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Indicator 1

INDICATOR 1: GRADUATION RATE

Prepared by NDPC-SD

INTRODUCTION

The National Dropout Prevention Center for Students with Disabilities (NDPC-SD) was assigned the task of compiling, analyzing and summarizing the data for Indicator 1—Graduation—from the FFY 2008Annual Performance Reports (APRs) and amended State Performance Plans (SPPs), which were submitted by States to OSEP on February 1, 2010. The text of the indicator is as follows:

> Percent of youth with IEPs graduating from high school with a regular diploma.

This report summarizes NDPC-SD's findings for Indicator 1 across the 50 States, commonwealths and territories, and the Bureau of Indian Education (BIE), for a total of 60 agencies. For the sake of convenience, in this report the term "States" is inclusive of the 50 States, the commonwealths, and the territories, as well as the BIE.

For this submission, States were advised that the graduation rate measurement and data source would be different than in years past. According to the Part B Measurement Table, States were to use the, "same data as used for reporting to the Department under Title I of the Elementary and Secondary Education Act (ESEA)." These data are reported in the Consolidated State Performance Report exiting data**.**

Sampling is not permitted for this indicator, so States must report graduation information for all of their students with disabilities. States were instructed to, "report using the graduation rate calculation and timeline established by the Department under the ESEA" and to, "describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2008 APR, use data from 2007-2008), and compare the results to the target. Provide the actual numbers used in the calculation."

Additional instructions were to, "provide a narrative that describes the conditions youth must meet in order to graduate with a regular diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular diploma. If there is a difference, explain why." Finally, States' performance targets were to be the same as their annual graduation rate targets under Title I of the ESEA.

This represents a significant change in the measurement of Indicator 1, moving from the assorted methods that States had previously employed in calculating their graduation rates to the use of a uniform, adjusted cohort calculation. In the past, States were required to provide graduation rate information for both their students with disabilities and all students. Problems arose because the special education data generally came from States' 618 exiting data collection and the all-student data came from their ESEA enrollment counts, which were taken at a different time of the year and generally lagged by a year. The new method that States will use to calculate their graduation rates for

students with disabilities utilizes the same data set and same calculation. This should remove some of the barriers to making valid comparisons of the two rates and make such comparisons more intuitive.

The equation below shows an example of the four-year graduation rate calculation for the cohort entering 9th grade for the first time in the fall of the 2008-2009 school year and graduating by the end of the 2011-2012 school year.

$$\frac{\text{\# cohort members receiving a regular HS diploma by end of the 2011-2012 school year}}{\text{\# of first-time 9th graders in fall 2008 (starting cohort) + transfers in – transfers out – emigrated out – deceased during school years 2008-2009 through 2011-2012}}$$

IMPLICATIONS OF THE NEW MEASUREMENT

The new four-year adjusted cohort graduation rate defines a "graduate" as someone who receives a regular high school diploma in the standard number of years—specifically, four years. Students who do not meet the criteria for graduating with a regular diploma cannot be included in the numerator of the calculation, but must be included in the denominator. The new calculation also excludes students who receive a modified or special diploma, a certificate, or a GED from being counted as graduates.

States may obtain permission from the U.S. Department of Education to report one or more additional cohorts that span a different number of years (for example, a 5-year cohort or a 5-year plus a 6-year cohort). Because students with disabilities and students with limited English proficiency may not always complete coursework and examinations within the standard 4-year timeframe, the use of such extended cohort rates can help ensure that these students are ultimately counted as graduates, despite their longer stay in school than the traditional four years. It should be noted that States are prohibited from using this provision exclusively for youth with disabilities and youth with limited English proficiency. This provision for using extended cohorts will likely become more important in years to come, as many States have increased their academic credit and course requirements for all students to graduate.

The ESEA requirement to follow every child in a cohort will necessitate the use of longitudinal data systems that use unique student identifiers. Many States have these in place, or are well on the way to developing such systems. Other States may have difficulty meeting this need by the 2010-11 school year and will have to request permission from the Department of Education for an extension on this deadline.

Although States will not be required to implement the new calculation until the 2010-11 school year, most were able to provide data and complete the calculation in the current APR. Three States, however, specified that they were unable to disaggregate their ESEA data to identify students with disabilities. These States reported the same type of graduation rate they employed in the previous year's APR—generally based on their 618 exiting data. All States that reported this issue stated that they would be able to

disaggregate the data and report using the new rate calculation in their 2010-11 APR submission.

For most States, the graduation rate reported in the February 2010 APR represents a new baseline. Because of this, many States set new performance targets, commensurate with the new baseline (22 States did so). Other States, however, deferred the task until next year and compared their graduation rates to the targets they had set in their SPP. Additionally, most States were unable to report progress or slippage in their graduation rates.

Given the changes in the method of calculation, the data source and improvement targets, as well as any additional factors unique to individual States, it would be imprudent to attempt to summarize the "State" of graduation rates for students with disabilities for this most recent APR or to discuss States' progress/slippage in this area. We believe that by the APR submission for the 2010-11 school year, States will have settled into the use of the new data and calculation, set targets as needed, and identified and addressed any remaining issues around the calculation of their graduation rates for their students with disabilities.

IMPROVEMENT STRATEGIES AND ACTIVITIES

Rather than focus on the data around reported graduation rates this year, it seems more appropriate to discuss some of the improvement activities that States described and, when possible, to note the impact of these activities on the school completion rates of their students with disabilities.

States were instructed to report the strategies, activities, timelines, and resources they employed in order to improve the special education graduation rate. The range of proposed activities was considerable. This year, 52 States reported connections between their activities for at least Indicators 1 and 2. Many of these States linked at least some, if not all, of their activities for Indicators 1, 2, 13, and 14: indicators intimately tied to secondary transition. In these States, there was a conscious focus on promoting successful secondary transition practices as a means to keep youth engaged in and participating in school-related activities.

The utilization of evidence-based strategies and interventions as well as "promising practices" around school completion continued to increase among States. This year, 48 States (80%) listed one or more evidence-based improvement activities for Indicators 1 and/or 2 in their APR, while the remaining 12 States (20%) did not describe any evidence-based improvement activities. There are a limited number of evidence-based school-completion programs that have demonstrated efficacy for students with disabilities. Nonetheless, the IES Practice Guide on Dropout Prevention describes several of these approaches to keeping youth in school and discusses the degrees of evidence supporting each. Additional research is under way to evaluate the efficacy of many of the other promising practices in this area, so additional evidence-based practices are on the horizon.

Table 1 lists several of the more commonly described practices and the number of States employing them.

Table 1: Evidence-based and promising practices listed in the FFY 2008 APRs

Nature of interaction	Number of States
One or more evidence-based practices	48
Positive Behavior Supports	31
Literacy initiatives	18
Response to Intervention	22
Mentoring programs	8
Recovery/reentry programs	6

SELECTED EXAMPLES OF IMPROVEMENT ACTIVITIES

Data-based decision making was a widespread activity, described by many States in this APR. The principle of this is examination of comprehensive, longitudinal data student data to identify youth who are at high risk of dropping out. Among the data to consider are information about attendance, grade retention, academic achievement, and behavior.

In general, States that reviewed their data about students' academic performance, attendance, behavior and other related areas have experienced success in using this information to inform their Statewide program development and implementation as well as their directed technical assistance efforts. Examples of States that engaged in this type of activity include American Samoa, Georgia, Iowa, Kentucky, Massachusetts, Pennsylvania, Utah, and West Virginia.

While data-based decision making has a low level of supporting evidence in the educational literature, as discussed in the 2008 IES Practice Guide on Dropout Prevention, the practice is logical and scientific in nature. The dearth of supporting evidence is more a result of the lack of studies that directly evaluate the effect this practice has on keeping youth in school than to its lack of validity.

In another example of utilizing data to identify needs, Alabama and Kansas engaged in root cause analysis of their school-completion data utilizing the Western Regional Resource Center's "Tree of Influence," which focuses on the relationships among the SPP Indicators. This tool helped them identify Statewide and local needs that could be

addressed through professional development, technical assistance and the implementation of suitable research-based interventions.

The State of Washington examined local activities aimed at improving school completion/dropout prevention in the 79 districts that had school completion rates above the State average and compiled a list of these. In descending order from the most commonly implemented, the activities were as follows: (a) collaboration/coordination with other agencies; (b) program development; (c) improving systems administration and monitoring; (d) providing training or professional development to staff; (e) improving data collection and reporting; (f) increasing/adjusting staff (FTE); (g) providing technical assistance to staff; (h) clarifying policies and procedures; and (i) evaluation of data, programs, services, etc. Wisconsin and several other States also took this approach to identifying practices related to school completion in their districts that were doing well in this area.

Several States described local initiatives designed to ease the transition from middle school to high school. This transition is a critical time for students—particularly youth with disabilities—so having supports in place to help students adjust to ninth grade can help keep these youth in school and put them on a path to a successful graduation. Freshman orientations/ "boot camps" provide incoming students (and parents, in some cases) with information about the school in general as well as about academic expectations, available activities and academic, behavioral and social supports/services available to the students.

Freshman academies keep the incoming 9th grade students together and provide them a sheltered transitional environment to bridge them between middle school and high school life. These academies are designed to provide additional structure and supports to help students manage their workload, succeed academically and get to know and bond with the other youth in their class.

Activities focused on supporting secondary transition have positive effects on school completion. Among the 37 States engaged in transition-related activities were Delaware, Maryland and Pennsylvania (the "Tri-State Consortium"), which are working to support youth with disabilities through a joint project. Additionally, Arkansas, Colorado and New Mexico have active Statewide transition cadres that meet regularly to share knowledge and address issues around transition, school completion and post-school outcomes.

Arizona's transition specialists provided various trainings and technical assistance to schools and adult service agencies. The State has also established community interagency transition teams, held an annual Statewide transition conference, and developed and disseminated materials on transition. In the Indicator 1 and/or 2 sections of their APRs, 15 States reported having held Statewide transition conferences to further the use of quality transition planning, standards-based IEPs, transition assessments and other sound transition practices, which support school-completion efforts.

Broad, concerted, Statewide initiatives designed to increase school completion were relatively uncommon in the current crop of APRs. One such effort though is that of the Georgia Department of Education (GaDOE). Georgia's course of action is reflected in its "Innovative High School Opportunities": (a) The High School Redesign Advisory Panel; (b) Innovative High School Programs; (c) Georgia Virtual High School; (d) Performance Learning Centers; and (e) Alternative High School Programs. These programs are designed to operate in concert to increase the State's graduation rate and decrease its dropout rate.

Additionally, Georgia has a Statewide network of 398 graduation coaches in high schools and 424 coaches in middle schools. These coaches work with at-risk students to support their efforts to succeed academically and graduate. For the 2007-08 school year, 78.3% (13,156) of the seniors served by graduation coaches graduated with a regular diploma. In addition, through a State Personnel Development Grant (SPDG) grant, Georgia and NDPC-SD have trained a network of collaboration coaches, each of whom is assigned several schools in which to develop local school completion initiatives for students with disabilities.

Another example of a large-scale initiative may be found in Illinois. Since 2008, Illinois has worked with the national State Implementation of Scaling-up Evidence-based Practices Center (SISEP) on the implementation and scaling-up of evidence-based practices. This process has built upon the infrastructure of the State's technical assistance center to ensure implementation with fidelity in all of Illinois' schools. The purpose of SISEP is to promote students' academic achievement and behavioral health by supporting implementation and scaling-up of evidence-based practices in education settings. SISEP will provide the critical content and foundation for establishing a technology of large-scale, sustainable, high-fidelity implementation of effective educational practices. It also will improve ISBE's capacity to carry out implementation, organizational change and systems transformation strategies to maximize achievement outcomes of all students.

The project in Illinois is being built on the infrastructure already in place for the Illinois Positive Behavioral Supports and Interventions (PBIS) Network, which currently reaches 1,000 schools in the State. The scaling up process will expand this infrastructure to allow Illinois to reach all schools in the State with evidence-based programs designed to improve outcomes for all students. The focus of SISEP will be on braiding together all of the technical assistance currently being provided through a variety of State educational agency (SEA) initiatives, including the Illinois Statewide Technical Assistance Center (ISTAC) and The Illinois Alliance for School-based Problem-solving and Intervention Resources (Illinois ASPIRE). This will allow ISBE to provide a single implementation and evaluation process for schools which incorporates the core requirements of both behavioral and academic multi-tiered evidence based practices.

EVALUATION OF IMPROVEMENT ACTIVITIES

The majority of States did not provide much, if any, information about their efforts to evaluate the impact of their improvement activities; however, there were exceptions.

Twenty-one States described evaluation activities for least one of their improvement activities aimed at increasing their school completion rates. The degree of organization and sophistication of these evaluation efforts varied markedly across States.

In conjunction with the Evaluation Center at Loyola University in Chicago, the State of Illinois has established an evaluation center to provide an infrastructure with capacity to support the expansion of school-wide systems of behavior and academic support throughout Illinois schools. The Virtual Information Management of Educational Outcomes (VIMEO) system includes data-based decision making systems for all three tiers of implementation of each project. The evaluation center maintains formative databases on fidelity of implementation of structured interventions; and fidelity of professional development and related activities directed toward administrators, general educators, special educators, school staff and families. The evaluation center tracks pupil progress on a wide range of social and academic indicators including the School-Wide Information System (SWIS), the School-Wide Evaluation Tool (SET), curriculum based academic content measures and annual standardized literacy and math assessments on all students in participating sites.

Some of the Regional Resource Centers have begun an effort to assist States in developing appropriate evaluation plans to assess the efficacy of their improvement activities. In March of 2010, the Mid-South Regional Resource Center (MSRRC), in collaboration with the Appalachian Comprehensive Center, held a two-day summit on evaluating improvement activities, which was attended by 11 of the 21 States mentioned above that discussed evaluation of improvement activities. Staff from the NDPC-SD, and National Secondary Transition Technical Assistance Center (NSTTAC) participated in the summit, serving as facilitators and content resources to the State teams in attendance.

During the summit, States received general information about the evaluation process and began developing an evaluation plan for one of their improvement activities. The intent is that States will ultimately collect evaluation data and use it to assess the efficacy of all of their SPP improvement activities and to plan additional activities to support school completion for their students with disabilities. MSRRC has begun working with some of the other RRCs to further this effort in other RRC regions.

CONCLUSIONS AND RECOMMENDATIONS

While the changes in Indicators 1 and 2 have created some disruptions in States' calculations and reporting of their graduation rates for this APR, the ultimate outcome will be worth the temporary challenges. Having a uniform graduation rate and more consistency in the definition of what constitutes "graduation" will allow us all to assess more accurately the progress being made around the country in school completion efforts for students with disabilities. This will also be strengthened by the use of a common data source and shared graduation rate calculation for students with disabilities and all students.

In the coming years, States that have not already done so will have to establish new baselines and improvement targets for their graduation rates. Additionally, States might

examine and revise some of their definitions related to school completion as well as their diploma options. With the more urgent requirement to be able to chart the progress of individual students as they pass through the educational system, it will become increasingly important to have clear policies and procedures around the entry, analysis and reporting of student-level data as well as clear definitions for student exiting codes.

Given the growing focus on improvement activities and the need for States to compete for external funding, it will also become increasingly important for States and their LEAs to conduct more rigorous evaluation of the impact of the initiatives and programs they adopt/develop and implement in support of school completion for students with disabilities.

Indicator 2

INDICATOR 2: DROPOUT RATE

Prepared by NDPC-SD

INTRODUCTION

The National Dropout Prevention Center for Students with Disabilities (NDPC-SD) was assigned the task of compiling, analyzing and summarizing the data for Indicator 2—Dropout—from the FFY 2008 Annual Performance Reports (APRs) and the revised State Performance Plans (SPPs), which were submitted to OSEP on February 1, 2010. The text of the indicator is as follows.

> Percent of youth with IEPs dropping out of high school.

This report summarizes the NDPC-SD's findings for Indicator 2 across the 50 States, commonwealths and territories, and the Bureau of Indian Education (BIE), for a total of 60 agencies. For the sake of convenience, in this report the term "States" is inclusive of the 50 States, the commonwealths, and the territories, as well as the BIE.

CHANGES IN THE INDICATOR

There were changes to the indicator for this submission of the APR, specifically in the source of the dropout data. The OSEP Part B Measurement Table for this submission indicates that, "If a State uses 618 data sampling is not allowed." Additionally, it advises that States should provide State-level dropout data and that they should, "describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2008 APR, use data from 2007-2008), and compare the results to the target." States were also to, "provide the actual numbers used in the calculation" and, "provide a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs. If there is a difference, explain why."

The source for dropout data was to be the same as that used for reporting to the Department of Education under Title I of the Elementary and Secondary Education Act (ESEA). States were to report the same dropout data they used in the graduation rate calculation (Indicator 1) and to follow the timeline established under the ESEA.

THE DEFINITION OF DROPOUT

Because there is not a specified definition for dropout in the context of students with disabilities, States have adopted their own definitions. While many States employ the definition and calculation set forth by the National Center for Educational Statistics, not all States do so.

Some of the past difficulties associated with quantifying dropouts and comparing dropout rates across States were attributable to this lack of a standard definition of what constitutes a dropout. Several factors confounded the arrival at a clear definition.

Among these were the variability in the age group or grade level of students included in dropout calculations and the inclusion or exclusion of particular groups or classes of students from consideration in the calculation. For example, some States included students from ages 14-21 in the calculation, whereas other States included students of ages 17-21. Still other States based inclusion in calculations on students' grade levels, rather than on their ages. This problem will remain, as States have been instructed to use the same data that they use in their ESEA calculation.

An additional confounding factor is enrollment in a GED program. Many States consider these youth to be dropouts. In other States, however, youth who transfer directly from high school into a GED program are not considered dropouts, but rather transfers to other another setting. In neither of these cases would these youth be considered "completers." Nonetheless, they are treated differently in the States' dropout equations.

CALCULATION METHODS

Comparison of dropout rates among States is further confounded by the existence of multiple methods for calculating dropout rates and the fact that different States employ different calculations to fit their circumstances. The dropout rates reported in the 2008-09 APRs were generally calculated using one of three methods: an event rate calculation, a leaver rate calculation or a cohort rate calculation.

The event rate yields a very basic snapshot of a single year's group of dropouts. While the cohort method generally yields a higher dropout rate than the event calculation, it provides a more accurate picture of the attrition from school over the course of four years than do the other methods. As the name suggests, the cohort method follows a group or cohort of individual students from 9th through 12th grades. Leaver rates are generally higher than those calculated using the event method. This is attributable to circumstances specific to the States using this calculation as well as to the broadly inclusive nature of the calculation.

OTHER CONFOUNDING FACTORS

Two additional factors that hamper comparisons of the States' dropout rates for this year's APR submissions are the 1-year lag in data, which not all States observed, and States' use of a variety of dropout targets. Since it is not a requirement under ESEA that States set dropout targets, States did what they could, based on their individual situations. Some States used their SPP targets for the 2007-08 year; whereas others used their 2008-09 SPP targets. Yet others had previously established ESEA dropout targets, to which they compared their dropout rate for students with disabilities.

As with Indicator 1, the changes made to the measurement of the dropout rate (the new data lag this year, issues over definitions, the variety of targets employed and the associated disruption in regular calculations) have hampered the regular calculation of dropout rates enough that it does not seem advisable to attempt comparisons of States' dropout data this year or to discuss their progress/slippage. It is our hope and belief that by the FFY 2010 APR submission, due February 1, 2012, States will have made

any necessary adjustments to their calculations, set new baselines and targets, and generally adapted to the changes in this indicator and Indicator 1.

IMPROVEMENT STRATEGIES AND ACTIVITIES

Rather than focus on the dropout rates reported for this year, it seems more appropriate to discuss some of the improvement activities that States described and, when possible, to note the impact of these activities on the school completion rates of their students with disabilities.

States were instructed to report the strategies, activities, timelines, and resources they employed in order to improve the special education dropout rate. The range of proposed activities was considerable. This year, 52 States reported connections between their activities for at least Indicators 1 and 2. Many of these States linked at least some, if not all, of their activities for Indicators 1, 2, 13, and 14: indicators intimately tied to secondary transition. In these States, there was a conscious focus on promoting successful secondary transition practices as a means to keep youth engaged in and participating in school-related activities.

The utilization of evidence-based strategies and interventions as well as "promising practices" continued to increase among States. This year, 48 States (80%) listed one or more evidence-based improvement activities in their APR, while the remaining 12 States (20%) did not describe any evidence-based improvement activities in the Indicator 1 and 2 sections of the APR. There are a limited number of evidence-based school-completion programs that have demonstrated efficacy for students with disabilities. Nonetheless, the 2008 IES Practice Guide on Dropout Prevention describes several of these approaches to keeping youth in school and discusses the degrees of evidence supporting each. Additional research is under way to evaluate the efficacy of many of the other promising practices in this area, so additional evidence-based practices are on the horizon.

SELECTED EXAMPLES OF IMPROVEMENT ACTIVITIES

Data-based decision making was a widespread activity, described by many States in this APR. The principle of this is examination of comprehensive, longitudinal student data is to identify youth who are at high risk of dropping out. Among the data to consider are information about attendance, grade retention, academic achievement, and behavior.

In general, States that reviewed their data about students' academic performance, attendance, behavior and other related areas have experienced success in using this information to inform their Statewide program development and implementation as well their directed technical assistance efforts. Examples of States that engaged in this type of activity include American Samoa, Georgia, Iowa, Kentucky, Massachusetts, Pennsylvania, Utah, and West Virginia.

Additionally, Alabama and Kansas reported that they engaged in root cause analysis of their school-completion data utilizing the Western Regional Resource Center's "Tree of

Influence," which focuses on the relationships among the SPP Indicators. This tool helped them identify Statewide and local needs that could be addressed through professional development, technical assistance and the implementation of suitable research-based programs and interventions.

The State of Washington examined local activities aimed at improving school completion/dropout prevention in the 79 districts that had school completion rates above the State average and compiled a list of these. In descending order from the most commonly implemented, the activities were as follows: (a) collaboration/coordination with other agencies; (b) program development; (c) improving systems administration and monitoring; (d) providing training or professional development to staff; (e) improving data collection and reporting; (f) increasing/adjusting staff (FTE); (g) providing technical assistance to staff; (h) clarifying policies and procedures; and (i) evaluation of data, programs, services, etc. Wisconsin and several other States also took this approach to identifying practices related to school completion in their districts that were successful in this area.

Another approach States undertook to using their data to improve outcomes was to survey recent dropouts to identify factors that might have caused them to leave the school environment. Analysis of these data can inform program development as well as identify needs regarding policies and procedures that impact students' desire/ability to remain in school. West Virginia was among the States that surveyed dropouts for this purpose. Local examples of this practice took place in Georgia, Maryland and New Mexico, where districts and schools employed a survey developed by NDPC-SD for this purpose.

NDPC-SD developed another survey instrument for States to use in identifying technical assistance needs of their districts. This has been used with success by several States, including Oklahoma, South Dakota and Kentucky.

Thirty-one States reported that they trained staff and have begun implementing Positive Behavior Supports. Youth with emotional/behavioral disturbance are at great risk for dropping out of school. Programs such as this, which help these youth manage their behavior, can contribute significantly to keeping these students in school.

Interagency collaboration can strengthen programs by incorporating the strengths and resources of multiple agencies. It can also result in the sharing of data and other information that can benefit school-completion efforts. Examples of this occurred in Ohio and Vermont, where staff from the respective departments of education collaborated with the staff from the State vocational rehabilitation services agencies. The focus of these collaborative activities was on improving transition outcomes for students with disabilities.

Activities focused on supporting secondary transition also have positive effects on school completion. Among the 37 States engaged in transition-related activities are Delaware, Maryland and Pennsylvania (the "Tri-State Consortium"), which are working to support youth with disabilities through a joint project. Additionally, Arkansas, Colorado and New Mexico have active Statewide transition cadres that meet regularly

to share knowledge and address issues around transition, school completion and post-school outcomes. Arizona's transition specialists provided various trainings and technical assistance to schools and adult service agencies. The State has also established community interagency transition teams, held an annual Statewide transition conference, and developed and disseminated materials on transition. In the Indicator 1 and/or 2 sections of their APRs, 15 States reported having held Statewide transition conferences to further the use of quality transition planning, standards-based IEPs, transition assessments and other sound transition practices, which support school completion efforts.

Six States described reentry/recovery programs in their APRs. While there are many such programs around the country, the majority of them seem to operate on a local level, rather than Statewide. These programs generally involve a school system and a combination of one or more community agencies, businesses or business organizations, colleges or community colleges, or faith-based organizations. The focus of these programs varies, depending on their genesis and the population they serve. One commonality is that reentry programs frequently offer options for credit-recovery—a necessity if the goal is to obtain a high school diploma, as the majority of returning students are credit deficient. Another common characteristic of these programs is their flexibility. The needs of the populations they serve are often quite diverse, so flexibility in scheduling, venue for instruction, mode of instructional delivery, and entry/exit from the program are beneficial elements that help them serve their audiences adequately.

Broad, concerted, Statewide initiatives designed to improve graduation and dropout rates were relatively uncommon in the current crop of APRs. One such effort though is that of the Georgia Department of Education (GaDOE). Georgia's course of action is reflected in its "Innovative High School Opportunities": (a) The High School Redesign Advisory Panel; (b) Innovative High School Programs; (c) Georgia Virtual High School; (d) Performance Learning Centers; and (e) Alternative High School Programs. These programs are designed to operate in concert to increase the State's graduation rate and decrease its dropout rate.

Additionally, Georgia has a Statewide network of 398 graduation coaches in high schools and 424 coaches in middle schools. These coaches work with at-risk students to support their efforts to succeed academically and graduate. For the 2007-08 school year, 78.3% (13,156) of the seniors served by graduation coaches graduated with a regular diploma. In addition, through a State Personnel Development Grant (SPDG), Georgia and NDPC-SD have trained a network of collaboration coaches, each of whom is assigned several schools in which to develop local school completion initiatives that support students with disabilities.

Another example of a large-scale initiative may be found in Illinois. Since 2008, Illinois has worked with the national SISEP center on the implementation and scaling-up of evidence-based practices. This process has built upon the infrastructure of the State's technical assistance center to ensure implementation with fidelity in all of Illinois' schools. The purpose of the SISEP is to promote students' academic achievement and behavioral health by supporting implementation and scaling-up of evidence-based practices in education settings. SISEP will provide the critical content and foundation

for establishing a technology of large-scale, sustainable, high-fidelity implementation of effective educational practices. It also will improve ISBE's capacity to carry out implementation, organizational change and systems transformation strategies to maximize achievement outcomes of all students.

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EVALUATION OF IMPROVEMENT ACTIVITIES

The majority of States did not provide much, if any, information about their efforts to evaluate the impact of their improvement activities; however, there were exceptions.

Twenty-one States described evaluation activities for least one of their improvement activities aimed at increasing their school-completion rates. The degree of organization and sophistication of these evaluation efforts varied markedly across States.

In conjunction with the Evaluation Center at Loyola University in Chicago, the State of Illinois has established an evaluation center to provide an infrastructure with capacity to support the expansion of school-wide systems of behavior and academic support throughout Illinois schools. The Virtual Information Management of Educational Outcomes (VIMEO) system includes data-based decision making systems for all three tiers of implementation of each project. The evaluation center maintains formative databases on fidelity of implementation of structured interventions; and fidelity of professional development and related activities directed toward administrators, general educators, special educators, school staff and families. The evaluation center tracks pupil progress on a wide range of social and academic indicators including the School-Wide Information System (SWIS), the School-Wide Evaluation Tool (SET), curriculum based academic content measures and annual standardized literacy and math assessments on all students in participating sites.

Some of the Regional Resource Centers have begun an effort to assist States in developing appropriate evaluation plans to assess the efficacy of their improvement activities. In March of 2010, the Mid-South Regional Resource Center (MSRRC), in collaboration with the Appalachian Comprehensive Center, held a two-day summit on evaluating improvement activities, which was attended by 11 of the 21 States mentioned above that discussed evaluation of improvement activities. Staff from the NDPC-SD, and National Secondary Transition Technical Assistance Center (NSTTAC)

participated in the summit, serving as facilitators and content resources to the State teams in attendance.

During the summit, States received general information about the evaluation process and began developing an evaluation plan for one of their improvement activities. The intent is that States will ultimately collect evaluation data and use it to assess the efficacy of all of their SPP improvement activities and to plan additional activities to support school completion for their students with disabilities. MSRRC has begun working with some of the other RRCs to further this effort in other RRC regions.

CONCLUSIONS AND RECOMMENDATIONS

While the changes in Indicators 1 and 2 have created some disruptions in States' calculations and reporting of their graduation and dropout rates for this APR, the ultimate outcome will be worth the temporary upset. Having a uniform graduation rate and more consistency in the definition of what constitutes "graduation" will allow us all to assess more accurately the progress being made around the country in school completion efforts for students with disabilities. The use of dropout data from the same year as that used in the graduation rate formula will also facilitate comparison of these rates. It is our hope that in time, we will be able to move toward a standard calculation of the dropout rate for students with disabilities, as was done for the graduation rate.

With the change in the data source for calculating the dropout rate, some States will have to establish new baselines and improvement targets for their dropout rates. Additionally, States might examine and revise some of their definitions related to school completion. With the more urgent requirement to be able to chart the progress of individual students as they pass through the educational system, it will become increasingly important to have clear policies and procedures around the entry, analysis and reporting of student-level data as well as clear definitions for student exiting codes.

Given the growing focus on improvement activities and the need for States to compete for external funding, it will also become increasingly important for States and their LEAs to conduct more rigorous evaluation of the impact of the initiatives and programs they adopt/develop and implement in support of school completion for students with disabilities.

Indicator 3

INDICATOR 3: ASSESSMENT

Prepared by NCEO

INTRODUCTION

The National Center on Educational Outcomes (NCEO) analyzed the information provided by States for Part B Indicator 3 (Assessment). This includes the participation and performance of students with disabilities in Statewide assessments, as well as a measure of the extent to which districts in a State are meeting the No Child Left Behind (NCLB) Adequate Yearly Progress (AYP) criterion for students with disabilities.

Indicator 3 information in this report is based on Annual Performance Report data from 2008-09 State assessments. States submitted their data in February 2010 using baseline information and targets (unless revised) that were submitted in their State Performance Plans (SPPs) submitted in December, 2005.

This report summarizes data and progress toward targets for the Indicator 3 subcomponents of (a) percent of districts meeting AYP, (b) State assessment participation, and (c) State assessment performance. It also presents information on Improvement Activities.

This report includes an overview of our methodology, followed by findings for each component of Part B Indicator 3 (AYP, Participation, Performance). We conclude by addressing Improvement Activities.

METHODOLOGY

APRs used for this report were obtained from the Technical Assistance Coordination Center (TACC) Web site in February, March, and April 2010. Data were entered into working documents from original APR submissions and then following the April week of clarification all data were verified against revised APRs submitted in that month. In instances of disagreement, new data from revised APRs were used for analyses. For the analyses in this report, we used only the information that States reported in their APRs for 2008-09 assessments.

Three components comprise the data in Part B Indicator 3 that are summarized here:

- 3A is the percent of districts (based on those with a disability subgroup that meets the State's minimum "n" size) that meet the state's Adequate Yearly Progress (AYP) objectives for progress for the disability subgroup;
- 3B is the participation rate for children with IEPs who participate in the various assessment options (Participation); and
- 3C is the proficiency rate (based on grade-level, modified or alternate achievement standards) for children with IEPs (Proficiency).

3B (Participation) and 3C (Performance) have subcomponents:

- The number of students with Individualized Education Programs (IEPs);
- The number of students in a regular assessment with no accommodations;

- The number of students in a regular assessment with accommodations;
- The number of students in an alternate assessment measured against GRADE LEVEL achievement standards;
- The number of students in an alternate assessment measured against MODIFIED achievement standards; and
- The number of students in an alternate assessment measured against ALTERNATE achievement standards.

Some States provided data disaggregated to the level of these subcomponents and others did not, providing an overall aggregated total across all tests in their assessment system instead. Also, some States chose to disaggregate data by specific grade levels tested, others by grade bands, and still others without disaggregation by grade; instead providing an overall data point only.

For Improvement Activities, States were directed to describe these for the year just completed (FFY 2008) as well as projected changes for upcoming years. The analysis of FFY 2008 Improvement Activities used the OSEP coding scheme consisting of letters A–J, with J being "other" activities. The NCEO Improvement Activities coders used 12 subcategories under J ("other") to capture specific information about the types of activities undertaken by States (see Appendix A for examples of each of these sub-categories). These 12 sub-categories were the same as those used to code FFY 2007 and FFY 2006 data and only slightly modified from those used to code FFY 2005 data. Each of two coders independently coded five States to determine inter-rater agreement.

The coders each reviewed approximately one-half of the State APR documents and identified example improvement activities of interest, which would represent the categories as defined by OSEP. They met and determined together which improvement activities examples would be selected to represent the categories, following a set of decision rules. Coders were able to reach agreement in every case.

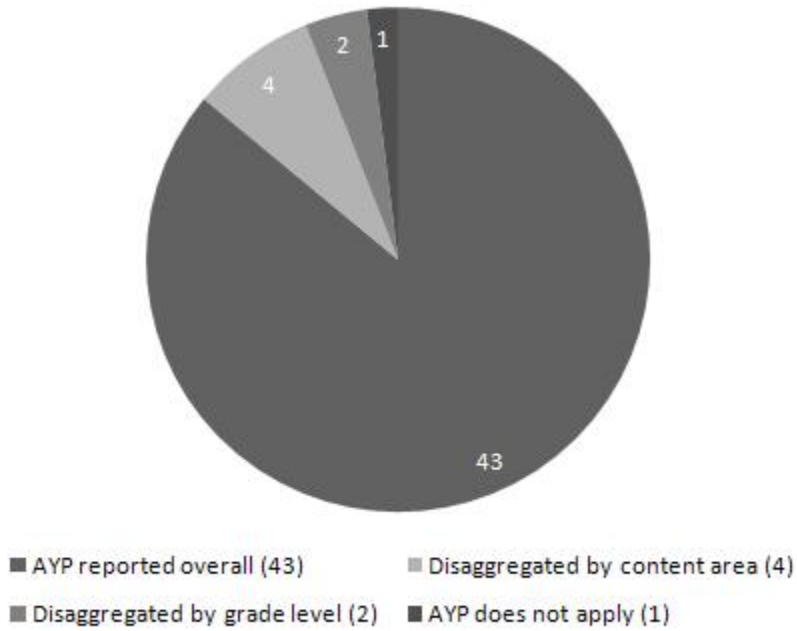
PERCENT OF DISTRICTS MEETING STATE'S ADEQUATE YEARLY PROGRESS OBJECTIVE (COMPONENT 3A)

Component 3A (AYP) is defined for States as:

> Percent = [(# of districts meeting the State's AYP objectives for progress for the disability subgroup (i.e., children with IEPs)) divided by (total # of districts that have a disability subgroup that meets the State's minimum "n" size in the State)] times 100.

Figure 1 shows the ways in which regular States provided AYP data on their APRs. Forty-nine regular States had data available (one State is a single district and thus is not required to provide data for this component). Forty-three States (an increase of six States from last year) reported AYP data in their APR in such a way that the data could be combined with data from other States. The other six States either provided data broken down by content area (four States), or grade level (two States).

Figure 1: Ways in Which Regular States Provided AYP Data

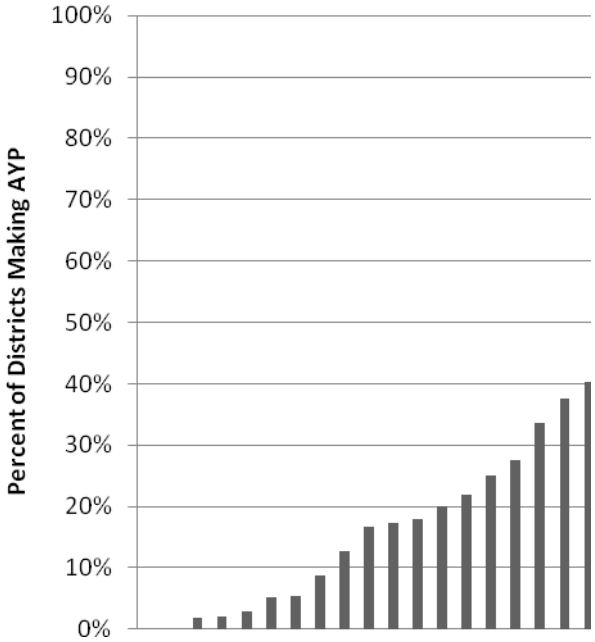


AYP determinations were not provided for the unique States. As noted in reports in previous years, it is unclear how many of the unique States are required to set and meet the AYP objectives of NCLB (either because they are single districts or because they are not subject to the requirements of NCLB).

AYP FINDINGS

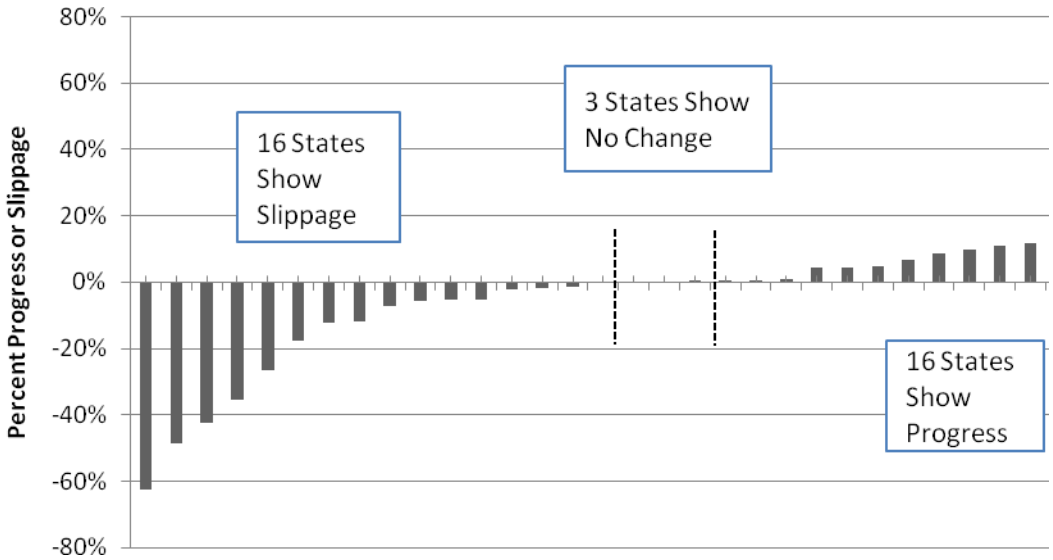
Figure 2 shows the percentage of districts making AYP in 2008-09 for the 43 States that provided overall data. From a quick glance at the figure, the reader can see a wide range of reported values across all States. Of these, two reported that zero districts within their State (of those that met the minimum “n” size) met AYP, while one State reported that all districts within their State met AYP. Of the others, 12 were between 1% and 25%, 17 were between 26% and 75%, and 11 were between 76% and 99%. The average reported rate was 48%. Again, four States reported data only disaggregated by content area, two only by grade level, and AYP does not apply in one State which is a single district.

Figure 2: Percentage of districts making AYP in 2008-09 for States that provided overall data



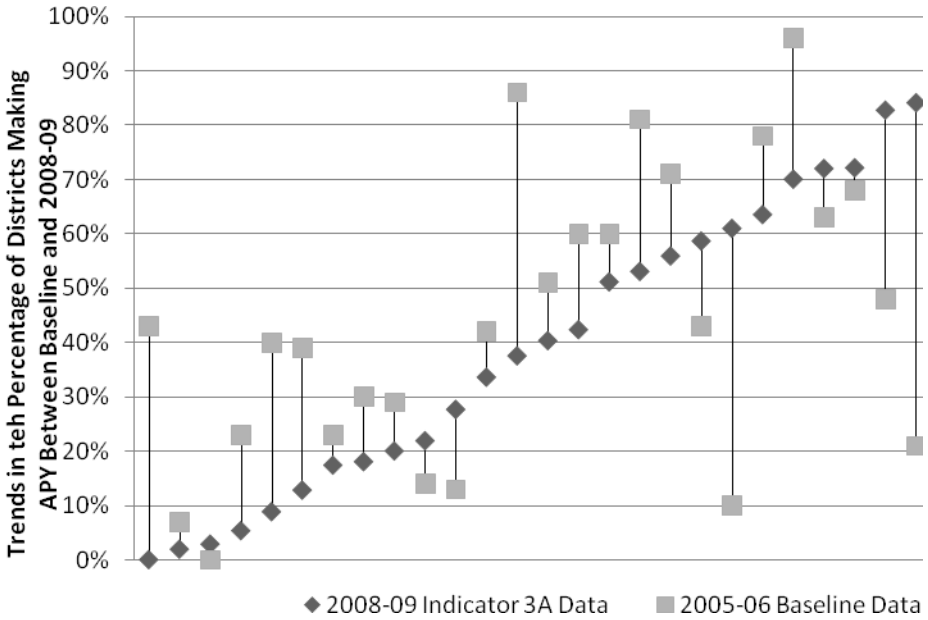
Thirty-five States reported overall information for AYP in 2007-08 and 2008-09 that could be used in progress/slippage comparisons. Figure 3 shows these data and the wide range of movement seen across States. From a range of slippage of 62.5% to progress of 48.9%, to three States who reported no change between years it was apparent that there was no trend in the direction or intensity of change across States. A total of 16 States reported year to year slippage, and an equal number of States showed year to year progress. Those that showed slippage showed an average of 17.9% year to year slippage, those that showed progress showed an average of 12.0% year to year progress.

Figure 3: Percent of Progress of Slippage for the Percentage of Districts Making AYP



In comparing States to their baseline there were also no clear trends that emerged across States. This analysis is somewhat hampered by the fact that many States provided actual data by content area or grade level or grade band in either the initial year, or in 2008-09. As shown in Figure 4, of the 32 States whose data can be analyzed one can see wide patterns of movement (just as seen in Figure 3). A total of 19 States showed slippage since the first year of APRs, by an average of 17.6% (12 States showed slippage of more than ten percentage points since baseline). A total of 13 States showed progress since the first year of APRs, by an average of 28.2% (affected by one State's increase from 0.0% to 100.0%). An additional 7 States also showed progress of more than 10 percentage points.

Figure 4: Change in the Percentage of Districts Making AYP Since Baseline



Ten regular States met their 2008-09 target for AYP, while 21 States did not, as shown in Table 1. The remaining 19 regular States as well as all unique States were not included in this analysis. Regular States were not included if they did not provide an overall value for either baseline data, targets, and 2008-09 actual data (such as disaggregating by content area or grade level). Those that met targets were likely to have set higher than average targets, and reported higher than average actual data. Those that did not meet targets were likely to set lower than average targets, and reported lower than average actual data. When analysis was completed by regional resource center (RRC) region, small numbers of States were left in each region. In three of the regions actual data for the States included was higher than that of baseline values but below average targets. For the other three regions, actual data for the States included was lower than that of baseline values and average targets.

Table 1: Percentage of Districts Making AYP in 2008-09 Within Regular States that Provided Baseline, Target, and Actual Data

	N	Baseline (Mean %)	Target (Mean %)	Actual Data (Mean %)
Overall	**31**	**49.8%**	**62.6%**	**50.8%**
Met	**10**	**49.2%**	**65.5%**	**77.8%**
Not Met	**21**	**50.1%**	**61.2%**	**37.9%**
Region 1	**4**	**37.5%**	**63.5%**	**53.3%**
Region 2	**6**	**35.3%**	**55.8%**	**44.1%**
Region 3	**4**	**58.8%**	**83.0%**	**74.5%**
Region 4	**6**	**68.5%**	**75.3%**	**55.4%**
Region 5	**7**	**56.3%**	**56.1%**	**51.7%**
Region 6	**4**	**35.8%**	**43.5%**	**26.3%**

PARTICIPATION OF STUDENTS WITH DISABILITIES IN STATE ASSESSMENTS (COMPONENT 3B)

The participation rate for children with IEPs includes children who participated: in the regular assessment with no accommodations, in the regular assessment with accommodations, in the alternate assessment based on grade-level achievement standards, in the alternate assessment based on modified achievement standards, and in the alternate assessment based on alternate achievement standards. Component 3B (participation rates) was calculated by obtaining a single number of assessment participants and dividing by the total number of students with IEPs enrolled, or by summing several numbers and then computing percentages as shown below:

Participation rate numbers required for equations are:

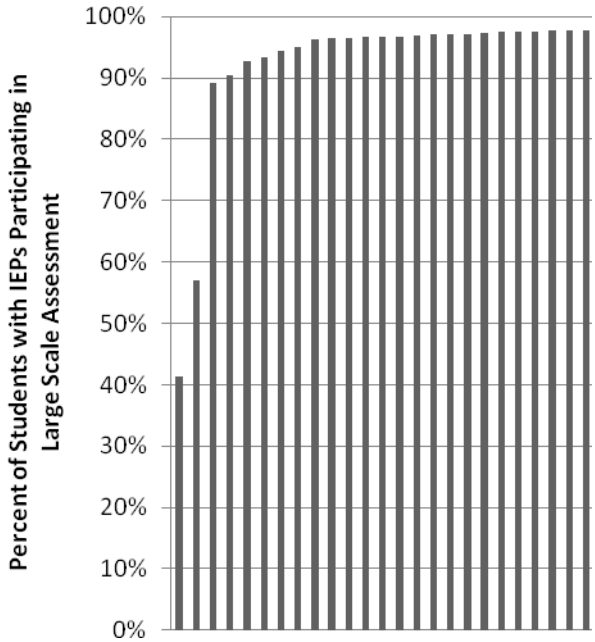
a. # of children with IEPs in assessed grades;
b. # of children with IEPs in regular assessment with no accommodations (percent = [(b) divided by (a)] times 100);
c. # of children with IEPs in regular assessment with accommodations (percent = [(c) divided by (a)] times 100);
d. # of children with IEPs in alternate assessment against grade level achievement standards (percent = [(d) divided by (a)] times 100);
e. # of children with IEPs in alternate assessment against modified achievement standards (percent = [(d) divided by (a)] times 100); and
f. # of children with IEPs in alternate assessment against alternate achievement standards (percent = [(e) divided by (a)] times 100).

In addition to providing the above numbers, States also were asked to account for any children included in ‘a’, but not included in ‘b’, ‘c’, ‘d’ or ‘e’.

Figure 5 shows the percentage of students with IEPs participating in large scale assessment in reading in 2008-09 for all 60 regular and unique States. In this section data and text will focus on participation in reading assessments. However, data for the

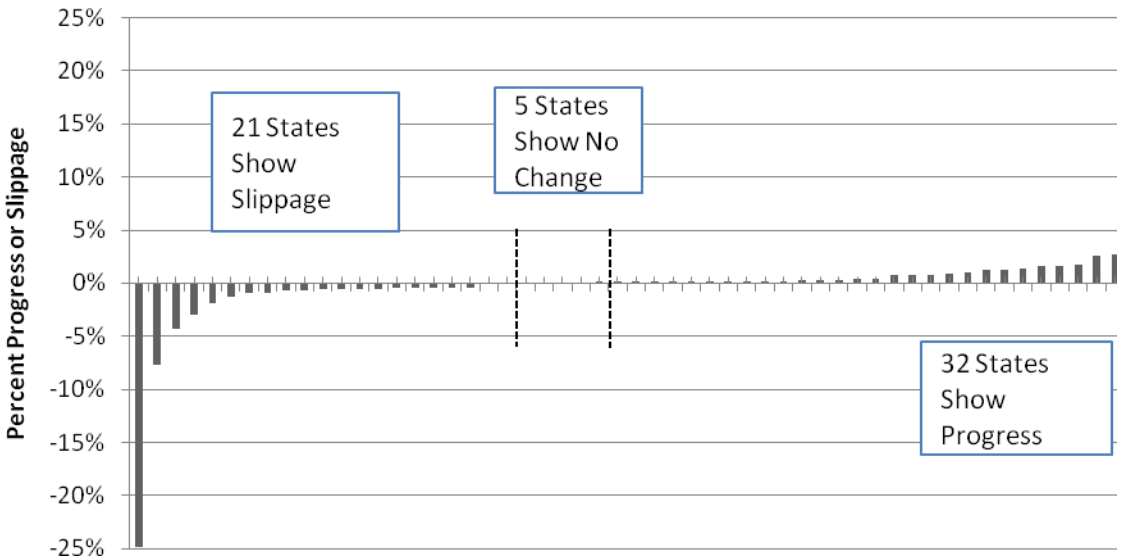
math content area were nearly identical. It should be noted that the two outlier States with a lower level of participation than the norm were both unique States. A total of 53 States reported participation levels of greater than 95.0% as needed for purposes of making AYP. For these States, participation rates ranged as high as 100.0%, and averaged 98.1%. The two regular States that assessed less than 95.0% across all grade levels for reading, assessed an average of 91.8%. Both States took students with invalid scores, or untested students out of both the denominator and the numerator in their AYP, which was corrected by NCEO and led to lower values. The five unique States that assessed less than 95.0% of their students with disabilities tested an average of 75.0%, though three of them did assess between 90.5% and 93.4%.

Figure 5: Percentage of Students Participation in Large-Scale Assessment in 2008-09 for All 60 Regular and Unique States



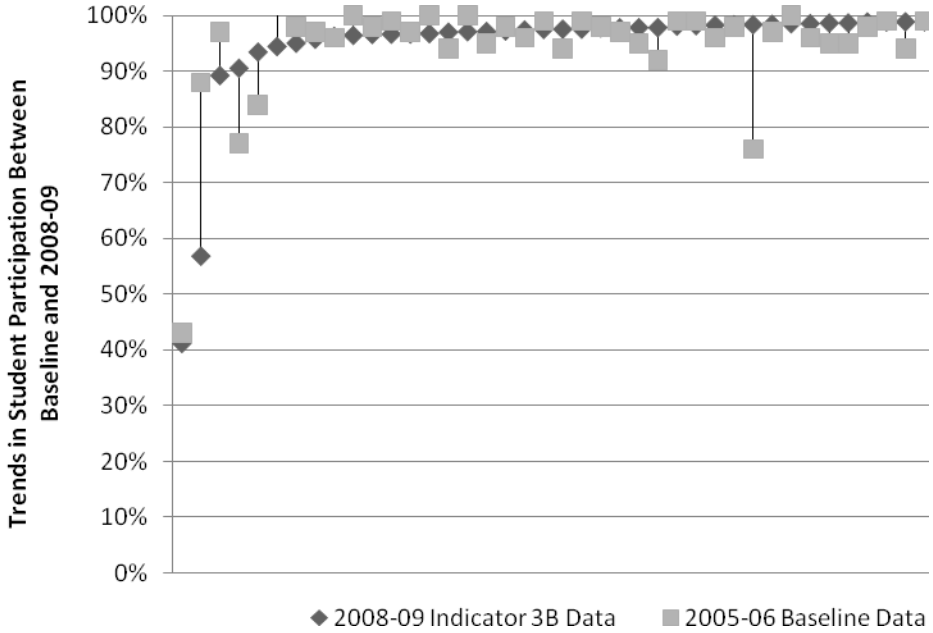
Fifty-eight States reported overall information for student participation in 2007-08, and 2008-09 that could be used in progress/slippage comparisons. Figure 6 shows these data and the wide range of movement seen across States. One unique State showed slippage of 24.8%, and one regular State showed slippage of 7.7%. One unique State showed progress of 7.0% and one regular State showed progress of 6.9%. Five States reported no change in participation rates. Thus, it does appear that there was a trend towards more participation across States than a year ago. The 21 States that showed slippage showed an average of value of 2.4%. The 32 States that showed progress reported an average value of 1.3%.

Figure 6: Percentage of Progress or Slippage for Student Participation in Large-Scale Assessment



In comparing States to their baseline there were also no clear trend that emerged across States. A total of 56 States provided data for the baseline year and 2008-09. As shown in Figure 7, 23 States showed slippage across the extended timeline, for an average of 3.5%. A total of 33 States showed progress between baseline and the 2008-09 school year for an average of 3.8%. A total of 21 States reported progress during the time period of at least 1.9%.

Figure 7: Change in the Participation of Students With Disabilities in Large-Scale Assessment Since
Baseline



Thirty-three regular States met their 2008-09 target for participation, while 11 States did not, as shown in Table 2. The remaining 6 regular States as well as all unique States are not included in this analysis. Regular States were not included if they did not provide an overall value for either baseline data, targets, or 2008-09 actual data (such as disaggregating by grade level). Those that met targets were likely to have set lower than average targets (opposite of trends seen for AYP), and reported higher than average actual data. Those that did not meet targets were likely to set higher than average targets, and reported lower than average actual data. These States also had higher than average baseline values. When analysis was completed by RRC region, more numbers of States were included in each region than were included in AYP analysis. In five of the regions actual data for the States included was higher than that of baseline values and average targets. For the other region, actual data for the States included was lower than that of baseline values but higher than average targets.

Table 2: Average Participation Percentages in 2008-09 for States that Provided Baseline, Target, and Actual Data

	N	Baseline (Mean %)	Target (Mean %)	Actual Data (Mean %)
Overall	**44**	**97.3%**	**96.4%**	**98.4%**
Met	**33**	**96.9%**	**95.9%**	**98.3%**
Not Met	**11**	**98.6%**	**97.8%**	**96.5%**
Region 1	**6**	**97.7%**	**97.5%**	**97.8%**
Region 2	**6**	**97.0%**	**95.8%**	**98.8%**
Region 3	**8**	**97.4%**	**97.1%**	**98.1%**
Region 4	**7**	**97.1%**	**95.6%**	**98.4%**
Region 5	**10**	**97.1%**	**96.7%**	**98.1%**
Region 6	**7**	**97.9%**	**95.5%**	**96.1%**

PERFORMANCE OF STUDENTS WITH DISABILITIES ON STATE ASSESSMENTS (COMPONENT 3C)

The performance of children with IEPs is based on the rates of those children achieving proficiency: on the regular assessment with no accommodations, the regular assessment with accommodations, the alternate assessment based on grade-level achievement standards, the alternate assessment based on modified achievement standards, and the alternate assessment based on alternate achievement standards. For the first time in 2008-09 the denominator was only those students enrolled for a full academic year within the State. These students should have also been eliminated from the numerator, which for component 3C (Proficiency Rate) was calculated by obtaining a single number of students proficient or by summing several numbers and then computing percentages as shown below.

Proficiency Rate numbers required for equations are (Full academic year students only):

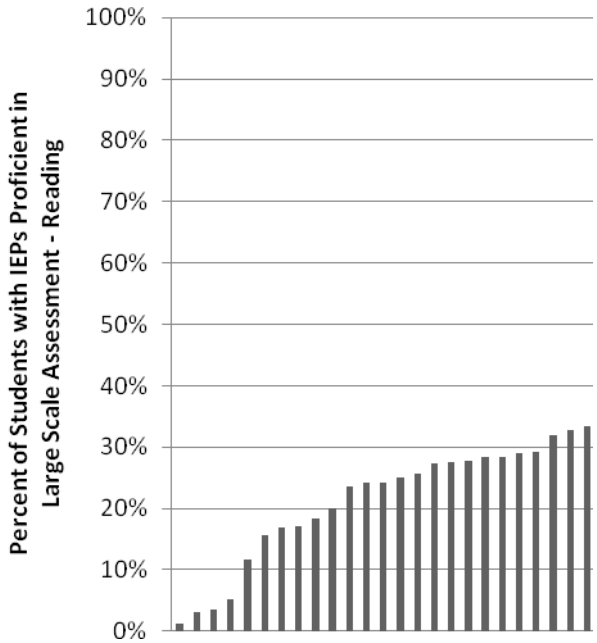
a. # of children with IEPs in assessed grades;
b. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with no accommodations (percent = [(b) divided by (a)] times 100);
c. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with accommodations (percent = [(c) divided by (a)] times 100);
d. # of children with IEPs in assessed grades who are proficient or above as measured by the alternate assessment against grade level achievement standards (percent = [(d) divided by (a)] times 100);
e. # of children with IEPs in assessed grades who are proficient or above as measured by the alternate assessment against modified achievement standards (percent = [(d) divided by (a)] times 100); and
f. # of children with IEPs in assessed grades who are proficient or above as measured against alternate achievement standards (percent = [(e) divided by (a)] times 100).

