator.

The State’s data reported for 5C are not the same as the State’s section 618 data reported in Table 3. The State provided an explanation.</td><td>OSEP appreciates the State’s efforts to improve performance.</td></tr>
</table>

<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>6. Percent of children aged 3 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]</td><td>The State is not required to report on this indicator in the FFY 2008 APR.</td><td>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.</td></tr>
<tr><td>7. Percent of preschool children aged 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]</td><td>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.

The State provided FFY 2008 baseline data, targets, and improvement activities for this indicator and OSEP accepts the State’s submission for this indicator.

The State’s FFY 2008 reported baseline data for this indicator are:

<table><tr><th>08-09 Preschool Outcome Baseline Data</th><th><u>Summary Statement 1</u>[1]</th><th><u>Summary Statement 2</u>[2]</th></tr><tr><td>Outcome A:
Positive social-emotional skills (including social relationships) (%)</td><td>60.68</td><td>56.87</td></tr></table></td><td>The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.</td></tr>
</table>

[1] 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.
[2] 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.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%) — 61.12 — 54.77 **Outcome C:** Use of appropriate behaviors to meet their needs (%) — 63.81 — 67.05	
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 2008 reported data for this indicator are 68.8% for school aged children and 78.5% for preschool children. These data represent progress from the FFY 2007 data of 64.8% for school aged and slippage from the FFY 2007 data of 80.5% for preschool. The State met the FFY 2008 targets of 53.55% for school aged and 72.7% for preschool for this indicator. In its description of its FFY 2008 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 2008 reported data for this indicator are 0%. These data remain unchanged from the FFY 2007 data of 0%. The State met the FFY 2008 target of 0% for this indicator. The State reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State provided the definition of disproportionate representation.	OSEP appreciates the State's efforts regarding this indicator. OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State if there are questions or concerns.
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]	The State's FFY 2008 reported data for this indicator are 0%. These data remain unchanged from the FFY 2007 data of 0%. The State met the FFY 2008 target of 0% for this indicator. The State reported that five districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that no 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 the definition of disproportionate representation.	OSEP appreciates the State's efforts regarding this indicator. OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State if there are questions or concerns.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
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 revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions. The State's FFY 2008 reported data for this indicator are 91.08% for school aged children and 91.2% for preschool children. However, in order to be consistent with the required measurement which does not permit a separate calculation for school aged and preschool children, OSEP recalculated the data to be 91.1%. The State's FFY 2008 reported data represent progress from the FFY 2007 data of 87.2% for school aged and 87.4% for preschool. The State did not meet the FFY 2008 target of 100% for this indicator. The State reported that 36 of 37 findings of noncompliance identified in LEAs, including Regional Development Centers, in FFY 2007 for this indicator were corrected in a timely manner. The State reported on the action it took to address the uncorrected noncompliance.	The State must demonstrate, in the FFY 2009 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 2008, 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 remaining one uncorrected noncompliance finding identified in FFY 2007 was corrected. 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 FFY 2008 data the State reported for this indicator and the LEA with the remaining one uncorrected noncompliance finding identified in FFY 2007: (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 LEA, consistent with 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

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		the correction. 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.
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 revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions. The State's FFY 2008 reported data for this indicator are 91.4%. These data represent progress from the FFY 2007 data of 89.80%. The State did not meet the FFY 2008 target of 100% for this indicator. The State reported that all ten of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.	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, including each regional Child Development Center, 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 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 does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.
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. [Compliance Indicator]	The State is not required to provide actual target data for FFY 2008 for this indicator. The State reported that 39 of 40 findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner. The State reported on the actions it took to correct the uncorrected noncompliance.	In the FFY 2009 APR the State must provide a revised baseline using data from 2009-2010. Targets must remain 100%. The State must demonstrate, in the FFY 2009 APR, that the remaining one uncorrected noncompliance finding identified in FFY 2007 was corrected. When reporting the correction of noncompliance, the State must report in its FFY 2009 APR, that it has verified that the LEA with the remaining noncompliance identified in FFY 2007: (1) is correctly implementing 34 CFR §300.320(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 2009 APR, the State must describe the specific actions that were taken to verify the correction.
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	The State is not required to provide actual target data, targets or improvement activities for FFY 2008 for this indicator.	In the FFY 2009 APR the State must report a new baseline, targets, and, as needed, improvement activities.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
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. [Results Indicator]		
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 2008 reported data for this indicator are 97.5%. These data represent progress from the FFY 2007 data of 95.7%. The State did not meet the FFY 2008 target of 100% for this indicator. The State reported that 117 of 120 findings of noncompliance identified in FFY 2007 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance. The State reported that the remaining three findings of noncompliance identified in FFY 2006 were not corrected. The State reported on the actions it took to address the uncorrected noncompliance. The State did not report, as required by OSEP Memo 09-02, that it verified that each LEA, including each Regional Development Center, with noncompliance identified in FFY 2007 has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.	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. Although the State did not report for this indicator that it verified correction of noncompliance identified in FFY 2007 consistent with OSEP Memo 09-02, OSEP accepted the data for this indicator this year because this indicator measures timely correction of noncompliance and OSEP Memo 09-02 was issued after the beginning of the FFY 2008 correction period. 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

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		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 specific actions that were taken to verify the correction. 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. The State must demonstrate, in the FFY 2009 APR that the remaining three findings of noncompliance identified in FFY 2007 and the remaining two findings of noncompliance identified in FFY 2006 that were not reported as corrected in the FFY 2008 APR were corrected. In responding to Indicators 11, 12, and 13 in the FFY 2009 APR, the State must report on correction of the noncompliance described in this table under those indicators. In addition, in reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 Worksheet.
16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with	The State revised the indicator language for this indicator (consistent with revisions in the Indicator Measurement Table) and OSEP accepts those revisions. The State's FFY 2008 reported data for this indicator are 100%. These data are based on five complaints. The State met the FFY 2008 target of 100% for	OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
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]	this indicator.	
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 revised the indicator language for this indicator (consistent with revisions in the Indicator Measurement Table) and OSEP accepts those revisions. The State reported that it did not receive any requests for due process hearings during the reporting period.	OSEP looks forward to reviewing the State's data in the FFY 2009 APR.
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]	The State reported that there were no resolutions held during the reporting period. The State reported fewer than ten resolution sessions held in FFY 2008. The State is not required to provide targets or improvement activities except in any fiscal year in which ten resolution sessions or more were held.	OSEP looks forward to reviewing the State's data in the FFY 2009 APR.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State reported that no mediations were held during the reporting period. The State reported fewer than ten mediations held in FFY 2008. The State is not required to provide targets or improvement activities except in any fiscal year in which ten mediations or more were held.	OSEP looks forward to reviewing the State's data in the FFY 2009 APR.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.	The State's FFY 2008 reported data for this indicator are 97.56%. However, OSEP's calculation of the data for this indicator is 87.81%. These data represent slippage from the FFY 2007 data of 95.34%. The State did not meet its FFY 2008 target of 100%.	The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2009 APR that it is in

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]		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.