Sixty regular States and unique States reported 2008-09 assessment proficiency data in some way. One unique State provided only data for the reading content area, as testing in math was not completed in that State in 2008-09.

READING

Figure 8 shows the percentage of students with IEPs proficient in large scale assessment in reading in 2008-09 for all 60 regular and unique States. It should be noted that the lowest six values for proficiency were reported by six unique States. A total of 29 States reported proficiency levels greater than the across State average of 38.9%. These States averaged 54.8% proficiency and ranged as high as 78.0%. A total of 31 States reported proficiency levels less than the across State average of 38.9%. These States averaged 23.9% proficiency and ranged as low as 1.2%. Nine unique States were included in this group of States whose students with disabilities were less likely to be proficient on the State assessment.

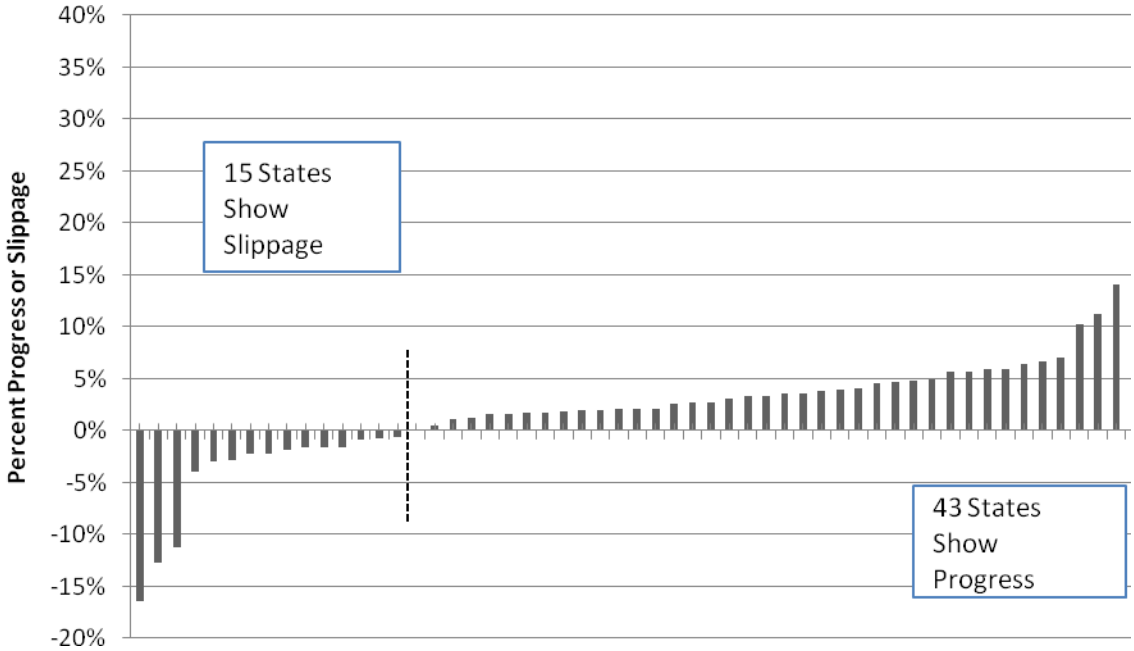
Figure 8: Percentage of Students Proficient in Large-Scale Assessment in 2008-09 for All 60 Regular and Unique States



Fifty-eight States reported overall information for student proficiency in 2007-08 and 2008-09 that could be used in progress/slippage comparisons. Figure 9 shows these data and the wide range of movement seen across States. One unique State showed slippage of 12.7%, and one regular State showed slippage of 16.5%. One unique State showed progress of 36.9% and one regular State showed progress of 28.9%. There was a trend towards small gains in proficiency. A total of 27 States showed slippage or progress of less than 3% (17 of them progress). The 15 States that showed slippage

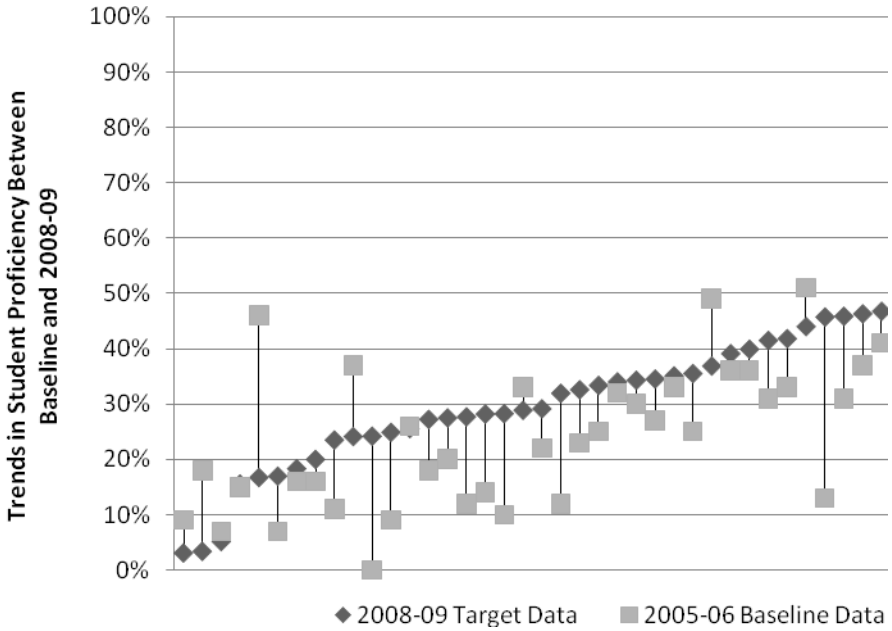
showed an average value of 4.2%. The 43 States that showed progress reported an average value of 5.9%.

Figure 9: Percentage of Progress or Slippage for Student Proficiency in Large-Scale Assessment



There also was a trend towards greater proficiency change in reading since baseline values. A total of 56 States provided data for the baseline year and 2008-09. As shown in Figure 10, of these States, 11 showed slippage across the extended timeline, for an average of 10.2%. A total of 45 States showed progress between baseline in the 2008-09 school year for an average of 10.9%. A total of 19 States reported progress during the time period of at least 10%. It is likely that the States that showed the greatest movement have either changed standards or incorporated a new test since the baseline year.

Figure 10: Change in the Proficiency of Students With Disabilities in Large-Scale Assessment Since Baseline



Nine regular States met their 2008-09 target for proficiency in reading while 22 States did not, as shown in Table 3. The remaining 19 regular States as well as all unique States are not included in this analysis. Regular States were not included if they did not provide an overall value for baseline data, targets, and 2008-09 actual data (such as disaggregating by grade level). Those that met targets were likely to have set lower than average targets (opposite of trends seen for AYP, but consistent with those seen for participation), and reported higher than average actual data. Those that did not meet targets were likely to set higher than average targets, and reported lower than average actual data. These States also had lower than average baseline values (opposite of trends seen for participation). When analysis was completed by RRC region smaller numbers of States were included in each region as were included in the participation analysis. In all six of the regions actual data for the States included was higher than that of baseline values. In none of these regions were actual data above average targets.

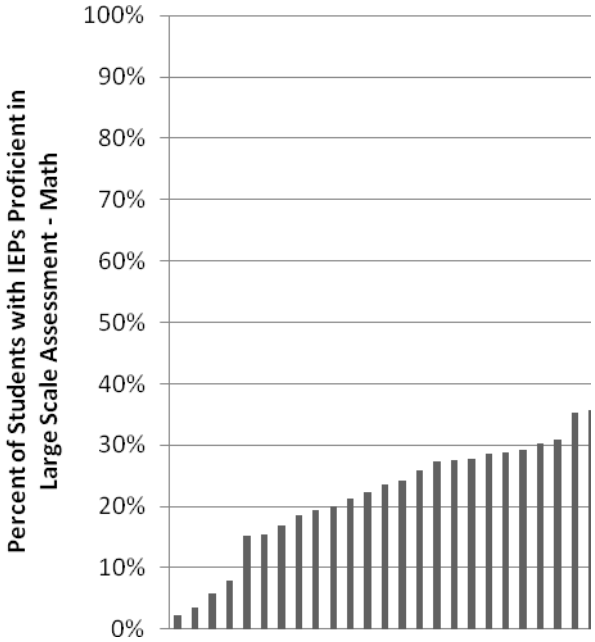
Table 3: Average Proficiency Percentages in 2007-08 for States that Provided Baseline, Target, and Actual Data

	N	Baseline (Mean %)	Target (Mean %)	Actual Data (Mean %)
Overall	**31**	**36.9%**	**58.0%**	**43.3%**
Met	**9**	**40.3%**	**47.3%**	**54.4%**
Not Met	**22**	**35.5%**	**62.3%**	**36.4%**
Region 1	**2**	**23.5%**	**72.9%**	**31.7%**
Region 2	**5**	**49.8%**	**58.2%**	**52.6%**
Region 3	**7**	**38.4%**	**53.5%**	**44.4%**
Region 4	**7**	**31.9%**	**59.8%**	**44.0%**
Region 5	**6**	**37.8%**	**57.1%**	**47.3%**
Region 6	**4**	**32.3%**	**56.3%**	**40.8%**

MATH

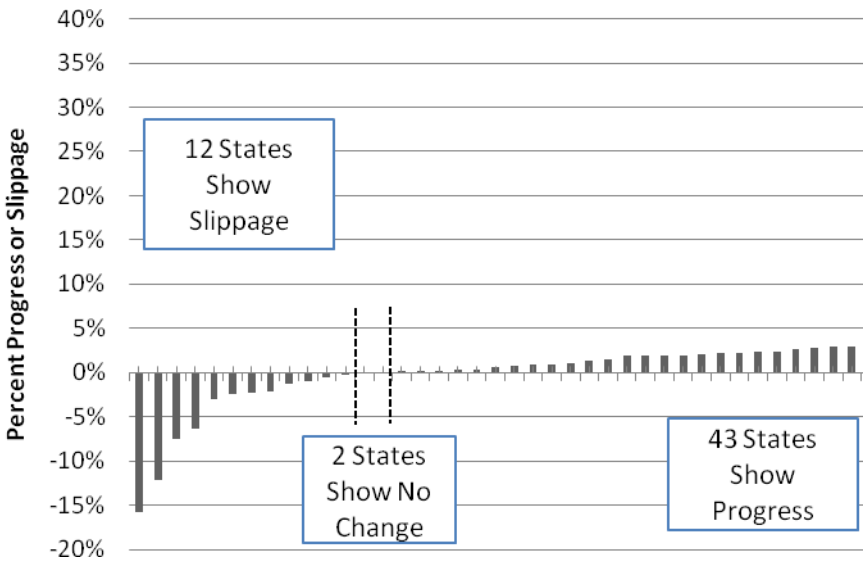
Figure 11 shows the percentage of students with IEPs proficient in large scale assessment in math in 2008-09 for 59 regular and unique States (one unique State did not assess students in math in 2008-09). It should be noted that seven of the lowest nine values for proficiency were reported by unique States. A total of 32 States reported proficiency levels of greater than the across State average of 37.6%. These States averaged 50.0% proficiency and ranged as high as 77.0%. A total of 27 States reported proficiency levels of less than the across State average of 37.6%. These States averaged 22.9% proficiency and ranged as low as 2.2%. All nine unique States providing data were included in this group of States whose students with disabilities were less likely to be proficient on the State assessment. The across State average for proficiency was lower for math (37.6%) than it was for reading (38.9%).

Figure 11: Percentage of Students Proficient in Large-Scale Assessment in 2008-09 for All 60 Regular and Unique
States



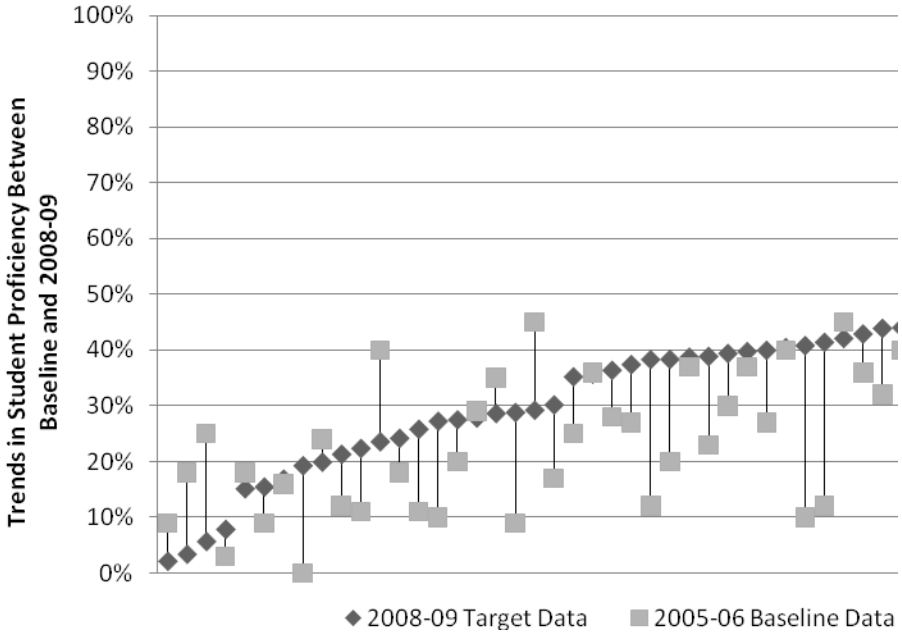
Fifty-seven States reported overall information for student proficiency in 2007-08, and 2008-09 that could be used in progress/slippage comparisons. Figure 12 shows these data and the wide range of movement seen across States. One unique State showed slippage of 15.7%, and one regular State showed slippage of 12.2%. One unique State showed progress of 14.5% and one regular State showed progress of 23.1%. There was a trend towards small gains in proficiency. A total of 34 States showed slippage or progress of less than 3% (25 of them progress). The 12 States that showed slippage showed an average value of 4.6%. Two States showed no change in their proficiency rate for students with disabilities. The 43 States that showed progress reported an average value of 4.4%.

Figure 12: Percentage of Progress or Slippage for Student Proficiency in Large-Scale Assessment



There also was a trend towards greater proficiency since baseline values. A total of 56 States provided data for the baseline year and 2008-09. As shown in Figure 13, of these States, 16 showed slippage across the extended timeline, for an average of 10.2%. A total of 40 States showed progress between baseline in the 2008-09 school year for an average of 13.0%. A total of 26 States reported progress during the time period of at least 10%. It is likely that the States that showed the greatest movement have either changed standards or incorporated a new test since the baseline year. States were less likely to make progress in math than for reading, but those that did made bigger gains in proficiency than those that gained for reading.

Figure 13: Change in the Proficiency of Students With Disabilities in Large-Scale Assessment Since
Baseline



Seven regular States met their 2008-09 target for proficiency, while 24 States did not, as shown in Table 4. The remaining 19 regular States as well as all unique States are not included in this analysis. Regular States were not included if they did not provide an overall value for baseline data, targets, and 2008-09 actual data (such as disaggregating by grade level). Those that met targets were likely to have set lower than average targets (consistent with the trend seen for reading), and reported higher than average actual data. Those that did not meet targets were likely to set higher than average targets, and reported lower than average actual data. These States had higher than average baseline values (not consistent with the trend seen for reading). When analysis was completed by RRC region smaller numbers of States were included in each region as were included in participation analysis. In five of the six regions actual data for the States included was higher than that of baseline values. In none of these regions were actual data above average targets. In one region (where only two States were included for analysis) actual data was lower than that of baseline values and targets.

Table 4: Average Proficiency Percentages in 2008-09 for States that Provided Baseline, Target, and Actual Data

	N	Baseline (Mean %)	Target (Mean %)	Actual Data (Mean %)
Overall	**31**	**34.9%**	**55.2%**	**42.3%**
Met	**7**	**30.3%**	**39.6%**	**48.1%**
Not Met	**24**	**36.3%**	**59.8%**	**40.6%**
Region 1	**2**	**34.5%**	**73.7%**	**24.6%**
Region 2	**5**	**43.0%**	**54.5%**	**49.2%**
Region 3	**7**	**36.3%**	**52.5%**	**44.0%**
Region 4	**7**	**30.3%**	**56.3%**	**46.6%**
Region 5	**6**	**34.3%**	**55.4%**	**41.5%**
Region 6	**4**	**31.8%**	**49.4%**	**33.4%**

IMPROVEMENT ACTIVITIES

The task for NCEO in presenting the improvement activities (IAs) was defined differently for the FY 2008-2009. Rather than reporting on all IAs from all State APRs, utilizing various quantitative methods of analyses, NCEO reported in a qualitative manner instead on a subgroup of those selected IAs which best fit with the OSEP definition of each IA category. Through the process of identifying IAs from various States, NCEO coders observed some issues or themes throughout the selected IAs, which were then commented upon in overview.

Analysis Procedures

The review of the APRs for improvement activities (IAs) followed the OSEP categories A through I and J1 through J12. Two coders from NCEO were involved in this process. First, we did a thorough read-through of all of the State APRs. We identified IAs which represented the various types as defined by the OSEP categories. Upon completion of this review, we made decisions as to which States' IAs would be identified to represent each category. Some decision rules the NCEO coders followed in selecting IA examples to represent the categories were:

1. Identified IA examples which best fit with the OSEP definition of each category.
2. Sought to identify IA examples from as many States as possible.
3. Attempted to draw out IA examples in APRs from States throughout all six regions of the US, as specified by OSEP in the Regional Resource Center Program.
4. Selected no more than three IA examples from any one State, except for States with individual IAs which fit into multiple categories.

The first decision rule was facilitated by requiring agreement between the two raters' reviews of the IAs identified, and the data demonstrate representation of various aspects of each IA category. The second rule resulted in IAs being drawn from 38 States, out of the 50 regular States and the unique State entity of Washington, DC. The third rule yielded the identification of IAs from fairly similar numbers of States

(mean=~6) in each region, ranging from 5 to 7 States across the six regions. The final decision rule resulted in only five exceptions; more than three IAs were drawn from each of these States, and these instances were due to having IAs simultaneously fitting into multiple categories. The findings of the improvement activities review are exhibited in Appendix A.

In reviewing the APRs, the coders noticed some aspects of the text of the IAs which may serve as overall themes pertaining to the ways in which the States wrote their IAs. Some of these themes were observed and detailed in previous years' reports from NCEO to OSEP, and some of these themes seem unique to the current years' APRs. These six themes are stated in the following list, and described accordingly, in an effort to offer an overview of the selected examples of the States' improvement activities as a whole.

COMPLETED VS. ONGOING IMPROVEMENT ACTIVITIES

In a number of cases, States provided information about IAs that was descriptive of an activity but vague in terms of the timing of the implementation of the activity. IAs being reviewed were either completed during FY 2008-2009, or were worked on at some point in that time frame on an ongoing basis. In some cases, the context of the description provided clues, such as when an activity seemed to be part of a set of activities and the other activities in the set were more clearly described in terms of their timeframe. However, when we had no information on timing yet had no reason to conclude that the IA was not worked on during the time frame of FY 2008-2009, we considered the IAs from that State eligible for consideration as examples. Thus, a State listing a multi-year timeframe for both planning and implementation would have its IA considered for inclusion if the year of analysis was included within the stated timeframe.

A further complication of this matter related to the verb tense of the IA statements. Many States presented these descriptive statements in the simple past tense – with -ed – or in the present perfect tense – for example, using the linking verb "have." In contrast, some States presented these descriptive statements in the future tense – with "will" being the common linking verb. Another common way the statements were listed was as sentence fragments, truncated without the subject and beginning with the active verb; for example, "Examine …" or "Expand …" When States used the future tense or the truncated form in their phrasing, there was some ambiguity as to whether the improvement activity took place in FY 2008-2009, so additional timeline information was sought for confirmation as available.

IMPROVEMENT ACTIVITIES CODED IN MULTIPLE CATEGORIES

In many instances, IAs fit into two, three, or even four categories. In these cases, the activity was coded as an example of all relevant categories. Thus it is possible for a State to have more categories than IAs. The NCEO coders decided against coding for "primary" category because this would result in a loss of information for analysis.

LESS COMMON IMPROVEMENT ACTIVITY CATEGORIES

In general, the categories of IAs were exemplified in at least three States. In other words, examples of each category could be located in the APRs of three States. Yet, in one case, the "I" category – increase/adjust FTE (at the State level) – was only found in one State.

VARYING LENGTH AND DETAIL

States provided information about the IAs in many different ways. Most of the time, States listed a sentence or more to describe IAs, as well as information on the timeline. In addition, some States provided information on the resources used, the status of their completion, and the results that were produced. Regardless of these additional details – that is, whether or not these details were provided – States varied in the amount of information provided in the description of IAs, from sentence fragments to full sentences to paragraphs with multiple sentences. The length of the descriptive statements ranged from 13 words (category D) to 226 words (also category D).

Additionally, most States provided information that described IAs – answering the question "what" in readers' minds. Some States also reported about the ways in which IAs were completed – answering "how." Some States provided information about the reasons underlying the use of IAs – answering the question "why." In some cases, these types of details formed the primary or the entire text of IAs.

PRESENTATION

Improvement activity information was presented in brief or lengthy prose passages, yet many States provided a table with additional details as a supplemental and supporting manner of presentation. In some cases, the tables of information were the only way the IAs were presented. When using tables to provide supplementary details, States sometimes labeled each improvement activity with the OSEP category letters – A through I and J1 through J12 – and/or the category names.

MEANS OF DELIVERY FOR PROFESSIONAL DEVELOPMENT AND TECHNICAL ASSISTANCE

Two of the most commonly-endorsed categories of IAs were "provide training/professional development" (C) and "provide technical assistance" (D). Some States provided further details in the description of these IAs pertaining to the ways that they were provided from SEAs to LEAs, most often by utilizing the categories labeled J1 through J12. For instance, in these cases, States listed that a training program was provided through a web-based format (J6).

Overall, States' APRs contained many different examples of many of the OSEP improvement activity categories. NCEO was able to identify at least three different States' improvement activities as examples of each category (except for the "I" category). The process of selecting these example IAs provided some insights and observations which were described in six thematic areas.

Appendix. State Improvement Activities

Description (Category Code)	**State Examples**
Improve data collection and reporting– improve the accuracy of data collection and school district/service agency accountability via technical assistance, public reporting/dissemination, or collaboration across other data reporting systems. Developing or connecting data systems. **(A)**	A/ C / J9: Refine the implementation and use of the student information management system to improve data collection procedures, ensure data accuracy, monitor effectiveness of DOE training efforts, ascertain individual LEA instructional needs, and examine student non-participation in Statewide assessments to ensure equal access for students with disabilities. A: All districts in Pennsylvania are currently using eMetric to access student performance results on the PSSA for all students, including students with disabilities. This school improvement tool can be used to create tables, graphs, or external files of summaries of the results. The PDE continues to provide free access to all school entities in Pennsylvania, including Intermediate Units, Approved Private Schools and CTCs. The school improvement tool can export and link data analysis reports to the State's Online Getting Results! school improvement plan. A: Collection and analysis of data related to graduation rates, participation in Statewide assessments, least restrictive environments, preschool and infant-toddler outcomes and disproportionality. With the expansion of Nebraska's Longitudinal Data System, Nebraska is better able to track and correct misreporting by the districts, which has led to cleaner more accurate data and an improvement in the indicators that use child count and exiting data (Indicators B-1, B-3, B-5, B-6, B-9, B-10).
Improve systems administration and monitoring – refine/revise monitoring systems, including continuous improvement and focused monitoring. Improve systems	B / J11: Assist targeted districts in developing action plans. Along with five other States, Florida was selected by the USDOE on July 1, 2008, for participation in the Differentiated Accountability Pilot Program allowing flexibility in implementing ESEA to target interventions in the neediest schools. The model fully integrates two accountability systems: (1) Florida's school grades and (2)

administration. **(B)**	ESEA, requiring both district and school-level planning that specifically identifies which interventions should be applied and who is responsible for implementation, support, and monitoring. Because the Department was an active participant in the school improvement process working toward increased student performance on the Statewide assessments, the decision was made that the Differentiated Accountability model was the most powerful tool to impact Indicator 3 during the 2008-09 school year and that additional action planning would be redundant. B / J6: Revise the section of the General Education Access Guide for students with mild disabilities. The revision will incorporate accommodations and the uses of assistive technology. This revision will assist teachers in providing access to the general curriculum to students with disabilities while providing them with guidance in the selection, administration and evaluation of accommodations and the need for assistive technology for instruction and assessment of students with disabilities. B: Implement/monitor procedures through NCDPI Accountability Services to further reduce misadministrations.
Provide training/professional development – provide training/professional development to State, LEA or service agency staff, families or other stakeholders. **(C)**	C / D: Training and support was provided to all general and special education teachers as well as support staff on the creation and use of item-skills-analysis for the DC-CAS and DC-CAS-Alt assessments in English and math (e.g. Making Sense of State Exam Results) was provided to all LEAs (TTA). C: Massachusetts FOCUS Academy (MFA) provides online, graduate level coursework to middle and high school educators across the State. One content area, Universal Design for Learning (UDL), has a significant effect on providing access for students with disabilities. The courses help educators gain a better understanding of how disability affects student learning, and provides educators with improved skills in the areas of curriculum design, instruction, and technology; these skills translate into improved student outcomes. Since the introduction of the UDL courses in FFY 2007, 155 educators from 50 districts participated in them. C: Training around academic achievement for students with disabilities continued through job-embedded, school-level and district-level professional development, and Statewide offerings. SERC presented 37 different training

	opportunities related to academic achievement in the following areas: • Making a Difference through Co-Teaching • Designing IEPs for Participation and Progress in the General Education Curriculum • Differentiated Instruction for Today's Classrooms • Assistive Technology • Educational Benefit Review Process • English Language Learners and Literacy • Educating Students who are Visually Impaired • Educating Students with Hearing Loss • Meeting AYP: Preventative and Corrective Measures to Improve Academic Achievement for Students with Disabilities • Modifying General Education Curriculum for Students with Significant Disabilities Utilizing Responsible Inclusive Practices • What Every Administrator Should Know about Assessment Accommodations for the CMT and CAPT • Data-Driven Decision Making/Data Teams
Provide technical assistance – provide technical assistance to LEAs or service agencies, families or other stakeholders on effective practices and model programs. **(D)**	D / J8: The goals of the State Personnel Development Grant (SPDG) were realigned in FFY 2008 to better reflect the work the Special Programs Unit is doing regarding the implementation of a three-tiered model of support (academic and behavioral) for all struggling learners. One Primary focus of the SPDG is to ensure implementation with fidelity through the provisions of coaching and mentoring to LEAs involved in the State' RtI and PBIS initiatives. This is a continuing activity. D: IASPIRE worked differently with 63 demonstration/data collection schools in 39 districts by providing onsite technical assistance and coaching on a three-tier intervention model using school-based problem solving and RtI. In order to reach a broader audience of school and district personnel, the project also conducted 140 small and large scale training events Statewide on the

	following topics: Overview of the Problem Solving Model Including RtI, Universal Screening, Problem Identification, Scientifically Based Progress Monitoring, Leadership and Teaming in an RtI and Problem Solving System, and Scientific, Research-Based Reading Instruction and Interventions. A total of approximately 11,000 people attended these training events, and participants included general and special education administrators and teachers, related services personnel, university faculty, paraprofessionals and parents. In most instances, participants attended as school-based teams. Each of the four regional IASPIRE centers also conducted multiple regional coaches networking meetings were open to coaches in any district within each of the regions, not just to those working with IASPIRE demonstration/data collection schools. Finally, in late fall 2008, three of the four ASPIRE centers issued applications for the Regional RtI Coaches Partnership. As a result, 26 partnerships have been established Statewide to train at least 80 individuals who will serve as external coaches for districts in their areas. Over the next year, the project will provide ongoing follow-up support to at least 46 of those 80 coaches. D: The Department has developed online technical assistance for the SPP/APR and all indicators. http://www.eed.state.ak.us/tls/sped/ta_page.html
Clarify/examine/develop policies and procedures – clarify, examine, and or develop policies or procedures related to the indicator. **(E)**	E / D: Clarifying/developing policies and procedures Develop and disseminate a Graduation IEP Resource Guidebook to provide guidance to IEP teams on making decisions relating to graduation requirements for students with disabilities. Note: This guidebook has been replaced by a Graduation Requirements Toolkit webpage, found at the following address: http://www.k12.wa.us/graduationrequirements/GraduationToolkit.aspx E: Examine alignment between general education resources and special education resources and where supplemental supports in general education can be enhanced. E: Revise the accommodations manual to reflect stakeholder feedback on the utilitarian nature of the document.

Program development – develop/fund new regional/Statewide initiatives. **(F)**	F / J5: Responsive Education for All Children (REACh) http://www.reachwi.com/ Each year REACh works with new districts in implementing school improvement activities. F: Schools who report using the consultative model in the personnel data collection system and who are identified as needing assistance in implementing collaborative teaching through school improvement visits, will be referred to their area education agency (AEA) for staff development in collaborative teaching and related instructional strategies. F / J8: Instructional strategies for students with significant cognitive disabilities A new discretionary project, CLASP, was developed to focus on instructional strategies for students with significant cognitive disabilities. During the 2008-09 school year, CLASP: • supported writing teams for access points aligned to the new Next Generation Language Arts Standards; • developed ESE courses and course descriptions to align to access points; and • outlined a series of professional development activities to support teachers, building administrators, and parents in instruction and assessment for this group of students
Collaboration/coordination – Collaborate/coordinate with families/agencies/ initiatives. **(G)**	G: Arkansas Adolescent Literacy Intervention Project: The Arkansas Adolescent Literacy Intervention Project, a collaborative effort of the SPDG, ADE, and the University of Central Arkansas' Mashburn Center for Learning, continued its focus on adolescent literacy in 2008-2009 by providing professional development and follow up to secondary educators (general and special education) in the Strategic Instruction Model (SIM). During Years 5 and 6 the Arkansas Adolescent Literacy Intervention Project expanded to include seven middle and high schools with 219 teachers participating in Strategic Instruction Model (SIM) training/implementation by the middle of Year 6. Nine SIM Apprentice Professional Developers completed the SIM Potential Professional Developer Institute and became fully certified SIM Professional Developers at the end of Year 6. This will dramatically increase Arkansas' capacity to offer SIM professional development across the State to general and special educators enabling them to

	better support Arkansas' struggling adolescent learners. G: Collaboration with several universities across the State through specified projects provides training/workshops/in service/and conferences addressing empirical evidence on accommodations, assessment, data collection and reporting, and student achievement. Some of these projects include EdExcellence through the University of Tennessee at Knoxville, Project RISE through the University of Memphis, and the IRIS Center for Faculty Enhancement through Peabody College at Vanderbilt University. Progress made. Continue activity. G: MASSDE has a long standing relationship with the Federation for Children with Special Needs (FCSN), the Parent Training and Information Center federally funded to provide free information, support, technical assistance, and workshops to Massachusetts' families who have children with disabilities. FCSN provides training and technical assistance to families throughout Massachusetts on behalf of MASSDE. In FFY 2008 training topics included Parent's Rights, IEPs, and The Massachusetts Comprehensive Assessment System (MCAS).
Evaluation – conduct internal/external evaluation of improvement processes and outcomes. **(H)**	H: Evaluate the results of activities from 2008-09 and determine additional activities based on those data. Completed and ongoing. • USOE SPP/APR improvement activity reviews were completed to determine whether activities should be continued, combined, added or revised. Results of this activity are that two new activities were created, one activity was completed for 2008-2009, and the timeline was revised to reflect that completion. H: RTI Evaluation Data: An internal study utilizing a rigorous quasi-experimental design was conducted to determine the initial impact of the RTI on the WESTEST 2 Reading/Language Arts (RLA) achievement of students enrolled in RTI demonstration schools. The 36 RTI demonstration schools served as the experimental group. A group of comparison schools was identified using total enrollment, percentage of economically disadvantaged students, percentage of special education students and percent proficiency in RLA for all students in 2006-2007 as matching criteria. Grades 3 and 4 were chosen for comparative statistical analyses because achievement

	data for these grades were available for all of the experimental and comparison schools. In all cases, 3rd and 4th grade students in the RTI group performed better on the WESTEST 2 RLA assessment when compared with students in the comparison schools. This difference ranged between 1.00 and 2.65 scale score points. However, none of these effects were statistically significant. H: South Dakota has established a Reading First program at the elementary level. Reading First helps schools implement research-based reading programs for students in kindergarten through third grade and provides professional development to ensure that all teachers have the skills they need to teach these programs effectively. The program was initially implemented five years ago with 9 districts. Two districts are on their third year of implementation and four additional districts are in their second year of implementation. Reading First program targets grades K-3. All students participate in the Reading First program including student with disabilities. Districts that have implemented the Reading First program have an increased percentage of students in proficient and advanced range over the five years of implementation since the implementation of Reading First in their district. In 2008-2009, less than 3% of students in grade 3 in the Reading First districts that were below basic in the reading portion of the South Dakota Statewide test, Dakota STEP. SD has seen positive impacts in reading and will continue to expand efforts to implement the program in additional districts. The high school cohort of students tested have not benefited from the Reading First program yet.
Increase/Adjust FTE – Add or re-assign FTE at State level. Assist with the recruitment and retention of LEA and service agency staff. **(I)**	I / J6: This year a Lead Mentor was hired to coordinate the mentorship project. New mentors were identified and a mentee/mentor handbook was developed. There are twenty-four mentees (24) aggressively working to increase their interpreting skills with the mentors. In partnership with the Commission for the Deaf and Hard of Hearing, ten additional skill building workshops were offered throughout the year for the mentees and all educational interpreters.
Other (J) See J1-J12	
Data analysis for decision making **(J1)**	J1: Create and distribute RTI implementation status survey: In fall 2008, the RTI Implementation Status Survey for Elementary Schools was distributed to all elementary schools in West Virginia. Survey data was used by the RTI specialists to plan and coordinate their work at both

	district and school levels. The survey was redistributed in spring 2009 to the same schools to evaluate progress of implementation and determine future professional development and technical assistance needs. J1: NJQSAC is a system for evaluating and monitoring public school districts throughout New Jersey to determine the extent to which public school districts are providing a thorough and efficient education. The NJQSAC system, through the use of the District Performance Review (DPR), focuses on five key components of school district effectiveness – instruction and program, personnel, fiscal management, operations, and governance. Within the NJQSAC components are the standards and indicators designed to assess for all students' achievement in literacy and mathematics, progress toward proficiency, local capacity, and the need for support and assistance. The results of the NJQSAC monitoring will be used to review district practices and to coordinate program improvement planning with an emphasis on student achievement for students with disabilities. J1: Review district AYP data reports and identify districts with low test participation and/or performance for students with disability subgroup and provide technical assistance specific to identified need(s).
Data provision/verification State to local **(J2)**	J2: Continue to report assessment results to MDE staff and LEAs through the District Data Profiles and the continuous improvement process. J2: The FFY2007 Statewide assessment data were disaggregated to the LEA level and presented as a part of the LEA performance profiles made public with Informational Letter #51 so that LEAs, parents and other interested parties could review LEA performance and take appropriate actions. J2: District Annual Performance Reports (APRs) were posted to CSDE's Web site in May 2009 reflecting district performance for the 2007-08 school year. An article was published in the Bureau Bulletin and an email was sent to all directors announcing the posting of these documents. These reports included an executive summary of performance for each district on each indicator over multiple years, which was not included previously. The Strategic School Profiles were posted to the

	CSDE's Web site in Fall 2009 reflecting both special education and non-special education data for districts from the 2007-08 school year. Many districts report using both the District APR and Strategic School Profile for accountability and monitoring activities and often present to their Boards of Education on the performance of these data.
Implementation/ development of new/revised test (Performance or diagnostic) **(J3)**	J3 / J4: As part of its efforts to ensure the appropriate participation of all students with disabilities in Statewide assessment, Michigan has chosen to develop an AA-MAS. The MDE has received a GSEG from the USED to develop and implement the assessment, as well as a comprehensive online learning program designed to ensure appropriate student participation and support instruction. J3: Scoring and evaluation of the validity, reliability, and quality of the NDAA1 and NDAA2 for necessary revisions and electronic updates each year performed by ongoing NDAA committee. The State is involved in ongoing activities of improving the quality of the NDAA! And NDAA2 through the rigorous Peer Review process through the USDOE. We have increased outside consultants to include Technical Assistance members from all over the US; have contracted an independent alignment study for the NDAA 2 through NCIEA; have placed the assessments on the web on a secure site. Have improved the scoring through electronic scoring; and have increased the level of rigor and depth and breadth of the assessment items to more closely align to the State grade-level achievement standards. J3: Following the most recent publication and release of the Office of Special Education Programs' (OSEP) Federal Register in April 2008, Tennessee is following guidelines to develop an Alternate Assessment base on Modified Academic Achievement Standards (AA-MAAS) for approximately 2% of the students with disabilities who are persistently non-proficient academically as measure by the standard Statewide assessment TCAP. Tennessee is a member of an assessment consortium consisting of 5 States who through a GSEG Grant from OSEP and with the National

	Center on Educational Outcomes' (NCEO) guidance are aggressively conducting research and gathering data for identification of the 2% student and developments of an AA_MAAS. http://www.state.tn.us/education/speced/assessment.shtml#tcap Progress made. Continue Activity.
Pilot project **(J4)**	J4 / J3: As development of the AA-MAS continues, Ohio, Minnesota and Oregon will conduct a spring pilot of the 2% alternate assessment, with further modifications being implemented based on findings from the fall pilot. In addition, OEC is working with the Center for Special Needs Population at the Ohio State University to design web-based training on Standards-Based IEPs; a requirement for students participating in the 2% assessment. OEC expects training materials to be available by the 2010-2011 school year. J4: Form a work group to examine issues, factors and characteristics of students who exhibit a low level of response on the Alternate Assessment Against Modified Achievement Standards. Focus groups and piloting have been completed in 2009. Field testing is scheduled for the spring of 2010. The system will be operational in 2011.
Grants, State to local **(J5)**	J5: The Beyond Access for Assessment Accommodations project provided support to schools and IEP teams to determine appropriate use of accommodations to maximize the potential for students with disabilities to access and progress in the general curriculum. This grant also helped school and IEP teams explore the option of transitioning students from participating in the Alternate Assessment to the NECAP. J5: The OPI uses an electronic grants management system that is known as EGrants. The LEAs annually apply for funds under IDEA using this system. As a portion of the required application, each district must complete a series of objectives related to the LEA's performance relative to each SPP performance indicator. In this system, any LEA that does not meet the Statewide target

	for this indicator must indicate as part of the annual application what activities will be undertaken to address the particular issue. For example, any LEA that did not meet the target for AYP Objectives or proficiency rates will have indicated in the annual application what activities they intend to use to decrease the dropout rate for students with disabilities. J5: VESID funded a State technical assistance center on RtI and provided 14 grants to school districts to develop high quality RtI programs.
Document, video, or web-based development/ dissemination/framework **(J6)**	J6 / J8 / J11: Provide software to LEAs for mathematics and reading computer labs for schools identified as in need of improvement. J6: Maintain and expand websites providing lessons tied to State math and reading standards.
Standards development/revision/ dissemination **(J7)**	J7: Conducted a standards setting meeting with Nevada Stakeholders to establish cut scores for the Nevada Alternate Assessment in the areas of English Language Arts (ELA), Mathematics and Science. J7: Extend the grade level content standards to their essence for use in the revision of Utah's Alternate Assessment (UAA), the alternate assessment based on alternate achievement standards. Completed and timeline being revised. • The Extended Core Standards were completed for language arts grades Kindergarten through 12; math grades Kindergarten through 7 plus pre-algebra and high school; and science grades Kindergarten through 8 plus Earth systems, biology, chemistry and physics in the spring of 2009. These standards are available at http://www.schools.utah.gov/sars/manualsglines/pdfs/extcorestd.pdf. • Stakeholder groups consisting of regular and special educators, content specialists, parents and higher education representatives reviewed the Extended Core Standards. Results of this activity include the completed Extended Core Standards which will be used in the future as a foundation for instruction.

	J7: Alternate Assessment and Extended Standards Extended alternate academic standards were revised in 2008. Revisions link the extended standards with the revised 21st Century WV Content Standards and Objectives for reading language arts, mathematics and science. The aligned Alternate Performance Task Assessment (APTA) provides a rigorous and consistent Alternate Assessment that is aligned with the extended standards. J7: The National Alternate Assessment Center (NAAC) has recently completed a comprehensive alignment study of all three of Michigan's AA-AAS. As a result, Michigan now has a significant amount of data indicating the alignment between these AA-AAS and State content standards. Michigan will review this data and make needed revisions to the assessment design or items necessary to ensure that State content standards are being appropriately measured for each student population assessed by Michigan's three AA-AAS in the content areas of English language arts, mathematics and science.
Curriculum/instructional activities development/ dissemination (e.g., promulgation of RTI, Reading First, UDL, etc.) **(J8)**	J8: The infrastructure for RTI was developed in four middle schools through the work of three counties and three institutions of higher education (Raleigh County and Concord university, Braxton County and Glenville State College, and Hancock County and Bethany College). RTI Specialists assigned to the respective regions provided technical assistance and professional development (e.g., Raleigh County-Concord University Summer Institute) in helping to establish the RTI framework. Ongoing work includes the development of school-based Literacy Leadership Teams who are charged with promoting and facilitating a school-wide literacy focus. Eight RTI Specialists worked across Regional Education Service Agencies (RESA) to assist elementary schools in establishing the infrastructure for tiered instruction and intervention in reading and mathematics. Teachers, interventionists, principals and county administrators representing all 55 counties and

	their elementary schools have participated in professional development and professional learning communities (PLCs) to build local capacity for implementing RTI.
Data or best practices sharing, highlighting successful districts, conferences of practitioners **(J9)**	J9: Information on successful models and practices for improving student achievement was disseminated through an electronic Student Support Team newsletter. J9 / C: Provide professional development. Districts showing significant improvement were identified as exemplar districts with data highlighting their success published in the Databook released at AMM in September of 2008. These same districts were formally recognized in letters sent to district administrators and a session was provided for participants at the AMM conference. J9: The OEAA will make all the artwork used on its science and mathematics Alternate Assessment based on Alternate Achievement Standards (AA-AAS) available for teachers to incorporate into instruction.
Participation in national/regional organizations, looking at other States' approaches **(J10)**	J10: Meeting the needs of students with print disabilities through Accessible Instructional Materials and NIMAS eligibility was supported through a grant from USDOE through CAST. Tracking systems and technical assistance guidance around decision-making on identifying needs and how to provide services were State goals. Several LEAs have utilized the PD opportunities from DATI and conducted additional training in text to speech software, such as Kurzweil for students and staff. J10: GSEG Grant on Alternate Assessments Based on Modified Achievement Standards (AA-MAS) 2007-2010 J10: The Office of Vocational and Education Services for Individuals with Disabilities (VESID) obtained technical assistance from the Office of Special Education Programs (OSEP) National Technical Assistance Center on Response to Intervention (RtI), the National instructional Materials Accessibility Standards (NIMAS) Technical Assistance Center, the national Center

	on Student Progress Monitoring and the New York Comprehensive Center to further inform and advance the State's initiatives in this area.
State working with low-performing districts **(J11)**	J11: Through the Systems Performance Review & Improvement (SPR&I) process, ODE requires districts that did not meet the State's AYP participation targets to conduct analyses and address this area in their improvement plans. J11 / C / D: District and School Assistance Centers (DSACs) – MASSDE has opened six regionally-based DSACs to help identified districts and their schools strategically access and use professional development and targeted assistance to improve instruction and raise achievement for all students. MFA courses (see below), including UDL Creating Positive Classroom Environments, and Transition Planning have been integrated into the menu of professional development options available to districts.
Implement required elements of NCLB accountability **(J12)**	J12: In addition to supporting direct training, personnel from GPAT also worked with personnel from the Division of Assessment Administration to provide Statewide assessments (e.g. CRCT for grades 3-8 and GHSGT) in accessible digital formats (Kurzweil 3000 and PaperPort Deluxe) to allow accessibility to the assessment for those students using this assistive technology as part of routine classroom instruction. Districts submitted requests for these assessments to the Division for Assessment Administration, and personnel from GPAT converted the assessments into the appropriate format for the individual students. For the 2008-2009 Statewide testing administration, 75 students, representing 8 districts in the State, needing assistive technology in order to access the general assessment (CRCT or GHSGT) were provided with the tests in the format requested. J12 / D: Individualized technical assistance was offered with regard to the requirements to be Highly Qualified.

Indicator 4A

INDICATOR 4A: RATES OF SUSPENSION AND EXPULSION

Note: Any data submitted were the FFY 2007 data and people should refer to page 47 of the *Part B State Performance Plan/Annual Performance Report 2008 Indicator Analyses (FFY 2007-08)* for the most current information related to rates of suspension and expulsion.

INDICATOR 5: LEAST RESTRICTIVE ENVIRONMENT (LRE)

Prepared by NIUSI-Leadscape

INTRODUCTION

This report presents a review of State data and improvement activities from the FFY 2008 Annual Performance Reports (APR), due February 1, 2010, of 50 states and 10 other administrative units including the District of Columbia, the Bureau of Indian Education and eight territories. The definition of Indicator 5 is as follows:

> Indicator 5: Percent of children with IEPs aged 6 through 21:
> A. Inside the regular class 80% or more of the day;
> B. Inside the regular class less than 40% of the day;
> C. Served in separate schools, residential facilities, or homebound/hospital placements.

The analysis begins with an overview of all 60 reporting entities, then presents detailed analyses and graphs of Parts A, B, and C of Indicator 5 and concludes with a comparison of reporting entities based on demographic clusters.

OVERVIEW

In general, there was little change from FFY 2007 data to FFY 2008 data overall in Indicators 5A, 5B and 5C, with a mean change of less than 1%. However, analysis on a State-by-State and territory-by-territory basis shows that about 20 of the 60 reporting entities offer distinctly different profiles on Indicator 5 in contrast to the status of the other 40 entities.

It is important to remember that the analysis of LRE involves data from 60 reporting entities that vary widely from large population, predominantly multiracial States such as California, Florida, Texas and New York to small populations in isolated island territories such as Guam and the Marshall Islands (Table 1). Because of the variability, readers will want to approach the analysis carefully, keeping in mind the cautions that follow Table 1. A summary of each of the Indicators follows.

CATEGORY 5A: INSIDE THE REGULAR CLASS 80% OR MORE OF THE DAY

As Table 1 shows, States and territories vary widely in the degree to which students are served in general education more than 80% of the time. Even the standard deviation of 13.9% is deceptive since the data in Category 5A range from 15% to 93% of children with disabilities in regular classes 80% or more of the day. This is a spread of 78%. (The standard deviation and range variance decrease in categories B and C). A little less than two-thirds of all States and territories (62%) report having met their target for LRE on Indicator 5A. At least one State reported improving its performance on Indicator 5A by more than 20 percentage points from last year. However, this was offset by a slippage in category A by another reporting entity losing ground in Category A by 32 percentage points. In general there was little shift on these data from last year since the average change from last year to this was less than one percentage point.

CATEGORY 5B: INSIDE THE REGULAR CLASS LESS THAN 40% OF THE DAY

State and territories vary less on category B, the percentage of students who are served 40% or less of the time in general education, than on category A. However, the standard deviation of 6.5% summarizes a range that varies by over 33% from minimum to maximum which is still a wide margin of variance. Less than half of the reporting entities met their targets. Because the goal of this indicator category is to decrease the number of students reported in this category, improvements in status are reported as negative numbers. One State or territory reported that 23.7% more students were placed into this category than last year. The most improvement, meaning a reduction of the number of students served in regular classes less than 40% of the day, came from a State or territory reporting a drop of 11.1% in children in category 5B. However, the mean of the reporting entities reports a change of less than 1% compared to last year.

CATEGORY 5C: SERVED IN SEPARATE SCHOOLS, RESIDENTIAL FACILITIES, OR HOMEBOUND/HOSPITAL PLACEMENTS

While variance in category 5C is less still than 5B, a standard deviation of 3.2% summarizes a range of nearly 23% between entities. More States and territories (65%) report meeting their targets than in category 5B. Since the goal of this indicator category is to decrease the number of students served in separate facilities, increasing the numbers of students served in this category is concerning. One reporting entity reported increasing the number of students served in category 5C by 6.3%. The maximum improvement reported was nearly 6%. Overall, there was a negligible slippage of a tenth of a percent.

Table 1. Overview of Reported Indicator 5 Data

Indicator	A 80% or more in general education	B 40% or less in general education	C In separate facilities
Mean %	60.3	13.1	3.4
Minimum %	15.0	0.7	0.0
Maximum %	93.0	34.0	22.8
Standard Deviation % *	13.9	6.5	3.2
**Entities Meeting Target (n/60) ** **	37/60	28/60	39/60
Mean Change %	0.4	0.8	0.1
Max Positive Change %	20.7	23.7	6.3
Max Negative Change %	-32.0	-11.1	-5.9

* Standard deviation was computed based on the entire population n=60

There are extremely wide ranges in the data. The reported range of most gain (20.7%) to most slippage (–32%) on Indicator 5A illustrates the extreme variation found across

this population of entities (Table 1). Therefore, any interpretation of the mean change must be made with caution.

Remember that positive changes in categories 5B and 5C mean that more students are being served in these placements. With these cautions in mind, looking at clusters of reporting entities rather than the mean change may provide more insight into changing contexts across entities. When the data are separated into two columns for A, B, and C within Indicator 5, as in Table 1a, the results assume a different trajectory.

Table 1a. Overview of Reported Indicator 5 Data by States & Territories

Indicator	A States	A Territories	B States	B Territories	C States	C Territories
Mean	59.7	63.2	13.2	12.4	3.3	4.1
Minimum	15.0	17.9	5.0	0.7	1.0	0.0
Maximum	81.0	93.0	27.0	34.0	9.0	22.8
Standard Deviation	10.0	25.6	5.1	11.3	1.9	6.6
States Meeting Target	29.0	5.0	21.0	4.0	23.0	5.0
Mean Change	0.6	-0.9	0.3	3.3	0.1	0.3
Maximum Positive Change	20.7	13.4	23.7	22.0	2.9	6.3
Maximum Negative Change	-32.0	-28.0	-6.0	-11.1	-5.9	-4.2

Table 1a. shows the 50 States and 10 territories (the District of Columbia is included with territories due to its size). The data on States meeting targets indicates A = 29/50 (58%), B = 21/50 (42%) and C = 23/50 (46%). The corresponding numbers and percentages for the 10 territories are A = 5/10 (50%), B = 4/10 (40%) and C = 5/10 (50%). In addition, by differentiating between the States and territories, the standard deviation of the States is only 10% compared to 25.6% in the territories in category A, 5.1% in the States compared to 11.3% in the territories in category B, and 1.9% in the States compared to 6.6% in the territories in category C.

The standard deviation of the group as a whole and that of the 50 States as a subgroup creates a useful comparison level for clustering States for a deeper level of analysis, because if clusters show less deviation, then those summary statistics may indicate a collective trend. We demonstrate this in the third section below titled *Comparisons among Clusters of States*.

DETAILED ANALYSIS

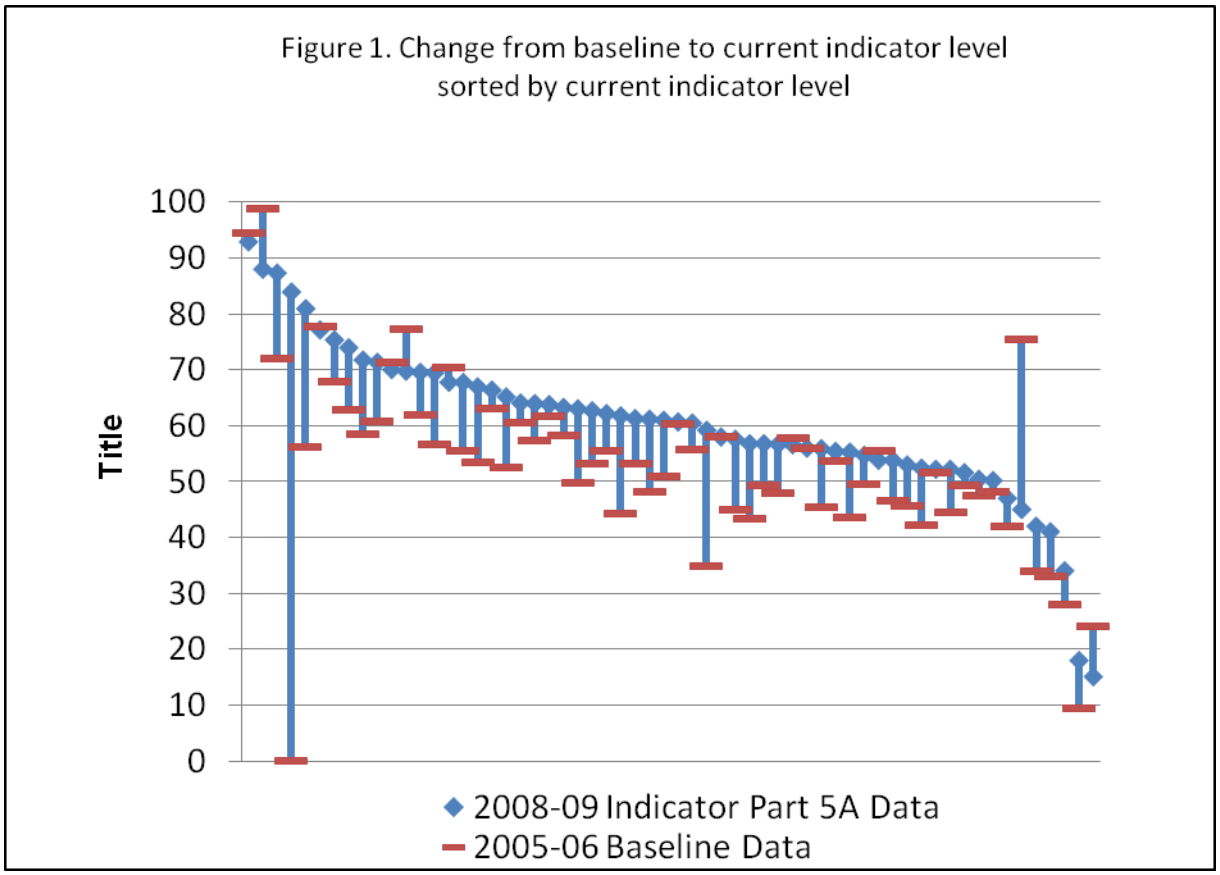
The detailed analysis is divided into two sections: (1) graphs and comments on the full set of reporting entities (n=60) to facilitate comparison with the external analysis of other indicators; and (2) an analysis by clusters that help draw out regional and demographic differences for contemplating policy and intervention options.

GRAPHS AND COMMENTS ON ALL 60 ENTITIES (N=60)

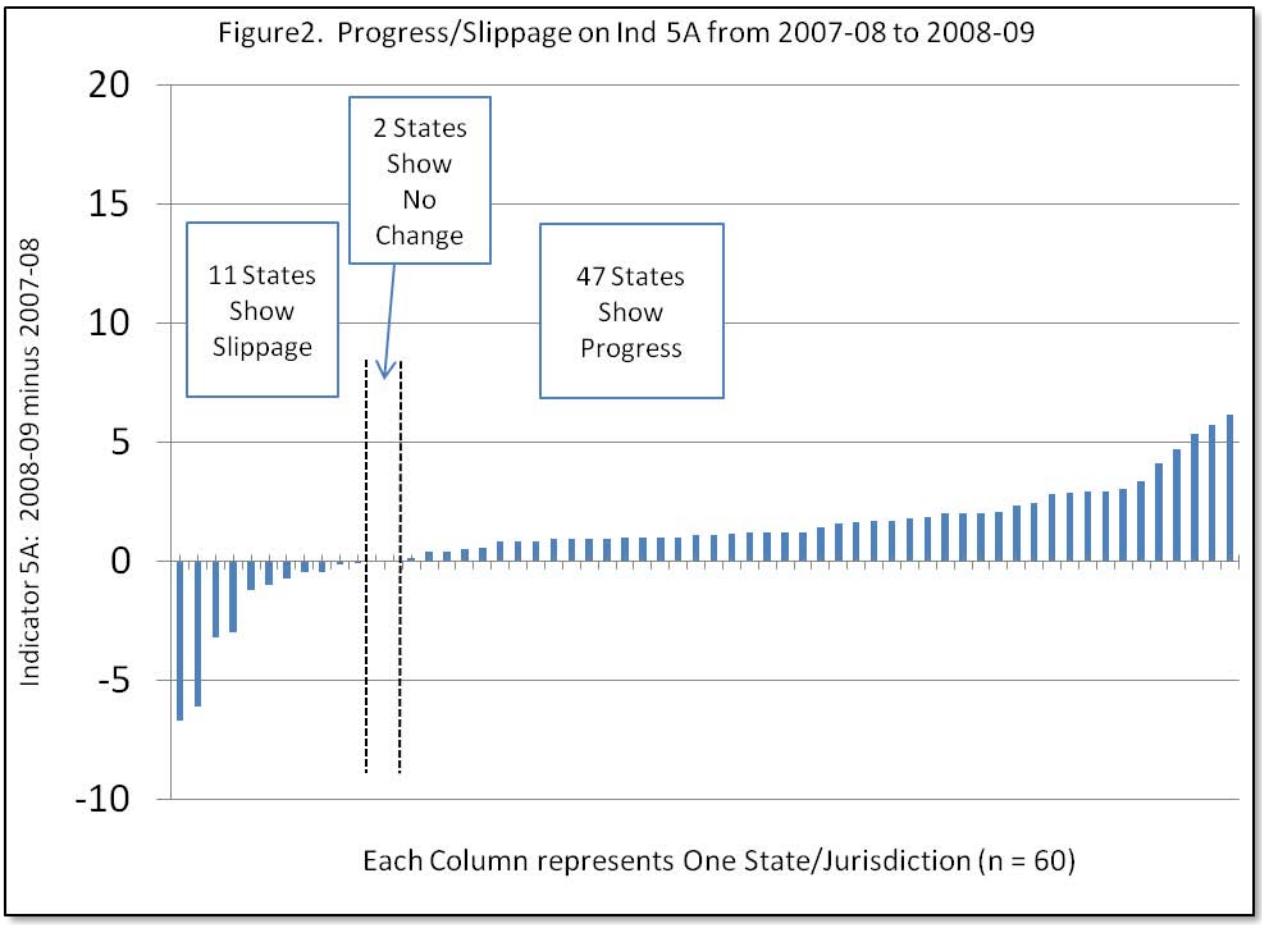
The detailed analysis of the full set of 60 reporting entities (n=60) has three aspects.

1. A trajectory graphic that shows the change from baseline by reporting entity for each indicator element;
2. A progress and slippage chart that shows the reporting entities in one of three categories (slippage, no change, making progress); and
3. A four-year trend analysis.

Graphs for Indicator 5A

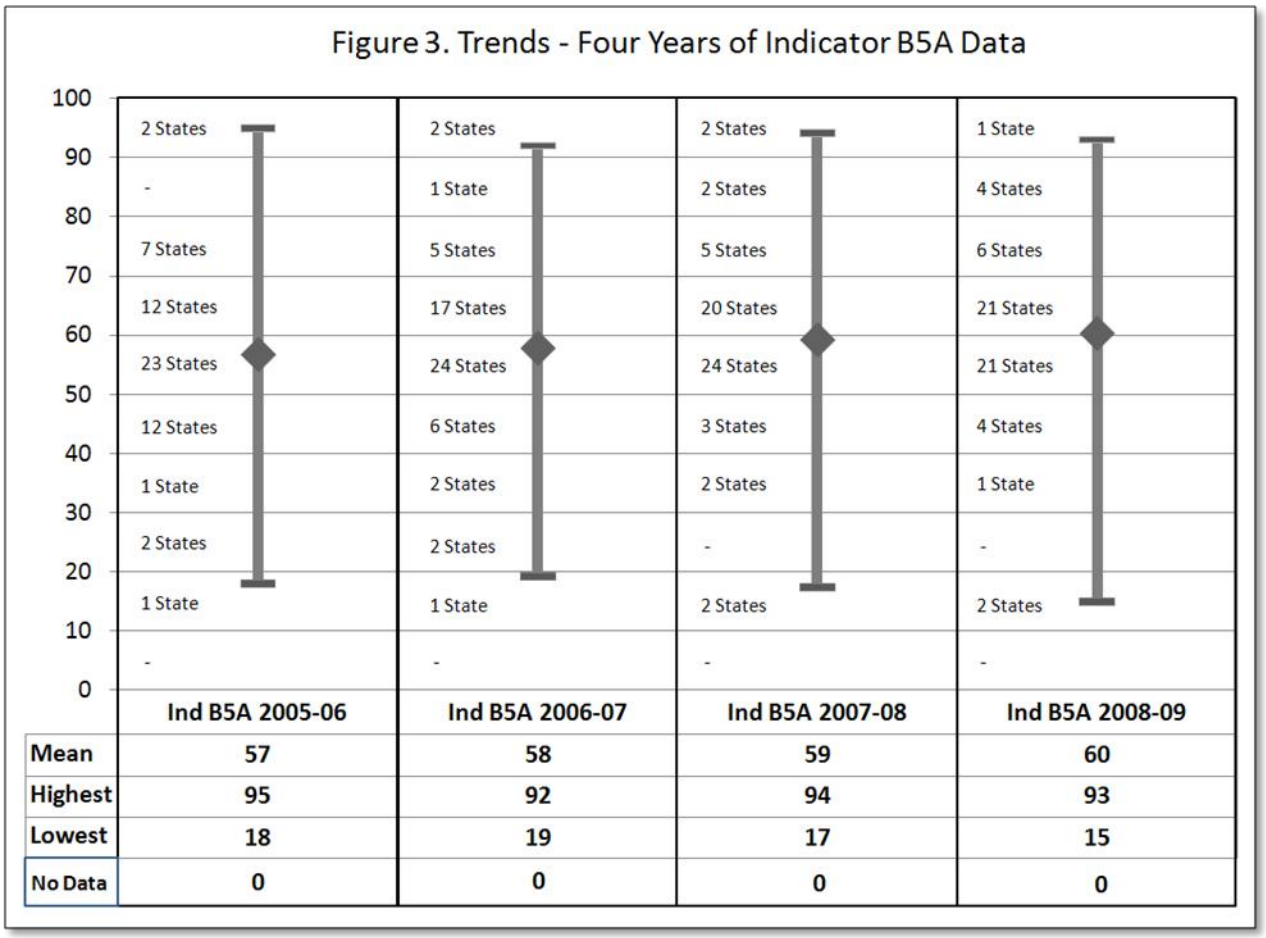


The trajectory graph for category 5A (Figure 1) orders the data by the 2009-2010 reported percentage of students who are served in regular classrooms 80% or more of the day. For each data point, a line is displayed starting from a baseline of 2005-2006 data. Longer lines represent more change; baselines that are below the data (the majority) indicate progress. The graph shows that most reporting entities fall between 50 and 70 percent. Although 11 entities showed slippage, 7 of those were minor.



The progress-slippage graph for 5A (Figure 2) is organized from most slippage to most gain from the previous year. Change above 0 indicates increasing numbers of students served in general education classrooms.

The graph shows that 47 entities (78.3%) made progress, 2 entities (.03%) showed no change, and 11 entities (18.3%) showed slippage. Two reporting entities slipped by greater than 5%.



The trend graph for 5A (Figure 3) shows a generally rising trend in the mean over four years from 2005-2006 to 2008-2009. The graph displays the reporting entities in 10% bands with counts of the number of States or territories in each band for each year. The graph also helps to clarify the variance.

In the band between 40% and 50% of children served for 80% or more of the day, there is a positive trend in the number of States moving toward higher bands. We also note that the band between 80% and 90% is also increasing. Interestingly, if we combine the States reporting between 70 and 100% of their students in category A, we note that in 2005-06, there were 9 States in that band, 8 in the next two years, and in 2008-09, 11 States. This suggests that over time, more States are moving towards that target.

GRAPHS FOR INDICATOR CATEGORY 5B LRE

The trajectory graph for category 5B (Figure 4) – the percentage of children served for less than 40% of the day in regular classrooms – is ordered by the reported percentages from largest to smallest percentage of children in category 5B. Each data point represents one entity's data. For each data point, a line is displayed starting from a baseline of 2007-2008 data. Baselines that are above the data (the majority) demonstrate that States are reducing their percentages in this category.

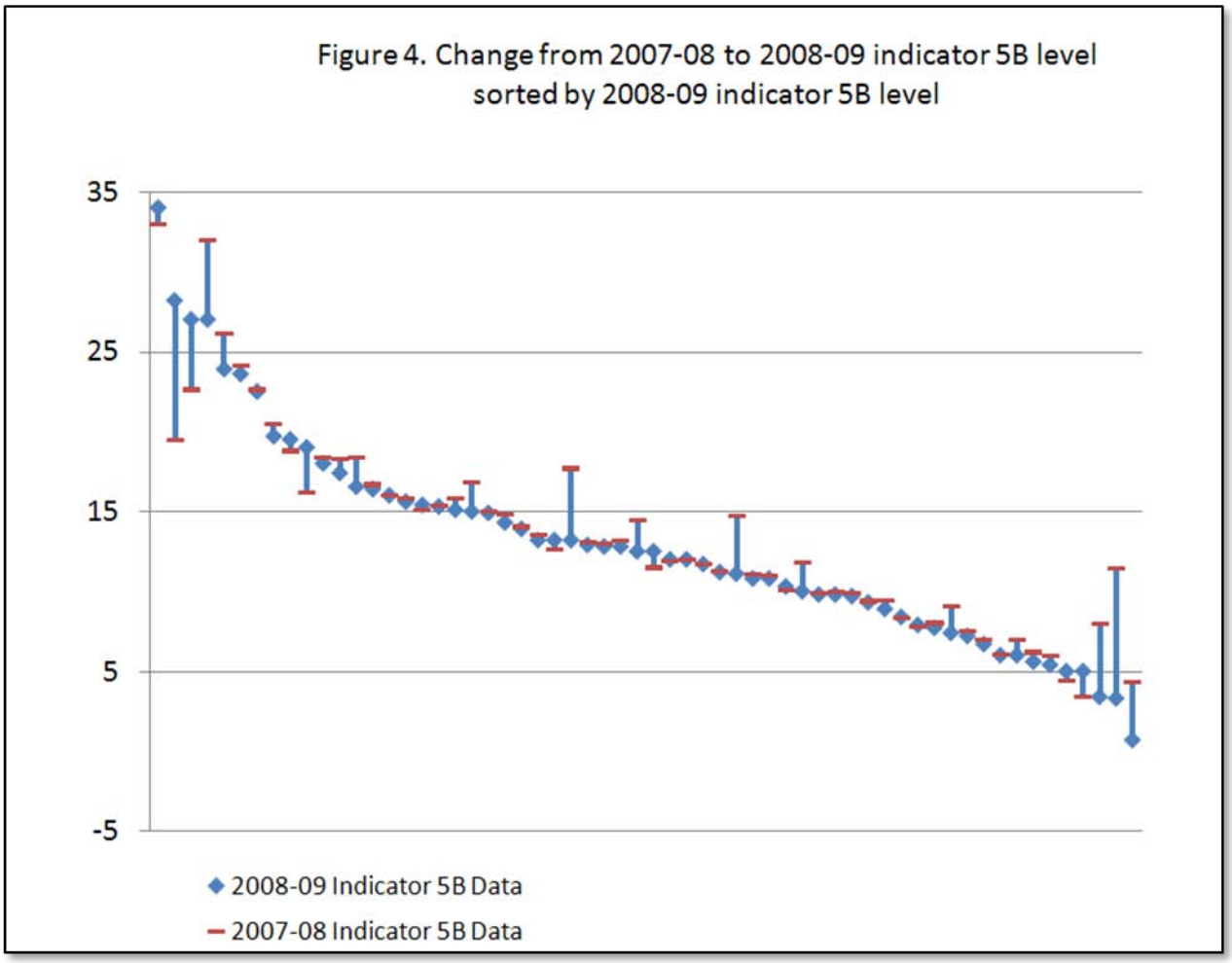
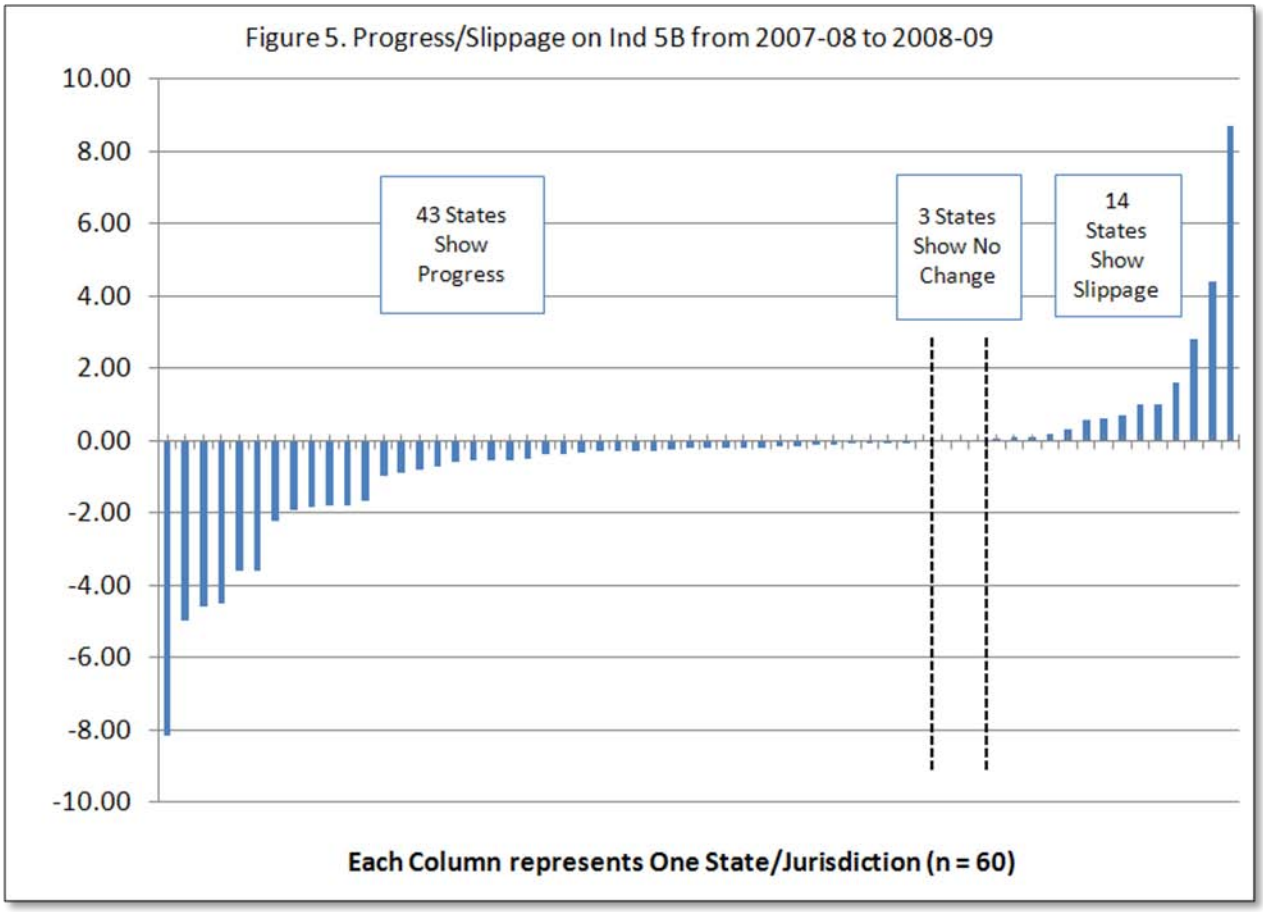
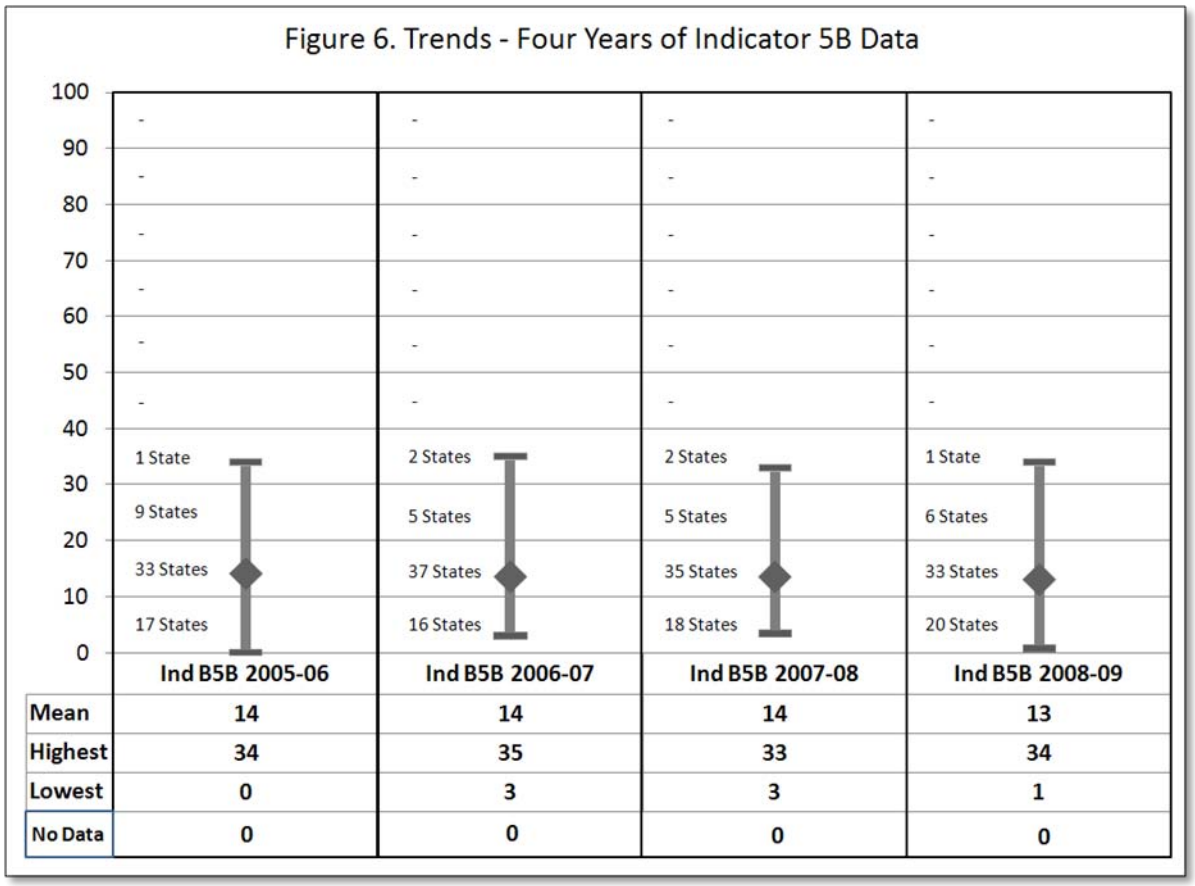


Figure 4 shows that the data from most entities are between 5 and 16 percent. The three States with the most slippage are evident on the left side of the graph, with baselines far below this year's data.



The progress-slippage graph for 5B (Figure 5) is ordered from negative to positive change; negative change means that fewer students are being served in this category. The figure shows that 43 entities (71.7%) reported progress, 3 entities (.05%) showed no change, and 14 entities (23.3%) reported slippage.

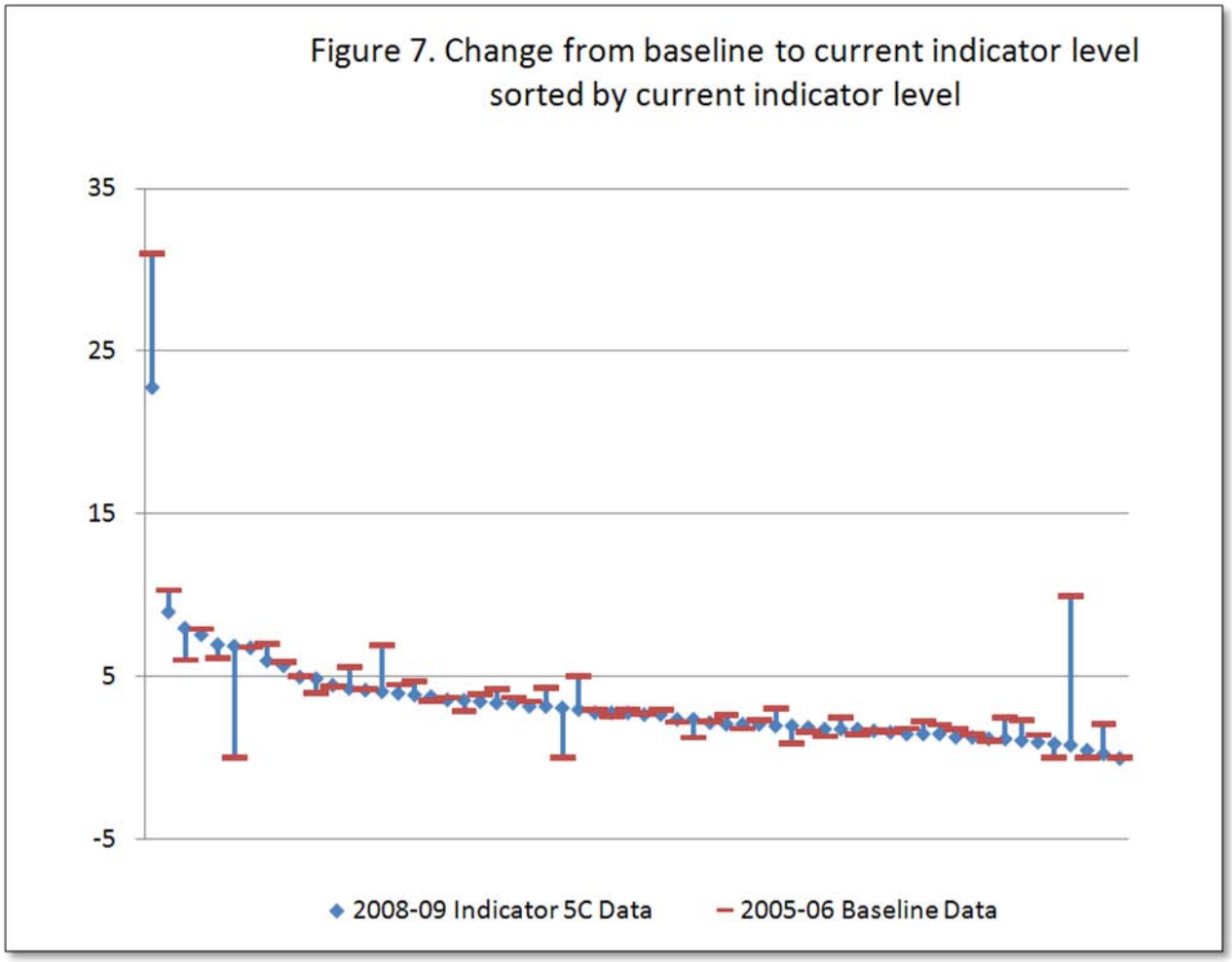


	Ind B5B 2005-06	Ind B5B 2006-07	Ind B5B 2007-08	Ind B5B 2008-09
Mean	14	14	14	13
Highest	34	35	33	34
Lowest	0	3	3	1
No Data	0	0	0	0

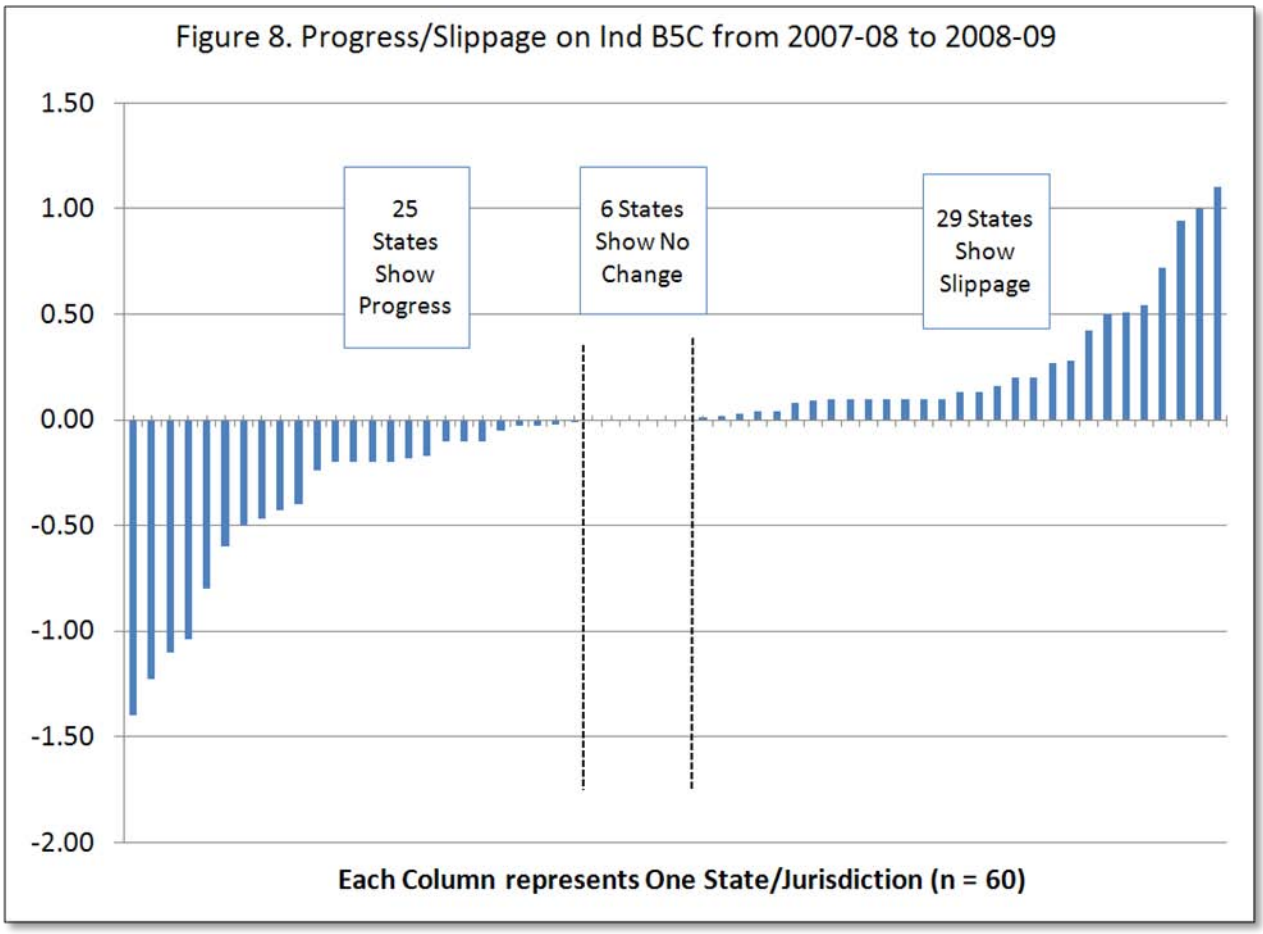
The trend graph for 5B (Figure 6) shows a stable trend in the mean over the four years since 2005-2006 to 2008-2009. Bands of 10% are shown along with the variance and mean for each year.

We note that the band with zero to ten percent of children being served for less than 40% of the day in regular classrooms is slowly increasing, indicating that fewer students are being served in this category. In the two bands with greater than 20%, the number of reporting entities have reduced from 10 to 7 over the four years.

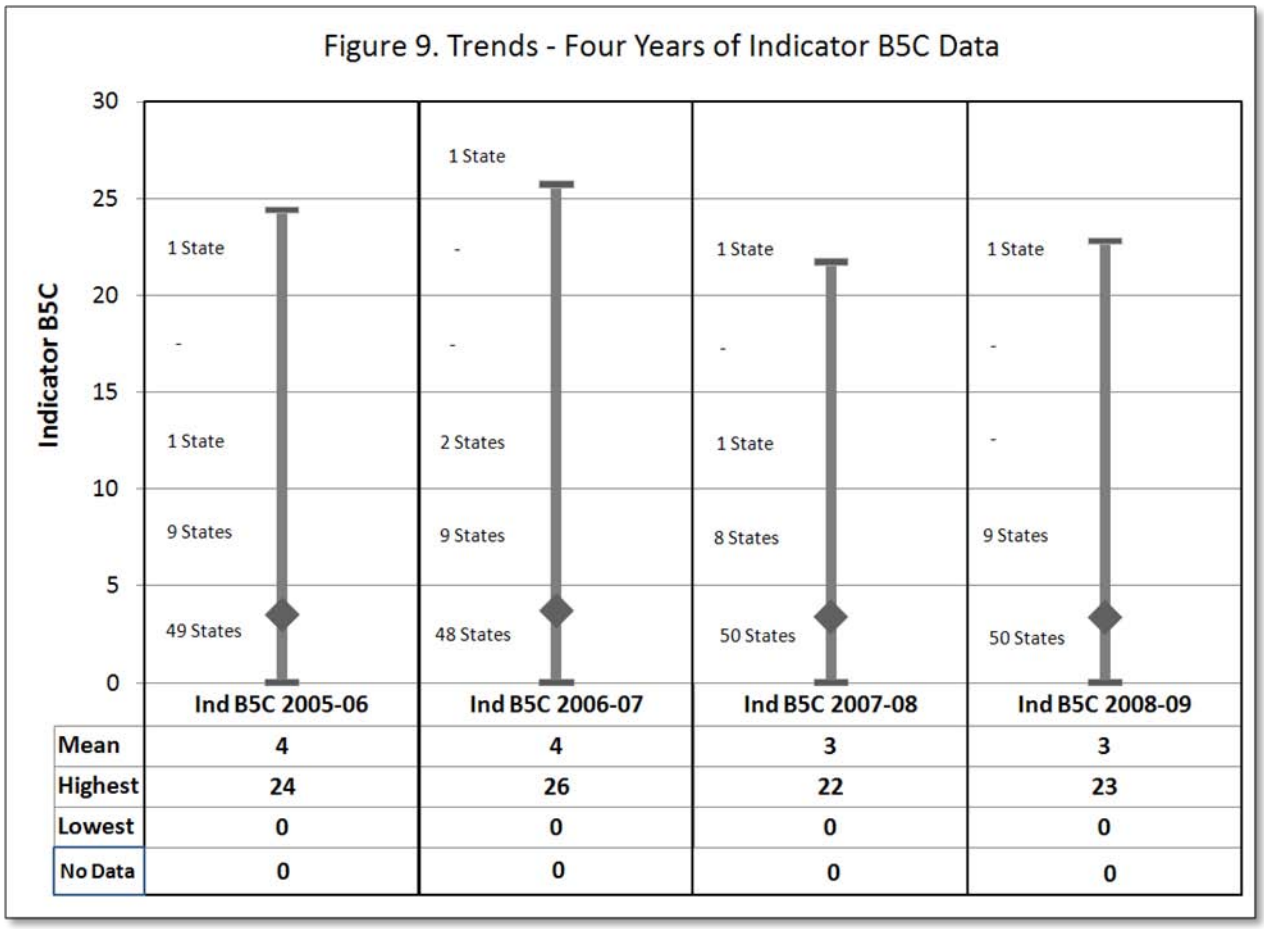
GRAPHS FOR INDICATOR 5C LRE



The trajectory graph for Indicator 5C (Figure 7) is ordered by the current year data from largest to smallest percentage of children being served outside a typical school setting. Baselines from 2005-2006 that are above the current data indicate fewer students being served in this setting. Figure 7 shows that the data from most reporting entities are between 0 and 5 percent of students served in separate schools, residential facilities, or homebound/hospital placements.



The progress-slippage graph for 5C (Figure 8) shows that 25 entities (41.7%) showed progress, 6 entities (.1%) showed no change, and 29 entities (48.3%) showed slippage. On this indicator, negative numbers indicate fewer students being served in this category.



	Ind B5C 2005-06	Ind B5C 2006-07	Ind B5C 2007-08	Ind B5C 2008-09
Mean	4	4	3	3
Highest	24	26	22	23
Lowest	0	0	0	0
No Data	0	0	0	0

The trend graph for 5C (Figure 9) shows bands of 10% of children being served outside typical school settings over the four years since 2005-2006 to 2008-2009.

COMPARISONS AMONG CLUSTERS OF STATES

When making comparisons among reporting entities, we considered their demographic characteristics. A clustering first suggested by WESTAT, adapted by NIUSI-LeadScape for analysis of disproportionate representation in special education and used in this SPP report, produces eight groups of States and other territories.

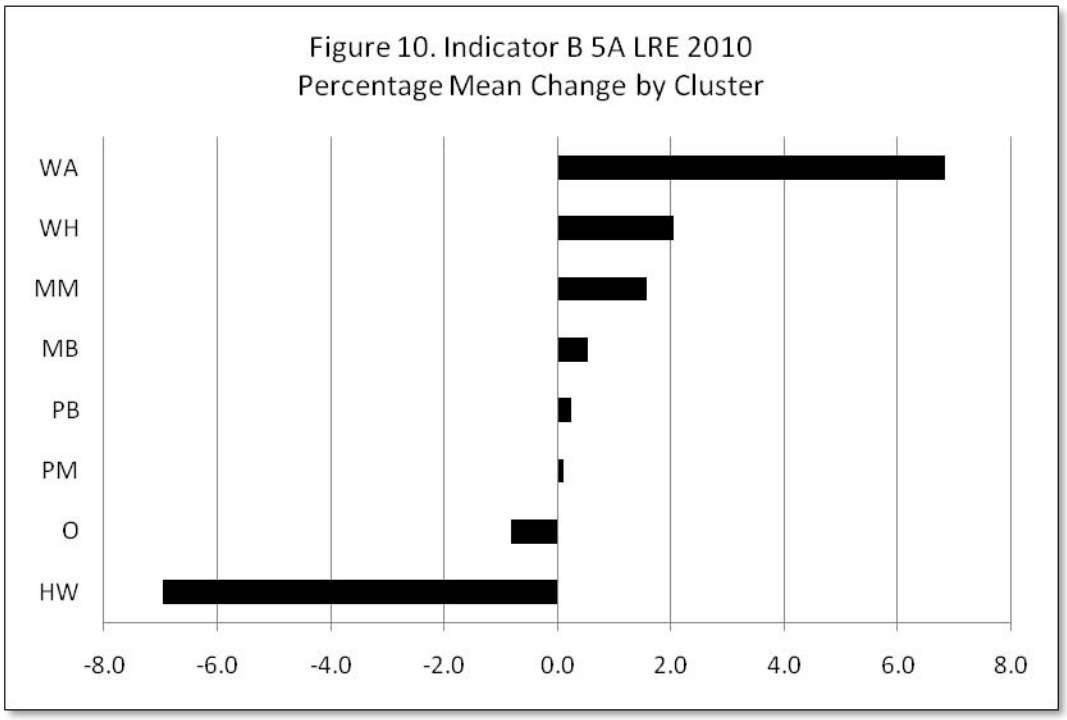
HW: Homogenous White: (IA, ME, NH, VT, WV)
MB: Moderately Biracial: (AR, IN, KY, MI, MO, OH, PA, TN, VA)
MM: Moderately Multiracial: (CO, CT, KS, MA, MN, NE, RI, WA, WI)
PB: Predominantly Biracial: (AL, DE, GA, LA, MD, NC, SC)
PM: Predominantly Multiracial: (CA, FL, IL, NJ, NM, NV, NY, TX)
WA: White-American Indian: (AK, MT, ND, OK, SD)
WH: White-Hispanic: (AZ, ID, OR, UT, WY)
O: Other territories: (AS, BIE, DC, FM, GU, HI, MH, MP, MS, PR, PW, VI)

There are a few issues to note with regard to the “Other” entities. All but Hawaii are territories or administrative units such as the BIE and DC. Many are isolated small islands. This group has the greatest variation (Standard Deviation of Indicator A =

26.9%, B = 11.1% and C = 6.1%) compared to the average SD of all reporting entities (A = 13.9%, B = 6.5% and C = 3.2%). All the other clusters (e.g. Predominantly Multiracial) fall well below the average SD (see Table 2) indicating that the clustering by racial demographic characteristics improves the analysis, which compares the percentage mean change.

COMPARING PERCENTAGE MEAN CHANGE

In the following three graphs (Figures 10, 11, 12), the data comparing percentage mean change is sorted by State clusters from most gain at the top to most slippage at the bottom.



The percentage mean change across the clusters (Figure 10) reveals groups of States at the extremes (maximum percentage of mean gain and maximum percentage of mean slippage). For category 5A, the *Homogenous White* States show the most slippage (-7%), and the *White-American Indian* States show the most gain (6.8%).

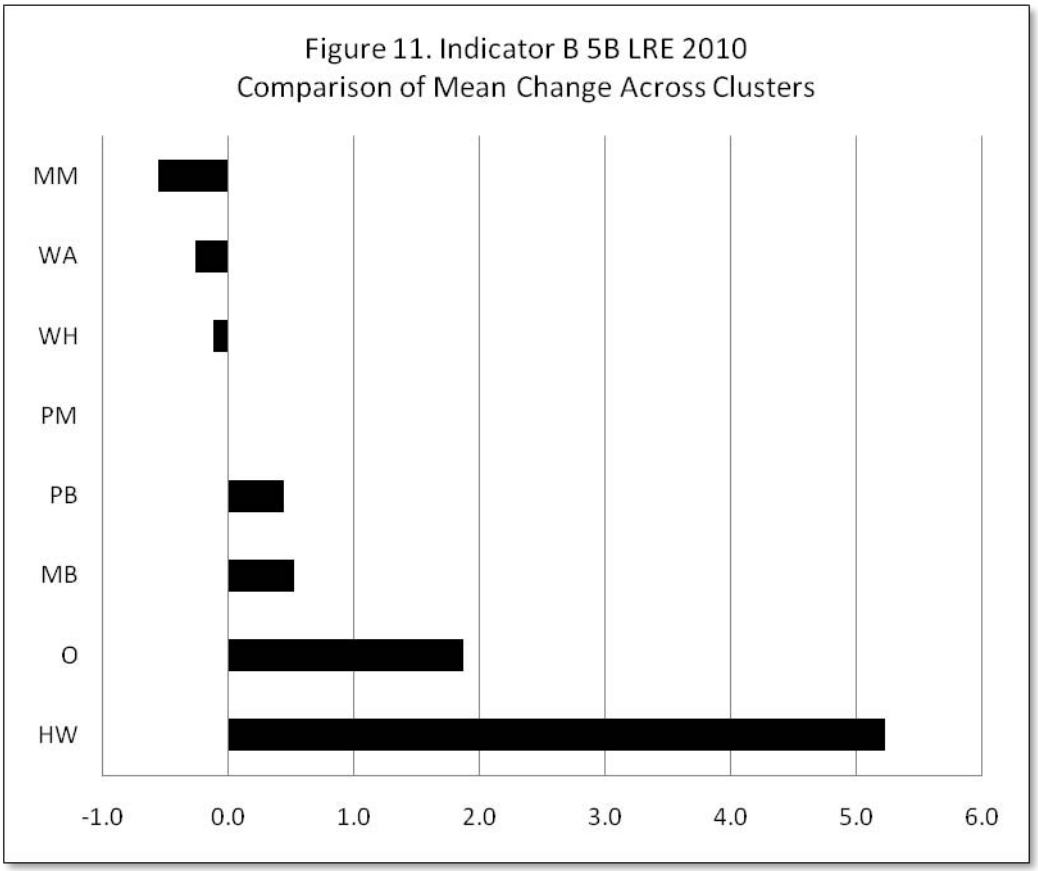
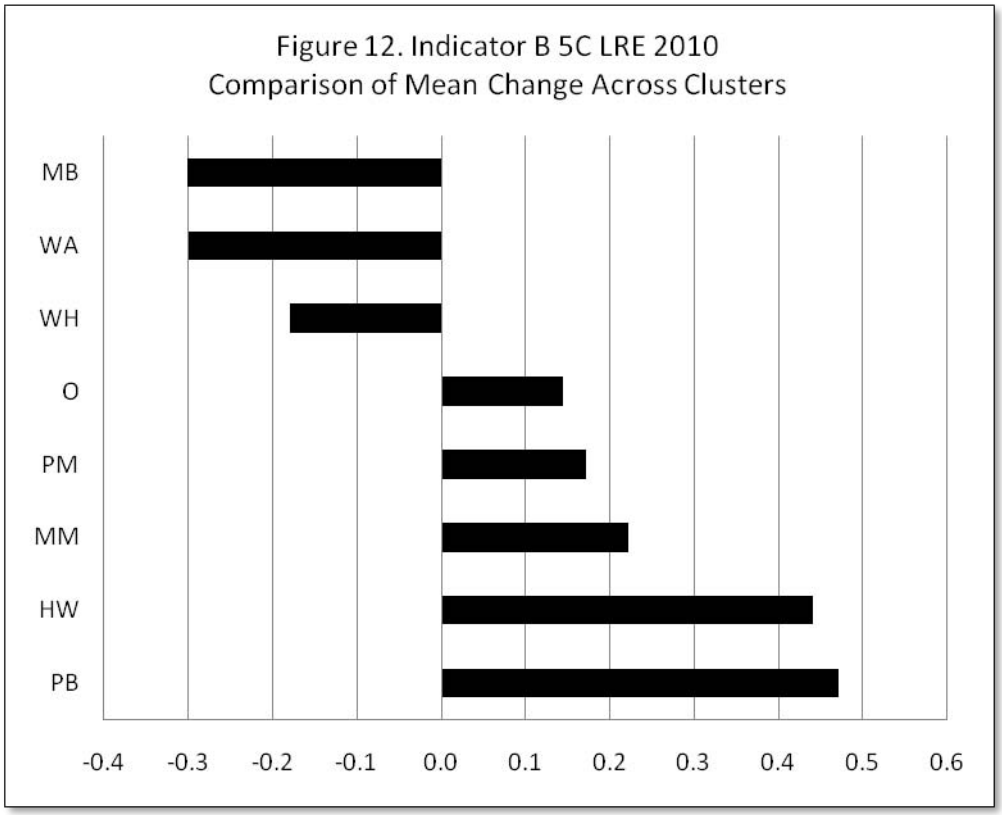
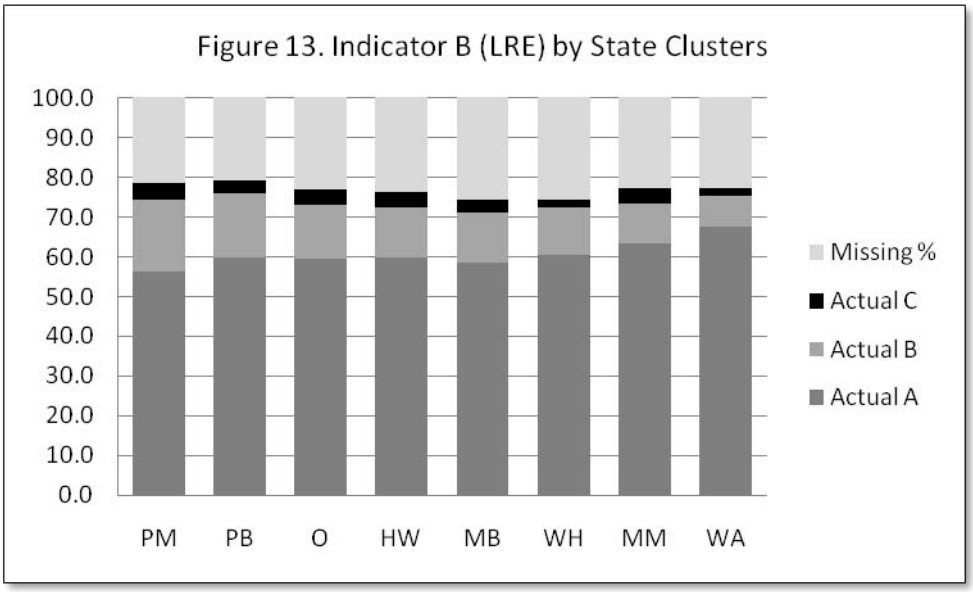


Figure 11 shows that for category 5B, the *Moderately Multiracial* States had the most gain (-.6%) – recall that a negative direction of the data means that fewer students are being served in this category for achieving the goal of Indicator 5B - and the *Homogenous White* States had the most slippage (5.2%) – that is, more students are being served in this category than in previous years.



For category 5C in Figure 12, the *Moderately Biracial* and *White-American Indian* States had the most gain (-.3%) – recall that a negative direction of the data means that fewer students are being served in this category- and the *Predominantly Biracial* States had the most slippage (.5%) - that is, their data indicates that more students are being served in this setting.



A summary graphic in Figure 13 compares all of the Indicator 5 categories (A, B,C) across the clusters of all reporting entities (n=60) and reveals that there are significant missing percentages of between 20% and 25% of students identified in Part B that are not in any of the three categories. Missing students may be in correctional facilities, out-of-State, and receiving instruction in the home (See *Recommendations*).

This graph has been ordered by the greatest to least percentage of children being served for less than 40% of the day in regular settings. Figure 13 also shows that the *Predominantly Multiracial* States have the highest percentage of youth in category B and the *White-American Indian* States have the least. The *Moderately Biracial* States have the highest percentage of missing students.

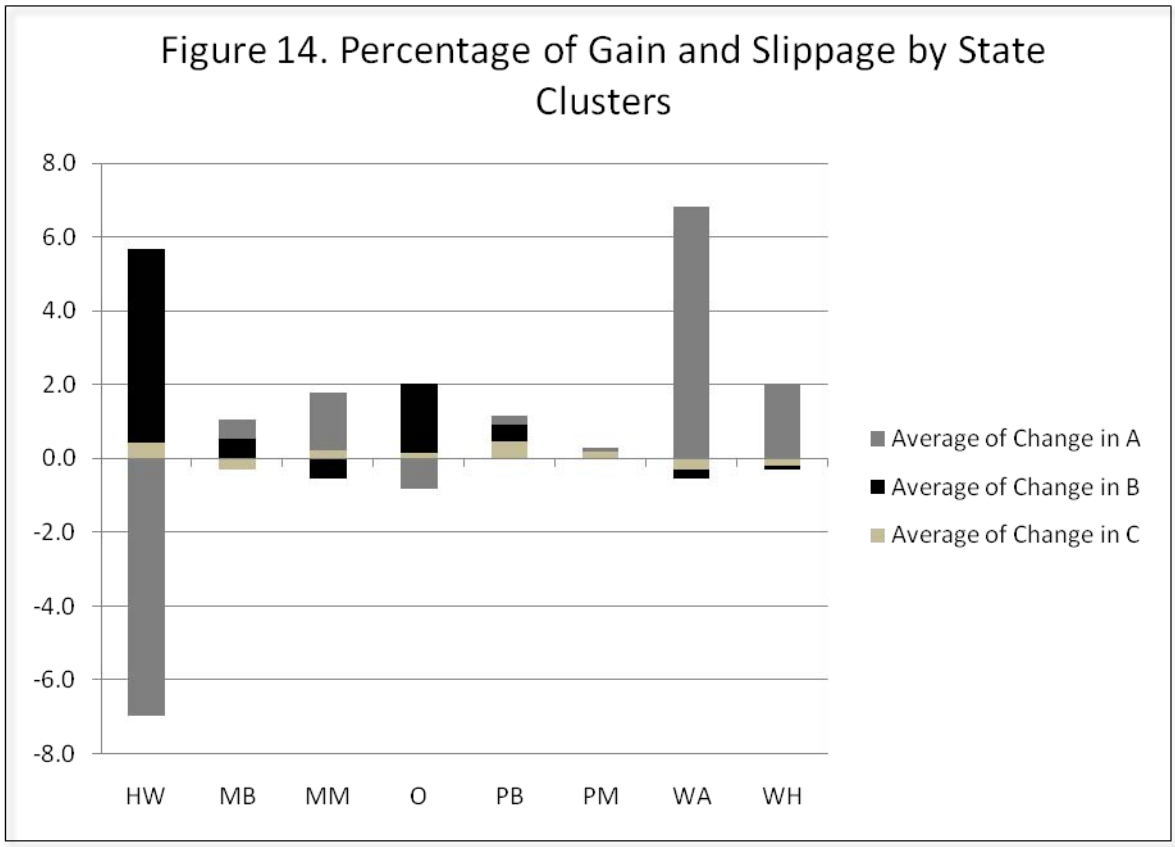
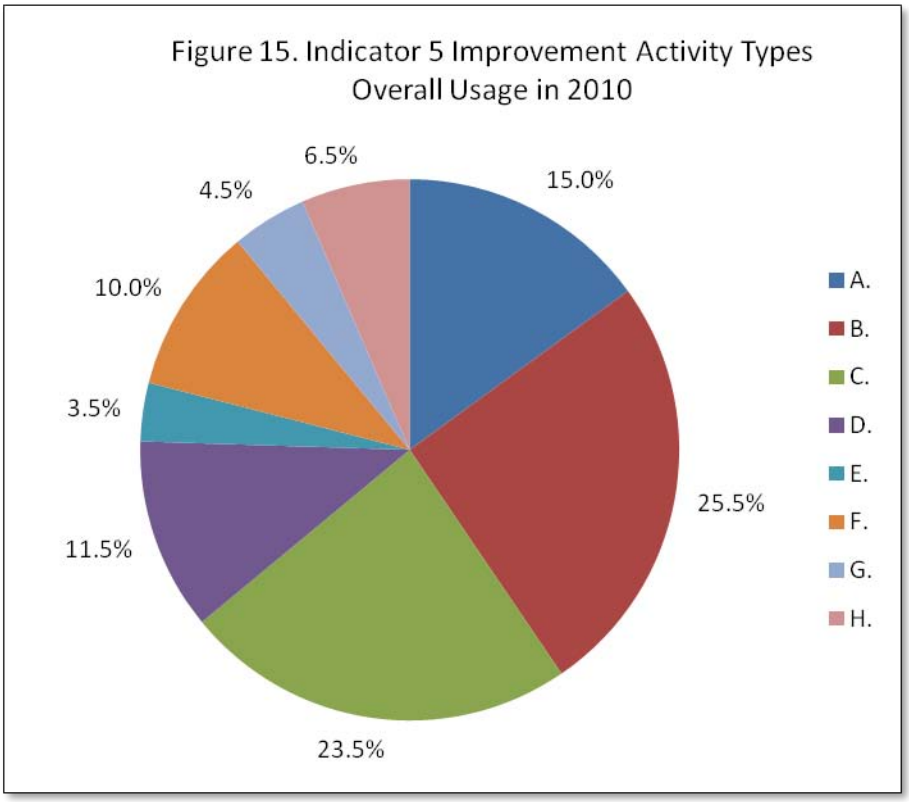


Figure 14 displays the percentage positive and negative change in data to the baselines for each category. Clusters are ordered from most slippage to most gain. Positive change in A shows more students served in general education settings 80% or more of the day. Negative changes in categories B and C means that fewer students are being served in those settings. *Homogenous White* States slipped the most while *White-American Indian* and *White-Hispanic* States showed the most improvements.

IMPROVEMENT ACTIVITIES FOR INDICATOR 5

Table 2. Types of improvement activities

A. Improve systems administration and monitoring
B. Build systems and infrastructures of technical assistance and support
C. Provide technical assistance/training/professional development
D. Clarify/examine/develop policies and procedures
E. Program development
F. Collaboration/coordination
G. Evaluation
H. Other



Reporting entities describe their improvement activities (using categories in Table 2) in conjunction with an explanation of their progress or slippage with a variety of detail. In sum (Figure 15), the 60 States and territories undertake two activity types more than others: Building systems and infrastructures of technical support and Providing technical assistance/training/ professional development.

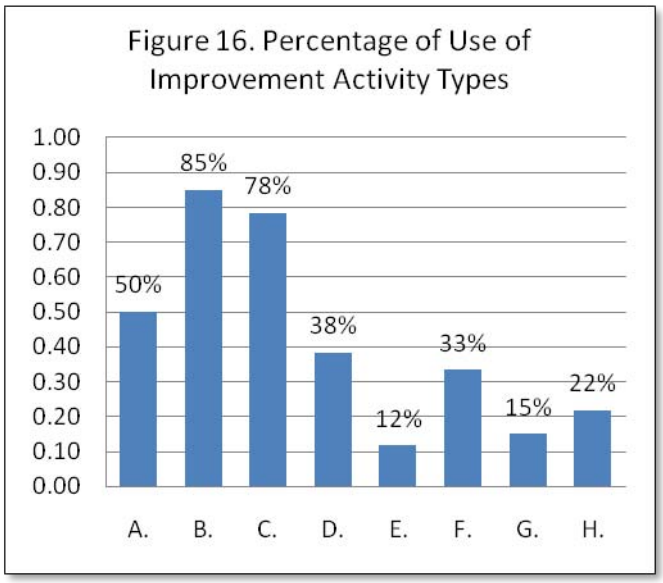


Figure 16 displays the percentage of use of each improvement activity by the States and territories. The least reported activities are Program development and evaluation.

An analysis of the regional clusters can lead to a comparison of possible regional differences that make up this composition of improvement activities. We can ask new questions now that relate the regional performance differences in Figure 14 with the profile created by Figures 15 and 16.

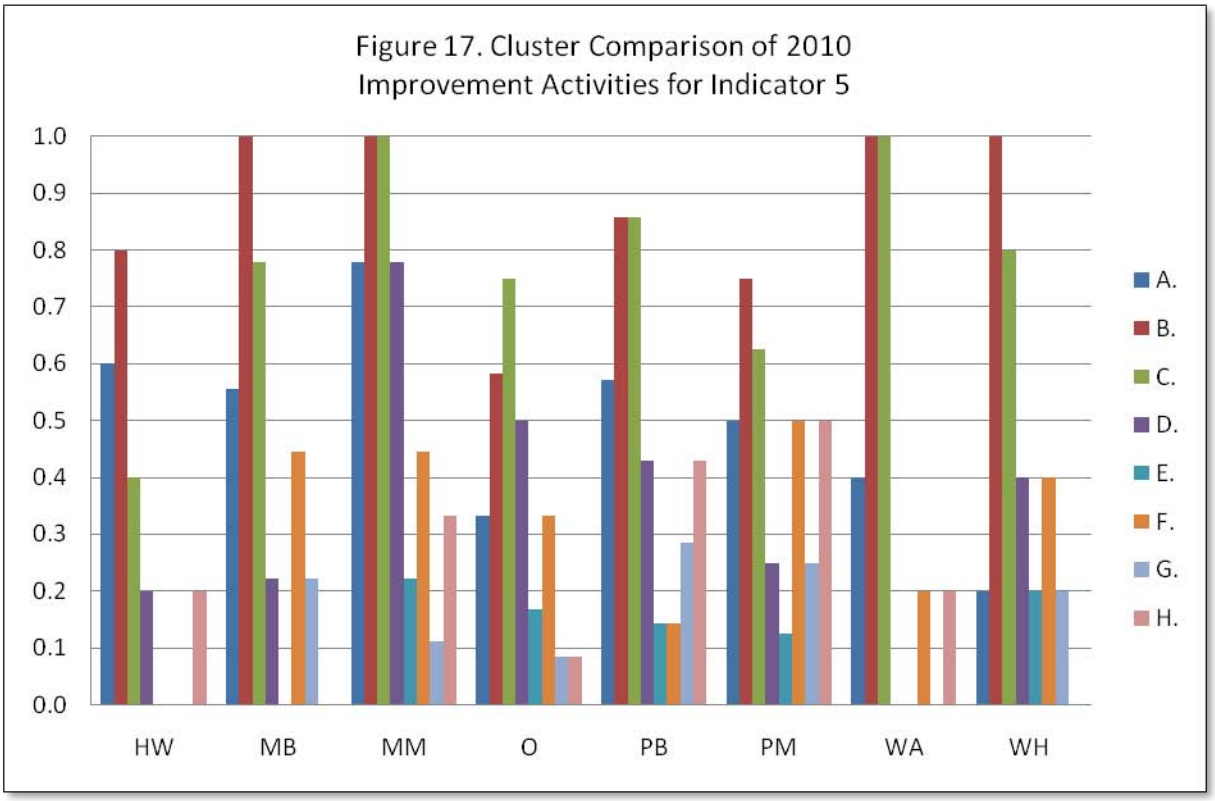


Figure 17 displays the within-cluster percentage of use of the reported improvement activity types. The clusters are ordered from most slippage to most gain as in Figure 14 to facilitate comparison. Each bar is represented as a percentage of the States in that cluster who reported on each activity.

Note that the *Homogenous White* cluster, which had the most slippage also had the least percentage of States reporting the use of *C. Technical assistance, training and professional development*. Also note that clusters with higher gains had lower percentages of States reporting *A. Improve systems administration and monitoring*, perhaps indicating that these States have previously established systems that are currently working well, while clusters of States with slippage are still working on their systems. Also note that clusters with lower degrees of diversity (e.g. *Homogenous White, Predominantly Biracial*) have fewer States including *F. Collaboration* as an activity area. In only three clusters (*Moderately Biracial, Predominantly Biracial & Predominantly Multiracial*) can we find 20% or more of the States reporting using *G. Evaluation as* an improvement activity.

PROFESSIONAL DEVELOPMENT THEMES

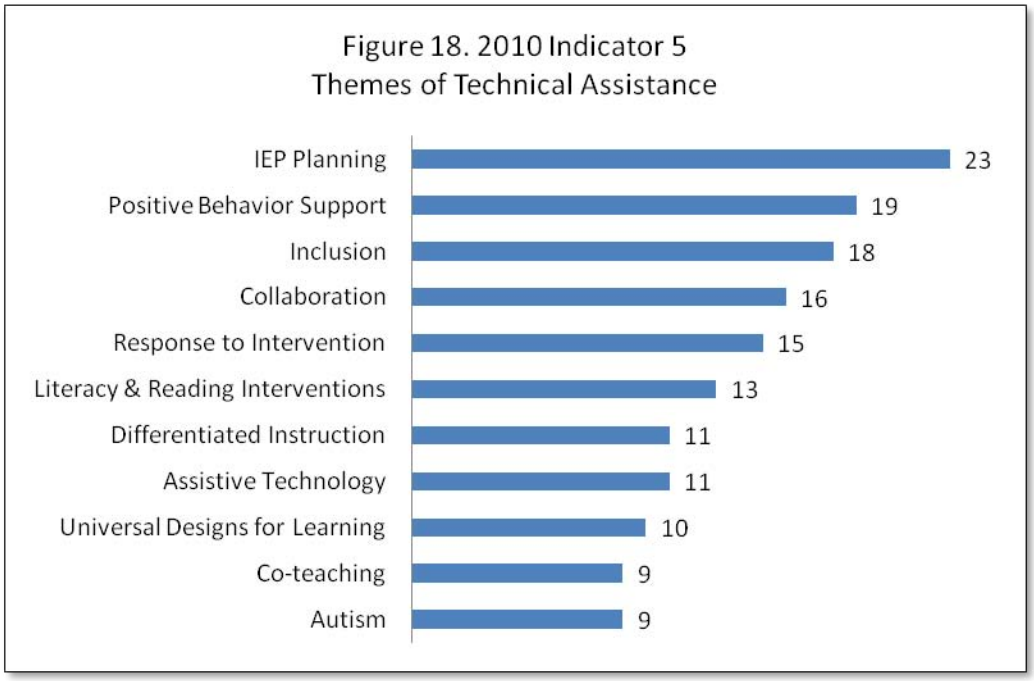


Figure 18 displays the raw counts of the States that reported topics of technical assistance and professional development for Indicator 5. It is evident that not all entities report on this aspect, since no topic was mentioned more than by 23 States or territories (38%).

EXPLANATIONS OF PROGRESS

The reasons for progress reported by the cluster of States with the most gains included:

WA: White-American Indian: (AL, MT, ND, OK, SD)
WH: White-Hispanic: (AZ, ID, OR, UT, WY)

Collaboration

- Strong collaboration between general education, Title 1, comprehensive guidance, and special education in the areas of shared conferences, discretionary grant opportunities, and development of tiered instruction framework documents.
- Clarification of SEA and LEA roles, responsibilities, child find activities, and professional development for targeted instruction and interventions.

Learning Opportunities

- RTI gaining momentum across the State
- A wide variety of educational settings and services continue to be made available
- Districts are attending professional development opportunities on positive behavior interventions and supports, as well as using instructional strategies targeted toward more inclusive settings for students with disabilities.

Monitoring and Technical Assistance

- Require districts to review their Federal Placement Distribution performance indicator report as part of the annual reporting process
- Require districts to complete a worksheet if their federal placement distribution data falls outside the State established performance threshold
- State reviews and verifies district-level analysis to inform findings
- State conducts a focused review of:
    - Federal placement data by disability category; and/or by age level;
    - Identified noncompliance of placement/Least Restrictive Environment (LRE) standards; and/or
    - Nonparticipation justification determinations as part of IEP content.
- Increased accuracy in calculating the LRE percentage rate to account for co-teaching situations

EXPLANATIONS OF SLIPPAGE

Explanations for slippage were gathered from two clusters with the most slippage:

HW: Homogenous White: (IA, ME, NH, VT, WV)
MB: Moderately Biracial: (AR, IN, KY, MI, MO, OH, PA, TN, VA)

Several States gave no reason or attribution for slippage, even when they did include their attributions for progress (see *Recommendations*). In most cases, no attributions are found in the reports. One gets the impression that when there is progress, it is because of all the improvement activities, but when slippage occurs, there is no explanation.

Learning Opportunities

- Districts are fully embracing early intervening and/or response to instruction strategies, especially at the lower grade levels (K-5).
- New special services (e.g. transition planning) In high schools, elective courses to address needs of students with disabilities transitioning to post school life, these students may spend more instructional time away from their non-disabled peers.

Monitoring and Technical Assistance

- Misclassification of data. Many districts, when reporting data for children served in the public school, equated special education services with a special education setting. The SEA, based on data review and discussions with districts, discovered that in many cases these special education services were actually being provided in the regular class rather than in a special education setting, as reported by the district.
- Significant increase of students identified with autism
- Small “n” reporting policy requires any data cell that contains a value of less than 11 to be suppressed.
- Plateau effect for category 5C, where LEAs report that appropriate placements are being made.

Table 3. Data Tables for Comparing Clusters of States

Homogenous White: (IA, ME, NH, VT, WV)

Indicator	A	B	C
Mean %	59.6	7.9	3.8
Minimum %	45.0	2.7	1.9
Maximum %	69.8	12.5	6.9
Standard Deviation %	9.2	3.1	1.7
States Meeting Target (n)	2	3	2
Mean Change %	-7.0	0.4	0.4
Most Gain %	8.3	3.5	2.9
Most Slippage %	-32.0	-4.8	-1.1

Moderately Biracial: (AR, IN, KY, MI, MO, OH, PA, TN, VA)

Indicator	A	B	C
Mean %	58.4	12.6	3.3
Minimum %	52.2	9.8	1.8
Maximum %	69.6	16.0	4.9
Standard Deviation %	5.1	2.0	1.0
States Meeting Target (n)	4	5	6
Mean Change %	0.5	0.5	-0.3
Most Gain %	5.6	6.0	2.6
Most Slippage %	-8.0	-2.4	-5.9

Moderately Multiracial: (CO, CT, KS, MA, MN, NE, RI, WA, WI)

Indicator	A	B	C
Mean %	63.3	10.2	3.7
Minimum %	50.2	5.6	1.2
Maximum %	74.0	15.4	7.0
Standard Deviation %	7.9	3.1	2.0
States Meeting Target (n)	5	4	6
Mean Change %	1.6	-0.6	0.2
Most Gain %	13.1	2.5	1.6
Most Slippage %	-3.1	-5.3	-0.5

Predominantly Biracial: (AK, DE, GA, LA, MD, NC, SC)

Indicator	A	B	C
Mean %	60.0	16.0	3.3
Minimum %	55.9	13.2	1.5
Maximum %	64.1	19.7	7.6
Standard Deviation %	3.3	2.0	2.1
States Meeting Target (n)	4	3	6
Mean Change %	0.2	0.4	0.5
Most Gain %	4.8	4.2	1.2
Maximum Slippage	-3.1	-1.3	-0.6

Predominantly Multiracial: (CA, FL, IL, NJ, NM, NV, NY, TX)

Indicator	A	B	C
Mean %	56.3	18.0	4.1
Minimum %	47.0	12.0	1.0
Maximum %	67.0	23.6	9.0
Standard Deviation %	6.7	3.9	2.6
States Meeting Target (n)	6	4	6
Mean Change %	0.1	0.0	0.2
Most Gain %	7.7	4.5	1.1
Most Slippage %	-10.4	-4.8	-0.7

White-Hispanic: (AZ, ID, OR, UT, WY)

Indicator	A	B	C
Mean %	60.6	11.7	2.1
Minimum %	52.4	8.4	1.2
Maximum %	70.1	15.3	3.2
Standard Deviation %	6.0	2.9	0.7
States Meeting Target (n)	5	2	2
Mean Change %	2.0	-0.1	-0.2
Most Gain %	4.7	1.1	0.6
Most Slippage %	0.5	-1.0	-1.2

White-American Indian: (AL, MT, ND, OK, SD)

Indicator	A	B	C
Mean %	67.6	7.6	2.1
Minimum %	52.2	5.0	1.1
Maximum %	81.0	11.7	4.0
Standard Deviation %	10.5	2.7	1.1
States Meeting Target (n)	4.0	1.0	3.0
Mean Change %	6.8	-0.3	-0.3
Most Gain %	20.7	1.3	0.0
Most Slippage %	-2.3	-1.1	-0.9

Other: (AS, BIE, DC, FM, GU, HI, MH, MP, MS, PR, PW, VI)

Indicator	A	B	C
Mean %	59.4	13.6	3.8
Minimum %	15.0	0.7	0.0
Maximum %	93.0	34.0	22.8
Standard Deviation %	26.9	11.1	6.1
States Meeting Target (n)	7	5	8
Mean Change %	-0.8	1.9	0.1
Most Gain %	13.4	22.0	6.3
Most Slippage %	-28.0	-11.1	-4.2

Indicator 7

INDICATOR 7: PRESCHOOL OUTCOMES

Prepared by ECO

Part B Indicator #7: Percent of preschool children 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.

INTRODUCTION

This summary is based on information reported by 59 States and jurisdictions in the revised State Performance Plans (SPPs) or Annual Performance Reports (APRs) submitted to OSEP on February 1, 2010. Please note that States and jurisdictions will be called 'States' for the remainder of the report and that the analysis for this report includes only information specifically reported in SPPs. Therefore, it is possible that a State has additional procedures or activities in place that are not described here. In some cases States did not repeat some of the details about their approach that they reported in last year's SPP/APR. In those cases, we assumed the information from last year's report was still correct.

MEASUREMENT APPROACHES

States reported a variety of approaches for measuring child outcomes. Other than a slight decrease in States using the Early Childhood Outcomes Center (ECO) Child Outcomes Summary Form (COSF) (from 38 to 36), approaches remained, overall, the same. Of the 59 States included in the analysis, 36 (61%) said that they are currently using the ECO COSF. Of these, one State plans to switch from the COSF to the Work Sampling Online (WSO) system.

Nine States (15%) reported the use of one assessment tool statewide. Six States (10%) reported that they are using publishers' online analysis for outcomes measurement. These systems, created and maintained by the publishers of the assessment tools, produce reports based on assessment data entered on line. One of these States also uses the COSF for districts and service providers who choose not to use the online assessment.

Seven States (12%) described other measurement approaches. These included a State-developed conceptual model that aligns assessment information with early learning standards, extrapolation of raw assessment data from the State data system, and State-developed summary tools. The State currently using an extrapolation of raw assessment data reported that it will select one tool to be used Statewide for child outcomes measurement in the future.

One State described the use of the COSF for measuring outcomes, but reported data from one Statewide tool – we therefore categorized that State's approach as 'unknown.' See a summary of approaches in Table 1.

Table 1: Approaches to Measuring Child Outcomes (N=59)

Type of Approach	Current	Future
COSF 7 point scale	36 (61%)	35 (59%)
One statewide tool	9(15%)	10 (17%)
Publishers' online analysis	6 (10%)*	7 (12%)
Other	7 (12%)	6 (10%)
Unknown	1 (2%)	

*One of these States also uses the COSF for districts and service providers
who choose not to use an online assessment.

ASSESSMENT TOOLS

States also described the assessment tools and other data sources on which outcomes measurement is based. Of the States reporting the use of one Statewide tool, four named the Battelle Developmental Inventory, Second Edition (BDI-2), one state reported the use of the Assessment, Evaluation, and Planning System (AEPS), one state uses the Work Sampling System (WSS), and one uses selected subtests of the Brigance Inventory of Early Development II. Two States have developed their own assessment tools.

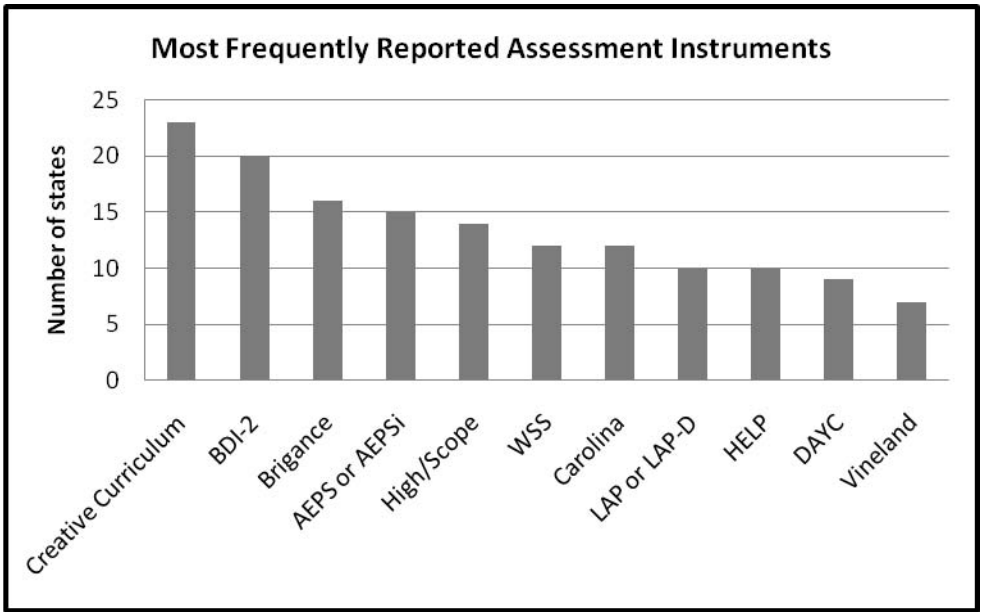
States using publishers' online analysis include three States that allow local agencies to choose from several tools and three States that require all programs to use the same tool. Of those using multiple tools, one State allows the use of CreativeCurriculum.net (CC.net), Work Sampling Online (WSO), and High/Scope; one State allows CC.net, AEPSinteractive (AEPSi), and High/Scope; and one allows CC.net, AEPSi, and the Brigance. Of those that require the use of one system, two States use CC.net and one uses AEPSi. One State that is currently using the COSF reported that it will switch to Work Sampling Online (WSO) in the future.

For States using the COSF, 11 required a specific assessment tool or required local programs to choose a tool from an 'approved' list. Two States recommended, rather than required, the use of certain tools. Two States specifically reported that local programs are free to use the assessment tools of their choice for outcomes measurement. Others cited the 'most commonly used' tools or simply said that programs will use multiple sources of information for assessing children's functioning in the three outcome areas.

Across States, the most frequently named assessment tools in use for outcomes measurement were the Creative Curriculum Developmental Continuum, the BDI-2, Brigance, AEPS, High/Scope Child Observation Record, the Work Sampling System (WSS), Carolina Curriculum for Preschoolers with Special Needs, Learning Accomplishment Profile (LAP), Hawaii Early Learning Profile (HELP), Developmental

Assessment of Young Children (DAYC), and the Vineland Adaptive Behavior Scales. See Figure 1 for a summary of most frequently reported assessment instruments.

Figure 1



In addition to formal assessment instruments, some States reported other key data sources in the child outcomes measurement process, including parent/family input (37%) and professional observation (44%). Some instruments include parent input and professional observation as part of the assessment; States using such tools did not always name these data sources in addition to naming the assessment tool.

Overall, there was little change in the data sources States are using to measure child outcomes. This year's lists of assessment tools, parent/family report, and professional observation were very similar to those reported last year.

POPULATION INCLUDED

Most States (80%) collected data Statewide for this reporting period. Six States were not yet collecting data Statewide. These included three States still in a 'phase-in' process, two States in a transition to a new approach, and one State that had just begun data collection. Five States continue to report that they are using a sampling methodology.

In some States, the outcomes measurement for preschool programs for students with disabilities supported under section 619 of the Individuals with Disabilities Education Act is part of a broader assessment system for all the State's children in preschool. Seven States described outcomes measurement systems that encompass both children with and without IEPs. These include children in State-supported preschool settings, as well as Head Start and child care.

DEFINITIONS OF NEAR ENTRY AND NEAR EXIT

State definitions of 'near entry' and 'near exit' data collection were very similar to those reported in FFY 2007. Most States (75%) specified a timeframe within which the first, or 'near entry,' child outcomes measurement should occur, varying from one month to 4-6 weeks. Rather than specify a timeframe, other States defined 'near entry' to mean the initial IEP meeting or the first cycle of a regularly occurring assessment schedule in which a child is enrolled in the program. Six States changed their definition of 'near entry' in this year's report. Of those, two decreased the time allowed for entry data collection (from three months to 30 days and from 45 days to 30 days), one increased the time (from 3-6 weeks to 6-8 weeks), and three specified that entry data should be collected during evaluation for eligibility determination.

As reported last year, definitions for 'near exit' ranged from 30 days to 90 days. More general definitions included: at the end of the school year, at the annual IEP meeting, when the child transitioned from preschool, prior to the child's 6th birthday, or in the last cycle of a regularly occurring assessment schedule. Only one State changed its 'near exit' definition – from within 45 days prior to the child's exit from the program to within 30 days after the child's exit.

CRITERIA FOR COMPARABLE TO SAME AGE PEERS

States' criteria for 'comparable to same age peers' continue to reflect their measurement approaches. For COSF users, the 7-point rating scale defines levels of age expected functioning (6-7 on the scale) as well as criteria for categorizing scores in the five OSEP progress categories. (The five progress categories are: 'a'-- percentage of children who did not improve functioning; 'b' -- percentage of children who improved functioning, but not sufficient to move nearer to functioning comparable to same-aged peers; 'c' -- percentage of children who improved functioning to a level nearer to same-aged peers but did not reach it; 'd' -- percentage of children who improved functioning to reach a level comparable to same-aged peers; and 'e' – percentage of children who maintained functioning at a level comparable to same-aged peers.)

States using one tool Statewide or publishers' online analysis continue to apply developer or publisher-determined standard scores, developmental quotients, or State-determined age-based benchmarks and cut-off scores. Some States and publishers of online systems worked with ECO to map assessment scores to the 7-point scale in order to generate progress data.

Four States, all using one Statewide tool, changed their criteria for functioning comparable to same age peers. One State's criteria changed from a standard score of 80 to a standard score of 78 (using the BDI-2). Another State changed from a standard score of 80 to a standard score of 50 (using the AEPS). An additional State using the BDI-2 changed its criteria from within a standard deviation of 1.5 to a standard deviation of 1.27. Another State using the BDI-2 reported that it would use z scores from a table provided by the publisher to determine whether children are functioning at age level.

PROGRESS DATA 2008-2009

For the second year, almost all States reported progress data for all three outcomes in their SPPs (58 of 59). The progress data reported by States continue to represent a wide range in terms of number of children included. Across States, the number of children reported in the data ranged from 3 to 9,967. The upper range is slightly less than last year's maximum of 10,157 (190 fewer children).

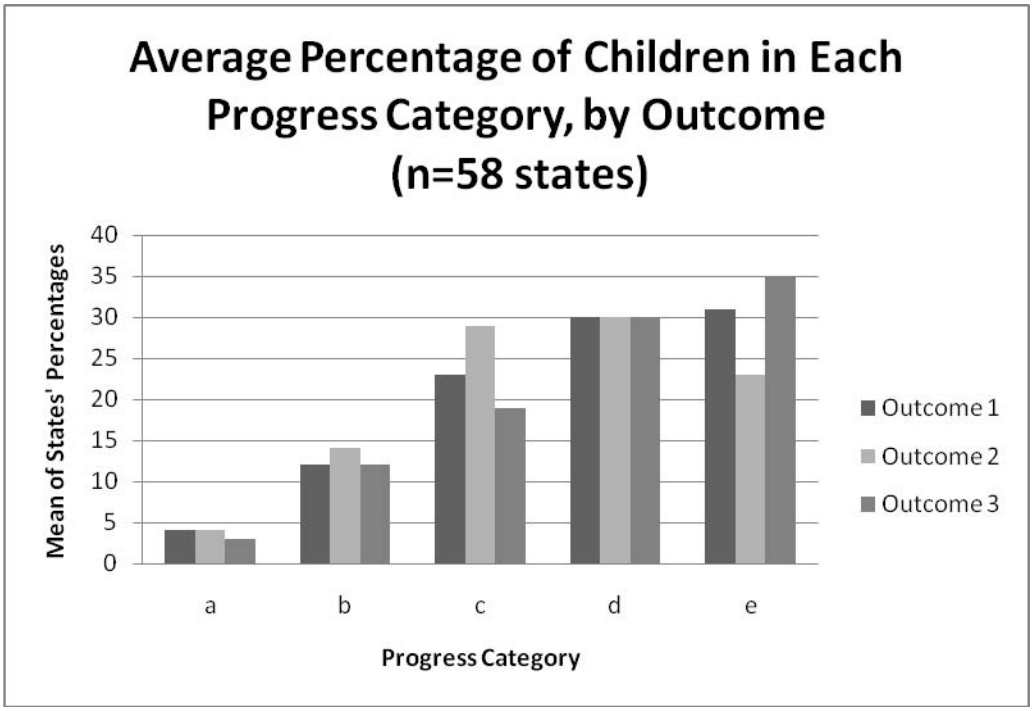
Only one State reported progress data for less than 10 children this year. Seven States' numbers ranged from 10 to 99 and six included 100 to 499 children in the progress data. Twelve States were able to include 500 to 999 children and seven States included from 1000 to 1999 children. Ten States included 2000 to 2999 children. Another 11 States included 3000 to 4999 children. Three States included 5000 to 8999 children in the data collection. One State reported progress data for 9967 children. The number of children included in progress data continues to grow. Whereas last year 32 States included 500 or more, this year 44 States included 500 or more children. Table 2 summarizes the numbers of children included in progress data reported across States.

Table 2: Number of children in progress data, FFY07 and FFY08

FFY07	FFY08
Range = 3-10,157	Range = 3-9967
<10 = 1	<10 = 1
10–99 = 11	10–99 = 7
100–499 = 14	100–499 = 6
500-999 = 10	500-999 = 12
1000–1999 = 8	1000–1999 = 7
2000–2999 = 5	2000–2999 = 10
3000–4999 = 5	3000–4999 = 11
5000-8999 = 3	5000-8999 = 3
9000+ = 1	9000+ = 1

Our analysis of progress data is based on the percentages States reported in each progress category, per outcome, averaged across States (see Figure 2 below). This is the third year States reported progress data and the numbers of children included in the data continue to increase. States are, however, still refining the implementation of their child outcomes measurement systems. Once States are confident about the accuracy of their data, our analysis may also include a calculation of percentages for each progress category based on the number of children included per State, thereby providing a national picture of outcomes for preschool children with IEPs.

Figure 2



While we hesitate to draw conclusions about child outcomes until States' outcomes measurement procedures are more firmly in place, some general patterns are evident across the three years of progress data reporting. The pattern for FFY 2008 data is very similar to the data from FFYs 2006 and 2007. Data varied by specific progress category as follows. See Table 3 for a comparison of data reported in FFY 2008 with data reported in FFY 2007 in the five progress categories, per outcome area.

Table 3: Progress data reported this year (FFY208) compared with last year (FFY07) in percentages of children per categories 'a'-'e'

		% 'a'	% 'b'	%'c'	%'d'	% 'e'
Outcome 1	FFY08	4	12	23	30	31
	FFY07	4	12	22	27	35
Outcome 2	FFY08	4	14	29	30	23
	FFY07	4	15	27	27	27
Outcome 3	FFY08	3	12	19	30	35
	FFY07	4	13	18	26	39

Progress category 'a' – percentage of children who did not improve functioning. States reported similar percentages across outcomes in the category of 'no improvement,' at 4%, 4%, and 3% (Outcomes 1, 2, and 3). For three years the percentages of children reported in category 'a' have been much lower than the percentages for the other progress categories.

Progress category 'b' – percentage of children who improved functioning, but not sufficient to move nearer to functioning comparable to same-aged peers. Very similar to last year's data, the percentages of children in the category of 'making some improvement' were double those in category 'a.' Compared across outcomes, percentages in this category were slightly higher for Outcome 2 at 14% than they were for Outcomes 1 and 3 at 12%.

Progress category 'c' – percentage of children who improved functioning to a level nearer to same-aged peers but did not reach it. Also very similar to last year's data, more children were reported in category 'c' (23%, 29%, and 19%) than they were in categories 'a' and 'b' put together. This category represents the children who narrowed the gap but did not 'catch up' to age expectations. The percentage of children who narrowed the gap also continues to be higher for Outcome 2 than for Outcomes 1 and 3. In this year's data, Outcome 2 is 6 points higher than Outcome 1 and 10 points higher than Outcome 2.

Progress category 'd' – percentage of children who improved functioning to reach a level comparable to same-aged peers. This year's data showed 3-4% more children who 'caught up,' as reported in category 'd,' than in last year's data. Similar to the pattern we saw in last year's data, however, the percentages of children in category 'd' were identical across all three outcomes at 30% each. Comparing category 'c'-- children who narrowed the gap -- with category 'd' – children who closed the gap, we saw that the percentages were 7% higher for children who closed the gap than narrowed it in Outcome 1 and 11% higher for children who closed the gap than narrowed it in Outcome 3. Percentages for Outcome 2 reported in 'c' and 'd' categories were almost the same at 29% for 'c' and 30% for 'd.'

Progress category 'e' – percentage of children who maintained functioning at a level comparable to same-aged peers. Fewer children were reported as having entered and exited programs functioning at age level this year, compared to last year. This year's percentages of 31%, 23%, and 35% were each 4 points lower than those reported last year. Comparing children who maintained age-level functioning (category 'e') and children who reached age-level functioning (category 'd'), we saw that the data for Outcome 2 were again lower than for Outcome 1 and 3. The percentages of children reported in category 'e' were higher than those reported in category 'd' for Outcomes 1 and 3. For Outcome 2, however, the children reported in 'e' were 7% less than those reported in 'd.'

To summarize, the average percentages of children in each progress category this year are similar to those reported last year in terms of overall pattern. For most outcomes, the percentages are lowest in category 'a' and highest in category 'e,' Outcome 2 is again the exception, with similar percentages of children in progress categories 'c' and 'd', and lower percentages in 'e.' Notable differences in this year's report are, across all three outcomes, slightly higher percentages of children who were reported to have 'caught up' (category 'd') and slightly lower percentages of children who reported to have maintained age level functioning from program entry to program exit (category 'e'). See also Table 3 for a comparison of data reported this year with data reported last year in the five progress categories, per outcome area.

SUMMARY STATEMENTS

In SPPs submitted February 1, 2010, States for the first time set targets for improving child outcomes. Rather than set targets for each of the five categories of progress per outcome area, States set targets for two 'summary statements' per outcome. Summary Statement 1 combines data from progress categories 'c' and 'd' to reflect the percentage of children who made greater than expected progress. Summary Statement 2 combines data from progress categories 'd' and 'e' to reflect the percentage of children who left the preschool program at age level.

SPP measurement tables describe the summary statements, and the formulas for calculating them, as follows.

Summary Statement 1:
Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3/6 years of age or exited the program (c+d/a+b+c+d).

Summary Statement 2:
The percent of children who were functioning within age expectations in each Outcome by the time they turned 3/6 years of age or exited the program (d+e/a+b+c+d+e).

BASELINES

States combined progress data from FFY08 using the formulas provided in the SPP measurement tables in order to establish baselines for the three outcomes. Across States, the average baselines for Summary Statement 1 (children who made greater than expected progress) were 61% for Outcome 1, 53% for Outcome 2, and 65% for Outcome 3. See Table 4.

Table 4: Baseline data FFY08: Summary Statement 1
(children who made greater than expected progress)

	Average of percentages reported by States
Outcome 1	61%
Outcome 2	53%
Outcome 3	65%

The average baselines for Summary Statement 2 (children who exited services at age level), across States, were 76% for Outcome 1, 76% for Outcome 2, and 75% for Outcome 3, as show in Table 5.

Table 5: Baseline data FFY08: Summary Statement 2
(children who exited services at age level)

	Average of percentages reported by States
Outcome 1	76%
Outcome 2	76%
Outcome 3	75%

TARGETS

In the report submitted February 2010, States set targets for FFY09 and FFY10 -- the final two years of this 6-year SPP reporting period. Summary statements calculated from the FFY08 progress data provided the baselines for target setting. Because this is just the third year States have reported progress data, and outcomes measurement systems are in early stages of implementation, States were not expected to set particularly high targets for the next federal fiscal year. In fact, States were permitted to set FFY09 targets that were equal to, or lower than, baseline. Targets for FFY10, however, were expected to be higher than the baseline summary statements established this year.

Figures 4 and 5 show the average baselines and the average targets States set for each Summary Statement, per outcome area, for FFY09 and FFY10. Fifty-eight States provided targets for all three outcomes for Summary Statement 1 and 2 for FFY09 and FFY10.

Figure 4

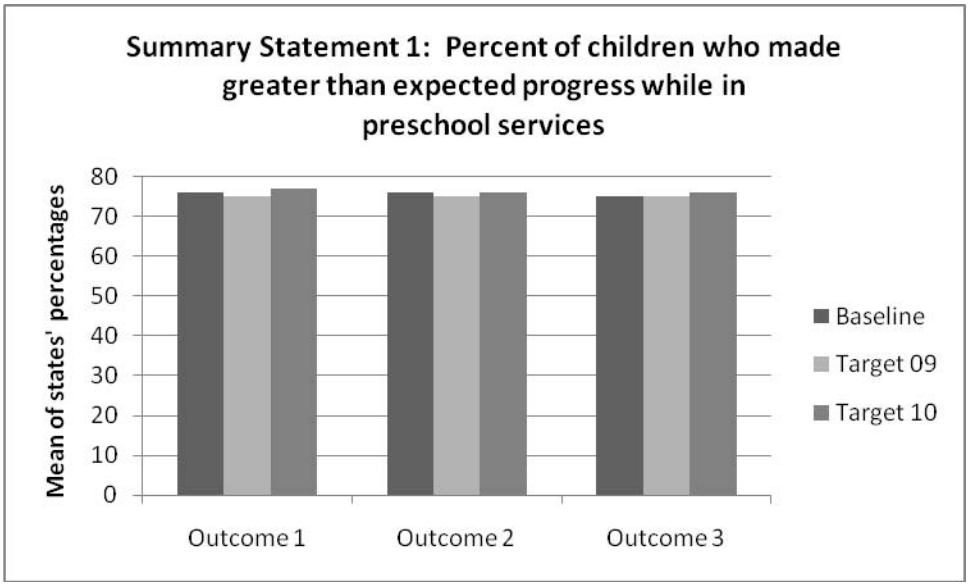
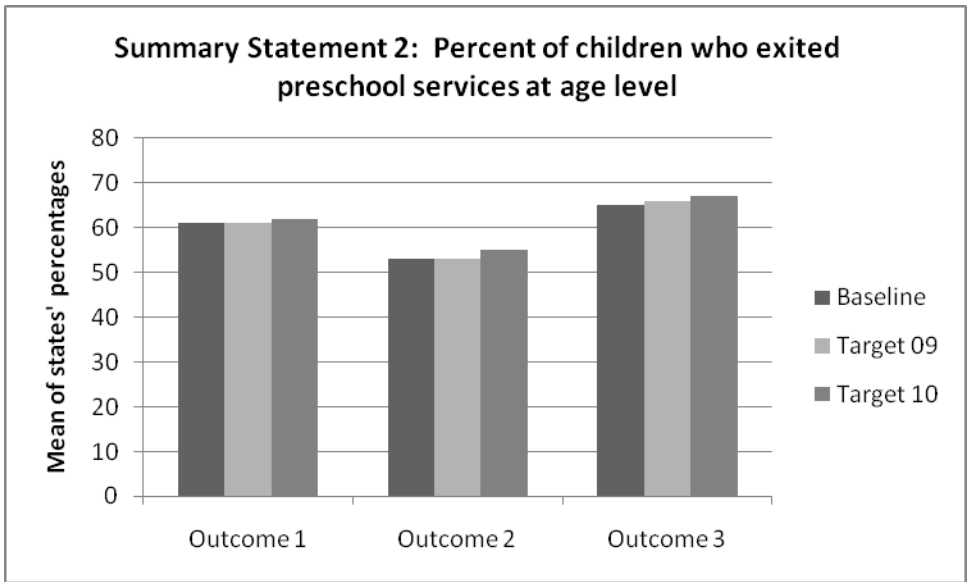


Figure 5



FFY09 targets. As permitted, about 55% of States set FFY09 targets equal to or lower than baseline for the two summary statements for all three outcomes. For Summary Statement 1, these included 20 States setting targets equal to baseline for Outcome 1. Nineteen set targets equal to baselines for Outcomes 2 and 3. Seven States set targets between 0 and 5% below the baseline for Outcomes 1 and 2. Eight set targets between 0 and 5% below the baseline for Outcome 3. Five States set targets for more than 5% below baseline for all three outcomes.

Forty-four percent of States set their FFY09 targets higher than baseline for Summary Statement 1 for all three outcomes. These included 22 States that set targets for less than 1% higher than baseline. Four States set targets more than 1% above baseline for Outcomes 1 and 3; five States set targets more than 1% above baseline for Outcome 2.

Figures 6-8 illustrate the extent to which individual States targeted change for FFY09 that was lower than their baseline, equal to their baseline, or above their baseline for the percentage of children who will leave preschool services having made greater than expected progress (Summary Statement 1) in each outcome. Each column on the chart represents one State. Columns are sorted from the lowest to the highest targeted change.

Figure 6

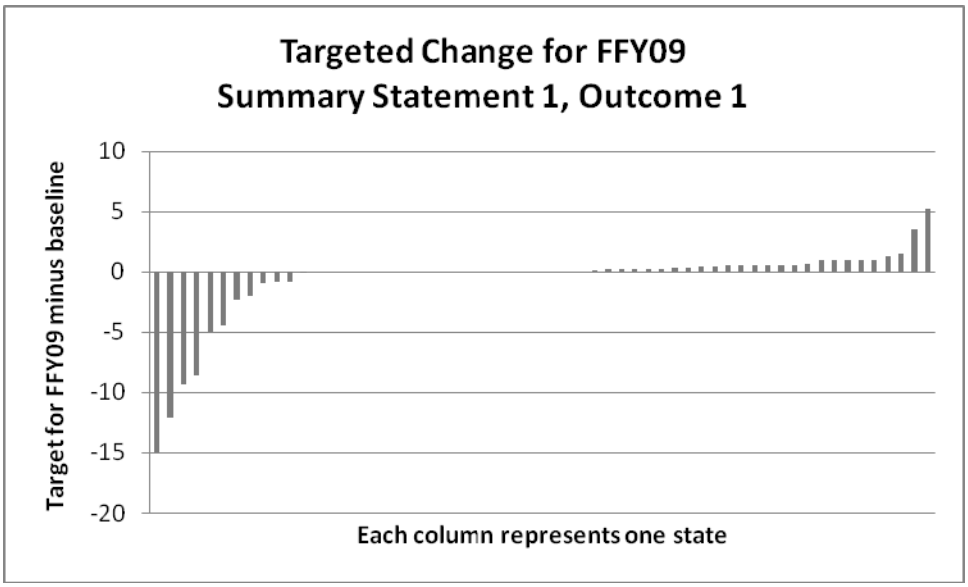

Targeted Change for FFY09
Summary Statement 1, Outcome 1
Target for FFY09 minus baseline
10
5
0
-5
-10
-15
-20
Each column represents one state

Figure 7

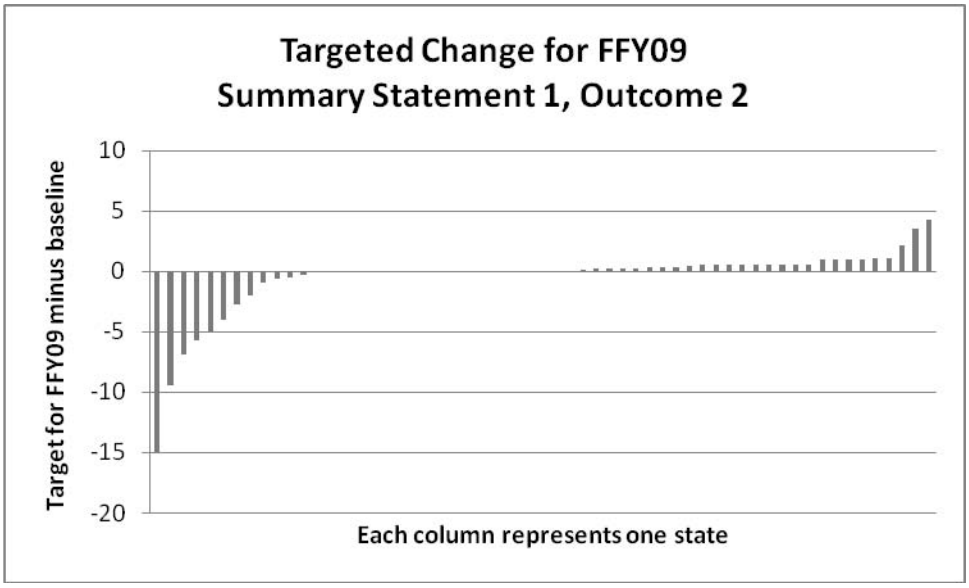
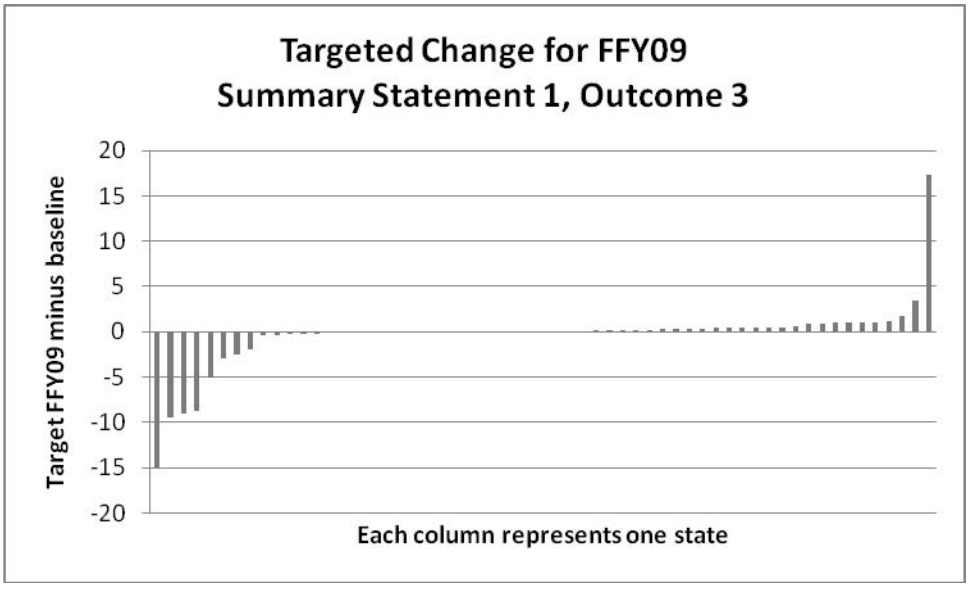


Figure 8



For Summary Statement 2, 20 States set targets equal to baseline for Outcomes 1 and 3. Twenty-two States set targets equal to baseline for Outcome 2. Eight States set targets between 0 and 5% below the baseline for Outcomes 2 and 3. Six set targets between 0 and 5% below the baseline for Outcome 1. Six States set targets for more than 5% below baseline for Outcome 1, five States for Outcome 3, and four States for Outcome 2.

Many States set their FFY09 targets higher than baseline for Summary Statement 2 – 44% for Outcome 1, 40% for Outcome 2, and 42% for Outcome 3. These included 19 States that set targets less than 1% higher than baseline for Outcomes 1 and 2 and 17

States that set targets less than 1% for Outcome 3. Seven States set targets more than 1% above baseline for Outcomes 3, six States for Outcome 1 and four States for Outcome 2.

Figures 9-11 illustrate the extent to which individual States targeted change for FFY09 that was lower than their baseline, equal to their baseline, or above their baseline for the percentage of children who will leave preschool services at age level (Summary Statement 2) in each outcome. Each column on the chart represents one State. Columns are sorted from the lowest to the highest targeted change.

Figure 9

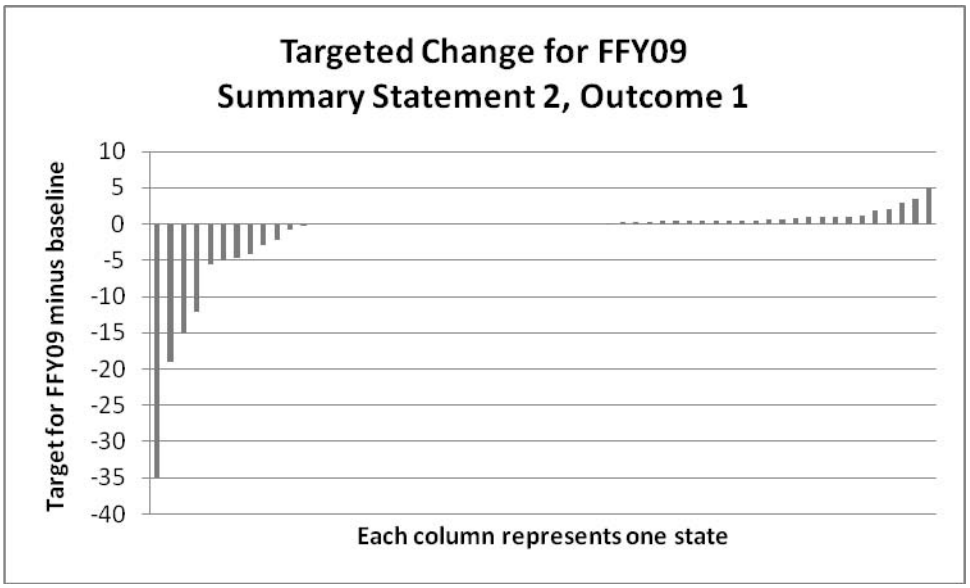


Figure 10

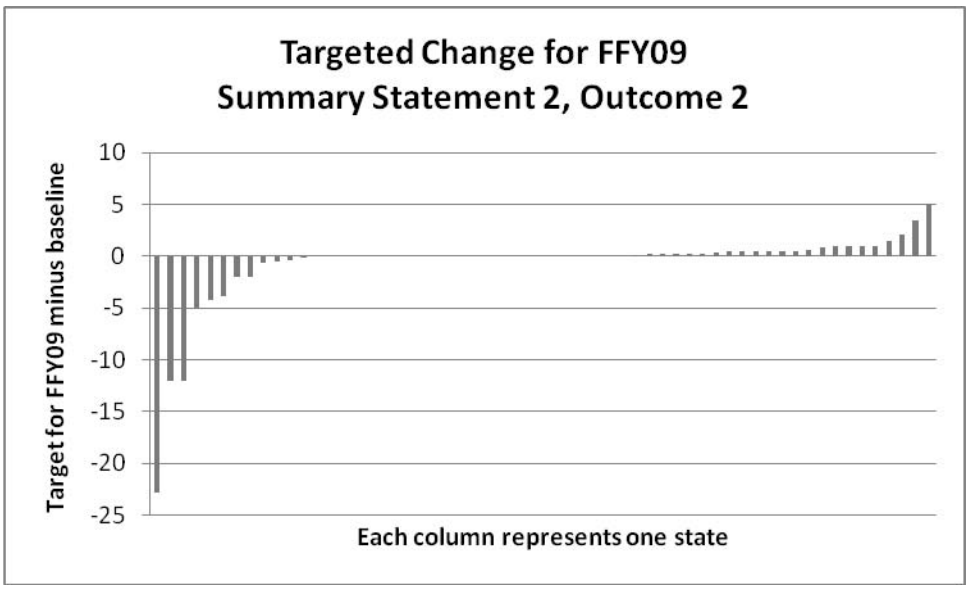
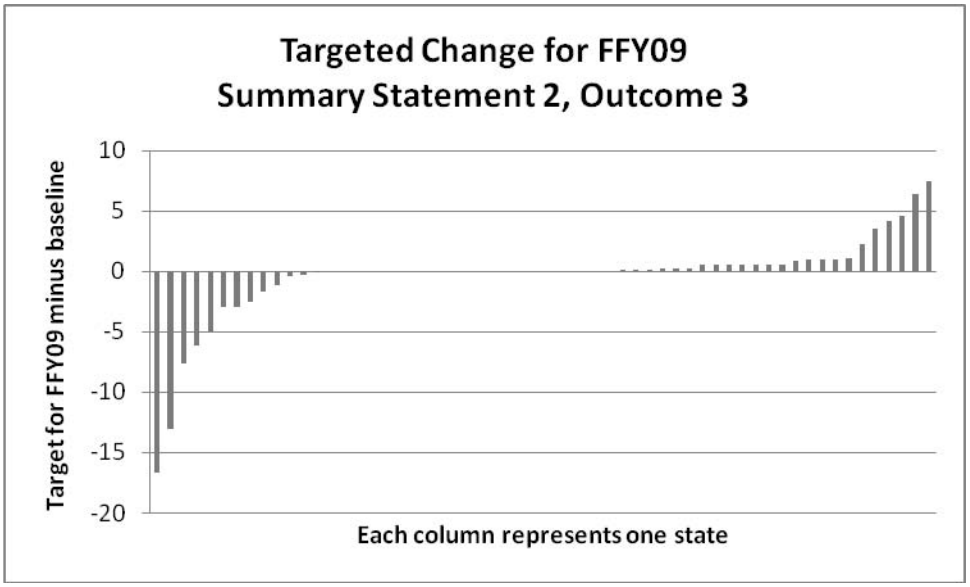


Figure 11



FFY10 targets. States were instructed to set summary statement targets for FFY10 higher than the baselines established with the FFY08 data. For Summary Statement 1, 42 States set targets less than 1% but greater than 0% higher than baseline for Outcome 1; 39 States set targets less than 1% but greater than 0% higher than baseline for Outcome 2 and 41 States set targets less than 1% but greater than 0% for Outcome 3. Fourteen States set targets more than 1% higher than baseline for Outcome 2 while 12 States set targets more than 1% higher than baseline for Outcomes 1 and 3. Four States set targets at or below baseline for Outcome 1 while 5 States set targets at or below baseline for Outcomes 2 and 3.

For Summary Statement 2, 38 States set targets less than 1% higher than baseline but greater than 0 for Outcome 3, 35 States set targets less than 1% higher than baseline for Outcome 2, and 34 States for Outcome 1. Seventeen States set targets more than 1% higher than baseline for Outcomes 1 and 2 while 13 States set targets more than 1% higher than baseline for Outcome 3. Six States set targets at or below baseline for Outcomes 1 and 3 while 5 States set targets at or below baseline for Outcome 2.

Some States included in their reports a rationale for setting targets conservative targets. Reasons included issues with data quality and representativeness. In terms of data quality, some States said that they need to continue to increase training and TA, as well as quality assurance strategies, to ensure that personnel are collecting and reporting accurate outcomes data. Until procedures are in place consistently across the State, data quality may be an issue. States that were phasing in or switching approaches reported that outcomes data collection is not yet Statewide, therefore the data constituting the baseline may not be representative. States that had only recently started collecting data Statewide also expressed concern that the data being used for baseline reflect primarily those children who entered and exited after receiving services

for less than three years. Such data may not include children with more severe disabilities and, therefore, are not representative of all the children the State serves.

IMPROVEMENT ACTVITIES

Most States (about 63%) revised their improvement activities for this year's SPP submission. Activities were revised to address the emerging needs of States' evolving child outcomes measurement systems. These included: building systems and infrastructures for, and providing, training and TA; examining and clarifying policies and procedures; improving data collection and reporting; improving monitoring and other quality assurance; and collaboration and coordination with other agencies. Examples of States' improvement activities to address each of these purposes are featured below.

Building systems and infrastructures for, and providing, training and TA. The majority of States' activities addressed the improvement of training and TA infrastructure and delivery. Several States said that they would collect information from personnel involved in child outcomes measurement to identify implementation issues and plan training and TA. These included:

- Surveys to determine the degree to which established procedures are being followed with fidelity at the local level, and

- Mechanisms for ongoing communication with local administrators to identify and address local concerns, such as monthly updates to Special Education directors across the State via the Education Telecommunications Broadcasting Network and monthly 'indicator calls' for preschool program support teachers and personnel serving children birth to 2.

Revised improvement activities also addressed the need for more intensive professional development in both assessment practices and data collection procedures. These included, for example:

- Broadening professional development objectives to include advanced assessment and supervision skills,

- Regional training sessions on 'The Early Childhood Outcomes Process: A Child Study,' and

- Training in authentic assessment with more opportunities to practice assessment techniques, record data online appropriately, and link assessment to curriculum planning.

Some States were investing new resources in the training and TA infrastructure, such as:

- A partnership with higher education to develop a cadre of teacher leaders to mentor ECSE teachers,

- Regionalizing early childhood professional development activities through the creation of eight Centers of Excellence, within which training cadres would support the use of Routines Based Interviews and embedded intervention, and

- Making direct TA on outcomes measurement and reporting easily and readily accessible through an 'Indicator 7 Support Team' for preschool specialists available daily from 7:00 am to 5:00 pm.

Improvement activities were also revised to incorporate outcomes training and TA into existing professional development at the State and local level, for example:

- Mapping existing training opportunities and otherwise identifying State and community based forums to which outcomes-related training and TA objectives might be added.

Improving data collection and reporting. States also revised improvement activities related to the expansion of data systems, linking child outcomes data with other data elements, to allow more advanced data analysis. These included, for example;

- Integrating COSF data with the Part B data system to link outcomes with child and service variables such as initial IEP data, teacher assigned, reason for exit, educational environments, and intensity of service,

- Linking child outcomes data with additional demographic variables, such as income and English language learner status, and

- Plans to conduct more intensive analysis, such as tracking children's growth and progress over time, versus just at entry and exit.

Revised improvement activities also addressed the need for more efficient data systems, such as:

- Embedding the COSF in a Statewide web based 'special education case management system' that can be used to both collect and monitor all indicator 7 data locally and Statewide.

States described activities for data analysis and use, including:

- The review of disaggregated COSF data with regional EC coordinators, comparing their data with the data Statewide in order to identify regional trends and professional development needs, and

- Meetings with EI/ECSE contractors to review data and discuss implications for possible program changes to increase or maintain progress in all outcome areas.

Improving monitoring and other quality assurance. Improvement activities addressed the need to integrate monitoring child outcomes measurement with existing State monitoring procedures. States planned to review child outcomes-related information from the child's record, such as assessment protocols and evaluation reports, when reviewing files as part of onsite monitoring.

Some States were developing quality assurance tools to assist the incorporation of child outcomes measurement in State and local monitoring efforts, such as:

- A checklist of quality indicators designed to guide focused TA to districts requiring corrective action or improvement plans with components of this indicator, and

- A Child Outcomes Fidelity Self-Assessment instrument to help districts implement strategies for valid and reliable data.

Examining and clarifying policies and procedures. Several States described activities that would help them reflect on and, if necessary, revise early policy and procedure decisions that guided outcomes data collection. These included:

- A complete review of the written guidance provided by the State, then revisions, field testing and broad dissemination of the revised guidance,

- Reviewing current procedures and guidelines for outcomes measurement with all staff involved in outcomes measurement, including ECSE and Head Start teachers, to identify further improvements needed in the process,

- Analysis of the child outcomes measurement system in order to develop a Statewide Educational Evaluation Report that summarizes practices and procedures, and

- Enhancing previously developed materials, such as the 'Preschool Outcomes Toolkit,' and creating new documents, such as 'Frequently Asked Questions.'

States also revised improvement activities with a specific focus on the assessment instruments being used to measure outcomes. For example, States said that they would:

- Participate in an 'Assessment Institute' with community-based providers to review tools for ongoing, formative assessment of young children, including children with disabilities, and

- Examine the implications and impact of adopting the new version of the Creative Curriculum.

Collaboration and coordination with other agencies. Several States revised their improvement activities to include specific collaborative activities with other agencies, organizations, and stakeholder groups. For example:

- Developing materials and coordinating information dissemination related to outcomes measurement with Part C,

- A Part C and Part B 'Data Management Task Force' to create a system for sharing data between the two different agencies and allow data systems to jointly track child outcomes,

- Discussions with Part C about joint training on the COSF process in multiple venues that include regularly planned annual conferences and training institutes for both preschool and Part C,

- A Part B and C joint approach to improvement strategies related to B7 and C3 including data review, policy development, and refinement of procedures -- while also individualizing these approaches within the EI and ECSE compliance and monitoring systems, recognizing unique differences within Part B and Part C,

- Coordinating joint training on early learning guidelines with the State preK program,

- Participating in a broader preschool program evaluation effort using the ECERS-R, including assessment of the extent to which children with disabilities participate in all class activities,

- Collaboration with Head Start to provide annual training on Creative Curriculum administration and scoring,

- Collaboration with families and family organizations in a 'Parent Engagement Project' to develop materials that explain the basic elements of each child outcomes measure and then to organize regional meeting for dissemination of those materials, and

- Training on child outcomes measurement with the 12 parent specialists at the State Parent Center and collaboration on a parent questionnaire.

Indicator 8

INDICATOR 8: PARENT INVOLVEMENT

Prepared by the National and Regional Parent Technical Assistance Centers: National Parent Technical Assistance Center (PTAC) at PACER Center, Region 1 PTAC at Statewide Parent Advocacy Network, Region 2 PTAC at Exceptional Children's Assistance Center, Region 3 PTAC at Partners Resource Network, Region 4 PTAC at Wisconsin FACETS, Region 5 PTAC at PEAK Parent Center, and Region 6 PTAC at Matrix Parent Network and Resource Center.

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

This narrative and the Indicator 8 template are based on information from States' FFY 2008 Annual Performance Reports (APRs) submitted to the Office of Special Education Programs (OSEP) on February 1, 2010 and any clarifications submitted by a State during the clarification period. State Performance Plans (SPPs) and any revisions were also consulted when information was not available in the APR.

For the purposes of this report, the term "States" refers to the 50 states, nine territories, and the District of Columbia (a total of 60 State entities).

Nine States reported separate performance data for parents of preschoolers (3-5 years) and parents of school-age students (6-21 years). Some of these States used the same survey and methodology for both age groups, and others used different approaches. Therefore, totals in some of the tables and charts may equal more than 60 (the number of states and territories submitting reports). Percentages may not total 100 due to rounding.

SURVEY INSTRUMENTS

Data Summary

Table 1. Survey Instruments Used

Survey Instrument	# of States	% of States
NCSEAM	43	71.7%
Adapted NCSEAM or ECO	8	13.3%
State-Developed	8	1.3%
ECO (PreK) + Unknown (K12)	1	1.7%

Narrative Summary

As outlined in Table 1, forty-three States (71.7%) used a version of the preschool and/or school-age special education parent involvement surveys developed by the National Center on Special Education Accountability and Monitoring (NCSEAM).

Eight States (13.3%) adapted questions from the NCSEAM or Early Childhood Outcomes (ECO) Center parent surveys to develop their own Indicator 8 surveys.

Eight States (13.3%) utilized their own state-developed instrument, either one that had been developed previously for monitoring or other purposes or a survey created specifically to respond to this APR indicator.

One State (1.7%) reporting separate performance data for preschool and school-age parents used the Early Childhood Outcomes (ECO) Center parent survey for parents of 3-5 year-olds and did not include enough information in their report to determine which survey had been used for parents of K-12 students.

Many States provided translations of their surveys, sometimes in multiple languages. NCSEAM translated their survey into Spanish. Many of the island States and Territories translated their surveys into local languages, and several States offered oral translation of survey questions even if print or online copies were not available.

Sampling

Data Summary

Table 2. Sampling Methodology

Sampling Method	# of States	% of States
Sample	35	58.3%
Census	21	35.0%
Combination	3	5.0%
Unknown	1	1.7%

Narrative Summary

A variety of sampling plans were used to select respondents for the parent involvement surveys.

Sample

Thirty-five States (58.3%) implemented some type of sampling plan. Generally this involved developing rotating cohorts of Local Education Agencies (LEAs) whereby over a two- to six-year period all districts would participate in the survey process. These cycles frequently corresponded to existing monitoring plans used by the State to evaluate LEAs. Most often all parents in participating districts were invited to complete the survey, although sampling was used in some States, especially in larger districts. OSEP requires districts with over 50,000 students to be surveyed annually.

Census

Approximately one third of States (21) utilized a census process where the survey was available to all parents of children ages 3-21 receiving special education services.

Combination

Three States (5.0%) used a combination of census and sampling. In each of these cases the preschool survey was conducted through a census while sampling was used for parents of school-age students.

Unknown

One State (1.7%) did not report enough information to identify what sampling methodology was used.

Survey Distribution

Data Summary

Table 3. Survey Distribution Methods

Distribution Method	# of States	% of States
Mail	24	39.3%
Varied	21	34.4%
Web	6	9.8%
In-Person	4	6.6%
Unknown	3	4.9%
Students	2	3.3%
Phone	1	1.6%

Narrative Summary

Mail

Mail remained the most common method of distributing the parent involvement surveys. Twenty-four States (39.3%) utilized this as their only form of dissemination.

Varied

Twenty-one States (34.4%) offered parents a variety of ways to respond to the survey, generally a combination of mail, web, and phone. This category increased by nine percent from FY 2007.

Web

Six States (9.8%) used the internet as the primary modality for conducting the survey. States that used online surveys as their main method of survey collection typically offered print versions or other options for parents without internet access.

In-Person

Four States (6.6%) distributed the surveys in-person, either at IEP meetings or as part of monitoring visits.

Students

Two States (3.3%) sent the surveys home with students to give to their parents to complete.

Phone

One State (1.6%) conducted phone interviews as their primary method of collecting survey responses.

Unknown

Three States (4.9%) did not include enough information in their reports to determine the survey distribution method used.

Response Rate

Data Summary

Table 4. Response Rates*

Response Rate	# of States	% of States
0-9.9%	7	11.7%
10-19.9%	24	40.0%
20-29.9%	12	20.0%
30-39.9%	2	3.3%
40-49.9%	3	5.0%
50-59.9%	1	1.7%
60-69.9%	3	5.0%
70-79.9%	1	1.7%
80-89.9%	0	0.0%
90-100%	0	0.0%
Set N	1	1.7%
Unknown	6	10.0%

*Response rates for States who conducted separate preschool and school-age surveys were combined into an overall percentage.

Narrative Summary

The average response rate across all States was 23.5%. This represents less than a 1% increase from FY 2007. It should be noted that there is not an expectation of States to have a very high return rate. As long as the sample is representative of the

population, a low response rate will still yield statistically valid results.

The most commonly reported response rates (24 States) occurred in the 10-19.9% range. Twelve States reported response rates of 20-29.9%.

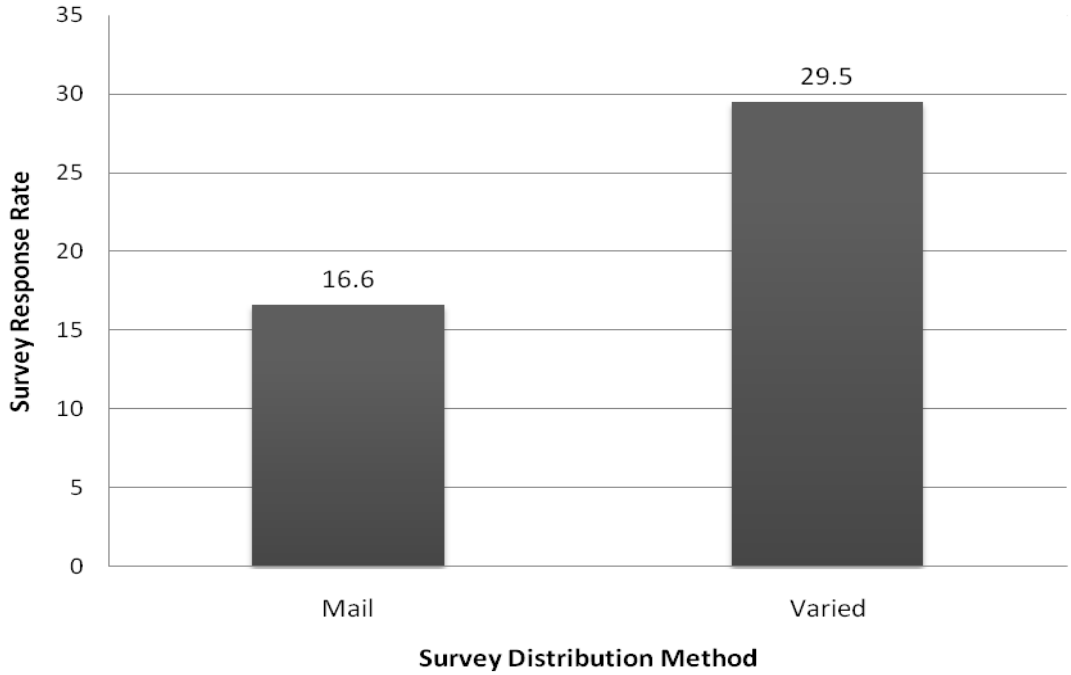
One State did not report a response rate, but rather determined the sample size (n) needed to achieve the desired confidence interval and margin of error. The State ensured they collected enough surveys to reach the “n” needed.

Six States did not report enough information to determine a response rate for their parent involvement surveys.

Generally States reported that surveys received were representative of the population. The most frequently cited discrepancies were underrepresentation of parents of students who were African American or Hispanic and parents of students with learning disabilities.

The data demonstrates that States who offered parents a variety of ways to respond to the survey achieved a higher response rate than those just distributing the survey by mail. The following chart (Figure 1) compares the response rate for the two most highly utilized methods. Thirty-nine percent of States distributed the parent involvement surveys by mail, and 34% used “varied” methods, which generally included a combination of mail plus an additional option such as web or phone.

Figure 1. Response Rate by Most Prevalent Survey Distribution Methods



Criteria for a Positive Response

Data Summary

Table 5. Criteria for Positive Response

Criteria for Positive Response	# of States	% of States
Percent of Maximum	21	35.0%
NCSEAM	20	33.3%
Single Question	9	15.0%
Other	7	11.7%
Combination	2	3.3%
Unknown	1	1.7%

Narrative Summary

Percent of Maximum

Twenty-one States (35%) used a "percent of maximum" method to determine a positive response. This type of criteria for positive response experienced the greatest change from FY 2007: a 10% increase.

When using a "percent of maximum" analysis, the survey responses for each respondent are averaged and compared to a pre-determined cut-off value that indicates a positive response. For example, on a 6-point scale, a respondent who marked "6 - very strongly agree" to all survey items would receive a score of 100%. Someone who marked "1-very strongly disagree" on all items would receive a score of 0%. Someone who marked "4-agree" on all survey items (or whose responses averaged a score of 4) would receive a score of 60%.

Not all States using this method had the same "cut-off" for a positive response. Many were 4 (60%) on a 6-point scale. Others used 75% (4 on a 5-point scale) or other criteria.

NCSEAM Standard

Twenty States (33.3%) utilized the NCSEAM standard for determining a positive response to their parent involvement surveys.

The NCSEAM standard was developed by a group of stakeholders as part of the NCSEAM National Item Validation Study. The standard is based on the Rasch analysis framework. This framework creates an "agreeability" scale with corresponding calibrations (agreeability levels) for each survey item. Survey items with lower calibrations are "easier" to agree with, while questions with higher calibrations are more difficult. A respondent's survey answers are compiled into a single measure.

The calibration levels for the NCSEAM survey ranged from 200-800. The stakeholder

team recommended using a measure of 600 as the standard for a positive response. This corresponds to the survey item, "The school explains what options parents have if they disagree with a decision of the school." A score of 600 would mean that the parent had a .95 likelihood of responding "agree," "strongly agree," or "very strongly agree" to that question. More information about the NCSEAM standard and survey can be found at: http://www.accountabilitydata.org/FamilyInvolvmentNCSEAMMeasures.htm.

Single Question

Nine States (15%) used a response to a single question to determine whether that parent felt the school facilitated parent involvement as defined in this indicator. Often States used this data analysis method when they were using a state-developed survey that had relatively few questions related to parental involvement. States using the single question method varied with regard to the degree of agreeability needed to count the item as a positive response (i.e., some States required a response of "yes" to a yes/no question; others required a response of "3" or "4" on a 4-point scale). If States did not perform an initial analysis to confirm a correlation between the response to the chosen question and the survey as a whole, this would not be a statistically valid method of measuring performance in this indicator.

Other

Seven States (11.7%) utilized other criteria for a positive response.

Many of the "Other" criteria included an average rating over a subset of survey questions; however, not enough information was included to categorize the precise method used. Several States in this category described the criteria for responses to individual questions to be considered a positive response (e.g., response of "agree" or "strongly agree" on 5 point scale) but did not explain how many or what percentage of questions needed to be responded to in that way for the survey as a whole to be counted towards the State facilitating parent involvement. It is possible some States counted as "Other" used a percent of maximum method but did not indicate that clearly in their report.

Some states in the "Other" category used two questions to determine whether a parent reported that schools facilitated parental involvement.

Additionally, a couple of States seemed to calculate an average survey response across the entire sample of survey questions answered, rather than analyzing each parent's survey individually. This seems to be a questionable method of measuring performance for this indicator which is supposed to examine the *percentage of parents* reporting that schools facilitate parent involvement.

Unknown

One State (1.7%) did not describe the criteria for a positive response in its APR or SPP.

Indicator Performance

Data Summary

The following tables and charts compare States' performance on Indicator 8 based on a variety of factors. Although it is helpful to include this analysis, care must be taken when drawing conclusions because of the wide variability in States' selection of survey instruments used and criteria for positive response.

Table 6. Performance Summary: 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.

Ind. 8 Performance	# of States*	% of States
0-9.9%	0	0.0%
10-19.9%	1	1.4%
20-29.9%	2	2.9%
30-39.9%	14	20.3%
40-49.9%	6	8.7%
50-59.9%	1	1.4%
60-69.9%	7	10.1%
70-79.9%	11	15.9%
80-89.9%	17	24.6%
90-100%	10	14.5%

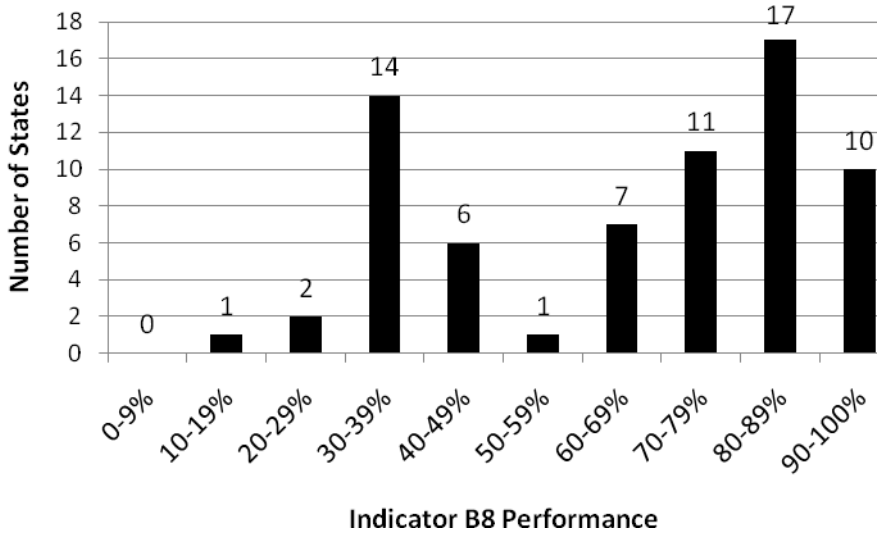
*This number of States totals 69 because of the 9 States reporting separate PreK and K-12 data.

Narrative Summary

The average FY 2007 Indicator 8 performance data was 66.2%, a 2.5% increase from FY 2007. Thirty-seven States met their targets, 21 missed their targets, and two States missed their preschool targets but met their school-age targets.

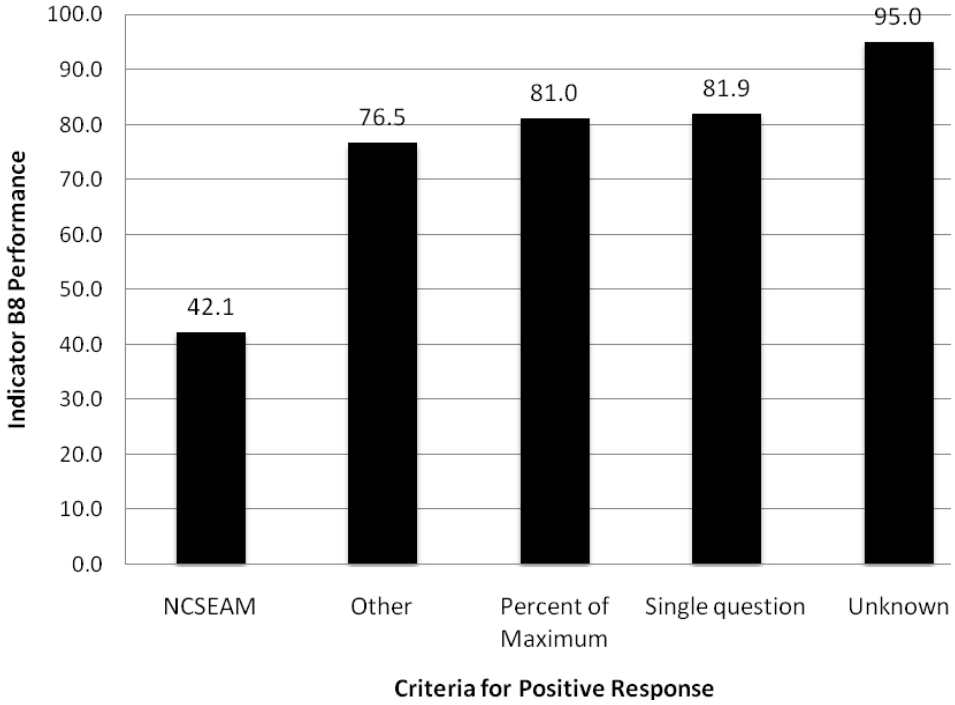
The data distribution for 2008-2009 is similar to previous years.

Figure 2. Performance Data Distribution



As noted in previous Indicator 8 summaries, there are two distributions of performance data at the lower and higher ends. This data corresponds to the criteria for positive response used by the State. Generally, States using the NCSEAM Standard have a lower distribution of scores while those using "percent of maximum" or other methods reported a higher range of percentages. The following chart represents average Indicator 8 performance data based on criteria for determining a positive response.

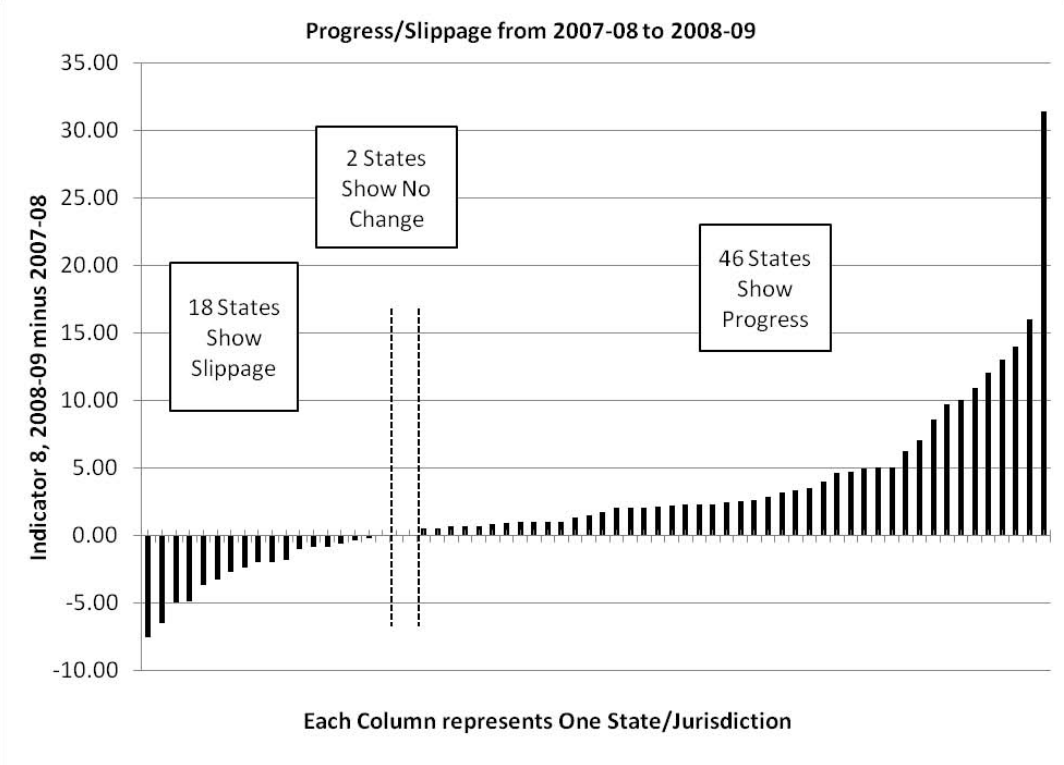
Figure 3. Performance by Criteria for Positive Response



The NCSEAM standard of 600 using the Rasch framework appears to be a more

rigorous standard than other methods used for data analysis. States using the NCSEAM standard reported an average performance of 42.1% while the average performance of States using other analysis methods ranged from 76.5% to 95%. As noted earlier, the difference in measures for positive response criteria makes it more challenging to compare performance data across States.

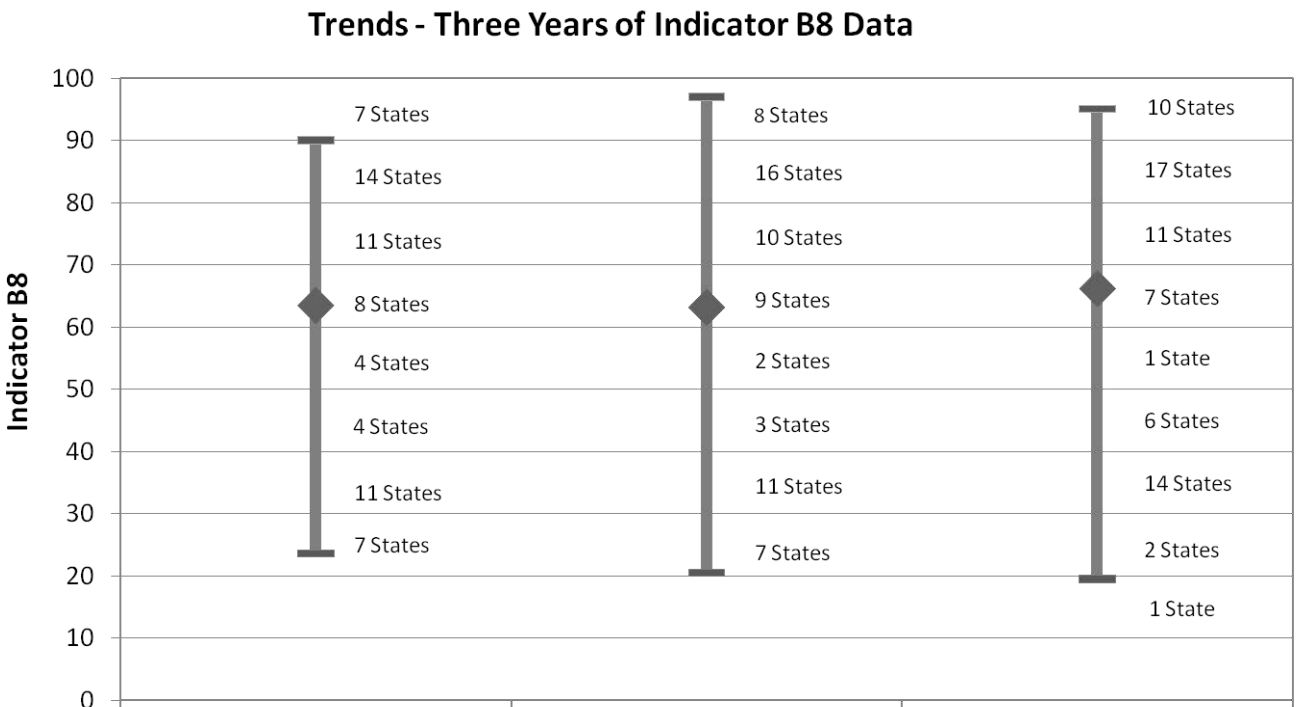
Figure 4. Indicator 8 Progress/Slippage from FY 2007 to FY 2008



The chart above shows progress and slippage made by States from 2007-2008 to 2008-2009. Eighteen States demonstrated slippage, two states experienced no change, and 46 States made progress. Data ranges from 7.6% slippage to 31.4% progress.

States primarily attributed slippage to modifications in survey methodology, such as a new survey instrument, different sampling approach, or a change in distribution method.

Figure 5. Three Year Trend Data – Indicator B8 Performance



	Ind B8 2006-07	Ind B8 2007-08	Ind B8 2008-09
Mean	64	63	66
Highest	90	97	95
Lowest	24	21	20

The chart above displays the minimum, maximum, and average Indicator B8 performance data for the past three years. There has been little change in range of distribution or average performance.

Improvement Activities

States reported a wide variety of improvement activities. Common approaches included increasing survey response rate, training and technical assistance for parents and professionals, posting documents and training modules on Web sites for families to access, including parents on focused monitoring teams, and gaining parent input through the State Special Education Advisory Councils.

States engaged in a variety of activities to increase their survey response rates. Both Colorado and the Northern Mariana Islands significantly reduced the number of survey items on their questionnaire, which resulted in improved return rates. Micronesia and a district in Georgia used networks of parents to help administer the survey which showed positive results. South Dakota used a variety of approaches, including hosting a potluck. They also sent a tip sheet with examples of distribution methods used by districts that had high response rates. Many States discussed using personalized cover letters and reminder post cards to encourage more parents to respond to the parent involvement survey.

Many States implemented various incentive programs or individualized plans to assist local education agencies (LEAs) in improving their parent involvement performance. States such as Connecticut, Rhode Island, and Tennessee required districts to develop individualized improvement plans based on their survey results. Rhode Island required LEAs to address Indicator 8 in their annual application for IDEA funds. Massachusetts held conference calls with LEAs about their survey results, and each district received a detailed report of findings. Missouri is working with the North Central Regional Resource Center to research successful models of parent involvement, identify districts using high quality strategies, and provide incentives for LEAs to serve as role models across the state. Alaska listed several detailed LEA improvement activities to begin in FY 2009.

States frequently implemented staff and parent training as improvement activities. Professional development trainings often focused on family engagement, and parent trainings were conducted on various aspects of the special education process. Alabama and Arkansas both implemented programs focusing on literacy. Puerto Rico and Wisconsin described successful collaborative parent-professional training activities to support all members of the system to work together to improve student outcomes. Parent Training and Information Centers and Community Parent Resource Centers were often mentioned as part of parent and professional training activities.

Connections Across Indicators

Only a few States mentioned how parent involvement was connected to other Part B Indicators. Some referenced improvement activities that were listed in other indicators that involved parents or mentioned their hope that improved parent involvement would have a positive effect on the State's performance in other areas. Massachusetts, for example, included an overview of cross-indicator improvement activities in their APR.

Increasing Participation, Survey Return Rates, & Engagement of Underserved Families

Very few States described specific activities designed to increase parent involvement of families from underserved communities. Most often the only mention of diversity was translation of the survey or ensuring the representativeness of the survey sample (including oversampling) with respect to race/ethnicity. A couple of States referenced focused efforts to improve the survey response rates of non-White families by distributing the survey at IEP meetings or offering telephone assistance in a variety of languages. Few States reported specific efforts targeted at closing the "parent involvement" gap between White and other families.

Recommendations

As indicated in this analysis, States utilizing varied survey distribution methods reported significantly higher response rates than States using a single method. To achieve maximum response rates, it is recommended that States incorporate a diversity of data collection methods. Some of the methods that States found to be effective included paper and web-based surveys distributed via regular and electronic mail, facilitated focus groups, translations of the survey into multiple languages, and one-to-one

interviews. Further, it is suggested that States drill down into their historical response rates and identify the extent to which specific groups (age, disability, gender, race, language, etc.) are underrepresented and implement methods designed specifically for reaching the identified underrepresented groups. Community Parent Resource Centers (CPRCs) and Parent Training & Information Centers (PTIs) with extensive experience in reaching and serving underrepresented populations are an important resource that should be tapped to support State efforts.

States use a variety of criteria for positive response to determine agreement with Indicator 8 surveys. It is recommended that States, in collaboration with stakeholders and based upon the research of NCSEAM and the ECO Center, as well as others, review their criteria to ensure it is a valid and reliable indicator of the efficacy of state and district efforts in this area.

Effective parent-professional partnerships are key to improving outcomes across all Part B and C indicators, especially the performance indicators. It is suggested that States incorporate the data from Indicator 8 in developing and implementing parent involvement activities that improve services and results for children and youth with disabilities. The National and Regional Parent Technical Assistance Centers have developed extensive resources on effective parent engagement. The listing of links and sources can be found on the Indicator 8 section of the SPP/APR Calendar. States should also connect with their Parent Training and Information Centers (PTIs) and Community Parent Resource Centers (CPRCs) for expertise in parent-professional partnership strategies. It is also suggested that States ensure their Indicator 8 improvement activities (such as trainings, materials, etc.) reach underserved families. PTIs and CPRCs can also assist States to share examples of effective outreach strategies.

Indicator 9,10

INDICATORS 9, 10: DISPROPORTIONATE REPRESENTATION DUE TO INAPPROPRIATE IDENTIFICATION

Prepared by DAC and NCRTI

INTRODUCTION

The measurement for these SPP/APR indicators is as follows:

B9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification; and

B10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

The Data Accountability Center (DAC) and the National Center on Response to Intervention (NCRTI) worked jointly to review the FFY 2008 APRs for the 50 States, the District of Columbia, and the Virgin Islands. The other territories and the BIE did not report data for B9 and B10, noting that these indicators did not apply to them. (For this discussion, all are referred to as States, unless otherwise noted.) This review of States' APRs focused on:

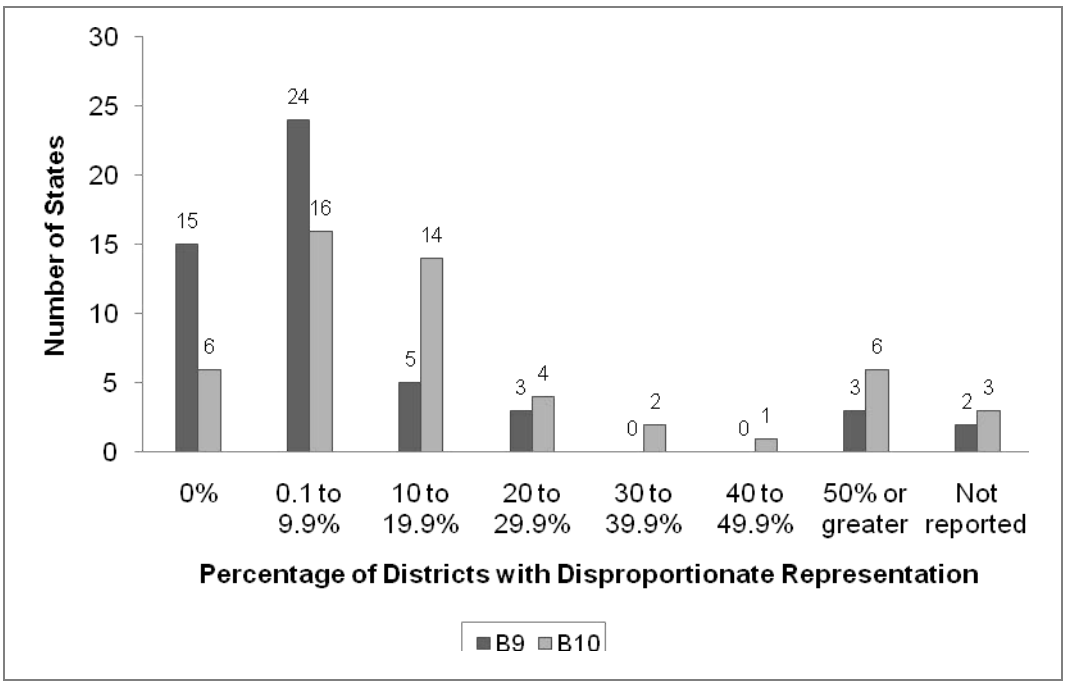
- Percentage of districts identified with disproportionate representation;
- Percentage of districts with disproportionate representation that was the result of inappropriate identification;
- Methods used to calculate disproportionate representation;
- Definitions of disproportionate representation;
- Minimum cell size requirements;
- Description of how States determined the disproportionate representation was the result of inappropriate identification;
- Description of progress and slippage made by States from FFY 2007 to FFY 2008; and
- Promising improvement activities implemented by States to address disproportionate representation.

This section ends with a summary and recommendations.

PERCENTAGE OF DISTRICTS WITH DISPROPORTIONATE REPRESENTATION

In their APRs, States were asked to report on the number of districts that were identified with disproportionate representation and subsequently targeted for a review of their policies, procedures and practices. This information is summarized in Figure 1.

Figure 1. Number of States reporting various percentages of districts with disproportionate representation for B9 and B10: 2008-09



- As shown in Figure 1, 15 States (29%) for B9 and 6 States (12%) for B10 reported that they did not identify any districts as having disproportionate representation in 2008-09.
- More than half of the States (29 States or 56% for B9, and 30 States or 58% for B10) reported that they identified some, but less than 20% of their districts.
- Only 6 States (12%) for B9 and 13 States (25%) for B10 identified 20% or more of their districts as having disproportionate representation.
- Two States (4%) for B9 and three States (6%) for B10 did not report on the number of districts that were identified with disproportionate representation.

PERCENTAGE OF DISTRICTS WITH DISPROPORTIONATE REPRESENTATION THAT WAS THE RESULT OF INAPPROPRIATE IDENTIFICATION

Consistent with the definitions and measurement requirements of these indicators, States were required to report on the percentage of districts that had disproportionate representation that was a result of inappropriate identification for both B9 and B10. This information is presented in Figures 2 and 3 for B9 and B10, respectively. For each indicator, data are presented for 2008-09, as well as for the three previous years.

Figure 2. Number of States reporting various percentages of districts with disproportionate representation that was the result of inappropriate identification for B9: 2008-09, 2007-08, 2006-07, and 2005-06

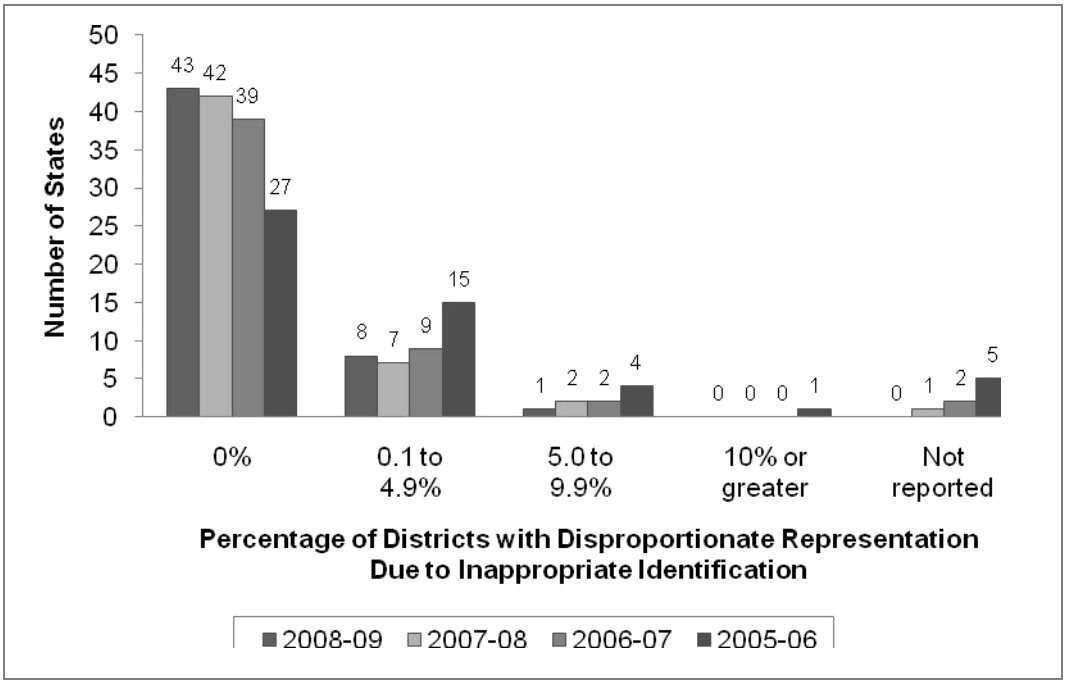
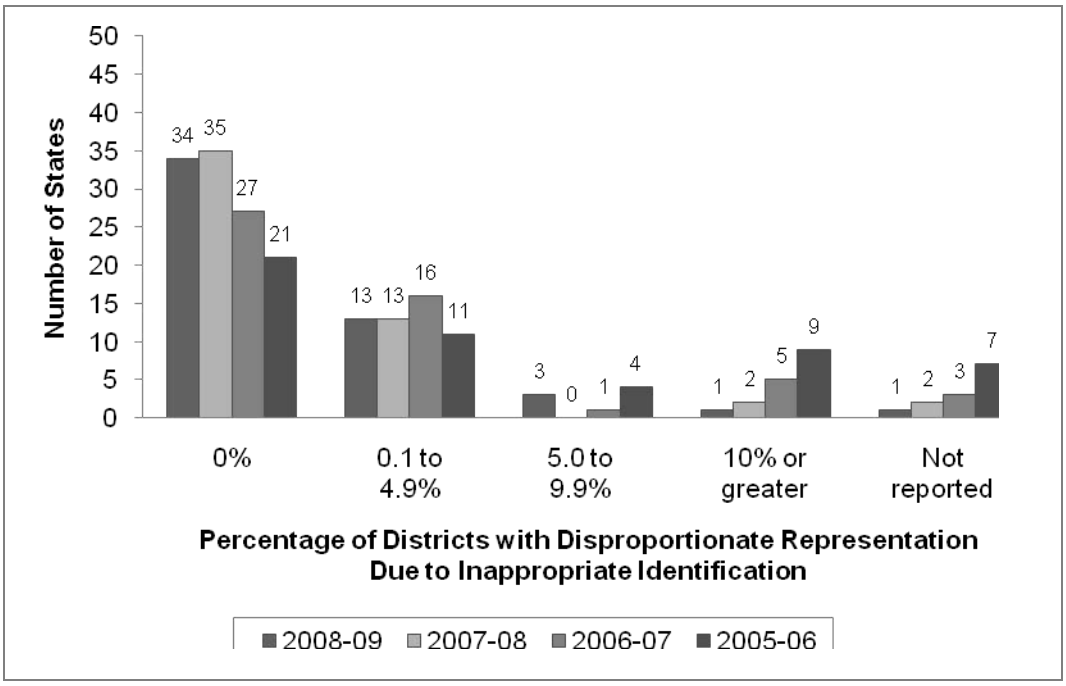


Figure 3. Number of States reporting various percentages of districts with disproportionate representation that was the result of inappropriate identification for B10: 2008-09, 2007-08, 2006-07, and 2005-06



- As shown in Figures 2 and 3, a large majority of States reported in 2008-09 that they did not identify any districts that had disproportionate representation that was the result of inappropriate identification. This was true for both B9 (43 States or 83%) and for B10 (34 States or 65%).
- The number of States reporting that they did not identify any districts as having disproportionate representation that was the result of inappropriate identification has, for the most part, increased from 2005-06 to 2008-09, with the largest increase occurring between 2005-06 and 2006-07.
- The number of States not reporting on the percentages of districts with disproportionate representation due to inappropriate identification for B9 and B10 has declined each year over the last four years. Most recently, all States reported on B9, and all but one State (2%) reported on B10 (this State was not required to address B10 because it does not report child count data by disability category).

METHODS USED TO CALCULATE DISPROPORTIONATE REPRESENTATION

The APR instructions advised States that they should consider using multiple methods to calculate disproportionate representation to reduce the risk of overlooking potential problems. However, States were not required to use multiple methods or to use a specific methodology to calculate disproportionate representation.

States Using One Method

The majority of States (41 States or 79%) used one method to calculate disproportionate representation (see Figure 4).

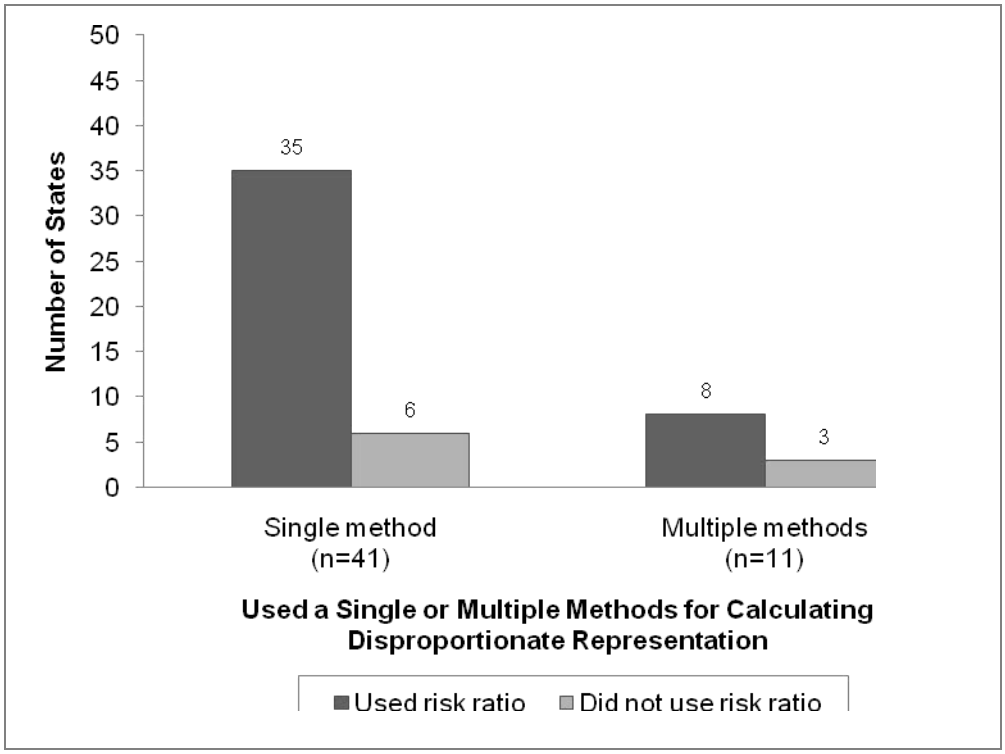
- Most States (35) used one or more forms of the risk ratio as their sole method for calculating disproportionate representation.
- A small number of States (6) used methods other than a risk ratio as their sole method for calculating disproportionate representation. These methods included composition, the E-formula, statistical test of differences between two risks and an expected numbers calculation.

States Using Multiple Methods

The remaining States (11 States or 2%) used more than one method to calculate disproportionate representation (see Figure 4).

- Of the States using multiple methods, the majority (8 States) used the risk ratio in combination with one or more other methods, while the remaining States (3 States) combined other types of methods.
- Two States used different methods for B9 than they did for B10.

Figure 4. Numbers of States that used the risk ratio or other methods to calculate disproportionate representation, by whether the State used single or multiple methods: 2008-09



States Using the Risk Ratio

Of the States that reported using the risk ratio, either as their sole method for calculating disproportionate representation or in combination with other methods:

- Seven States reported using the weighted risk ratio, except for in particular situations when they used the alternate risk ratio.
- Fifteen States reported using a weighted risk ratio, without further detail.
- Eight States reported using some other form of the risk ratio (e.g., alternate risk ratio) or some other combination of risk ratios (e.g., risk ratio and weighted risk ratio).
- Thirteen States reported using a risk ratio, but did not describe the type of risk ratio that they used.

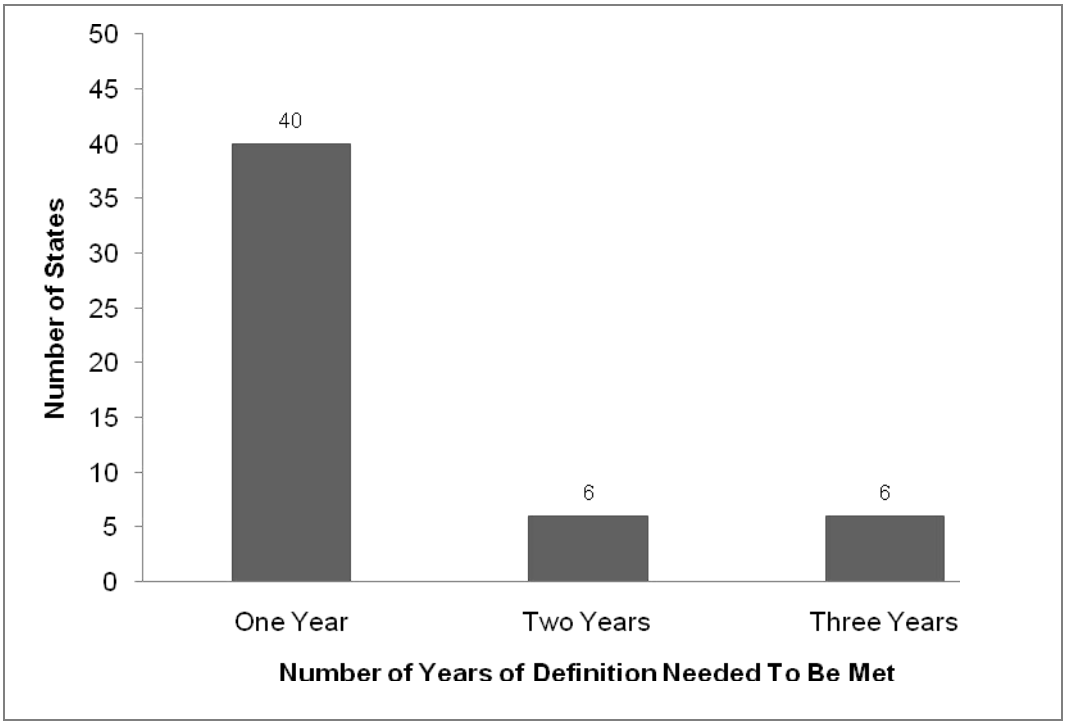
DEFINITIONS OF DISPROPORTIONATE REPRESENTATION

States were instructed to include the State's definition of disproportionate representation in their APRs. The definitions that States used varied and depended upon the method the State used to calculate disproportionate representation.

Multiple Years of Data

As shown in Figure 5, some States (12 States or 23%) required that a district meet the State's definition of disproportionate representation for multiple years—typically two (6 States) or three (6 States) consecutive years—before the district was identified as having disproportionate representation. In the remaining States (40 States or 78%), a district only needed to meet the State's definition for one year in order to be identified.

Figure 5. Number of States requiring districts to meet the State's definition for one or more years to be identified as having disproportionate representation: 2008-09



Risk Ratio

Most of the States using the risk ratio defined disproportionate representation with a risk ratio cut-point. That is, a district was considered to have disproportionate representation only if the risk ratio for one of its racial/ethnic groups was greater than a cut-point for overrepresentation or less than a cut-point for underrepresentation.

- The most commonly used cut-point for overrepresentation was 3.0 (used for at least one indicator by 13 States).
    - Other cut-points used by more than one State included 2.0 (10 States), 2.5 (7 States), 3.5 (2 States), and 4.0 (4 States).
    - Cut-points used by single States included 5.0, 2.8, and 2.25.
- The most commonly used cut-point for underrepresentation was 0.25 (used for at least one indicator by 18 States).

- Other cut-points used by more than one State included 0.5 (6 States), 0.2 (6 States), 0.33 (4 States), 0.30 (3 States), and 0.4 (2 States).
- Cut-points of 0.36 and 0.03 were each used by one State.

- Three States used two types of risk ratios to calculate disproportionate representation (e.g., a risk ratio and a weighted risk ratio) and required that districts meet the risk ratio cut-point for both types to be identified as having disproportionate representation.

Some alternatives to cut-points for risk ratios included risk gaps (one risk ratio being subtracted from another) and confidence intervals.

Other Methods

The small number of States that calculated disproportionate representation using other methods defined disproportionate representation in different ways. These included:

- For composition, either percentage point difference cut-points or relative differences;
- Comparisons to State levels or average;
- Tests of statistical significance, confidence intervals and/or standard errors; and
- Differences between expected numbers of students and actual numbers of students.

Eight of the States that reported using multiple methods to calculate disproportionate representation required that the district meet the State's definition for disproportionate representation for two or more methods before the district was identified as having disproportionate representation.

MINIMUM CELL SIZE REQUIREMENTS

Overall, 48 States (92%) specified minimum cell size requirements used in their calculations of disproportionate representation. Although these requirements have the potential to exclude a significant number of districts from the analyses, only five of these States (10%) reported on the number of districts either included in or excluded from the analyses due to minimum cell size requirements.

States used a variety of minimum cell size requirements, ranging from 5 to 100 students. States also defined "cell" in many different ways.

- A number of States used minimum cell size requirements that involved *students with disabilities,* often from the racial/ethnic group of interest. For example, a State might require that there be 40 black students with disabilities in the district in order for disproportionate representation to be calculated. In addition, some States used minimum cell size requirements for B10 referring to *students in particular disability categories*. For example, a State may require that there be at least 20 students with mental retardation in the district.

- Other States used minimum cell size requirements that involved the number of *students enrolled in the district.* For example, a State may require that there be at least 30 students enrolled in the district. In other cases, the requirement also referred to the racial/ethnic group of interest (e.g., there must be at least 10 Hispanic students enrolled in the district).
- In many instances, the minimum cell size requirements that States were using were unclear. For example, some States simply stated that they used a minimum cell size requirement of a certain number (e.g., 10 students), but it was not clear what this number was referring to (i.e., students enrolled in the district? students with disabilities? students from the racial/ethnic group of interest?).
- A small number of States had multiple minimum cell size requirements. For example, one State had requirements related to total district enrollment, racial/ethnic group district enrollment, and district special education counts. Other States had different requirements for overrepresentation and underrepresentation and/or for B9 and B10.

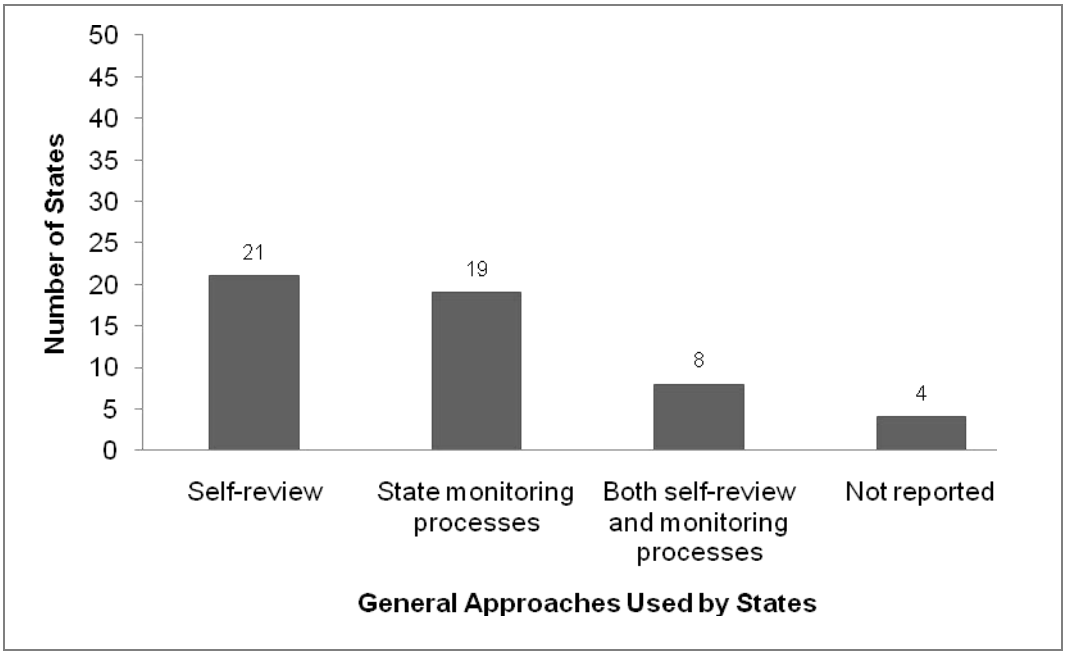
DESCRIPTION OF HOW STATES DETERMINED THE DISPROPORTIONATE REPRESENTATION WAS THE RESULT OF INAPPROPRIATE IDENTIFICATION

For B9 and B10, States were required to describe how they determined that disproportionate representation of racial/ethnic groups in special education was the result of inappropriate identification. All but four States (8%) included this information.

General Approaches Used by States

Figure 6 presents the general approaches used by States to determine whether districts had disproportionate representation that was the result of inappropriate identification.

Figure 6. Number of States using various approaches to determine if disproportionate representation was the result of inappropriate identification: 2008-09

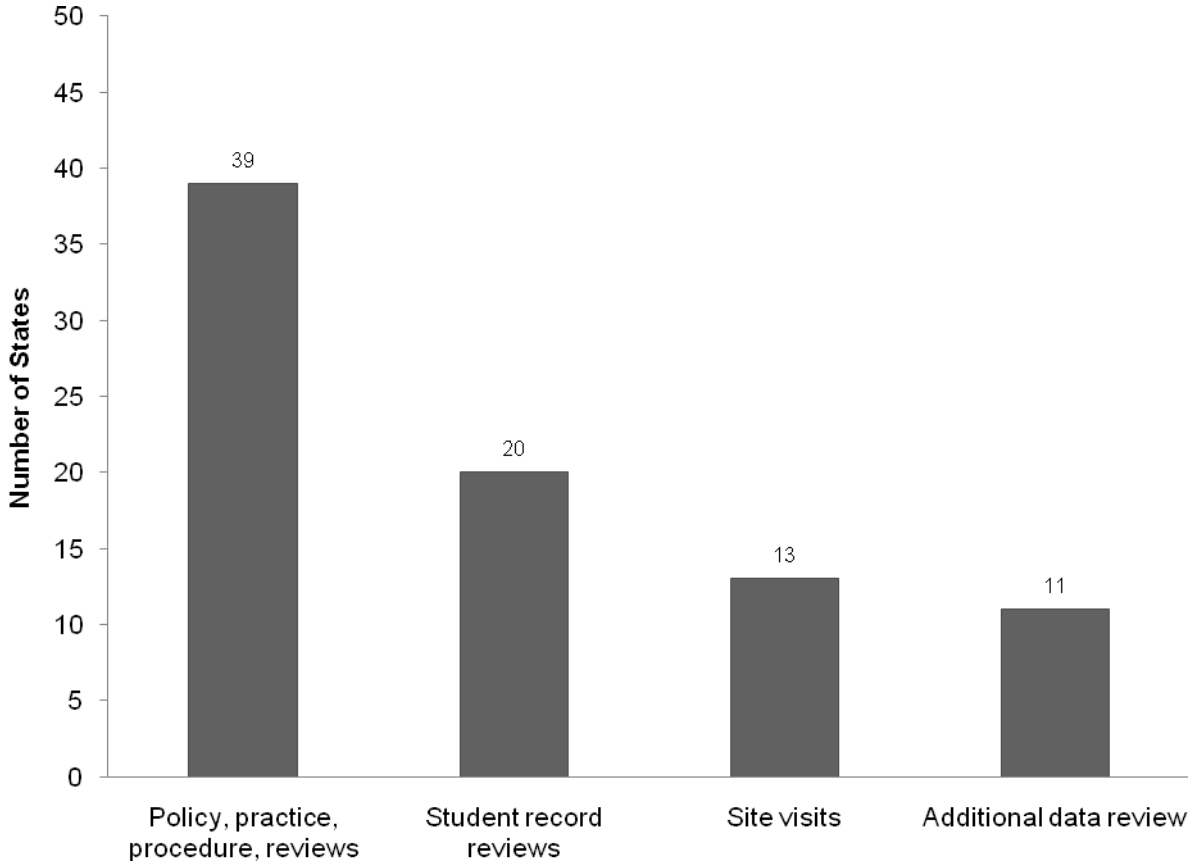


- Twenty-one States (40%) required identified districts to complete a self-review or self-assessment.
- Nineteen States (37%) indicated that procedures to determine whether disproportionate representation was due to inappropriate identification were incorporated into their State-level monitoring processes and activities.
- A small number of States (8 States or 15%) combined these two approaches; that is, they used both self-review and State-level monitoring activities.
- Of the States that required districts to complete a self-review, seven indicated that the district-level findings were reviewed by the State and 17 indicated that they provided districts with a disproportionality tool or rubric to guide the review process.

Specific Activities Used by States in Their Reviews

Figure 7 presents the specific activities States used for their reviews to determine whether there was inappropriate identification. In many cases, the reviews included a combination of two or more of these methods.

Figure 7. Number of States using various activities in their reviews: 2008-09

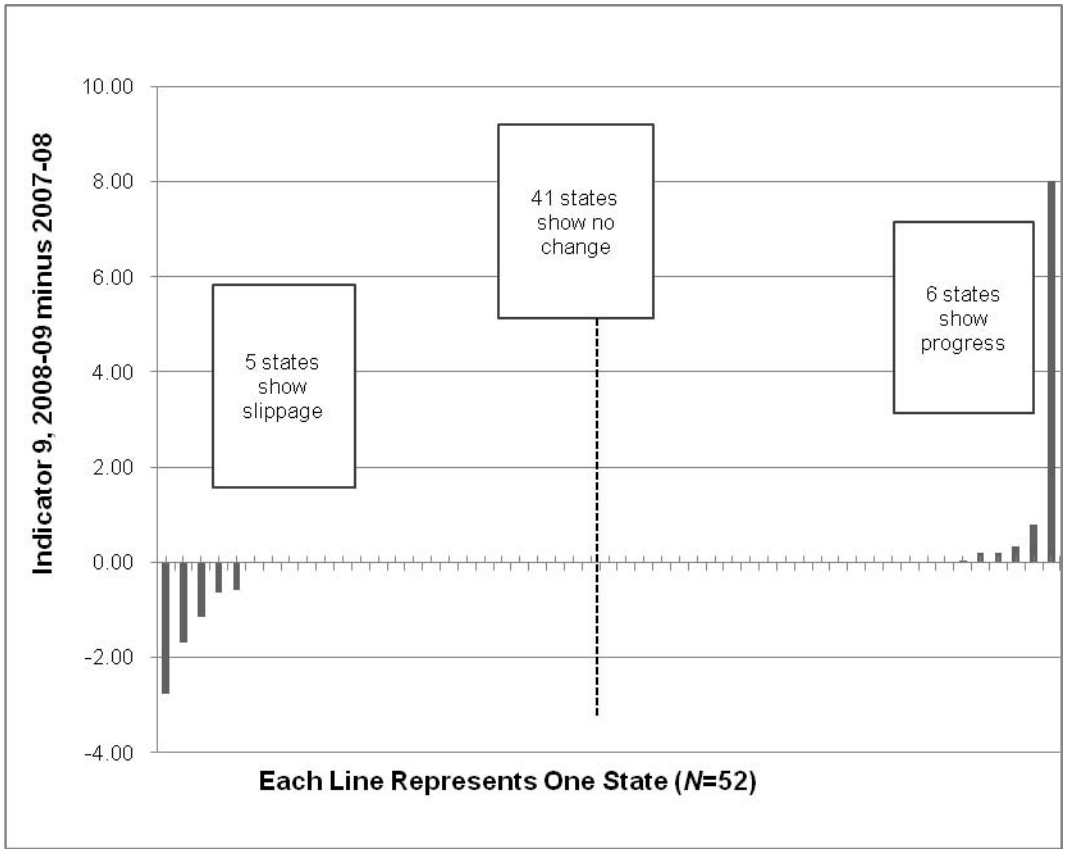


- Thirty-nine States (75%) specifically reported that they conducted a review of district-level policies, procedures and practices related to the identification of students with disabilities. This activity sometimes included desk audits.
- Other activities frequently used by States included student record reviews (20 States or 38%), onsite visits (13 States or 25%) and the review or analysis of new or existing data (e.g., risk ratio trend data, LRE data, interview with district staff, disproportionality surveys) (11 States or 21%).
- Less common activities included the review of due process data (3 States or 6%) and data verification (2 States or 4%).
- A small number of States (4 or 8%) described using a different set of activities for B9 versus B10 and/or overrepresentation versus underrepresentation. In addition, a few States (6 States or 12%) used different combinations of activities and/or more activities based on the degree of disproportionate representation or the number of consecutive years the district had been identified.

DESCRIPTION OF PROGRESS AND SLIPPAGE MADE BY STATES FROM FFY 2007 TO FFY 2008

States were required to report on the percentage of districts showing either progress or slippage in their reporting of disproportionate representation that was a result of inappropriate identification for B9 and B10. During FFY 2008, all 52 States (100%) reported progress or slippage information for B9 and 51 of 52 States (98%) reported progress or slippage information for B10. The one State noted as not reporting was not required to address B10 because it does not report child count data by disability category. Figures 8 and 9 present the progress and slippage made by States on B9 and B10, respectively.

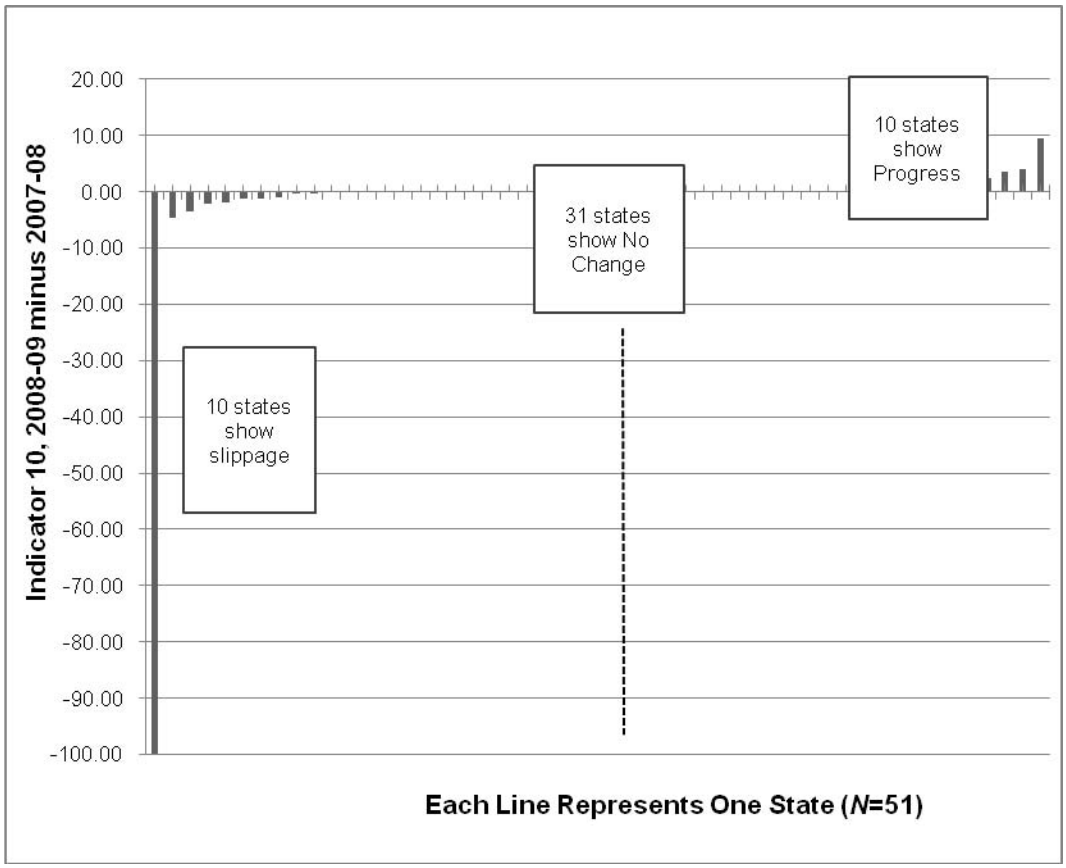
Figure 8. Progress and slippage by States on B9 from 2007-08 to 2008-09



- For B9, there was a great deal of stability in State reporting, as 41 States (79%) indicated no change in the percentage of districts identified with disproportionate representation due to inappropriate identification from 2007-08 to 2008-09 (see Figure 8). Of the 41 States reporting no change, 37 reported that they identified 0% of their districts with disproportionate representation due to inappropriate identification for both years.
- Five States reported slippage in the percentage of districts with disproportionate representation due to inappropriate identification, with the percentage point increase in identified districts ranging from 0.6 to 2.8.

- Six States reported progress in the percentage of districts with disproportionate representation due to inappropriate identification, with the percentage point decrease in identified districts ranging from 0.01 to 8.0.

Figure 9. Progress and slippage by States on B10 from 2007-08 to 2008-09



- For B10, 31 out of 51 States (61%) indicated no change in the number of districts identified for disproportionate representation due to inappropriate identification across the 2007-08 to 2008-09 reporting years (see Figure 9). Of the 31 States indicating no change, 28 reported that they identified 0% of their districts with disproportionate representation due to inappropriate identification for both years.
- 10 States reported slippage in the percentage of districts with disproportionate representation due to inappropriate identification, with the percentage point increase in identified districts ranging from 0.2 to 100.
- 10 States reported progress in the percentage of districts with disproportionate representation due to inappropriate identification, with the percentage point decrease in identified districts ranging from 0.01 to 9.4.

PROMISING IMPROVEMENT ACTIVITIES IMPLEMENTED BY STATES

Our review of APRs showed that, for B9, 48 of 52 States (92%) reported improvement activities. For B10, 47 of 52 States (90%) reported improvement activities. The vast

majority of States provided some form of technical assistance and professional development to local districts, with 45 of 52 States (87%) reporting this as an improvement activity for B9. In the APRs, specific training and professional development activities were described, however, information on promising improvement activities showing an impact on progress or slippage with inappropriate identification was typically not provided. Other frequently reported improvement activities included the incorporation or revision of protocols for policy, procedures, and practices (19 States or 37%); district monitoring and self-assessment (19 States or 37%); meetings to review and design data strategies (12 States or 23%); and efforts to increase district awareness and data dissemination (11 States or 21%).

Less frequently cited by States were improvement activities reflecting recommendations from the research on disproportionate representation. These recommended strategies include such activities as providing districts with training and guidelines on culturally and linguistically diverse (CLD) instruction strategies; training on effective instruction for English Language Learners (ELL); and training and professional development on the use of differentiated instruction with diverse student populations. Across the State APRs, only two States (4%) reported improvement activities associated with training on CLD, one State (2%) reported training on ELL, and one State (2%) reported training on implementing differentiated instruction. Only two States (4%) engaged in improvement activities around increased parental involvement in the school.

For B10, 38 of 52 States (73%) provided some form of technical assistance and professional development to local districts. Other frequently reported improvement activities included increasing district awareness and data dissemination (17 States or 33%); district monitoring and self-assessment (15 States or 29%); and the incorporation or revision of protocols for policy, procedures, and practices (10 States or 19%).

As found in the reporting for B9, few improvement activities reflected the research on disproportionate representation. Across the State APRs, only three States (6%) reported improvement activities associated with training on CLD, one State (2%) reported training on ELL, and one State (2%) reported training on implementing differentiated instruction. In addition, only one State (2%) engaged in improvement activities around increased parental involvement in the school.

SUMMARY AND RECOMMENDATIONS

The major trend emerging from the review of the 2008-09 data is that the majority of States, for both B9 and B10, reported that they identified 0% of their districts as having disproportionate representation that was a result of inappropriate identification, with relatively few showing slippage or progress. Between 2005-06 and 2008-09, the number of States reporting that they identified 0% of their districts increased from 27 to 43 States for B9 (83% of States) and from 21 to 34 States for B10 (65% of States). Furthermore, most of the States that reported no change from 2007-08 to 2008-09 with regard to slippage or progress reported that they identified 0% of their districts with disproportionate representation due to inappropriate identification for both years (37 of 41 States for B9, and 28 of 31 States for B10).

Some form of the risk ratio was used by 43 States, sometimes as part of a combination of two or more methods for calculating disproportionate representation; States using the risk ratio used a variety of cut-points to determine over- and underrepresentation. When determining disproportionate representation, 12 States required that a district meet the State's definition for two or three years before the district was identified. States used a wide range of minimum cell size requirements that districts needed to meet in order to be included in analyses for determining disproportionate representation; also, there was much variety with regard to how States defined a "cell" for these requirements. Only five States reported on the number of districts that were excluded from analysis due to the State's minimum cell size requirements.

Indicator 11

INDICATOR 11: TIMELY INITIAL EVALUATIONS

Prepared by DAC

INTRODUCTION

FFY 2008 (2008-09) was the fourth year of required data reporting for Indicator 11. DAC did not use the baseline year FFY 2005 in this analysis; instead, the three subsequent years were used for this report. The 50 States, District of Columbia, and the nine territories reported. For this report, they will be called the 60 States.

This indicator requires the State to collect and report data from the State's monitoring activities or data system. Additionally, the State is required to indicate the established timeline for initial evaluations. The instructions direct States to refer to "initial" eligibility determination.

Specifically, Indicator B11 measures the "percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline)." The performance target for this indicator is 100%. The indicator States:

> Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline) (20 U.S.C. 1416(a)(3)(B))
>
> Measurement:
>
> a. # of children for whom parental consent to evaluate was received.
> b. # determined not eligible whose evaluations and eligibility determinations were completed within 60 days (or State-established timeline).
> c. # determined eligible whose evaluations and eligibility determinations were completed within 60 days (or State-established timeline).
>
> Account for children included in "a" but not included in "b" or "c." Indicate the range of days beyond the timeline when eligibility was determined and any reasons for the delay. Percent = [(b + c) divided by (a)] times 100.

The remainder of this analysis focuses on five other elements: (1) States' descriptions of progress and/or slippage; (2) discussion of States' established timelines; (3) method of data collection, range of days beyond the timeline and reasons for delays; (4) States' improvement activities; and (5) three-year trends.

PROGRESS OR SLIPPAGE

In FFY 2008, all States provided data, and overall the States have continued to show progress. The number and percentage of States showing progress has steadily risen from 34 (57%) in FFY 2006 to 46 (77%) in FFY 2007 and to 48 (80%) in FFY 2008. Two States (3%) have maintained 100% compliance over the three years. Therefore, in FFY 2008, 10 (17%) of the States showed slippage, whereas 11 (18%) showed slippage in FFY 2007. Figure 1 shows the one-year changes across States. The two States that showed no change maintained 100% compliance for two years in a row. Also, the majority of States showed small changes of less than 10% in either a positive

or negative direction. A possible contributing reason for the number of States with small changes could be that 37 States have achieved substantial compliance of 95% or greater and are at this point “tweaking” their systems.

Figure 1. Progress and slippage comparison

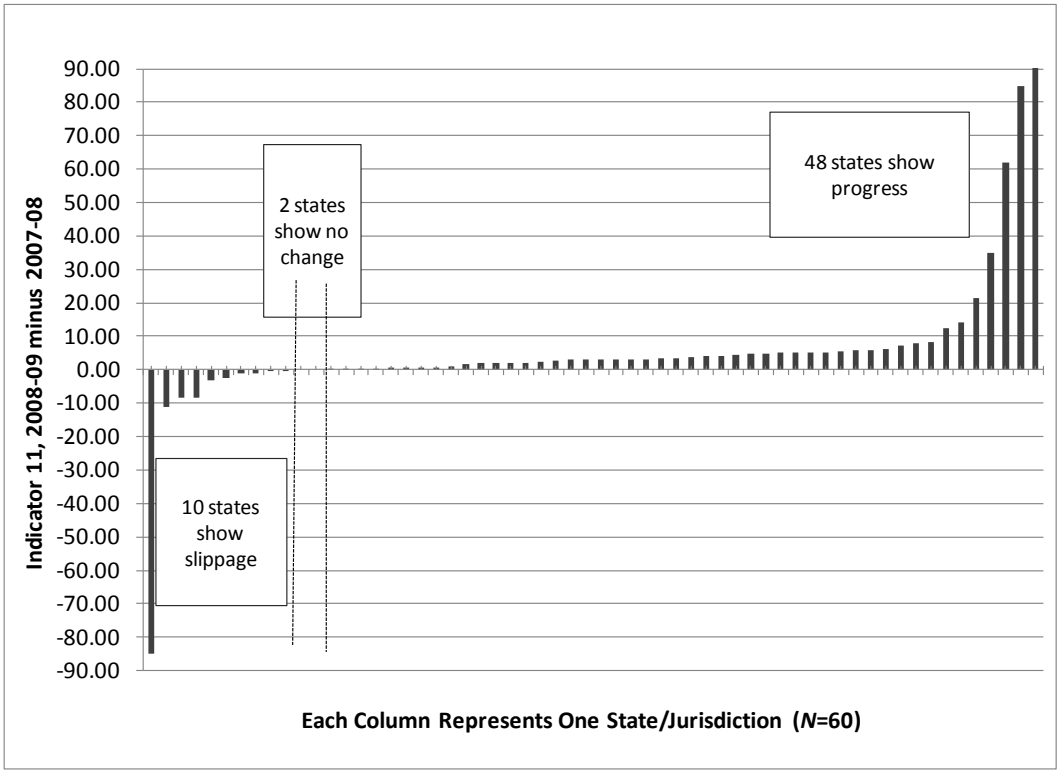
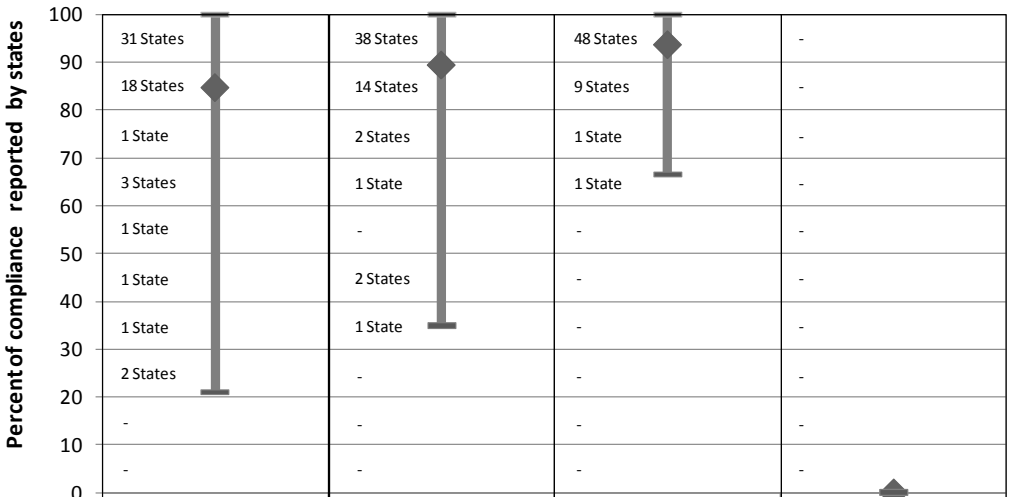


Figure 2 shows the three-year trend in the data for this indicator. It can be noted that the range in performance has narrowed, and the gap between the highest compliance level of 100% and the noncompliant levels has narrowed.

Figure 2. Three-year trend comparison



	Ind B11 2006-07	Ind B11 2007-08	Ind B11 2008-09	0
Mean	85	89	94	0
Highest	100	100	100	0
Lowest	21	35	67	0
No Data	2	2	1	60

States are continuing to move toward the 100% target for this indicator. In FFY 2006, 31 (51%) of States reported that they had reached at least 90% compliance; in FFY 2007, the number of States rose to 38 (63%); and in FFY 2008 it rose again to 48 (80%). Furthermore, the trend chart above shows that in FFY 2006, 49 States achieved 80% compliance, which rose to 52 States in FFY 2007 and 57 States in FFY 2008.

Among the 48 States reporting progress in FFY 2008, 37 reported the reasons for their progress. The reasons cited for progress focused on various aspects of technical assistance provided to the LEAs. Specifically, States attributed progress to (1) providing technical assistance, (2) increasing dedicated resources and (3) improving their monitoring systems.

States attributed their slippage to three distinct issues. First, States that used a monitoring cycle approach noted a different set of LEAs are evaluated each year; therefore, the States were unable to determine whether changes from the previous year had truly occurred. Second, some States cited a lack of available staff and time committed to this indicator. Third, some States reported slippage as a result of obtaining more accurate data.

ESTABLISHED TIMELINE

The indicator stipulates a timeline of "60 days (or State-established timeline)." States' timelines for evaluation ranged from 25 school days to 120 days. There was great variation in the use of the term "days." Across the States, terms used included "school day," "working days," "business days," as well as "calendar days."

- The majority of States (37 States or 62%) used a 60-day timeline. Among this group:
    - 22 States used 60 days but did not define "days"
    - 10 States used 60 calendar days (one State in this group indicated that it could be extended 30 days)
    - 5 States used 60 school days;
- The next most frequently used timeline was 45 days and was used by nine States. Among this group:
    - 8 States used 45 school days
    - 1 State used 45 days but did not define "days;"
- The 14 remaining States used a wide variety of definitions.

DATA COLLECTION METHODS

The majority of States (42 States or 70%) are using some type of web-based/ computer-based student management system. One of these States reported using an on-line census. Although not much descriptive information was provided, States did identify checks or flags that were built into the system to identify timelines, missing signatures, and other important data elements.

Of the remaining 18 States, five States (8%) did not provide any information regarding their data collection methods. The remaining 13 States (22%) used a variety of methods to collect data. Ten of these States used spreadsheets and their onsite work during the continuous monitoring process. It was not possible to determine from the information provided whether these two methods involved entering data into a web or computer-based system. The remaining States described using tracking logs, templates or manually collecting the data.

RANGE OF DAYS BEYOND THE TIMELINE AND REASONS FOR THE DELAYS

States are required to report the range of days they exceeded the timeline. Only one State did not report a range. An additional three States reported that they stayed in the timelines and achieved 100% compliance.

The minimum ranges were:

- 1 day: 51 States;
- 2 days: four States;
- 7 days: one State; and
- 31 days: one State.

The maximum ranges were:

- Less than 50 days: five States;
- 51-99 days: six States;
- 100-200 days: nine States;
- 201-679 days: 14 States; and
- Not reported: 21 States. These States reported an upper range from more than 21 days to more than 150 days, but did not provide an upper limit.

Twenty-one States did not report an upper boundary. The minimum and maximum ranges are almost identical those reported in FFY 2007.

Most States, including States that did not report a range of days, provided reasons for delays in meeting the timelines. The reasons for the delays varied, but can be broadly grouped as follows:

- *School- or District-Level Issues:* These include staff shortages or turnovers, scheduling conflicts, timeline errors that did not incorporate weekends or school breaks, inadequate tracking and scheduling systems, improper documentation and staff errors.
- *Student and/or Family Delays*: These include student illness, student absence for reasons other than illness, student incarceration, parent cancellations or no shows, unsigned evaluations or forms, custody issues and district or State transfer issues;
- *Medical Issues*: States mentioned delays in receiving medical reports or evaluations and the need for further testing or glasses.
- *Weather-related delays, natural disaster and/or power outages*.

IMPROVEMENT ACTIVITIES

Among the 48 States that reported progress, 37 attributed their progress to specific activities that were accomplished during the year. The following three themes predominated:

- *Technical Assistance:* Examples of the types of technical assistance described included (1) States worked with LEAs to determine the root causes of the delays and setting up corrective action plans, (2) LEAs implemented the guidance strategies that OSEP provided, (3) DAC and RRCs provided technical assistance, and (4) States increased the clarity of their guidance documents.
- *Increased Dedicated Resources:* Some examples that were provided included (1) increased the focus given to this indicator to ensure that LEAs remain current, (2) increased focus on LEA implementation of IEPs, and (3) implemented new improvement activities.
- *Improved Monitoring Systems:* This included (1) creating new monitoring systems and (2) adding new data fields to capture information more accurately.

Information provided by Colorado, Connecticut, New Hampshire and South Dakota highlights the theme of technical assistance echoed by many States.

- Colorado attributed progress to evaluating the performance of each Administrative Unit (AU) and working with AUs to identify the root cause of significant delays. Corrective action plans are being developed and implemented to improve timely completion of initial evaluations.
- Connecticut attributed its progress to the clarity in guidance documents disseminated by the Board of Special Education as well as the extensive provision of technical assistance by State staff. The State has also increased the amount of resources dedicated to addressing the barriers attributed to compliance with this indicator.
- New Hampshire attributed its progress to the work completed with the Data Accountability Center (DAC) and NERRC.
- South Dakota attributed its progress to substantial training efforts to inform districts of the policies and procedures necessary to meet the State timelines.

Information provided by Michigan and Rhode Island highlights the improvements made to monitoring systems.

- Michigan attributed the progress to improved technical assistance through the Office of Special Education-Early Intervention Services PA unit and data collection through the Single Record Student Database. Districts were provided ongoing support to ensure improved accuracy in identifying initial evaluations and calculated timelines. The State refined the language used in the State data system. Inclusion of this indicator in the State's continuing improvement and monitoring system and district Determinations heightened awareness.
- Rhode Island attributed its progress to modifications completed to its web-based data system. It included a “Receipt of Consent for Evaluation Date” field.

Missouri focused on technical assistance and dedicated resources.

- Missouri attributed its progress to (a) providing targeted assistance and training to determine the causes of delayed evaluations and determining strategies to resolve failure to meet timelines and (2) providing ongoing training and technical assistance to all districts to increase compliance in the area of initial evaluation timelines, including self-assessment training, special education administrators’ conference, new directors’ training, web stream presentations and technical assistance through Regional Professional Development Center staff and Department of Elementary and Secondary Education staff.

OBSERVATIONS AND CONCLUSIONS

Overall, the number of States moving toward the goal of 100% compliance for this indicator continues to show a positive trend. The number of States with at least 90% compliance rose from 31 in FFY 2006 to 48 in FFY 2008. Many of those States were at or above the 95% compliance level. Numerous States attributed the general progress

to either the technical assistance they provided their local LEAs or the technical assistance they received at the State level from either OSEP or OSEP funded TA centers. Technical assistance was again the most widely used improvement activity.

The maximum number of days beyond the range varied widely and approximately one-third did not report an upper boundary. However, some States reported that it was the upper boundary that was greatly skewed by one or two students.

Lack of qualified personnel, particularly those skilled in conducting and interpreting evaluations, continues to be one of the most frequently mentioned reasons for not meeting the timelines. Other frequently cited reasons were the need for further evaluations, either medical or educational and not taking into account school breaks and weekends.

INDICATOR 12: EARLY CHILDHOOD TRANSITION

Prepared by NECTAC

PART B INDICATOR 12: Percent of children referred by Part C prior to age 3 and who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.

INTRODUCTION

The Individuals with Disabilities Education Improvement Act (IDEA) specifies that in order for a State to be eligible for a grant under Part B, it must have policies and procedures that ensure that, "Children who participated in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part [Part B] experience a smooth and effective transition to those preschool programs in a manner consistent with 637(a)(9). By the third birthday of such a child an individualized education program has been developed and is being implemented for the child" [Section 612(a)(9)].

The following analysis of Part B Indicator 12 is based on a review of Part B Annual Performance Reports (APRs) for FFY 2008-2009 of 55 States and jurisdictions. Indicator 12 does not apply to all jurisdictions in the Pacific Basin because those jurisdictions are not eligible to receive Part C funds under the IDEA. For the purpose of this report all States and territories are referred to collectively as States.

In responding to this indicator, States were required to report on their actual FY 2008-09 performance data, discuss their completed improvement activities, give an explanation of progress or slippage, and describe data collection process, improvement activities and timelines. As part of the measurement formula for this indicator, States were also asked to indicate the range of days and reasons for delays for not having an IEP developed and implemented by the third birthday. A new measurement element optional in this report and not required until 2011 is the percent of children who were referred to Part C less than 90 days before their third birthday. This measurement was reported by 25 States.

DATA COLLECTION AND MEASUREMENT

Data Sources

The majority of States (n=33) used State data systems as the data source for reporting on the early childhood transition indicator requirements. For the purpose of reporting on this indicator, the term "State data system" represents the capacity of States to collect child specific data at the State level, though it should be noted that many States must supplement State data elements and/or integrate data from multiple data systems to report on all elements required for this indicator. The capacity of States to include the transition measurement requirements into Statewide data systems has increased steadily since FFY 2005-06.

Thirteen States were coded in the category of "other" data collection source. These States typically described using State-wide forms, Excel workbooks and spreadsheets, generally completed by individual LEA's and sent to the State. Some of this reporting

was child specific, while others consisted of total numbers within reporting categories, aggregated by the State.

Five States gathered data for this indicator through monitoring, mostly through sampling a small number of transitions. Only one State reported that they monitored data for all transitioning children. The number of States reporting monitoring as the sole data source has generally decreased over time, representing a trend toward reporting census data.

The data source for two States was unclear, though the numbers reported would indicate a reporting of census data.

The majority of States (n=50) reported census data on all children reported by Part B to have experienced transitions in FY 2008-09. Approximately half of those States (n=25) had the capacity to compare child specific transition data from Part C to child specific data in Part B via a shared Part C and Part B database, transferred data elements, or other mechanisms at the State and/or local level.

Table 1 provides trend data with a count of the number of States by the type of data collection source used for this indicator.

Table 1: Comparison of Types of Data Sources Reported Over Time

Data Collection Source	Number of States FY 05-06	Number of States FY 06-07	Number of States FY 07-08	Number of States FY 08-09
State data system	24	33	34	33
State data system and monitoring	0	1	3	0
Monitoring	16	8	2	5
618 data (duplicated count 05-06)	13	1	0	0
Other	6	6	13	15
Not reported or unclear	8	7	4	2

Reasons for Delay

Information provided by States detailed the circumstances for which IEPs for children who transitioned from Part C were not in place by a child's third birthday. While some States provided numbers of children and the reasons for delay, others did not. An analysis of States' data revealed a variety of common factors causing delays reported across multiple States. Delays were typically categorized into three general clusters around Part B, Part C, family/child circumstances. The few circumstances not fitting these clusters were categorized as "other."

In general, delays attributed to Part B and Part C issues most often appeared to be related to capacity issues (staff and/or data system), and/or procedural issues. Family/child circumstances centered around family consent and availability. The reasons provided in the "other" category were less often mentioned and clustered around issues such as weather conditions and State-specific or interpreted exceptions.

Table 2: Circumstances Cited for Delayed Transition, and IEP's Not in Place by Age 3

	Circumstances Cited
Part B	District staff/evaluation staff not available, evaluations not completed or received in a timely manner, including medical records/hearing and vision screenings, further evaluation needed, ineffective tracking systems (unable to capture late referrals, children not eligible, data entry errors, other), summer birthday, ineffective district processes or communication, lack of interpreter.
Part C	Late referral to C, delays or no notification/transition planning conference, procedures and/or communication with B (including scheduling conflicts, waiting for billing, etc.).
Family/Child	Parent refusal to respond or provide consent for evaluation or services, failing to make the child available (illness of child or family member, moved or unable to locate), family rescheduling or missing meetings, unable to locate family.
Other	Weather conditions, custody issues, birthday on weekend or holiday, mutual agreement to extend timeline, exceptions allowed by State legislation, mediation and/or due process.

It is interesting to note that the circumstances cited for late transition and IEP development are inconsistently counted within measurement categories across States. For example, a family who moved or could not be located might have been counted by some States in category "d": parent refusal to provide consent, thus factored out of the percentage of late transitions. Other States did not exclude these children from the calculation and therefore counted them as not having an IEP in place by their third

birthday. In some cases it was not clear which circumstances were routinely included in specific measurement categories.

Data Sharing

Integrated Part B and Part C data sharing mechanisms, processes, and analysis for effectiveness and subsequent updating of data elements were often utilized in high performing States. Varying elements of child specific data were shared, compared and/or analyzed in at least twenty-five States at the State and/or local level. States reported using data to jointly track and compare local performance on timelines, develop policy guidance and to determine technical assistance needs. Collaborative activities included development of child identifiers and mechanisms to share data elements across both Part B and Part C. These elements typically included child specific information such as Part C referral information, relevant dates, and reasons for delay. In many of these States Part B and Part C data sharing involved methods to collaboratively analyze trends, evaluate data system effectiveness, determine joint data verification processes and develop shared procedures for technical assistance and training.

Four States reported using unique child identifiers, all were high performers or at full compliance. Three of these States attained compliance performance of 99% to 100%. Other States mentioned development of unique child identifiers or other mechanisms to track child specific information from Part C to Part B, though in some States operational implementation is described as a multi-year undertaking.

Twenty-five States provided data for this indicator that involved comparing individual child level data supplied by Part C for each exiting child, with individual child level data generated by Part B. States utilizing this process reported high percentages of compliance for children transitioning from Part C to Part B, with 19 of these 25 States demonstrating high performance or full compliance.

New in this reporting year, States had the option to report late referrals to Part C (element “e” of this indicator calculation: “Children referred to Part C less than 90 days before their third birthday.”). Twenty-five States provided data for this element, ten of those States reporting zero, or no late referrals. However, it is not clear if the zeros reported represent an accounting that no children were late referrals to Part C, or if the zeros represent the inability of States to collect that data. Of the fifteen States reporting actual numbers of late referrals to Part C, the numbers of children reported as late referrals were generally very low, less than 4% of the total referrals. Two States reported 11% of the total referrals as being late to Part C.

COMPARISON OF BASELINE, TARGET AND ACTUAL PERFORMANCE

Actual Performance

More than two-thirds of the States and territories (n=37) reported the percent of children referred by Part C, eligible for Part B, and who have an IEP developed and implemented by their third birthday, were high performers or at full o compliance. Of these 37 States, 11 demonstrated full compliance (100%) and an additional 26 States reported percentages of 95% or higher. as shown in Figure 1. All but six States reported compliance percentages of 85% or more.

Figure 1: Percentage of States' Performance for Early Childhood Transition

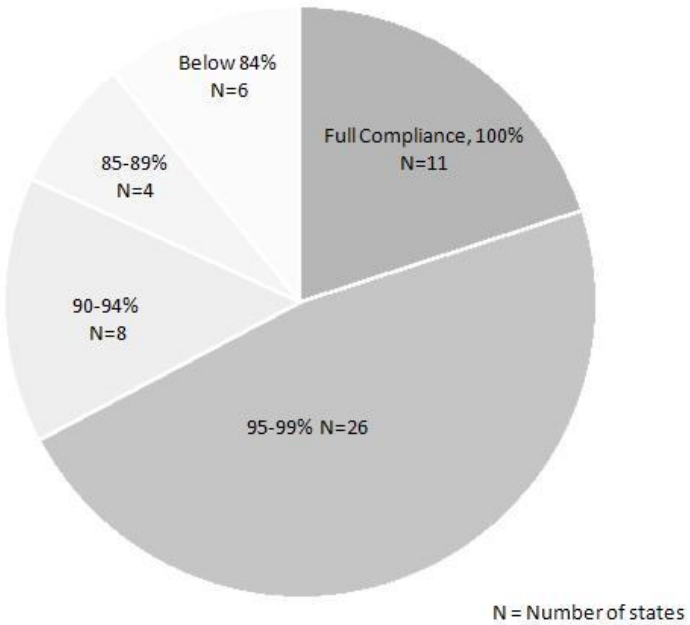


Table 3 displays the distribution for FY 2008-09 performance in comparison to FY 2007-8 and FY 2006-07. This data reflects the general improvement by States on this indicator, as evidenced by the total number of States (n=37) reporting full compliance or performing at or above 95% for this reporting period as compared to last year (n=29). In addition, the number of States reporting percentages below 80% (including data not valid/reliable) decreased from 8 States in FY 2007-08 to 5 States in the current reporting year. The largest increase in performance was noted in the twenty-six States in the 95%-99% category reflective of the considerable efforts by States toward achieving or maintaining full compliance in early childhood transition.

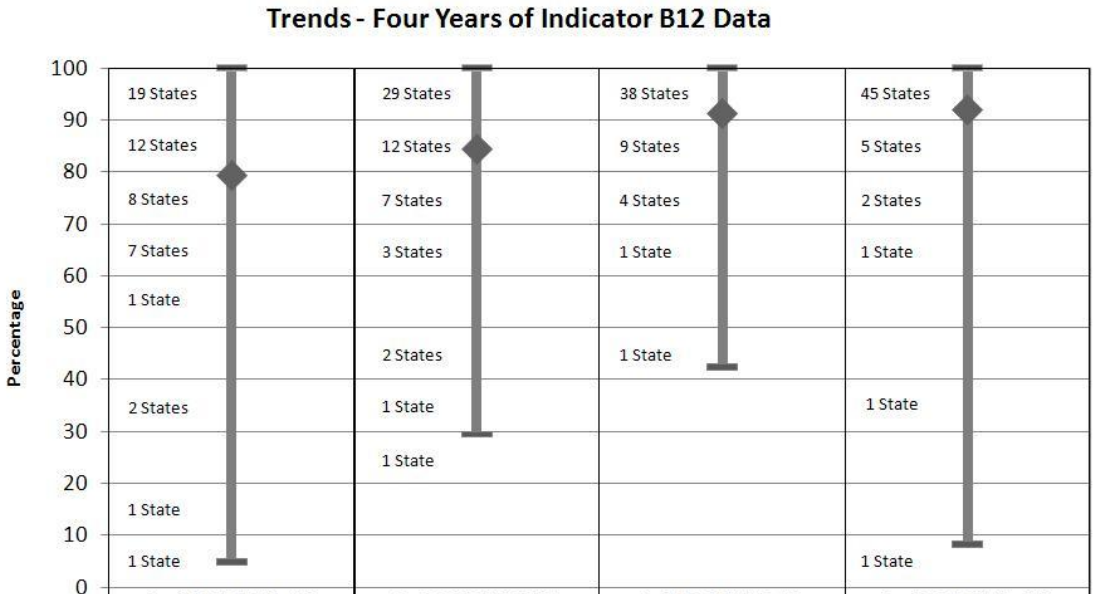
Table 3: Comparison of Distribution of State Performance from FY 06-07 to 08-09

Actual Performance	Number of States (06-07)	Number of States (07-08)	Number of States (08-09)
100%	5	10	11
95 to 99 %	14	19	26
90 to 94 %	8	9	8
85 to 89 %	3	6	4
80 to 84 %	9	3	1
70 to 79 %	7	3	2
60 to 69 %	3	1	1
< 50 %	3	1	2
Data Not Valid & Reliable	3	3	
No data	1		

Comparison of Baseline to Actual Performance

Figure 2 illustrates the upward trend in State performance over time from baseline in FY 2005-06 through subsequent reporting periods to FY 2008-09. The trend in performance is very positive with the majority of States (n=45) reporting 90% compliance or above, as compared to 19 States in that percentage category at baseline. The mean performance has risen from 79% at baseline to 92% in FY 2008-09. In addition, the number of States reporting percentages below 80% has significantly decreased over time from 20 States in FY 2005-06 to five States in FY 2008-09.

Figure 2: Comparison of Baseline FY 05-06, FY 06-07, FY 07-08 and FY 08-09

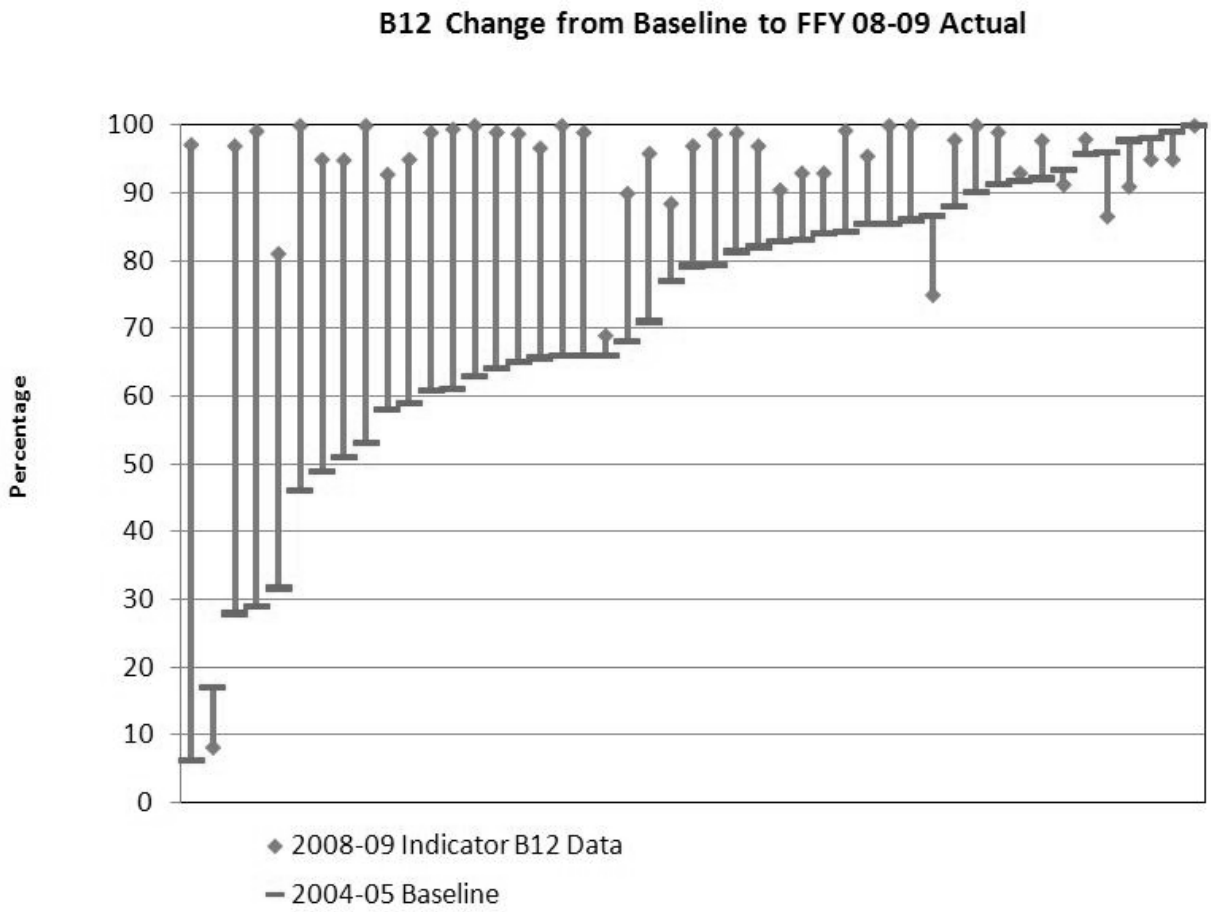


	Ind B12 2005-06	Ind B12 2006-07	Ind B12 2007-08	Ind B12 2008-09
Mean	79	84	91	92
Highest	100	100	100	100
Lowest	5	29	42	8
No Data	9	5	7	5

Trajectory from Baseline

Most States demonstrated significantly improved performance since establishing baselines. Seven States reported performance that dropped below baseline. However, five of the seven States remained in the upper quadrant of performance. Additionally, some of the seven States performing below baseline were noted in previous reports to have inflated baselines before improvements occurred. Generally the improvements were in data quality. Data could not be provided for some States that did not report at baseline, or had missing or unreliable data. Figure 3 illustrates the trajectory of States' performances from baseline through the FFY 2008-09 reporting period.

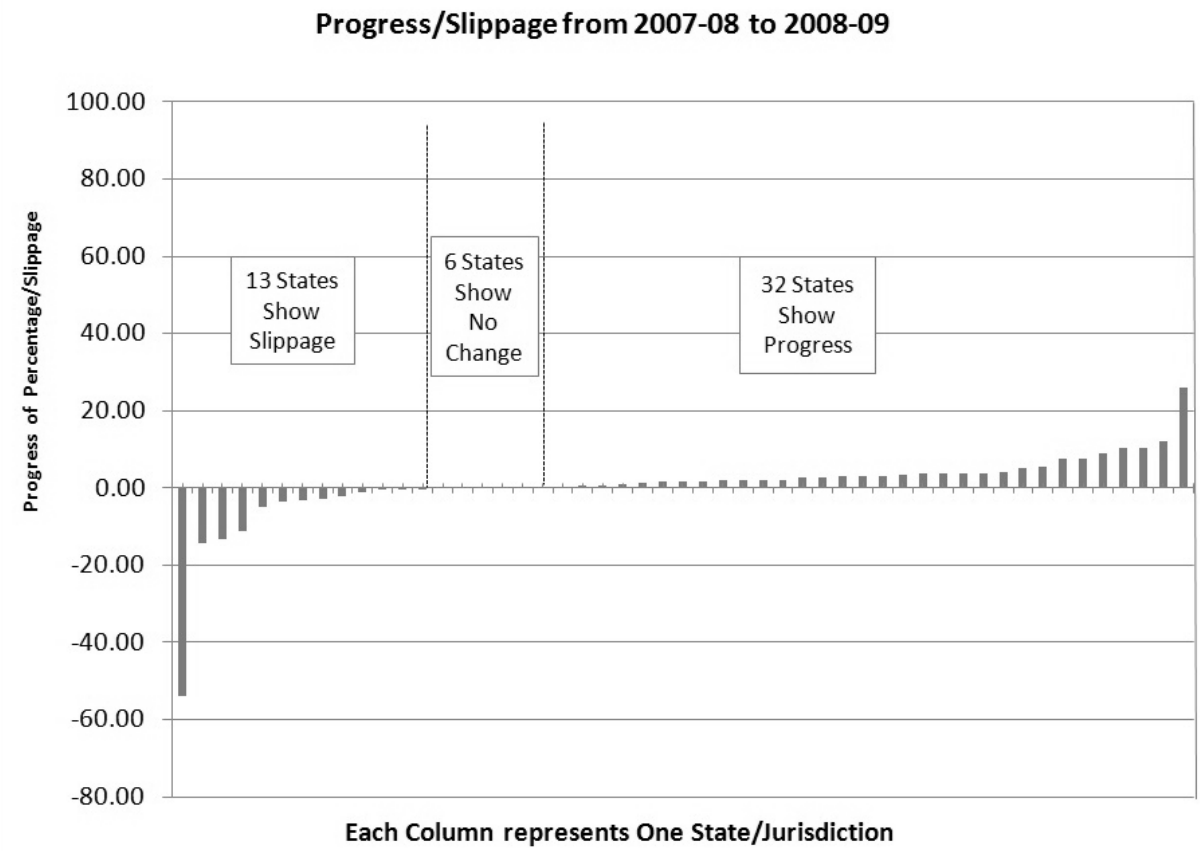
Figure 3:



EXPLANATION OF PROGRESS AND SLIPPAGE

Of the 51 States with data to report progress and slippage in FFY 08-09, 42 States made progress or remained near their previous reported performance in FFY 2007. Specifically, 32 States reported progress, 13 States reported slippage and six States reported no change. All six States reporting no change in performance were high performing States demonstrating continued compliance of 99% or above. It should be noted that for the purposes of this report, progress and slippage was defined as less than a full percentage point. Of the 13 States reporting slippage, four reported slippage of 1% or less, five States between 1-5 %, with the four remaining States falling 11% or more. It was not possible to calculate progress or slippage for four States due to lack of data. The degree of progress and slippage is displayed in Figure 4.

Figure 4:



Explanation of Progress

States that demonstrated significant progress or maintained high performance on this indicator attributed that progress to a combination of factors generally centered in three basic areas -- procedural analysis and updates, training and technical assistance, or monitoring and data verification.

The most often cited reasons for improvement fell into the following general themes: a) improved clarification, understanding, and/or analysis of procedures -- including comparing C to B data, b) report tracking and examining Indicator 12 data elements, and the corresponding implementation of system procedures and c) the ability to collect needed data.. These activities were often done in partnership and were implemented to varying degrees with Part C at both the State and local level. Activities to improve policy, procedure and build capacity to meet transition requirements occurred at both the State and local levels, with many States reporting increased local collaboration and participation in regular meetings across systems.

Training and technical assistance, at times in conjunction with updated or clarified policy/guidance, in the form collaborative meetings and/or targeted TA emerged as another theme credited for State progress. In addition, monitoring of this indicator and

requiring districts to complete Corrective Action Plans, (CAPs), and in a couple of States, including Indicator 12 performance in district determinations or as a Statewide focus area for improvement was also mentioned.

Explanation of Slippage

States experiencing significant slippage most often cited district capacity or procedural issues, namely:

- staff changes,
- shortages or lack of staff availability,
- issues with contracted providers,
- staff reorganization,
- increased numbers of referrals,
- scheduling and completing evaluations -- due to varying combinations of staff shortages and process difficulties, and
- meeting timelines for children who transition during the summer.

Other reasons mentioned were late referrals to and from Part C, and data systems inability to track required elements. One State experiencing dramatic slippage attributed the slippage to a combination of possible data issues, transition processes, reorganization, and staff changes.

IMPROVEMENT ACTIVITIES

Completed Improvement Activities

Eleven States demonstrated considerable improvement of more than five percentage points on this indicator and reported similar themes within their improvement activities. These States often mentioned a variety of activities that were both comprehensive and coordinated, some activities were strategically designed to address specific elements of transition, others more broadly crafted. These activities were often undertaken in collaboration with Part C, involved combinations of:

- Monitoring and use of data
- Clarification of policies and procedures, and
- Training, technical assistance and professional development

Five of the 11 States that made significant improvement received assistance from various national centers. Trainings and technical assistance activities were most often mentioned in conjunction with the introduction of new data systems or elements; clarification of policies or procedures, and/or to promote collaborative processes. The theme of regular communication, collaboration and data sharing with Part C was evident in many states improvement activities, at both the state and local level.

Featured Improvement Activities

State examples within the three primary categories of improvement activities are featured below.

Monitoring and Use of Data

Alabama added a 'State reports' selection to their existing web-based *Early Intervention to Preschool Tracking Log.* Districts can now submit, preview, approve, and review the submitted data in one location. This mechanism provides the opportunity for districts and the State to monitor data at any time to track timelines.

Arizona implemented an Alert System between Part C and Part B to examine and resolve systemic issues. The database tracks the number of alerts, which are reported to both early intervention and early childhood special education, and tracked for resolution.

Colorado developed assessment tools to determine root causes of delay, and provided training and technical assistance to improve policies, practices and procedures.

Georgia Part B and C worked successfully to improve accuracy and sharing of data with guidance and resources funded by the Georgia Supervision and Enhancement Grant (GSEG). The data base was in development for two years and implemented with five pilot runs this reporting period. Additional GA DOE improvements supported by the GSEG have included technical assistance and staff development to districts, providing support on accurate data reporting and revising and implementing data reporting procedures.

Iowa analyzed State data and determined a root cause of noncompliance in inappropriate exit codes used by Part C. Subsequent revisions to the data system, and training and support on data system reporting, were credited with considerable State improvement.

Idaho adjusted the web based data collection tool to collect data by individual student rather than district aggregate and create automated reports.

Massachusetts made changes to the State data system to add elements required to fully report this indicator and to identify individual children thereby allowing more accurate reporting and information on barriers to timely transition.

North Carolina utilized a focused monitoring tool developed during the last fiscal year, with input from stakeholders and similar tools developed by WRRC, NECTAC, and DAC. The tool was used during on-site file reviews for LEAs that did not correct their non-compliance within a one-year period. In addition, the department revised a district planning document based on information from the National Early Childhood Transition Center (NECTC) and NECTAC. The tool was completed by 34 local districts that performed below 95% on this indicator during the previous year. A scoring rubric was also developed for purposes of monitoring the quality of district practices. Information reviewed in this document assisted the State in providing technical assistance at the local level. Professional development activities (including virtual meetings with regional Preschool Coordinators) and collaborative Part B and C facilitated discussions were held in conjunction with these tools and overall transition improvement.

South Carolina developed a new monitoring process for gathering, analyzing, monitoring, and evaluating (GIMME) SPP indicators with technical assistance from OSEP, MSRRC, and NCRRC. In addition to targeted TA, incentives and sanctions, work specific to this indicator and process led to new policies, procedures, technical assistance and training.

Washington created new model State reporting forms, including evaluation, IEP and other related forms, to provide districts with model templates to assist them in meeting IDEA requirements. Technical assistance and training were provided for using the model forms and were made available on the State's website.

Clarification of Policies and Procedures

Delaware implemented collaborative new Part B and C policies and procedures for transition after intensive training provided by NECTC which led to three pilot initiatives for planning with families up to nine months prior to transition. Progress tracking of transition elements using the structure and timelines in the pilots defined critical timelines for Part C, families, and the school district. Identification of information needed for eligibility determination was identified, and the new policies and procedures were shared through training and technical assistance.

Minnesota developed and implemented a new IFSP document which guides IFSP teams to meet all transition requirements. The new IFSP contains a transition grid, documents whether or not the child is considered to be potentially eligible for Part B services, and captures important transition information.

New Mexico Part B and C, with assistance from MPRRC and NECTAC, developed a State transition guide to inform families and standardize the process for transition across the State, and provided related Statewide trainings and technical assistance to launch use of the guide.

Ohio provided expanded guidance on the department website, including new resources for districts, providers and Head Start agencies. The State created six transition documents to provide transition information for families, as well as transition training materials in collaboration with Head Start.

Technical Assistance, Training and Professional Development

Connecticut Part B and C encouraged Birth to Three programs to begin the transition process by delivering a child's Individual Family Service Plan (IFSP) services at a school site and/or in a classroom program before the child exits Part C.

Florida, Part B, in collaboration with Part C, selected five districts and corresponding early intervention programs to participate in a pilot transition initiative with assistance of SERRC and NECTAC. Partner teams received information, training and technical assistance including use of a tracking form which enables team members to identify patterns that are barriers to timely transition. Action plans and tracking sheets were regularly reviewed at the State level and feedback was provided to the district team. All participating district teams made progress on this indicator, and a second cadre of teams was planned.

Michigan worked collaboratively to define, support and monitor transition activities which led to extensive training on transition. Staff developed and delivered training and technical assistance activities for Part C field staff regarding transition. This technical assistance was incorporated into scheduled conferences, individual workshops and a transition handbook.

Vermont designated an interagency transition team which targeted four LEAs and their respective Early Intervention Programs to receive joint, on-site, targeted technical assistance. Teams developed a "Triage" TA plan, focused on identifying local contributing factors impeding transition, which then lead to development of an action plan and training. The interagency team then developed a "Wellness" TA plan of evidence-based materials and resources for Statewide ongoing professional development.

Other States making and maintaining progress described similar activity themes, though in general they did not involve as many comprehensive or inter-related elements. It was difficult in some State reports to clearly understand the timeframe of the improvement activities as many were listed as ongoing or having no clear starting/ending date.

Additional Information

The data elements of this indicator allowed for the analysis of several related factors impacting timely transition. Comparing the percentage of children referred from Part C to Part B but not eligible across States showed great variability, from all children eligible for Part B zero (not eligible) to 33% of referred children not eligible, with an average percentage across States of 12%. Based on a calculation of State submitted measurement numbers for this indicator, eight States had high percentages of non-eligible children ranging from 20 to 33%. This information may provide insight to States in determining definitions for Part C children deemed potentially eligible and referred for Part B services, and/or in refining transition and evaluation procedures.
Another factor impacting this indicator is the percentage of parent refusal of consent for evaluation reported by States. The range of parent refusal, (based on a calculation of submitted measurement numbers for this indicator) was very wide, with a low of no

parent refusals in one State to a high of 40% of parents refusing to provide consent in another State. Nine States had rates of parent refusal above 17% and two States were greater than 34%. Reporting of parent refusal was also extremely inconsistent across States. State definitions of what is considered as parent refusal for consent, as well as the process used to gather that information, might provide useful information on how this data element is interpreted.

Additionally, within States, a joint analysis by Part C and Part B of their performance and how they are using these data elements may yield information to better understand and improve their own transition processes, and lead to more consistent data reporting across all States.

Indicator 13

INDICATOR 13: SECONDARY TRANSITION

Prepared by NSTTAC

INTRODUCTION

Prior to February, 2009, Indicator 13 required States to report data on "*The 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 child to meet the post-secondary goals*."

Currently, Indicator 13 requires States to report data on "*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*."(20 U.S.C. 1416(a)(3)(B))

Because of the new Indicator language, States were given the option to report FFY 2008 Indicator 13 data or not to report those data. However, if reported, States had to declare which Indicator language they were using. As a result, only two States reported Indicator 13 data and both used the original Indicator 13 language.

In addition, all States had to "Provide detailed information about the timely correction of noncompliance as noted in OSEP's response table for the previous APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken." [Part B State Performance Plan (SPP) and Annual Performance Report (APR) Part B Indicator Measurement Table, Part B SPP/APR Indicator/Measurement Table, OMB NO: 1820-0624 / Expiration Date: 2/29/2012].

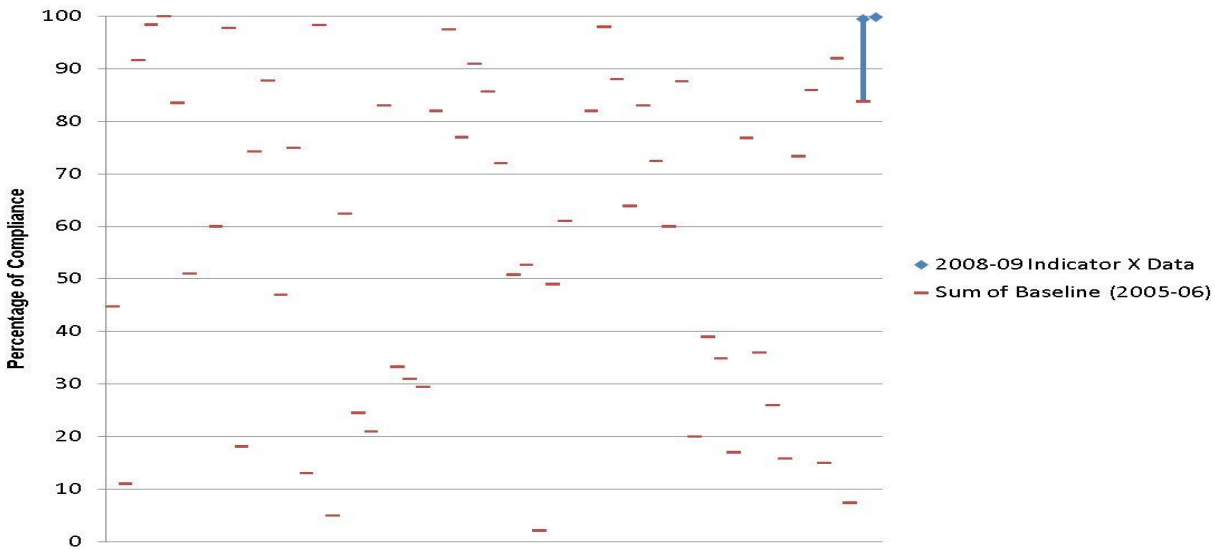
Finally, in the FFY 2009 submission, due February 1, 2011, States must establish a new baseline for this indicator using the FFY 2009data.

The sections below summarize the FFY 2008 APR data for the two States that chose to report Indicator 13 data.

CHANGE FROM BASELINE

For FFY 2008, only two States reported data for Indicator 13. Figure 1 presents data indicating changes from baseline to current indicator level. One State has increased 15.7% from baseline and the other did not report a baseline score so percent change could not be determined. While both States used the “old” Indicator 13 language, neither reported the criteria used to collect and calculate their data.

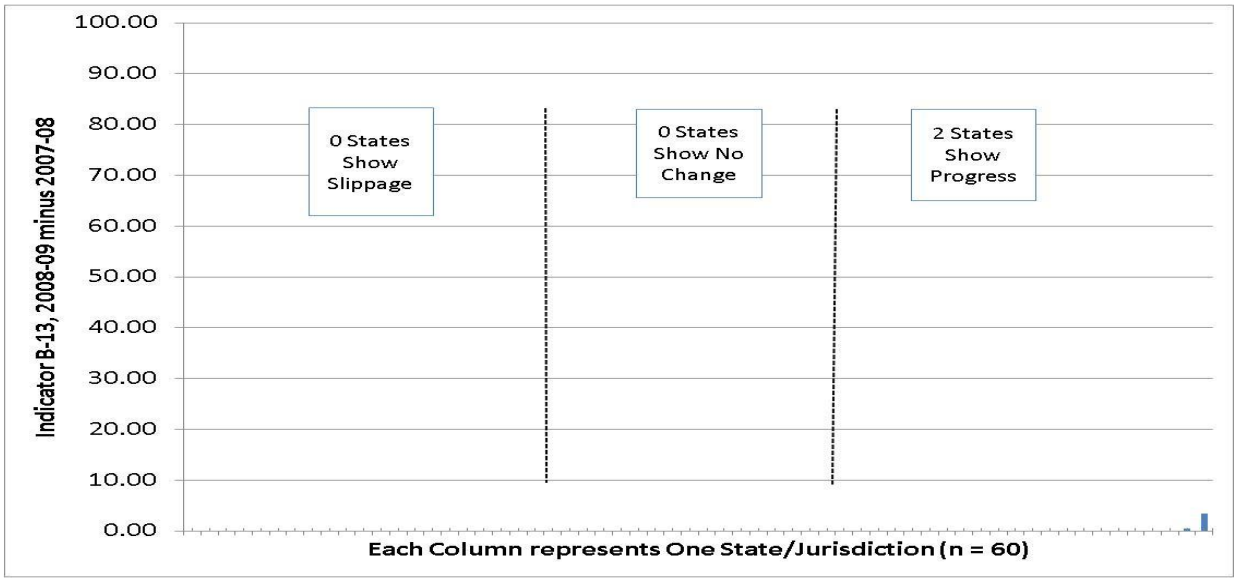
Figure 1. Change from Baseline to Current Indicator Level for Each State



PROGRESS AND SLIPPAGE

While Figure 2 indicates both States made progress, neither provided an explanation for why their progress occurred. In the prior year (FFY 2007), 70% (n=42) of States made progress. States must establish a new baseline for this indicator using their FFY 2009data.

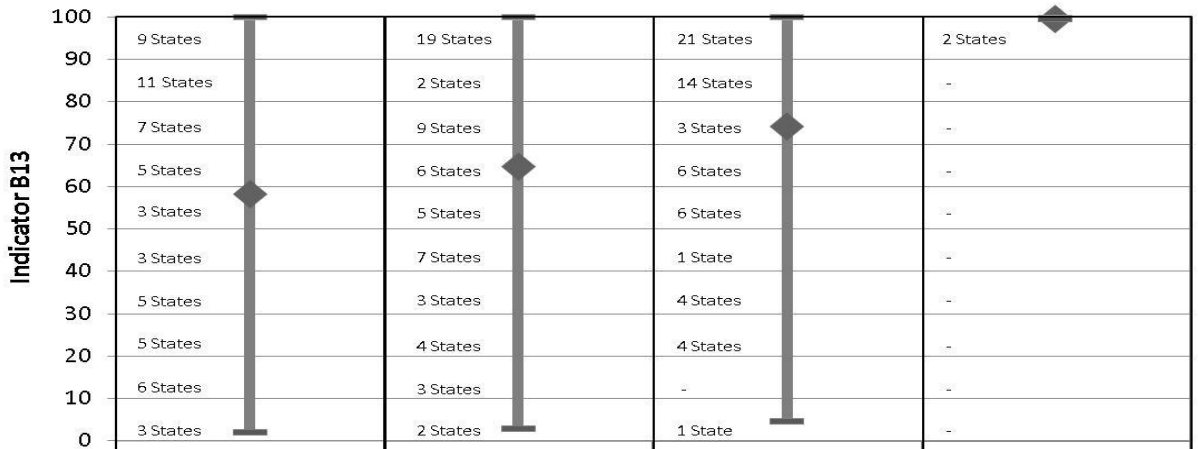
Figure 2. Progress/Slippage from FFY 2007to FFY 2008



TREND DATA

Figure 3 indicates the four year trend data for Indicator 13. The overall trend shows increasing means with more States achieving the 75% to 94% or 95% to 100% ranges.

Figure 3. Four Year Trend Data for Indicator 13

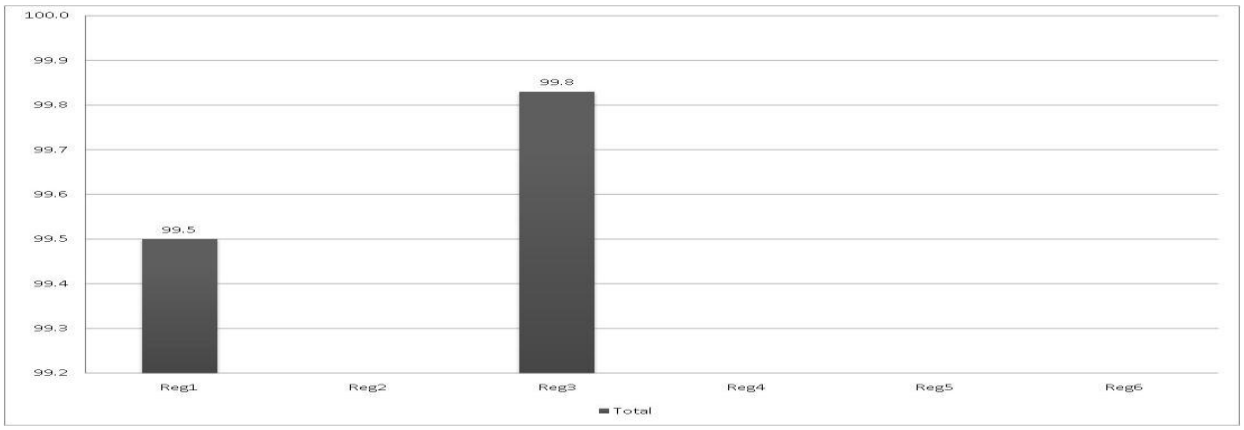


	Ind BX 2005-06	Ind BX 2006-07	Ind BX 2007-08	Ind BX 2008-09
	9 States	19 States	21 States	2 States
	11 States	2 States	14 States	-
	7 States	9 States	3 States	-
	5 States	6 States	6 States	-
	3 States	5 States	6 States	-
	3 States	7 States	1 State	-
	5 States	3 States	4 States	-
	5 States	4 States	4 States	-
	6 States	3 States	-	-
	3 States	2 States	1 State	-
Mean	**58**	**65**	**74**	**100**
Highest	**100**	**100**	**100**	**100**
Lowest	**2**	**3**	**5**	**100**
No Data	**2**	**3**	**5**	**100**

CROSS-REGION COMPARISON DATA

Figure 4 indicates the cross-region comparison data for Indicator 13. Both regions 1 and 3 scored above 95%.

Figure 4. Cross-Region Comparison Data



IMPROVEMENT ACTIVITIES

For FFY 2008, States were asked to provide information on Improvement Activities completed as part of their timely correction of non-compliance for Indicator 13. Improvement Activities were described by 41.7% (n=25) of the States. Of the 25 States that provide information on Improvement Activities, only 12% (n=3) provided data on the impact of their Improvement Activities. In all three cases, only the number of participants who attended a specific training or workshop was reported.

Indicator 14

INDICATOR 14: POST-SCHOOL OUTCOMES

Prepared by NPSOC

Indicator 14 prior to February 2009: Percent of youth who had Individualized Education Plans (IEPs), are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school (20 USC 1416(a)(3)(B)).

Revised Indicator 14 (February 2009): Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

A. Enrolled in higher education within one year of leaving high school.
B. Enrolled in higher education or competitively employed within one year of leaving high school.
C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school. (20 U.S.C. 1416(a)(3)(B))

OVERVIEW

Note: We refer to the 50 States and 10 US jurisdictions as "States" in this document.

Since 2005, the U.S. States have described in their State Performance Plan (SPPs) and Annual Performance Report (APRs) a system to collect information to describe the percent of youth who had Individualized Education Plans (IEPs), are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school (20 USC 1416(a)(3)(B)). For the FFY 2006 SPPs, reported to OSEP on February 1, 2008, States were asked to report the first results of their data collection efforts by: (a) establishing a baseline of the State's engagement rate (i.e., the aggregate percent of youth competitively employed, enrolled in postsecondary school, or both); (b) setting measurable and rigorous targets; and (c) identifying improvement activities designed to increase the engagement rate.

For the FFY 2007 APR (reported to OSEP on February 1, 2009), States reported: (a) Actual Target Data (i.e., the engagement rate); (b) a discussion of Improvement Activities Completed; (c) an Explanation of Progress or Slippage that occurred; and (d) Revisions to Proposed Targets, Improvement Activities, Timeline, and Resources .

Revisions to the OSEP Measurement Table in February 2009 resulted in changes to the language of Indicator 14. Specifically, beginning in February 2011, States were to report the "percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

A. Enrolled in higher education within one year of leaving high school.
B. Enrolled in higher education or competitively employed within one year of leaving high school.
C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other

employment within one year of leaving high school". (20 U.S.C. 1416(a)(3)(B))

With the revision to the Measurement Table, States are required to report new baseline data and a Measurable Rigorous Target for each of the separate measures (A, B, & C). Thus, for the FFY 2008 APR, reported to OSEP February 1, 2010, Indicator 14 was a "new" indicator; as such States had four options for reporting post-school outcomes:

1) Collect the data for 07-08 leavers and report the data in February 2010 consistent with the previous requirements;
2) Collect the data for 07-08 leavers and report the data in February 2010 aligned with the February 2009 Indicator Measurement Table;
3) Not collect the data for 07-08 leavers nor report the data in February 2010, make needed changes and start data collection for the students leaving school during the 2008-09 school year; or
4) Collect the data using either set of requirements, use them for internal planning, and not report any data in February 2010. (NPSO FAQ, May 2010).

In all, five States reported post-school outcome data for FFY 2008. Of these, 4 reported data using the language of the previous Measurement Table, requiring one aggregated engagement percentage for youth employed, enrolled in postsecondary education, or both one year after leaving school. Only 1 State reported post-school outcomes data using the language of the revised 2009 Measurement Table, which requires three separate percentages for the Measures: A-higher education, B- higher education or competitively employed, and C- higher education or in some other postsecondary education or training program; or competitively employed or in some other employment. The following report summarizes what States reported to OSEP in the FFY 2008 APR submitted on February 1, 2010.

Analysis Process

NPSO Center staff analyzed APRs States submitted to OSEP. To conduct the analyses, a coding protocol was developed in alignment with the requirements of the APR; OSEP staff reviewed and approved the coding protocol. States were not required to report the method used to collect the data in the APR but had done so in the FFY 2006 SPP submitted in February 2008. The coding protocol contained questions related to three primary themes:

- Data collection method and sampling procedures;
- Results relevant to engagement rate, representativeness, and progress or slippage toward the target; and
- Improvement activities and TA.

The questions from the coding protocol corresponding to these areas are provided below as a means for organizing the remainder of the summary report.

Section I: Data Collection Method and Sampling Procedures

1) Did the State report a definition for: (a) competitive employment, and (b) postsecondary school enrollment?

2) Did the State use a census or a sample to define on whom data were collected?
3) Did the sampling States include non-graduates (i.e., those who age-out or dropout) in their sampling frame?
4) Did the sampling States define a representative sample by disability type, ethnicity and gender?
5) What method did the State use to collect their post-school data (e.g., extant data or survey methodology)?
6) If a survey was conducted, what type of survey method was used (e.g., mail, web-based, phone, etc.)?
7) Who collected the data (e.g., school personnel or contractor)?
8) Who was the respondent (e.g., former student and/or parent/guardian)?

Section II: Results for Engagement Rate, Representativeness and Progress/Slippage toward the Target

9) Did the State describe how representative the respondent group was to the target leaver group (i.e., the representative sample or population) based on the categories of disability, race/ethnicity, gender and exit status?
10) Was the respondent group representative of the total leavers?
11) What was the percent of post-school engagement reported in the APR?
12) Did the State meet the FFY 2007 target?
13) Did the State report slippage or progress?
14) What justification/explanation did the State give to explain progress/ slippage?

Section III: Improvement Activities and TA Services

15) Has the State accessed TA from the NPSO and other TA Centers or Regional Resource Centers in the past?
16) Does the State report a plan to access TA in the future?
17) What type of TA has the State received from NPSO Center?
18) What type of Improvement Activities has the State reported?

The results from this analysis were organized by the questions in the three sections presented above. Percentages are based on an N = 5, the total number of States who submitted data for Indicator 14.

RESULTS

Section I: Data Collection Method and Sampling Procedures

This section describes the definitions States reported for competitive employment and postsecondary school and the method States reported for collecting data on school leavers with IEPs.

To address Indicator 14, States had the option of either conducting a census of all students with IEPs leaving high schools in their State in a particular year or establishing a representative sample of school leavers in their State for a particular year. In either case, data were to be gathered in such a way as to: (a) include students who graduated, completed high school with a modified completion document, aged out of school, dropped out or were expected to return but did not return for the current school year; and (b) describe students in terms of their primary disability, gender and ethnicity.

States conducting a sample of school leavers were to describe in the SPP the sampling methodology outlining how the design yielded valid and reliable estimates. That is, States were to describe: (a) the sampling procedures (e.g., random, stratified, etc.); (b) the methods used to test the similarity or difference of the sample from the population of students with IEPs; and (c) how the State Education Agency addressed problems with response rates, missing data and selection bias. Additionally, States were to describe their data collection method, including the: (a) type of data collected; (b) method of collection (e.g., an extant data set or survey); (c) "representativeness" of the data collected by gender, disability type and ethnicity; and (d) definitions of competitive employment and postsecondary school.

OSEP recommended, but did not require States to use the Vocational Rehabilitation Act (VRA) (29 USC 705(11) and 709(c)) definition of competitive employment. It reads: *Competitive employment means work - (i) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and (ii) For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.*

When defining postsecondary school, States were asked to report: (a) type of school, education or training; (b) whether enrollment was full-time or part-time; and (c) what constituted full-time enrollment.

The following summarizes the results based on the questions listed above.

1) Did the State report a definition for (a) competitive employment and (b) post-secondary school enrollment?

   Of the 5 States reporting data,
   a. 3 States reported a definition for competitive employment. Of which, 2 States reported using the definition from the VRA, and 1 State reported a definition of competitive employment different than the VR definition.
   b. 3 States defined post-secondary education. Of which, 2 States definitions included: (a) the type of education; (b) whether enrollment was full- or part-time enrollment; and (c) what constitutes full-time enrollment.

2) Did the State use a census or a sample to define on whom data were collected?

   Of the 5 States reporting data, 4 States reported they identified a sample of school leavers with disabilities, and 1 State did not report whether they

conducted a census or identified a sample for the collection of post-school outcomes.

3) Did the sampling States include non-graduates (i.e., those who age-out or dropout) in their sampling frame?

Of the 5 States reporting data,

- 3 States reported including graduates with a diploma or completion document.
- 2 States did not specify the students included in the target leaver group.
- 2 States reported including students who aged-out.
- 2 States reported including students who dropped out.
- 1 State reported including those students who were expected to return, but did not.

4) Did the sampling States define a representative sample by disability type, ethnicity, and gender?

Of the 4 States conducting a sample, 1 State reported identifying a representative sample of school leavers based on the three categories of disability, race/ethnicity, and gender.

5) What method did the State use to collect their post-school data (e.g., extant data or survey)?

Of the 5 States reporting data, 4 States reported the method of data collection.

6) If a survey was conducted, what type of survey method was used (e.g., mail, web-based, phone, etc.)?

Of the 4 States reporting data and using survey method, 1 State reported using an unspecified survey method, 2 States reported using phone or face-to-face interviews, and 1 State used a combination of survey methods.

7) Who collected the data (e.g., school personnel or contractor)?

Of the 4 States who conducted a survey, 1 State reported State or local education agency personnel collected the data, and 2 reported a contractor collected the data. Who collected the post-school data was not reported by 1 State.

8) Who was the respondent (e.g., former student or parent/guardian)?

Of the 4 States reporting their data collection method, 2 States reported the respondents were parents or former students, and 2 States did not describe the respondent.

Section II: Results for Engagement Rate, Representativeness and Progress/Slippage toward the Target

As noted previously, in the FFY 2007 APR (submitted in February 2009) States were to describe (a) the actual data (i.e., engagement rate) obtained in the data collection and compare them to the target for FFY 2007 as set in the FFY 2006 SPP and submitted in February 2008, (b) progress or slippage toward the target, and (c) include the numbers used to calculate the engagement rate.

Additionally, States were to identify any problems related to response rate, missing data and or selection bias. To analyze these potential problems areas, the States' response rates and respondent groups were examined to determine if they were representative of the total leavers on the categories of disability, race/ethnicity, age, gender, and exit status. The potential for missing data, selection bias and whether the State acknowledged problems in these areas were also examined.

9) Did the State describe how representative the respondent group was to the target leave group (i.e., the representative sample or population) based on the categories of disability, race/ethnicity, gender, and exit status?

Of the 5 States reporting data,

- 2 States described the respondent group by disability categories
- 3 States described the respondent group by race/ethnicity categories
- 1 State described the respondent group by age categories
- 1 State described the respondent group by gender categories
- 3 States described the respondent group by exit categories

10) Was the respondent group representative of the total leavers?

In survey methodology, it is important to understand how similar or dissimilar the respondents are to the target population, as a measure of confidence that the results reflect all students who left school. NPSO Center staff relied on the guideline of "important difference", set at ±3%, to determine whether the respondents represented the target leaver group. That is, if the difference in proportion between the respondent group and the target group exceeded ±3%, the difference was considered sufficient enough not to be representative. Applying a ±3% difference between the respondent group and the target leavers is consistent with the NPSO Response Calculator approved by OSEP.

Using the ±3% criterion to determine representativeness, none of the States were determined to have a respondent group representative of the target leavers based on all four categories – disability, gender, race/ethnicity, and exit status.

In examining States' description of the representativeness of the respondent group to the target leavers, NPSO Center staff qualitatively examined potential problems related to response rate, missing data, selection bias and

representativeness of the target group. Across the 5 State APRs, three common themes continue to be noted:

- There continues to be great variation in the response rates; ranging from 29% to 99%. States often reported the cause of low response rates as lack of accurate leaver contact information.
- The majority of the States either do not examine, or choose not to report how representative the respondent group is to the target leaver group.
- Leavers who drop out of school continue to be underrepresented in the respondent group.

11) What was the percent of post-school engagement reported in the APR?

For the FFY 2008 reporting period, OSEP extracted the Actual Target Data (i.e., engagement rate for Indicator 14) and provided pre-populated APR Analysis template to the TA Centers conducting the external analysis. Since Indicator 14 qualified as a new indicator for this reporting period, the pre-populated APR Analysis template was not required. Thus, given that only five States reported data for this indicator a summary of the engagement rate based on so few States would be misleading; therefore, we did not aggregate the engagement rate for youth with disabilities. A summary will be provided next year when States report a new baseline using the measures in the revised measurement table.

12) Did the State meet the FFY 2008 target?

Based on the analysis conducted by NPSO, of the 5 States reporting data, 2 States reported meeting the target for FFY 2008; 2 States did not meet their identified target; and 1 State did not describe whether they met the target.

13) Did the State report slippage or progress?

Based on the analysis conducted by NPSO, of the 5 States reporting data, 1 State reported progress, 3 States reported slippage, and 1 did not indicate progress or slippage.

14) What justification/explanation did the State give to explain progress/ slippage?

States were instructed to explain progress or slippage. Only 2 States offered an explanation for the progress or slippage. The State attributed the progress in Indicator 14 to an increased compliance with Indicator 13, hypothesizing that meeting Indicator 13 requirements may contribute to former students locate and maintain higher quality jobs while in school and more competitive employment once they leave school.

States attributed slippage to economic conditions in the State and nationally.

Section III: Improvement Activities and TA Services

Through the coding process, NPSO Center staff identified States reporting use of some type of TA to support the State in the development and implementation of their post-school outcome data collection process. Reported TA was provided by the NPSO Center, other technical assistance and dissemination centers, Regional Resource Centers Program, and research experts in the field.

15) Has the State accessed TA from the NPSO in the past?

Of the 5 States reporting data, 3 reported in their APR having accessed TA in the past or currently.

16) Does the State report a plan to access TA in the future?

Of the 5 States reporting data, 3 reported in their APR planning to access TA in the future.

17) What type of TA has the State received from NPSO Center?

The 5 States reporting data reported using a variety of TA from NPSO, including accessing products (i.e., Data Collection Protocol, Data Display Templates, Sampling and Response Calculators Frequently Asked Questions, and Survey Near You flyer), phone consultation, conferences, teleconferences, and accessing the website.

18) What type of Improvement Activities has the State reported?

The NSPO staff examined States' improvement activities using the categories defined by OSEP (Improve data collection and reporting; Improve systems administration and monitoring; Build systems and infrastructures of technical assistance and support; Provide technical assistance/training/professional development Clarify / examine/ develop policies and procedures; Program development; Collaboration/coordination; Evaluation; Increase/Adjust FTE; Other) and qualitatively coded the State's improvement activities collectively using one of three codes: 1. No improvement activities were described, 2. Improvement Activities were described but lacked sufficient detail to make a judgment about their potential effect on the data collection system and/or youth's post-school outcomes, or 3. Improvement Activities were described in such a way as to indicate that they will, potentially, have a positive effect on either the data collection system and/or post-school outcomes for students with disabilities. This coding assessment was a judgment made by the coders based on the information provided by each State.

The descriptions of improvement activity provided by States varied with regard to the type and scope of improvement activity listed, as well as the level of specificity. The level of specificity leads to difficulties in evaluating the effectiveness of the improvement activities and their potential influence on improving the data collection systems and/or the post school outcomes of former students.

SUMMARY

With the release of the revised Measurement Table in February 2009, changes in definitions and calculations were made to Indicator 14 to measure the employment and postsecondary education outcomes of youth with disabilities. These changes required States to alter their data collection systems. For FFY 2008 reporting, States had the option of reporting data for Indicator 14 using either Measurement Table, or not reporting data. In total, 5 States chose to report data for Indicator 14; 4 States reported one aggregated percentage for engagement rate, and 1 State reported the three measures (A, B, and C) specified in the February 2009 Measurement Table.

In FFY 2009, States will submit a new baseline for Indicator 14 and a target for FFY 2010 using the language of the new Measurement Table (revised February 2009 and updated May 2010). At that time, States will report the percent of students enrolled in higher education within one year of leaving high school, competitively employed, and enrolled in some other postsecondary education or training program, or in some other employment within one year of leaving high school as specified in the revised measurement table.

Indicator 15

INDICATOR 15: TIMELY CORRECTION OF NONCOMPLIANCE

Prepared by DAC

INTRODUCTION

Indicator B-15 requires States to determine whether their "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." States must meet a target of 100% measured by the "the percent of noncompliance corrected within one year of identification" using the following formula:

Percent of noncompliance corrected within one year of identification = # of findings of noncompliance divided by # of corrections completed as soon as possible but in no case later than one year from identification times 100.

The measurement of this indicator requires that the State "for any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement, that the State has taken." The APR instructions require that State education agencies describe the process for selecting local programs for monitoring. Additionally, States are to describe the results of the calculations as compared to the target, reflect monitoring data collected through the components of the general supervision system, and group areas of noncompliance by priority areas and other topical areas.

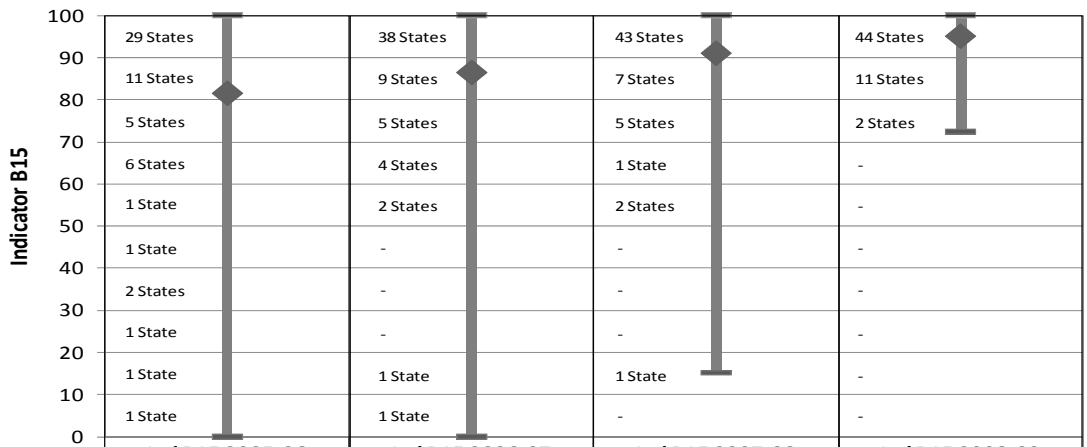
DAC reviewed 60 APRs for this summary, including those from the 50 States, the District of Columbia, the territories, and the BIE. For purposes of this summary, the term "State" will be used to include all or any of these 60 entities.

PROGRESS OR SLIPPAGE

Based upon the B15 data reported in the APR, OSEP is able to determine whether each State has shown progress or slippage from the previous year. Included in this summary are charts that reflect the progress States have made in meeting the 100% requirement.

Figure 1 is provided to demonstrate the progress in the number of States that have made gains in meeting the 100% requirement over the last several years. From 2005-06 to 2008 -09 the mean has increased from 81 to 95%.

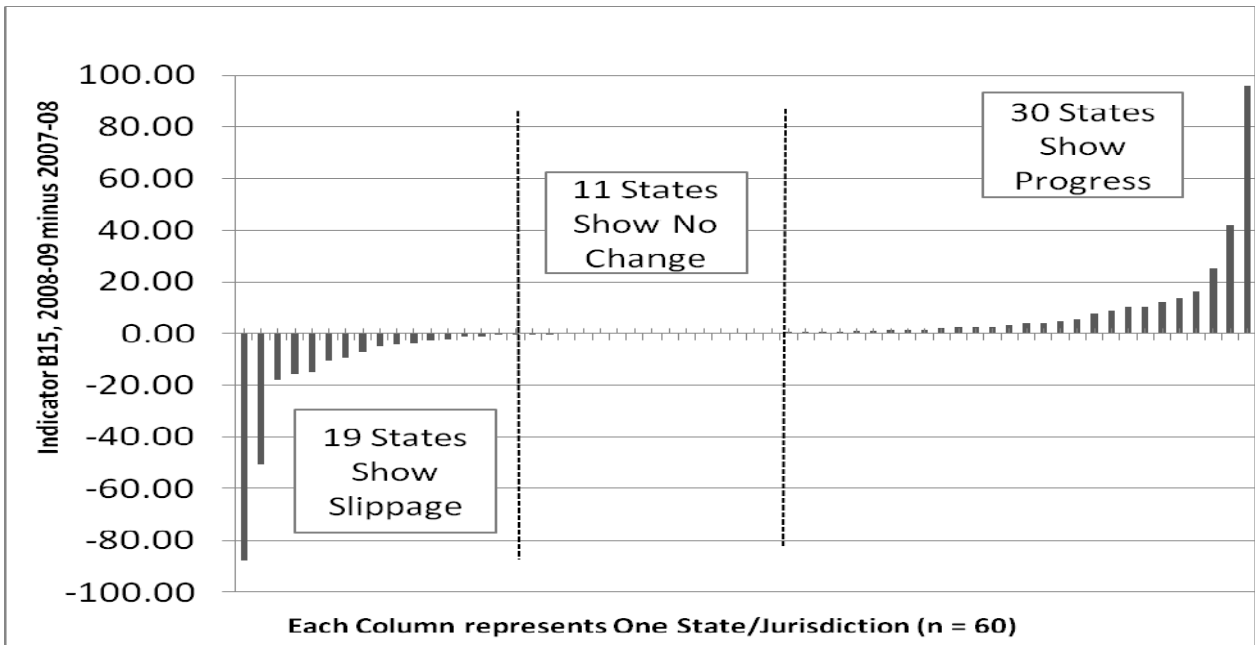
Figure 1. Four-year trend from 2005-06 to 2008-09



	Ind B15 2005-06	Ind B15 2006-07	Ind B15 2007-08	Ind B15 2008-09
Mean	81	86	91	95
Highest	100	100	100	100
Lowest	0	0	15	73
No Data	2	0	1	3

Figure 2 shows the number of States that demonstrated progress in meeting the 100% target, the number that reported no change, and the number with slippage. Many of the States that indicated no change maintained 100%. The number of States showing progress is larger than the number of States showing slippage.

Figure 2. Progress and slippage compared: 2007-08 to 2008-09



The APR instructions directed States to report "the explanation of progress or slippage that occurred for FFY 2008 (2008-09)." Forty-seven percent of the States did not

provide a specific description of progress or slippage in the APR. Of those States that did describe progress (25%), the most common explanations included:

- Implementing the improvement activities outlined in the State APR;
- Continuing to outline a general supervision system, including a monitoring system;
- Assigning district monitoring liaisons;
- Setting clear expectations with local districts that noncompliance must be corrected as soon as possible but in no case later than one year;
- Conducting follow-up visits;
- Conducting regular followups with the local district to determine progress in correcting noncompliance;
- Receiving support from national technical assistance centers;
- Creating data systems that track correction of noncompliance; and
- Creating strict adherence to timelines.

Of the 17% of States reporting slippage that described the reasons for slippage, the most common reasons included:

- Noncompliance concerning a particular LEA;
- An increase in the number of LEAs monitored in one year; and
- Changes in defining “findings” as individual student findings rather than systemic findings.

States reporting they have maintained 100% compliance from one year to another most often attributed it to implementing improvement activities and providing targeted technical assistance to local agencies.

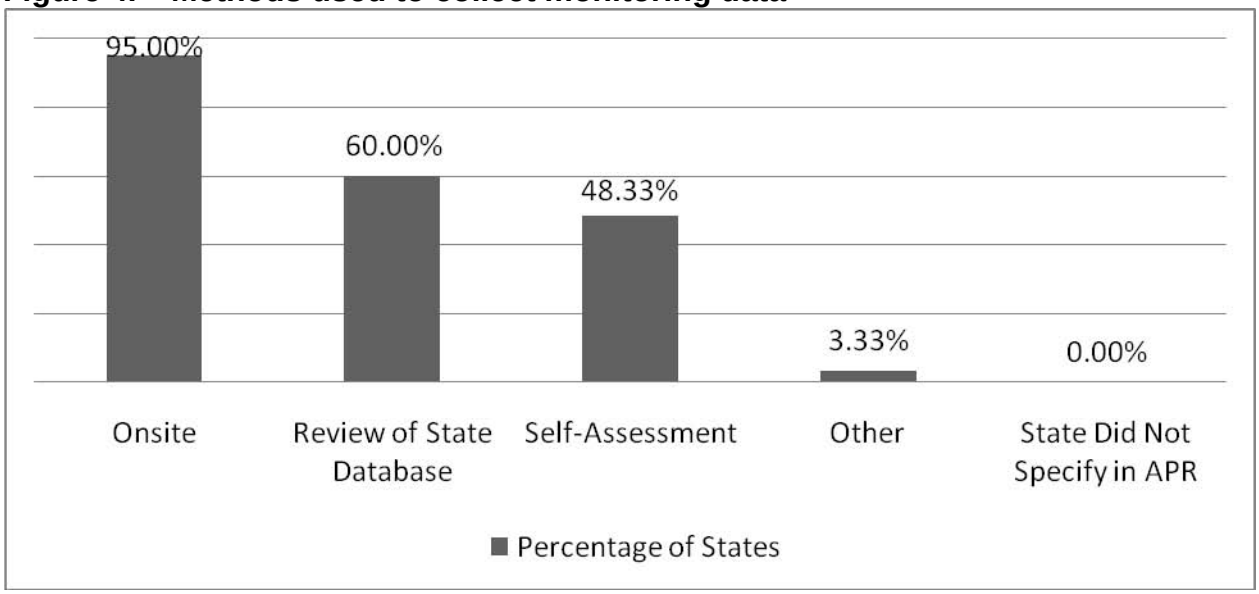
METHODS USED TO COLLECT Section 616 SPP/APR DATA

DAC reviewed the APRs to identify the methods States used to collect 616 monitoring data. All States described the methods they used to collect monitoring data. DAC categorized the methods into four areas:

1) Onsite—refers to instances where the State physically goes to the district to determine performance.
2) Review of State database—refers to opportunities the State has to conduct desk audits or data reviews in the State office from a State database.
3) Self-Assessment—refers to instances whereby the LEA does the actual monitoring with the State verifying the results.
4) Other—those methods beyond 1 through 3.
5) State did not specify methods to collect 616 data in the APR.

While many States reported more than one monitoring method or activity, the following represents the percentages of States by data collection method.

Figure 4. Methods used to collect monitoring data



Two States (3%) reported methods of collecting monitoring data that were unique to their State, causing those data collection activities to be coded as "other." In both cases, the monitoring included fiscal audits.

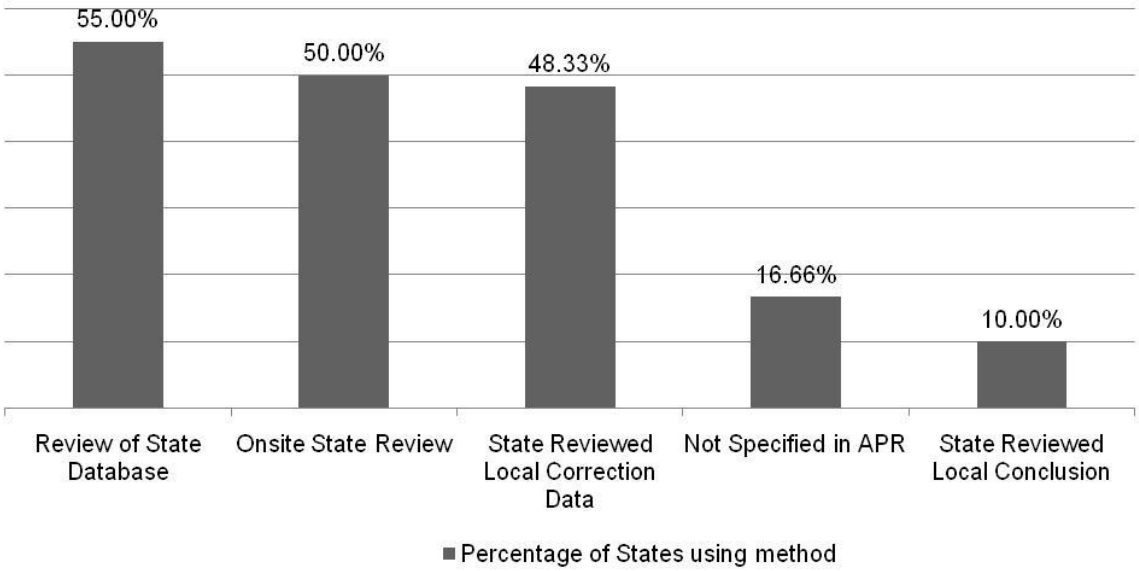
METHODS USED TO VERIFY B15 DATA – CORRECTION OF NONCOMPLIANCE

DAC also reviewed the APRs to identify the methods States used to verify the correction of noncompliance. The methods were categorized into four areas:

1) Review of State database—refers to opportunities the State has to conduct desk audits or data reviews in the State office from a State database.
2) Onsite—refers to instances where the State physically goes to the district to determine performance.
3) State reviewed local correction data—refers to instances whereby the LEA submits documents to the State demonstrating the correction of noncompliance (e.g., a corrected IEP)
4) State did not specify methods to collect 616 data in the APR.
5) State reviewed local conclusion—refers to cases whereby the State would accept an assurance from the LEA that the noncompliance had been corrected.
6) Other – refers to other methods not reflected in 1 through 6

While many States reported more than one verification method or activity, the following represents the percentages of States by data collection method:

Figure 5. Methods used to verify correction of noncompliance



There were no instances of States reporting other methods to verify the correction of noncompliance beyond those identified above.

IMPROVEMENT ACTIVITIES

OSEP asked the reviewers to record State improvement activities during FFY 2008 that seem to be making a difference or appear to be promising. Two percent of States did not specifically refer to improvement activities in the APR. Forty-eight percent of States referred to routine improvement activities, such as those that are ongoing or annual (e.g., annual special education fall conference).

Activities coded as improving systems administration and monitoring that seem to be *making a difference* included the following:

- Using a database to aggressively track LEA implementation of corrective actions;
- Developing procedures, forms, and calendar due dates to track correction of noncompliance;
- Contracting with a third party monitor to revise monitoring procedures and forms and to train local monitors; and
- Conducting annual evaluation of onsite monitoring to inform needed changes and improvements.

Also, the improvement activity coded as increasing/adjusting FTE included hiring additional staff who have full-time responsibility to follow up with districts on corrective action plans and the correction of noncompliance.
Several States did report improvement activities that appear to be *promising*. Alabama reports an improvement activity to ensure the internal consistency of its monitoring process. Its Department of Education, with the assistance of an outside consultant, has

conducted inter-rater reliability checks. Using sample cases, each monitor reviewed and rated the case using the monitoring protocol. The consultant analyzed the data and shared them with the Department of Education. Based on the monitors' responses, changes/adjustments were made to the protocol, including the addition of probes to examine decisionmaking procedures as part of the focused monitoring process. An inter-rater reliability check was conducted in August 2008.

Maryland has implemented a process to ensure funds are targeted in the annual Local Application for Federal Funds (LAFF) to identify priorities that include uncorrected noncompliance. Maryland also provided targeted discretionary grant funds to local school systems and public agencies with identified noncompliance. These funds were available to support correction within timelines.

Massachusetts' restructuring plan became effective on July 1, 2008. Under this new structure, Program Quality Assurance is now organized into four monitoring teams and two Problem Resolution Teams. Under the former structure, regional teams were responsible for all aspects of complaint resolution *and* compliance monitoring. Now monitoring is managed by a single monitoring unit, and those processes are handled more efficiently and timely. Also, monitoring staff have greater opportunity to provide technical assistance to districts, including helping school districts to use data to identify root causes of noncompliance and work with districts to develop corrective action strategies that are more responsive to unique needs and situations. The Massachusetts Department of Elementary and Secondary Education (MADESE) reports that this has strengthened the sense of partnership between MADESE and school districts and enhanced the quality of compliance activities

Oregon provides all districts/programs grant awards to assist in completing monitoring and correction activities.

CONCLUSIONS

The overall impression for the 60 entities included within this review is that many States are becoming more clear and succinct in describing the requirements for B15. There is no doubt that the data prove that States are making progress and will continue to make progress in achieving the 100% target.

The majority of States reflected that the OSEP 09-02 Memorandum was a turning point in the design of their monitoring system. They report that the memorandum provided considerable guidance in the specific requirements by defining a "finding," specifying timelines, and providing particular assistance with describing the steps necessary for the verification of the correction of noncompliance.

This year, in comparison to previous years, States appear to be placing more attention and diligence on verifying 616 data during both the collection of monitoring data and verification of correction processes. This is demonstrated by States becoming more articulate and increasing the strategies and methods they use to not only verify the correction of noncompliance but to support LEAs in identifying and implementing effective practices and improvement activities throughout the correction year. States

are beginning to understand the true meaning behind B15, which is not just to find noncompliance but to ensure that all noncompliance is corrected, as soon as possible, but in no case later than one year from the finding of noncompliance.

Indicator 16,17,18,19

INDICATORS 16, 17, 18 AND 19: DISPUTE RESOLUTION UNDER PART B

Prepared by The Center for Appropriate Dispute Resolution in Special Education (CADRE)

INTRODUCTION

The Individuals with Disabilities Education Improvement Act (IDEA) requires that States, in order to be eligible for a grant under Part B, must provide three dispute resolution options to assist parents and schools to resolve disputes: written State complaints, mediation, and due process complaints (hearings). IDEA expanded the use of mediation to allow parties to resolve disputes involving any matter under IDEA. In addition, IDEA 04 added a new "resolution process" whenever a due process complaint is filed, to allow parents and schools a more informal setting in which to reach a settlement and avoid the cost and stress of a fully adjudicated hearing. These additions to the statute reflect the Congressional preference expressed at 20 U.S.C. 1401(c)(8) for the early identification and resolution of disputes: "Parents and schools should be given expanded opportunities to resolve their disagreements in positive and constructive approaches." In addition to these required procedures, many States offer informal "early dispute resolution" processes (i.e., IEP Facilitation, ombudsperson) intended to diffuse and resolve disagreements before they reach a level requiring a formal process.

States are also required to report annually to the Office of Special Education Programs (OSEP), U. S. Department of Education, on their compliance with and performance in key areas of the Law. This document is a summary and analysis of the FFY 2008 State Annual Performance Reports (APRs) for the dispute resolution indicators under Part B. These include:

- Indicator 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.
- Indicator 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.
- Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.
- Indicator 19: Percent of mediations held that resulted in mediation agreements.

This summary addresses State performance on the required dispute resolution (DR) processes, as well as information provided by the States on early resolution options. CADRE'S approach to technical assistance and improvement is systemic and integrated – focusing on all DR options and emphasizing early resolution and conflict management processes to alleviate the need for more formal and contentious processes. That orientation is reflected in this combined report on the four required DR indicators.

DATA SOURCES FOR THIS REPORT

Sources for this report include the FFY 2008 (2008-09) APRs submitted to OSEP on February 1, 2010, APR clarifications submitted by States as of April 2009, OSEP summaries of the indicators used for U.S. Department of Education Determination Letters on State Implementation of IDEA (June 2010), and other CADRE information on State DR activities. This report draws on State DR data from prior years.

Beginning in 2002-03, States have reported DR activity to OSEP, first as "Attachment 1" and later as "Table 7" in their APRs. CADRE maintains a national longitudinal dispute resolution database using these reported data. IDEA required that, as of FFY 2006 (2006-07), these data be reported under "Section 618" of the statute to the Westat/Data Accountability Center (DAC). CADRE receives DR data from the DAC after it has been verified for publication in OSEP's Annual Report to Congress. Since complete Table 7 data are no longer reported in the APRs, the current APR documents can be used only to generate summaries of changes in the indicator values but not summaries of broader dispute resolution activity. Summaries of longitudinal data from 2003-04 through 2007-08 are included here in order to demonstrate change over time in State compliance and performance related to these indicators. Otherwise, the data used in this report are drawn from State APRs.

SUMMARY/ANALYSIS: INDICATOR B16 AND STATE WRITTEN COMPLAINTS

Are States Moving Toward Compliance with B16?

Chart 1: Trajectory of State Compliance with Indicator B16

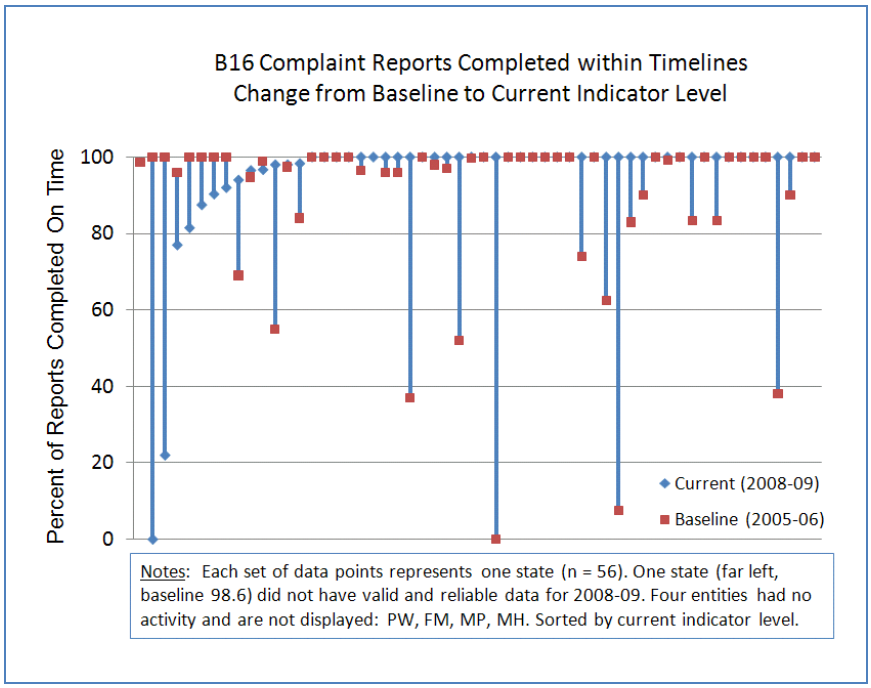
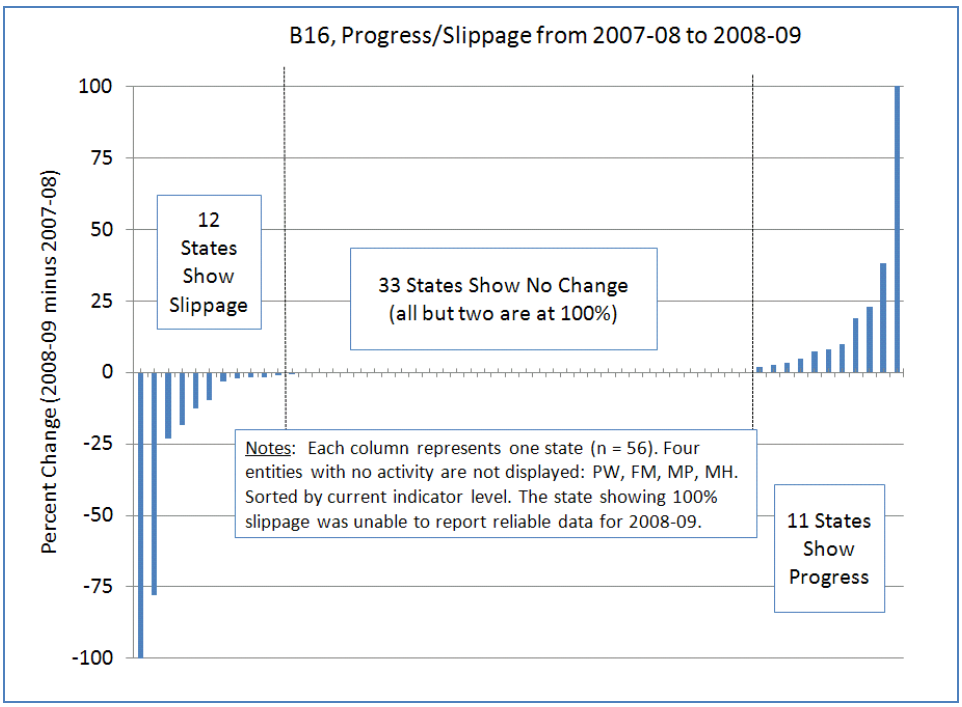


Chart 1 depicts the change in State B16 level from the baseline year (2004-05) to the

current year (2008-09). Most States have shown progress and achieved compliance. In the baseline year, 28 States had B16 levels of 100%, while 39 States were above 95% ("substantially compliant"). For 2008-09, 42 States were at 100%, while 47 were above 95%. This suggests overall progress across States toward achieving compliance. However, some States continue to struggle: two States were below compliance levels for both years and 9 States that had reported compliant indicator levels in 2004-05 were unable to do so for 2008-09 (one of these lacked valid and reliable data for 2008-09).

Eleven States showed progress on Indicator B16 from last year (2007-08) to the current year (2008-09), while 12 showed slippage, although 47 States were at or above 95% (substantially compliant) in both years. Three entities (all outlying areas) had no written

Chart 2: Progress/Slippage on Indicator B16 from Previous to Current Year

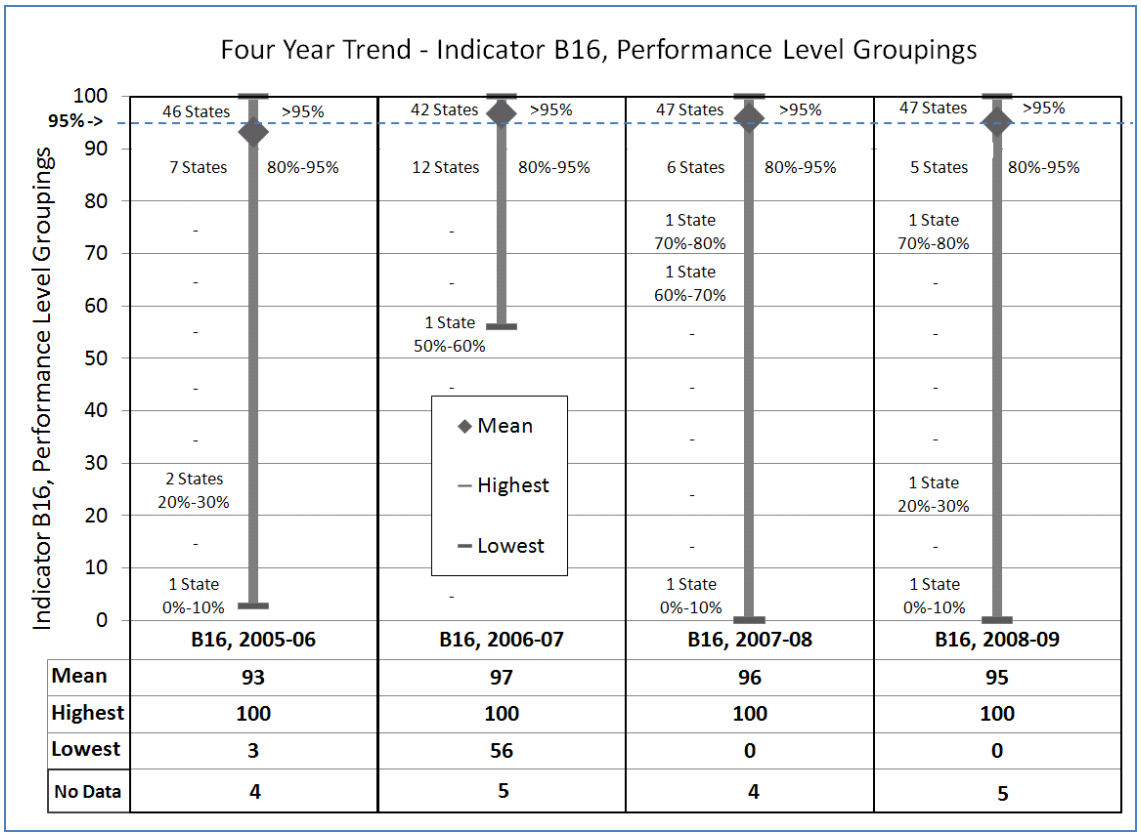


complaint activity for either year. A total of 14 States did not achieve compliant levels for B16 across these two years. However, only 3 States were non-compliant for both years; two of these three States report B16 levels near compliance, while one State completed no complaint reports on time for either year. The remaining eleven non-compliant States report variable results, suggesting that stable performance on this indicator may be eluding this group.

The performance "bands" (rows) on Chart 3 reflect, in the uppermost band, the number of States with compliant performance on this indicator (B16 ≥ 95%). The next band shows the number of States with performance in the range of 80% to <95%, while each remaining band covers a 10% range (e.g., 70% to <80%, 60% to <70%). Again, four States had no activity during the 2008-09 year, with one additional State lacking valid and reliable data. It is not clear why there was a drop in the number of compliant States following the baseline year. Some States report stiffening the criteria for the use of

extensions in complaint investigations. It may be these stricter standards had the immediate effect of decreasing on time report completion.

Chart 3: Indicator B16 Four Year Trends



	B16, 2005-06	B16, 2006-07	B16, 2007-08	B16, 2008-09
Mean	93	97	96	95
Highest	100	100	100	100
Lowest	3	56	0	0
No Data	4	5	4	5

Chart 4 displays the decreasing use of extensions in order to achieve timely completion of complaint reports, confirming that States may be using stricter standards for the use of extensions and stressing the importance of timely investigations and reports, while at the same time, the percentage of complaint reports completed on time is improving. Five years of national data (all States/entities) are shown in Chart 5. The total number of complaints filed nationally declined from 2004-05 through 2007-08, as did the numbers of complaint reports issued, reports with findings of non-compliance, and complaints pending. Reports completed within timelines show a slight upward trend, reflecting an overall increase in “national B16” performance (the average of all complaint reports issued on time divided by the total number of complaint reports issued).

Chart 4: National Dispute Resolution – Trends in Timely Completion of Complaints and the Use of Extensions

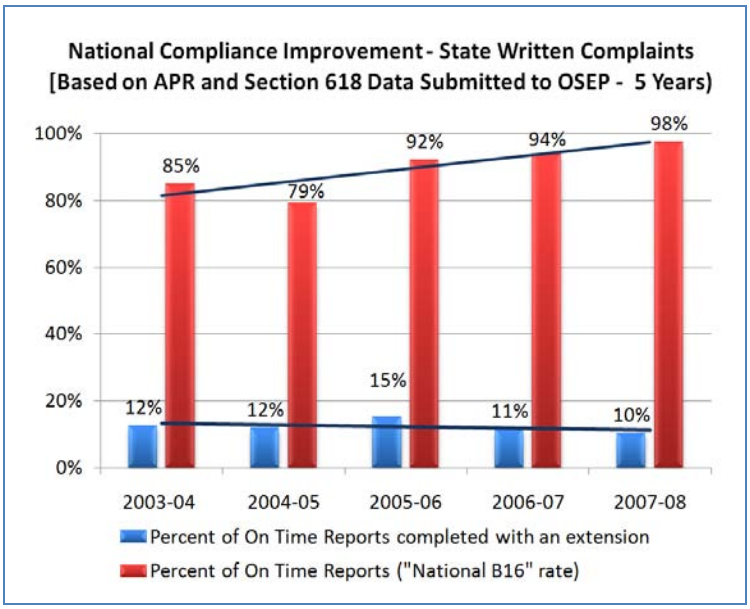
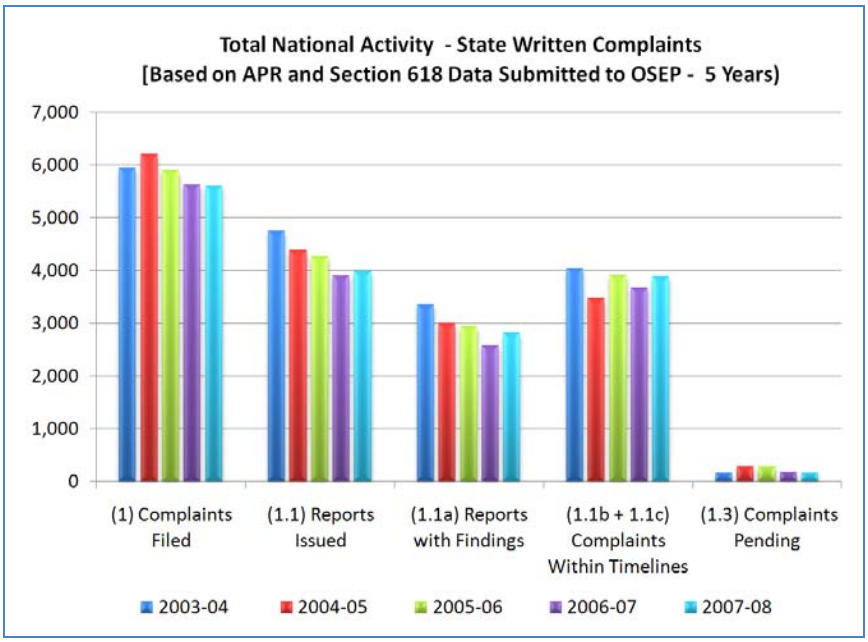


Chart 5: National Dispute Resolution – Decreasing Use of Written Complaints



Over the four years 2004-05 through 2007-08 year, the "national B16" indicator improved substantially: from 79% to 92% to 94% to 98%. This demonstrates real progress by the States in aggregate toward meeting the standard under IDEA for timely completion of complaint investigations and reports.

INDICATOR B16: PROMISING AREAS FOR IMPROVEMENT ACTIVITY FOCUS:

System Activities Associated with Capable Written State Complaints Systems
CADRE accepts as axiomatic that any fully capable DR system must have in place activities related to each of these "improvement strategy" areas:

A. Data collection and reporting
B. Systems administration and monitoring
C. Systems and infrastructures of technical assistance and support
D. Delivery of technical assistance/training/professional development
E. Clear policies and procedures
F. Program development
G. Collaboration/Coordination
H. Evaluation
I. Increase/Adjust FTE
J. Public Awareness/Outreach
K. Support of upstream or Early Resolution Processes
L. Stakeholder engagement

APR improvement activities described by States were examined in each of these areas to identify those that may be associated with effective systems. It is important to note that States rarely attributed improvement to any particular activity. As a result, CADRE drew on multiple sources of data in addition to the APRs including information about States from intensive TA involvement, as well as from discussions States have held on CADRE listservs about particular system functions. Key features identified by CADRE that may contribute to an effective and timely Written State Complaints System include:

Administration and Monitoring:

- Periodic review of the status of active complaints by complaints manager and staff (every one or two weeks during an active complaint)
- Connection to monitoring system for follow-up to ensure corrective actions

Clear Policies and Procedures On:

- Filing a written complaint
- Responsibilities of complainant and receiving district
- Investigative process, report findings and issuance, timelines, and corrective actions where needed

Data Collection and Reporting:

- Most States are using computer-based systems for tracking (especially where there is frequent complaint activity)
- A method of monitoring the steps in the complaints process in sufficient detail to ensure timeliness of the process
- Elements of tracking systems include: reminder system for critical due dates, timely written notifications to trigger investigation when appropriate, process for identifying need for and approving extensions)

Guidance For and Review of Final Complaint Reports:

- Standards for report preparation
- Review of reports to ensure fairness and consistency in findings, remedies or corrections across cases

Public Awareness/Outreach:

- Web-based and "Parent Handbook" dissemination
- A single location/publication
- Information on the complaint system and how to file a complaint is readily available for parents/families and schools
- Model form available on line and in print that guides the complainant to include all required complaint filing information

Skilled Personnel to Assist in Complaint Resolution and Investigation:

- Both dispute resolution and complaint investigation skills are critical to the effective resolution of complaints
- Complaint staff who make initial parent/LEA contact have early resolution skills (can be a conflict of interest in having the same person perform both early resolution and full investigation in a single case)
- Complaint staff need good investigation, application of evidence to findings, and writing skills

Systematic Training and TA of Complaints Staff Members:

- Skills in IDEA and in complaints timelines, processes
- Training based on staff assessment and performance monitoring
- Use of external experts and national institutes for legal and complaints process training
- Coaching/mentoring (especially for newer staff)
- Access to consultation/ resource support when needed

Upstream or early resolution processes:

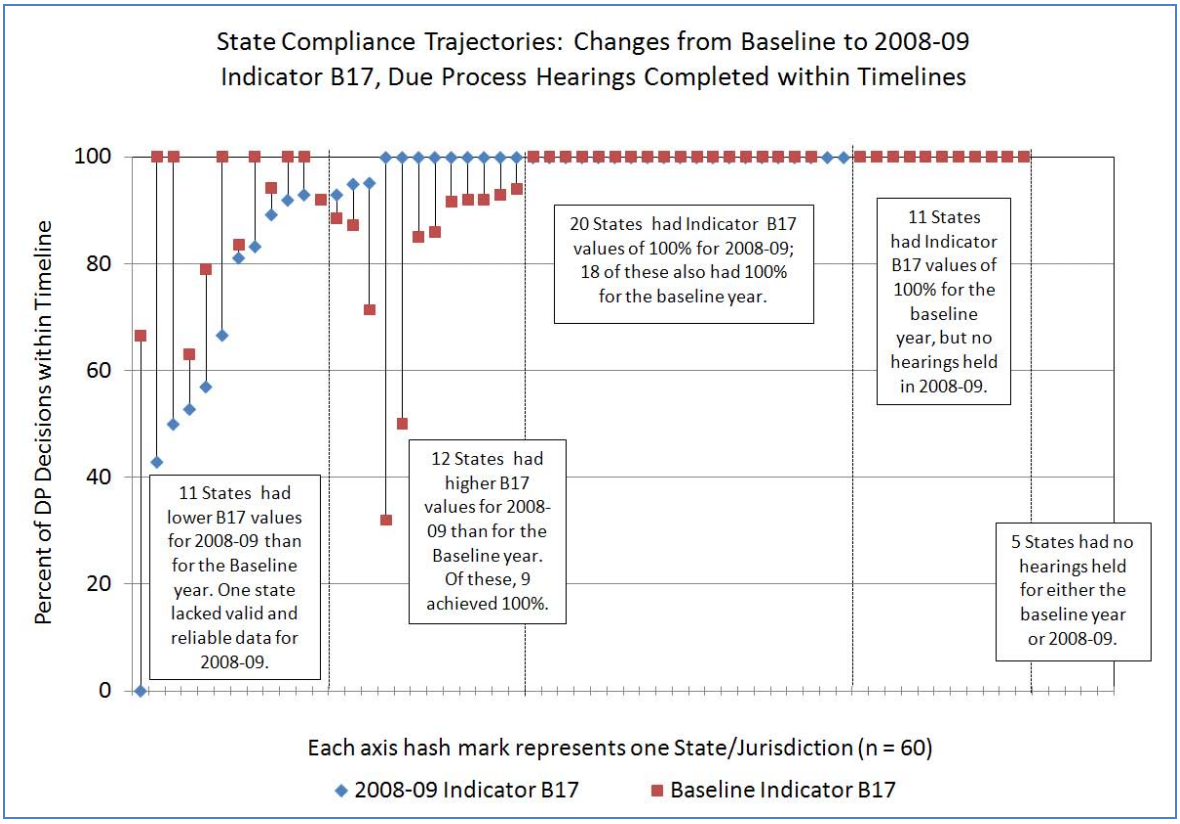
- A period at the beginning of the complaints timeline to allow the parent and the district to resolve the issue(s) voluntarily
- A formal early complaints resolution process (including mediation).

SUMMARY/ANALYSIS: INDICATOR B17 AND DUE PROCESS COMPLAINTS

Are States Moving Toward Compliance with B17?

Chart 6 depicts the change in State B17 level from the baseline year (2004-05) to the current year (2008-09). Most States have shown progress, achieved compliance, or have no activity. In the baseline year, 35 States had B17 levels of above 95% ("substantially compliant"), while 7 had no due process hearing activity (42 total). For 2008-09, 31 States had B17 levels of above 95% ("substantially compliant"), while 17 had no due process hearing activity (48 total).

Chart 6: Trajectory of State Compliance with Indicator B16



This suggests overall progress across States toward achieving compliance. It appears that more States are also receiving fewer due process complaints: Seventeen (17) States had no DP complaint activity in 2008-09 compared to only 7 States with no

	Baseline Year (2004-05)	**Current Year (2008-09)**
# States @ 100%	35	29
# States ≥95%	35	31
No Activity	7	17
Compliant *or* no Activity	42	48

activity in the baseline year. However, it is clear that some States continue to struggle (6 States were below compliance levels for both years) and another 6 States that had reported compliant indicator levels in 2004-05 were unable to do so for 2008-09 (one of these States lacked valid and reliable data for 2008-09). Also, it is impossible to determine how many DP Complaints were pending as of the end of the reporting period for 2008-09. A longitudinal look at that question suggests that pending hearings have increased significantly since the implementation of the Resolution Meeting process (see below).

Twelve States showed progress on Indicator B17 from last year (2007-08) to the current year (2008-09), while 11 showed slippage, and 36 states were at or above 95% (substantially compliant) in both years or held no hearings (see Chart 7). Five entities

had no due process activity for either year. Again, it is not possible to determine from the current APRs whether the States that held no hearings had hearings pending.

Chart 7: Progress/Slippage on Indicator B17 from Previous to Current Year

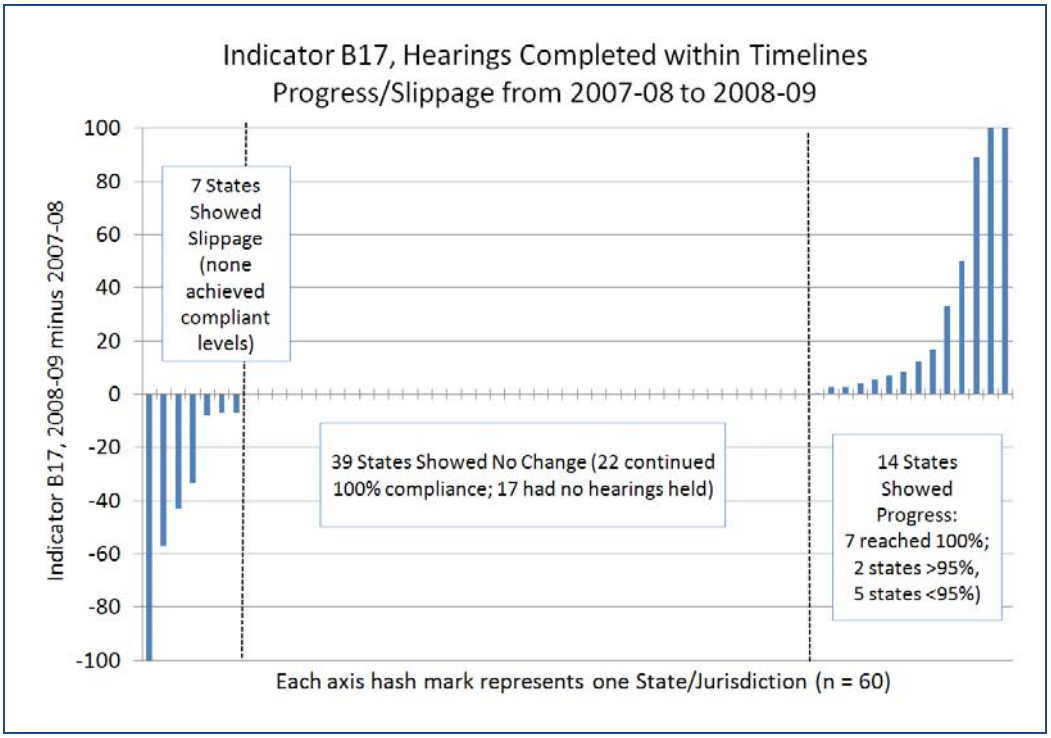
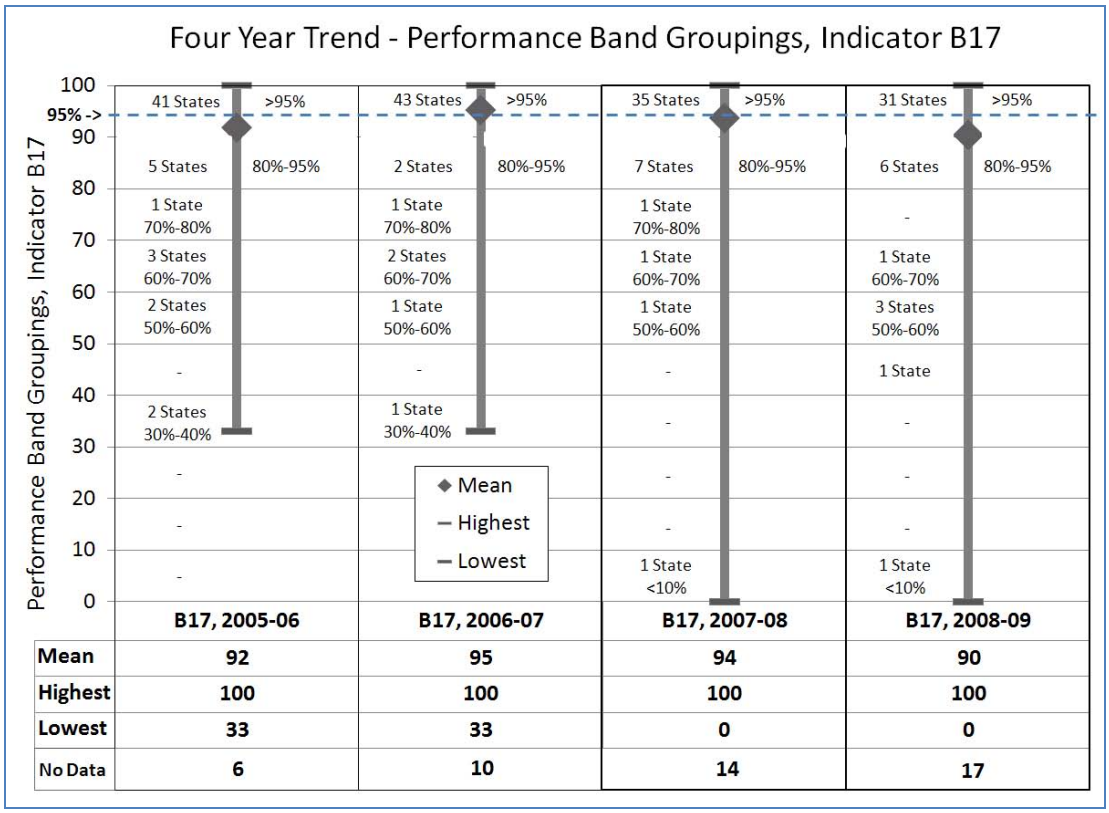


Chart 8 is a display of the number of States whose performance fell within one of ten "bands" (rows) for the past four years. Again, the uppermost band shows the number of States with compliant performance on this indicator (B16 ≥ 95%). The next band shows the number of States with performance in the range of 80% to <95%, while each remaining band covers a 10% range (e.g., 70% to <80%, 60% to <70%). The number of States reporting no hearings activity has increased across the past four years. In 2008-09, 17 States reported no hearings held, with six of those States reporting no hearing requests and one lacking valid and reliable data. While the number of States having Indicator B17 at a complaint level (>95%) has decreased, one reason for that decrease in the number of States with no hearing activity. Effective hearings management may still represent a challenge to some States, especially where hearing activity is under the control of another State agency and hearings are less frequent (of the six States with B17 levels below 70% for 2008-09, all but one had fewer than 7 hearings held, most only one or two).

Chart 8: Indicator B17 Four Year Trends



	B17, 2005-06	B17, 2006-07	B17, 2007-08	B17, 2008-09
Mean	92	95	94	90
Highest	100	100	100	100
Lowest	33	33	0	0
No Data	6	10	14	17

The number of States that achieve either compliance (greater than 95% of hearings completed on timeline) or that have no hearing activity on which to base an indicator calculation has remained fairly stable across these four years, with the exception of 2006-07). The following table summarizes the number and percentage of States reaching compliance status by year.

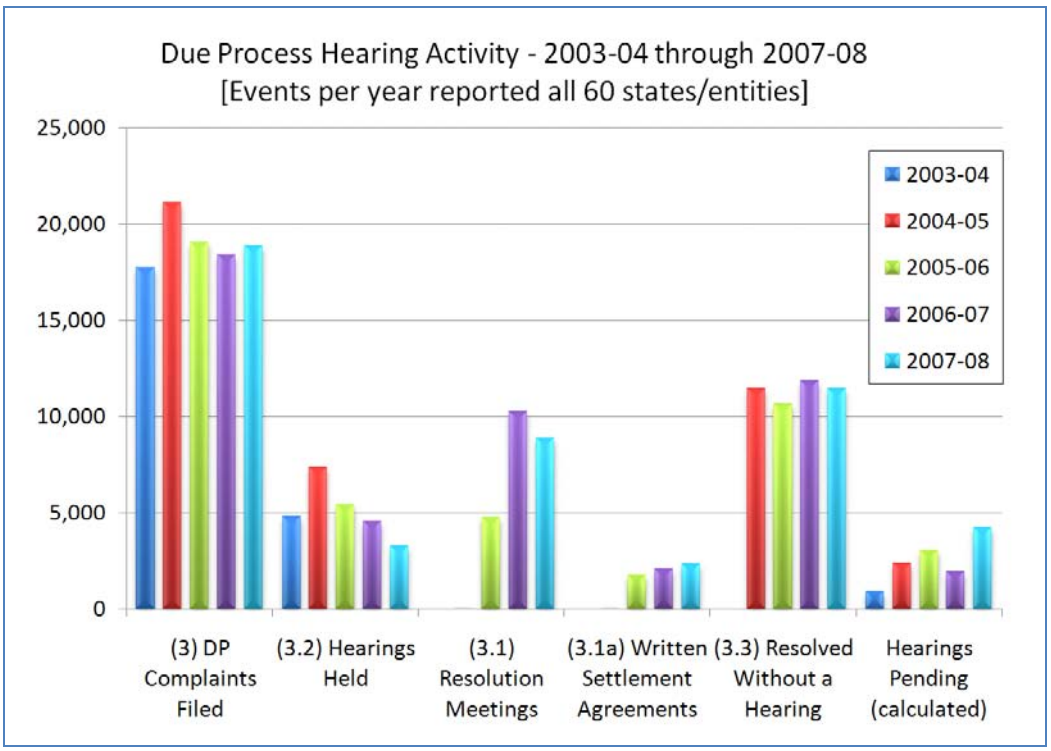
	2005-06	2006-07	2007-08	2008-09
No activity or compliant	47	53	49	48
States with activity @ >95%	41	43	35	31
% States with activity at compliance	76%	86%	76%	72%
% of States at compliance or no activity	78%	88%	82%	80%

These performance reports do not capture the levels of activity in Due Process Complaints. For example, one State that experienced a decrease from baseline of 67% to 0%, went from having 2 out of three hearings on time, to having 2 hearings, neither on time. While this may not be particularly impressive performance by that State, it represents a small fraction of the hearings held.

Nationally, the total number of due process complaints filed trended slightly upwards from 2003-04 through 2007-08 (see Chart 9), the number of hearings held declined, DP requests that were resolved without a hearing remained fairly stable (at least in

proportion to requests), and DP complaints pending has increased substantially. The increase in pending DP complaints may be the result of the implementation of the resolution meeting process (which may add up to 30 days to the timeline) and the anecdotal report from many States that DP filings occur disproportionately during the last quarter of the school year (April through June). Since the disposition of those hearing requests is reported only as of June 30, the pending numbers may simply reflect these not fully processed "late year" complaints.

Chart 9: Dispute Resolution – Due Process Complaint Activity



INDICATOR B17: PROMISING AREAS FOR IMPROVEMENT ACTIVITY FOCUS:

States differ in the organization of their due process hearings systems. In the past five years, more States have moved from two-tier to one-tier systems, and several States have moved their hearings functions to their State's office of administrative hearings. Neither of these arrangements seems to be particularly associated with compliance, although the operation of a hearings system through another State agency (office of administrative hearings) can present problems. Success of this kind of arrangement requires careful attention to training, data collection, monitoring, performance evaluation and joint oversight, especially where State administrative law judges may not be familiar with special education law and are imbedded in State specific administrative hearing processes. These issues can be overcome with a good collaborative agreement and communication.

State size appears to be related both to due process activity and to State capacity to achieve compliance. Of States with activity, a slightly higher percentage of medium-

sized-States achieve compliance (84% of States with child counts of 32K to 194K are compliant) than either very large States (67% of States with child counts > 194K are compliant) or very small States (55% of States with child counts <32K). These differences may reflect a lack of capacity for smaller States to manage infrequent filings (it is hard to create a system for something that may happen only once or twice a year). For lager States, the problem may be more the complexity of managing a large volume of filings. Larger States that fall short of "substantial compliance" (<95%) tend to be close (B17 > 80%), while smaller States short of "substantial compliance" tend to be farther from compliance (B17 < 60%).

System Activities Associated with Capable Due Process Complaints Systems

There is variability across State systems in the extent to which SEAs are directly engaged in the management of their due process systems. Whatever entity directly manages the system, it is important that the SEA have a role in setting standards and monitoring the quality and effectiveness of the hearings system. Special education law is very complex and it is critical to provide hearing officers who may not be initially familiar with that law good guidance and access to the support necessary to do a high quality job of pre-hearing activities, preparing for and conducting hearings, and writing decisions. The following is a condensed description of *critical features* that CADRE believes are associated with effective and compliant performance of a hearing system. This information has been compiled through APR reviews, working directly with selected States, and legal and other research by CADRE staff and consultants.

Data Collection, Tracking and Reporting Activities:

- Timelines checked regularly for process benchmarks
- Tracking compliance for timeliness by Hearing Officer (HO)/Administrative Law Judges (ALJ) Tracking resolution process session period (e.g., waivers, meeting on time)
- Tracking and reporting subject matter of filings, filing party, settlement, hearing dates, hearing decision issued, prevailing parties/issues, follow-up

System Administration Activities:

- Docket management
- HO assignment on a random/rotational basis
- Mediation alternatives promoted
- Coordination of timelines/process tracking when SEA is not HO contracting agency (Local Education Agency or Office of Administrative Hearings)
- Payment of competitive fees and expense costs (differentiated by process step: resolution period, preparation, hearing conduct, decision writing)
- Regular monitoring for district compliance and performance
- Regular meetings with HO and ALJ regarding management goals and objectives

Stakeholder Involvement Activities:

- At least annually, an advisory stakeholder group, including parents and advocates, reviews system performance and recommends ways to:
    - Reduce hearings and increase early resolution
    - Ensure availability of knowledgeable and affordable counsel to all parties
    - Make other hearing system improvements

Hearing Process Guidance (for Hearing Officers/Administrative Law Judges) Activities:

- Establishing timeline benchmarks
- Supporting engagement in the resolution process and encouragement to settle
- Establishing standard practice for conduct of hearings
- Establishing protocols for pre-hearing conference (e.g., clarify issues and legal authority, procedural matters, insufficiency claims, pre-hearing motions, jurisdiction, party status, HO/ALJ authority to grant relief, scheduling, rules regarding *ex parte* contact, evidence)
- Disclosure of potential bias and recusal, when necessary
- Writing legally supportable decisions
- Ensuring that HOs/ALJs meet the statutory standards (34 C.F.R. §511(c))

Public Awareness and Outreach Activities:

- Developing parent-oriented information system that reaches most parents, provides information on all available dispute resolution options, including hearings, sources of free legal assistance, and model forms;
- Offering materials in alternative formats and media
- Practitioner and advocate oriented information (importance and rationale for timeline requirements and resolution options) encouraging early resolutions

Training/TA System Activities:

- Regularly assessment of training needs of HOs/ALJs
- Pre-service training for HOs/ALJs using prescribed curriculum to prepare HOs to meet legal standards
- Providing opportunities for new HOs/ALJs to be mentored by experienced HOs/ALJs
- Encouraging membership of HOs/ALJs in a professional organization, such as, National Association of Hearing Officers or Association of Administrative Law Judges

Training/TA Delivery Activities:

- Annual training at no fee on topics, including:
    - Decision writing
    - Pre-hearing conferences and motions
    - Conduct of hearings
    - Judicial ethics
    - Appropriate encouragement of settlement
    - Case management
    - Timeline requirements
    - Managing parties, witnesses, attorneys and difficult parties
    - Excluding irrelevant/immaterial evidence
    - Juvenile court processes (delinquency, abuse/neglect)
    - Custody law and educational decision-making
    - Bias and conflict of interest
    - IDEA (eligibility, evaluation, IEP process, specific special education concepts and terms) especially significant recent case law
    - State administrative law
    - Managing the record and post hearing requirements
    - Appealable issues
    - Section 504
    - Part C

Program and System Evaluation Activities:

- Clear written performance expectations
- Orientation to the expectations for HOs
- Regular feedback to HOs regarding their performance
- Selected review of decisions
- Observation of selected hearings by a third party, with a report to the State
- Follow-up surveys of participants regarding bias and perception of fairness

SUMMARY/ANALYSIS: INDICATOR B18 AND RESOLUTION MEETING ACTIVITY

Are States Using Resolution Meetings To Resolve Due Process Complaints?

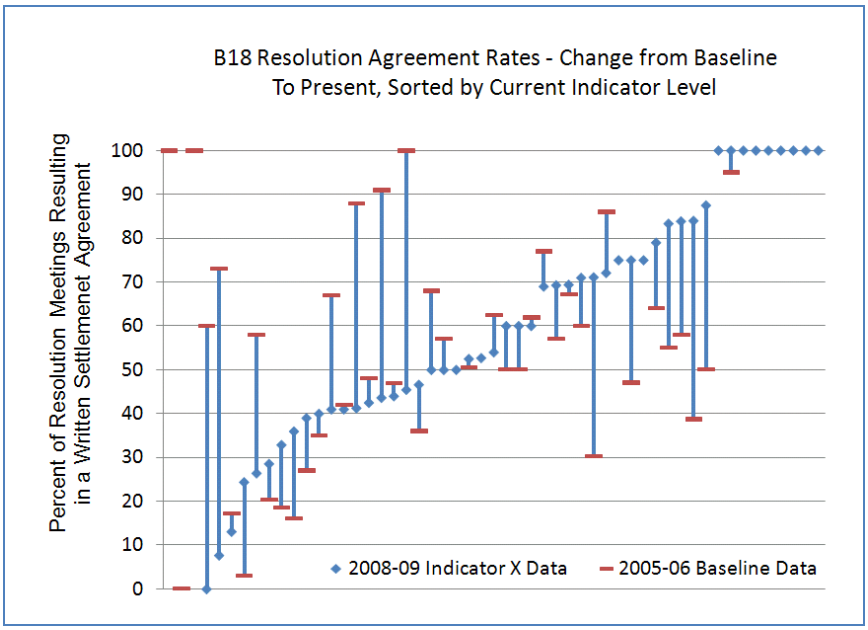
With the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), Congress recognized the need to provide additional opportunities for early dispute resolution. A 30-day resolution period was added, allowing parents and schools time to work out their differences whenever a parent files a due process complaint. Schools named in a due process complaint must convene a resolution meeting within 15 days. Detailed provisions regarding resolution meetings are found at 34 CFR 300.510.

Congress anticipated that providing parents and schools with a “resolution meeting” might result in a “written settlement agreement” that resolves the basis for the

complaint. Standards for a "written settlement agreement" are explicit: it must be reached at a resolution meeting convened within 15 days of the complaint filing; it must be signed by the parties prior to the end of the 30 day resolution period; it must resolve the complaint to the satisfaction of the parent within the 30 days; and it must be legally enforceable in State or federal court.

States began the implementation of this requirement in 2004-05, and began regularly reporting on their work in this area beginning with the 2005-06 school year, which serves as the baseline year for most States on this performance measure. Chart 10 displays change in Indicator B18 from the baseline year – the resolution agreement rate (the percentage of resolution meetings that result in a written settlement agreement).

Chart 10: Trajectory of Performance, Indicator B18



Nineteen (19) States did not report a value for B18 in the baseline year (2004-05), while 10 did not report a value for B18 in the current year (2008-09). Seven (7) States did not report in either of these years. The experiences of States with the resolution process are hardly consistent; for the 38 States that report values for B18 for both the baseline and current year, 17 States that lost ground averaged a decrease of 24 percentage points in B18, while 21 States averaged a gain of 17 percentage points. Some States are missing data; a number of States that may have held resolution meetings did not report a B18 value based on the misunderstanding that they need not report if they have fewer than 10 resolution meetings. The correct rule is that States report a B18 value whenever they have one or more resolution meetings, but the need not set a target nor be judged on meeting a target if they had fewer than 10 resolution meetings. The extent of missing data can be seen in the following tables, the first row shows States that did and did not report a value for B18, and the second row shows States that had no resolution meetings reported on their Table 7 submissions for three years. Although the discrepancy is decreasing, these numbers should be the same for each year.

States With No Resolution Meetings Held and States Not Reporting a B 18 Value

	2005-06	2006-07	2007-08
No Resolution Meetings Held	7	8	5
B18 Not Reported	19	18	11

For States that reported resolution meeting activity, the first three years of the implementation of this procedure reflect a slight increase in the percentage of hearings filed that go to a resolution meeting. The following table reflects the increase evident from the first two years to 2007-08. On average, States reported that about half of their DP requests resulted in the report of a resolution meeting in 2007-08. The third line in the following table shows the total number of DP complaints filed nationally, followed by the number of resolution meetings held, and the resulting percentage of resolution meetings held nationally (total number of resolution meetings held divided by the total number of due process complaints nationally).

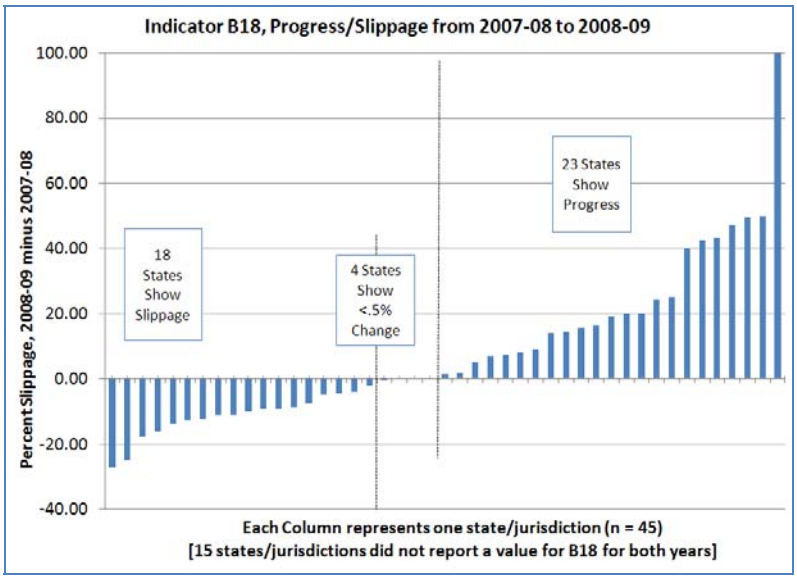
Resolution Meetings Held as a Percentage of DP Complaints Filed

	2005-06	2006-07	2007-08
Median of States Reporting	44%	44%	51%
Mean of States Reporting	45%	45%	49%
Total DP Complaints Filed	19,042	18,358	19,042
Resolution Meetings Held	4,721	10,214	4,721
"National" Percent	25%	56%	47%

Relatively few larger States account for the variability in the percentage that go to resolution meetings, but it may also be true that States are still working on implementing the requirement, especially for districts where a due process complaint is an unusual event. All these calculations may be conservative estimates since some states leave the arrangement and reporting of resolution meetings to the LEAs involved.

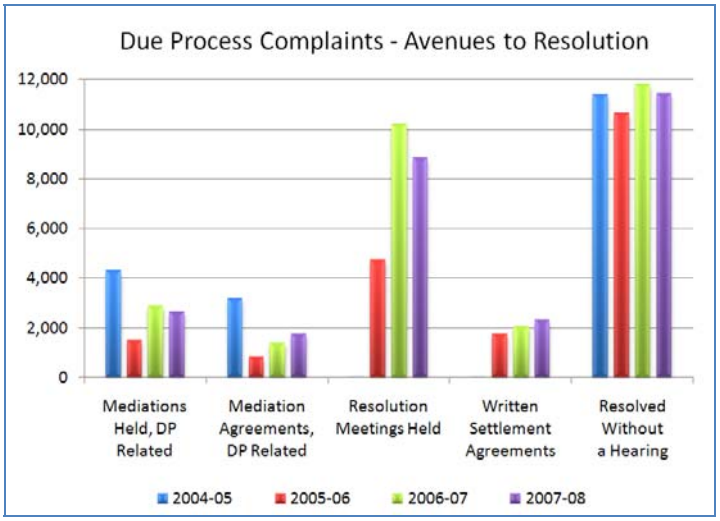
Progress in improving the agreement rate from 2007-08 to 2008-09 is somewhat more encouraging (see Chart 11, following page). Forty-five (45) States had data to report for both years; 4 of these States showed negligible change (less than .5%), while 18 States showed slippage and 23 States showed progress. The magnitude of the improvements in agreement rate appear substantially greater than the slippage.

Chart 11: Progress/Slippage on Indicator B18 from Previous to Current Year



The resolution process may be serving as a substitute for other previously used non-adversarial processes (especially due process related mediations). While States seem to be improving their capacity to conduct effective resolution meetings and achieve agreements, they may have replaced resolutions to due process complaints that were previously achieved through other means. Chart 12 displays due process complaints "resolved without a hearing" and the reported processes that may have resulted in those resolutions.

Chart 12: Due Process Complaints – Resolved of Without a Hearing



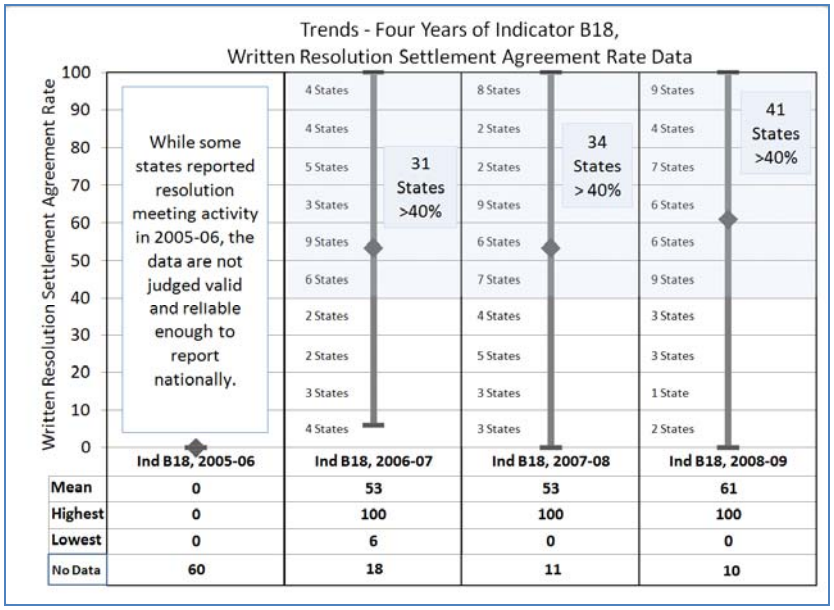
Every case of "resolved without a hearing" should include all agreements that resolved the due process complaint sufficiently for it to be withdrawn. These include, at least, those due process related mediation agreements that result in withdrawal of the

complaint, all written settlement agreements, and other settlement agreements reached outside the resolution process. The last of these may address issues that some States do not consider appropriate for mediation nor for resolution meetings (e.g., attorney's fees). "Resolved without a hearing" also includes withdrawal of DP complaints for unknown reasons, verbal agreements among schools and parents/families, as well as insufficiency determinations by hearing officers.

The number of mediation agreements related to due process decreased almost 75% from 2004-05 to 2005-06 (first year of full resolution meeting implementation), apparently having been displaced by resolution meetings. Mediation activity rebounded over the following two years, as did mediation agreement activity. Resolution meetings grew substantially to 9-10,000 per year for 2006-07 and 2007-08. Almost half of resolution meetings held, however, were in one large State. The number of "resolved without a hearing" is comparatively stable across these four years, between about 10,600 and 11,800 per year, while hearing requests have decreased over this period (see Chart 9). The percentage of due process complaints resolved without a hearing increased from 54% in 2004-05 to 61% in 2007-08. At most, about one-third of "resolved without a hearing" cases result from mediation and written settlement agreements. However, mediations and resolution meetings may help contribute to other DP complaint settlements.

Chart 13 depicts the number of States at ten "performance bands" for Indicator B18, the percentage of resolution meetings that result in a written settlement agreement. These agreement rates tend to be lower than those for mediation. Over the past three years

Chart 13: Indicator B18 Four Year Trends



the number of States with agreement rates of 40% or greater has increased. This suggests that it may take some years for a new dispute resolution process to become an effective part of a State system. CADRE has supported States in implementing this

process, both before and during the current award period, through the development of materials and encouragement of the innovative use of facilitators in resolution meetings.

System Activities Associated with Capable Resolution Meeting Systems

State systems for addressing resolution meeting requirements are in various stages of development. Some States view the resolution meeting requirement as being almost wholly the responsibility of the LEA involved in a DP complaint. Other States are seeing the resolution process as an important part of their continuum of dispute resolution options. In many States, the integrated management of their dispute resolution system affords them the opportunity to provide comprehensive training, public outreach, etc., aimed at encouraging parties in disputes to find the most effective and early method of resolution possible, including, when a due process complaint is filed, making effective use of the resolution meeting.

The following are critical features that CADRE believes are associated with effective and capable performance of the resolution process aspects of a State dispute resolution system. This information was compiled through APR reviews, with particular attention paid to those States that had more than 10 resolution meetings per year and that had agreement rates in excess of 40%. CADRE also drew on work done with directly with selected States, as well as legal and other research by CADRE staff and consultants.

Collaboration/Coordination: At the heart of resolving any dispute is that the parties trust that in the end the resolution will work. The trust may be enforced (through legal agreement or monitoring) and may be grounded in good working relationships among the parties. Many States with effective resolution meeting processes report that their outreach, training and guidance efforts are collaborative among the SEA, LEA organizations, PTIs, and others. Such collaboration won't insure success, but if the major organizations that represent disputing parties don't have trusted relationships, the system won't be trusted.

Enforceability of Agreements: State guidance for a "legally sufficient" agreement can help ensure that agreements are clear; some States receive and monitor agreements to ensure implementation. Access to the Written State Complaints process to contest failure to implement may save parties time and legal costs associated with legal appeal.

FTE/Staffing of Resolution Process: Benefit accrues from appointment of SEA staff or a hearing officer as soon as a DP complaint is filed to: communicate with both parties, monitor the timeline benchmarks, and encourage early resolution, including use of the resolution meeting. When a hearing officer performs this function it may better prepare them for a timely hearing, although there may be conflicts of interest associated with having a hearing officer in this role, as they may financially benefit from the hearing being held.

Data Collection, Process Tracking and Monitoring:. Tracking resolution timelines is part of tracking due process overall. Resolution benchmarks within the 30 day period may include: filing; appointment of an individual to track the process and communicate with the parties (either an SEA staff member or the hearing officer); immediate notice to

both parties of the resolution meeting option; scheduling, preparing for and conducting the meeting; written settlement agreement achieved; follow-up to continue to encourage resolution, even after the end of the 30 day resolution period; other settlement agreement or resolution achieved; other complaint disposition; follow-up evaluation to gather feedback for system/process improvement.

Outreach: State guidance aimed at parents and schools about the resolution meeting option is often provided in the context of encouragement for early resolution of disputes whenever possible. Many States noted use of CADRE's resolution guide for parents, or have used the guide to develop materials specific to their State system. Partnerships with PTIs, LEA organizations, others to promote the use of resolution meetings and other early resolution processes; training and awareness activities in which educators and parents present and are the target audiences.

Support of Upstream Options: It is not clear how much IEP Facilitation and Resolution Meeting Facilitation assist in improving resolutions without hearings, but many States with better written settlement agreement rates report support for these options as a part of their resolution meeting processes.

Training Delivery, TA and Dissemination: States may assist in suggesting meeting protocols, providing training around capable (internal) meeting facilitation, and pre/post meeting activities.

Evaluation: Follow-up with parties to gather feedback on the resolution meeting, agreement processes, involvement of facilitation (if any), and results, including follow-up after implementation (durability of agreements).

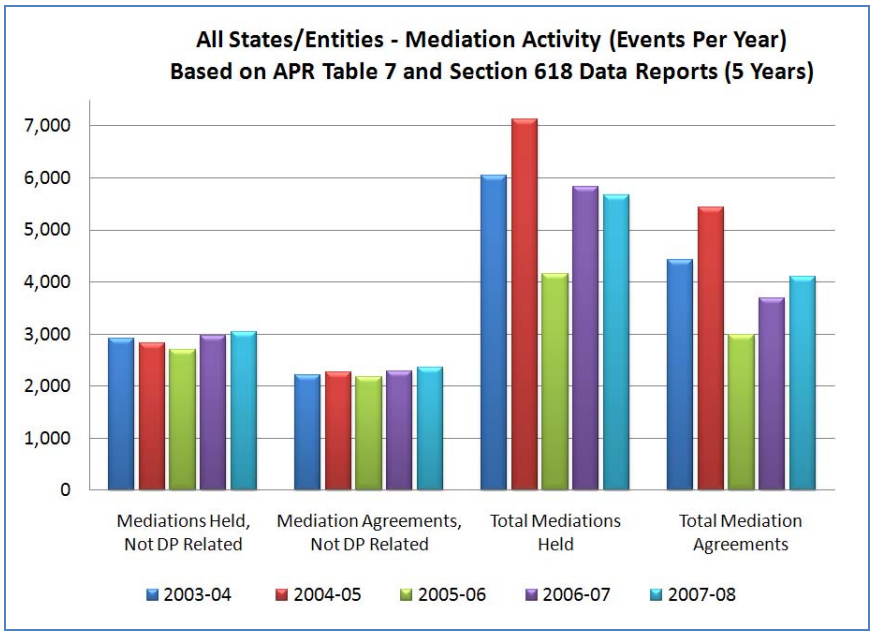
SUMMARY/ANALYSIS: INDICATOR B19 AND STATE WRITTEN COMPLAINTS

National patterns in the use of mediations to resolve special education disputes

States report in their APRs on the specific forms of mediation required under IDEA (related or not related to a due process complaint). This section will address the State reports on these requirements, but it bears noting that States and local systems may be involved in and support many other processes in which a neutral third party assists in the resolution of disputes between families and schools. Unless that assistance meets the requirements of IDEA mediation, however, it will not be uniformly addressed in APRs. As a result, this summary can't reflect the full impact that the change in orientation toward collaborative problem solving may have on State systems, on parents and on schools in conflict.

Chart 12 (above, in the resolution meeting section of this report) displayed the wide variability in mediation use related to due process. Chart 14 (below) displays overall mediation activity nationally for the five-year period from 2003-04 through 2007-08.

Chart 14: Mediation Agreement Rates – Five Year Trends



Two things are notable about mediation use over this time period: (1) the use of mediation for non-hearing related disputes (and resulting mediation agreements) has been remarkably stable, and (2) the use of mediation overall dropped precipitously in 2005-06, then rebounded somewhat, but not yet to pre-resolution meeting levels. In addition to the movement of some dispute resolution to the resolution meetings required when a due process complaint is filed, States have also been increasing support for other methods of collaborative dispute resolution (e.g., facilitated IEPs). Because these "upstream" options are not consistently reported, the degree of impact these efforts have had on overall dispute activity is hard to gauge.

CADRE and OSEP have suggested to States that mediation systems should have agreement rates of 75% to 85% (shaded cells). The table below displays "national" mediation agreement rates (the total number of agreements reported

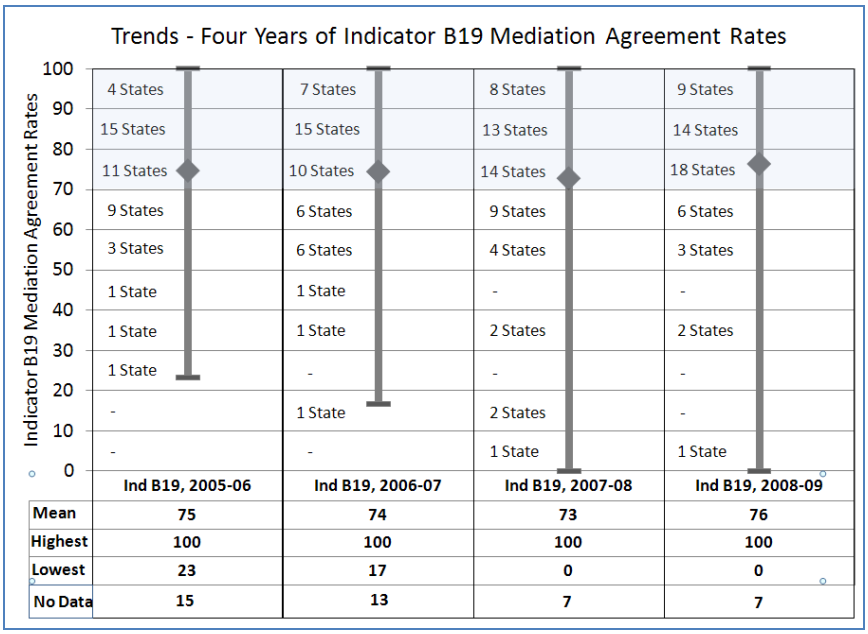
"National" Agreement Rates	2003-04	2004-05	2005-06	2006-07	2007-08
Mediations, Not DP Related	75.6%	80.3%	80.5%	77.1%	77.5%
Mediations, DP Related	70.9%	73.7%	56.0%	48.5%	66.4%
All Mediations	73.2%	76.3%	71.9%	63.1%	72.4%

divided by the total number of mediations held). For mediations overall, the agreement rate has varied from 63% to 76%, with mediations related to due process achieving only a 48.5% agreement rate in 2006-07. For the nation overall, the mediation agreement rate has fallen within the 75% to 85% range for mediations not related to due process every year, but never for due process related mediations. CADRE suspects that when parties enter into mediation as a first choice for the formal resolution of a conflict, the odds of success are reasonably consistent with other fields in which mediation is used. This seems to be confirmed by those States where mediation has a long history and

has been actively promoted as a first choice for formal dispute resolution. Where mediation seems more “forced” (that is, under pressure of a due process filing), the rate of success may be less.

Chart 15 depicts the number of States at ten “performance bands” for Indicator B19, the percentage of mediations held that result in a mediation agreement. While some States

Chart 15: Indicator B19 Four Year Trends



	Ind B19, 2005-06	Ind B19, 2006-07	Ind B19, 2007-08	Ind B19, 2008-09
	4 States	7 States	8 States	9 States
	15 States	15 States	13 States	14 States
	11 States	10 States	14 States	18 States
	9 States	6 States	9 States	6 States
	3 States	6 States	4 States	3 States
	1 State	1 State	-	-
	1 State	1 State	2 States	2 States
	1 State	-	-	-
	-	1 State	2 States	-
	-	-	1 State	1 State
Mean	75	74	73	76
Highest	100	100	100	100
Lowest	23	17	0	0
No Data	15	13	7	7

have struggled over the years to increase their agreement rates, more States reported improved mediation agreement rates over this time period. The number of States with agreement rates greater than 70% increased consistently over these four years (from 30 to 32 to 35 to 41).

System Activities Associated with Capable Resolution Meeting Systems

State mediation systems vary from SEA operated panels, to mediation offered by the same agency as the one that conducts due process hearings (and sometimes using the hearing officers as mediators), to contracted services through a professional mediation organization or university program. However the system is organized, the experience and skills of the mediators has a great deal to do with whether agreements are reached. In many States, the integrated or coordinated management of a State’s dispute resolution system affords the opportunity to provide comprehensive training, public outreach, etc., aimed at encouraging parties to disputes to find the most effective and early method of resolution possible, including the effective use of mediation.

States with capable mediation systems that met or exceeded their mediation agreement rate targets had improvement activities in one or more of the following areas:

- Data system that tracks cases, mediation outcomes, and allows trends analysis
- Professional development activities/training for mediators
- Training for mediation participants to more effectively use the process
- Evaluation of mediators and the mediation process, including customer satisfaction
- Outreach activities: information dissemination on mediator credentials, mediation process, benefits; brochures, websites, parent centers and conferences

Three other improvement activity areas may also impact mediation agreement rates:

- Contracting mediation services from an external provider with broad expertise and understanding of effective mediation
- Providing and encouraging the use of upstream, less formalized dispute resolution options
- Communication skills training for stakeholders (e.g., to improve IEP meetings, prepare for more effective participation in mediation)

The following are *critical features* that CADRE believes are associated with effective performance of the mediation part of a State dispute resolution system. This information was compiled through APR reviews, with particular attention paid to those States that had more than 10 mediations per year and that had agreement rates in excess of 70%. CADRE also drew on work done directly with selected States, as well as other research by CADRE staff and consultants.

Collaboration/Coordination: Again, trusted relationships are critical to a system that produces good and durable agreements. Much of what was said on this issue above in the resolution meeting section applies here as well. States with the most effective mediation systems extensively promote outreach, training and guidance efforts that are collaborative among the SEA, LEA organizations, PTIs, and others.

Systems Administration and Monitoring Features Include:

- Mediators working for a trusted organization (some States contract with an expert mediation center or State court mediation system)
- Mediation issues being included in continuous improvement and focused monitoring
- Regular team review of trends/patterns, training needs, process improvement

Evaluation Features Include:

- Following-up with parties in the mediation (school staff, families, mediators, attorneys) to gather feedback on the mediation process, outcomes and mediator performance after every session
- Following-up after implementation (durability of agreements)
- Conducting internal/external evaluation of improvement processes and outcomes and evaluating results to support improvement efforts and training of mediators and participants

Data Collection, Process Tracking and Monitoring Features Include:

- Tracking mediation steps (filing/request, mediator assignment, scheduled, held, results; follow-up/durability of agreement)
- Linking to other DR tracking systems
- Tracking mediator performance and success in resolving issues

Technical Assistance System to Support Mediators Including:

- Expert advisor(s) being available to discuss cases or consult via email (based on current legal standards, mediation best practices, ethical standards, etc.)
- Mediators having access to TA on the day of a mediation session and/or debriefing cases via email
- A system to assess informational needs of mediators ("Expert Advisor" data, evolving legal issues, national trends in dispute resolution)

Mediator Training and Professional Development Including:

- High quality training for new mediators
- Extensive special education case law training with annual updates on case law and trends
- Participation in regular ongoing skills training required for service as a mediator based on identified needs including:
    - Communication skills
    - Intake processes
    - Impasse strategies
    - Autism
    - Identification and eligibility issues
    - Neutrality
    - Confidentiality
    - Time for case consultation and sharing among mediators
- Bimonthly mediator sessions for training and technical assistance

Participant Training Including:

- Orientation to mediation and other conflict resolution options provided in partnership with PTIs, LEAs, Protection and Advocacy agencies, and related State agencies to SDE staff, district personnel, advocates, attorneys, parents
- Skill building training for parents and educators to maximize mediation benefits including:
    - Communication skills
    - Preparation for mediation
    - Negotiation skills
    - Crafting a mediation agreement
    - Communication and follow-up after mediation

Outreach Activities Including:

- Multifaceted campaign to promote mediation as an option among other dispute resolution processes, stressing benefits of mediation
- Extensive outreach to PTIs, parents, school representatives, parent attorneys and advocacy groups about the benefits of using mediation to resolve disputes
- Targeted materials/guides for parents and schools

- Dissemination via web, free print brochures and materials, conference presentations
- Publish resumes and qualifications of mediators

Support Upstream Dispute Resolution Options: In addition to formal mediation, States reduce demand for formal processes by offering other options including:

- Conciliation conferences
- Facilitators for IEP meetings
- Statewide training to increase parent and school personnel capacity for more effective communication and IEP meetings

A Caution About the Limits of Improvement Efforts: The strong commitment of state leadership to capable, integrated dispute resolution systems is central to success. There are systems that have long-standing, intractable problems that would challenge the most capable leader. However, with an organizational commitment to improve, engaged leadership to guide the necessary changes, and resources to support the change, improvements can be achieved. A huge commitment of fiscal resources is not always critical, but there is no substitute for priority, time and focused effort.

Implementation of any dispute resolution process or improvement will always present challenges, especially in complex systems. Improvements must be carefully planned, executed, and evaluated to ensure that they achieve desired ends. A number of States with "slippage" that attempted system improvements in many of the above areas attributed their lack of progress to "implementation of a new system." To be fair, State systems can and do change with political winds, fiscal challenges, retirement of key staff, etc., in ways that are hard to control.

Finally, underlying most successful State systems are very active and engaged constituencies of stakeholders (collaborative relationships, advisory groups, etc.) that can help promote the improvements and, perhaps as importantly, smooth the waters through the predictable challenges many State systems experience.

INDICATOR 20: TIMELY AND ACCURATE DATA

Prepared by DAC

INTRODUCTION

Indicator B20 measures the timeliness and accuracy of State-reported data (618 and SPP/APR-616). The data sources for this indicator are State selected and include data from the State data system, assessment system, as well as technical assistance and monitoring systems.

Measurement of this indicator is defined in the SPP/APR requirements as:

State-reported data, including 618 data and annual performance reports, are: (a) Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement, and assessment, and November 1 for exiting, discipline, personnel, and dispute resolution, and February 1 for the APR); and (b) Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

OSEP has developed a rubric to measure the timeliness and accuracy of sections 616 and 618 data submitted by States. Use of this rubric was voluntary for FFY 2008 APR submissions.

The Data Accountability Center (DAC) reviewed a total of 60 FFY 2008 APRs. These included the 50 States, the District of Columbia, the territories, and the Bureau of Indian Education (BIE). (For this discussion, all of these will be referred to as States, unless otherwise noted.) Analysis of the actual target data as reported by States indicates:

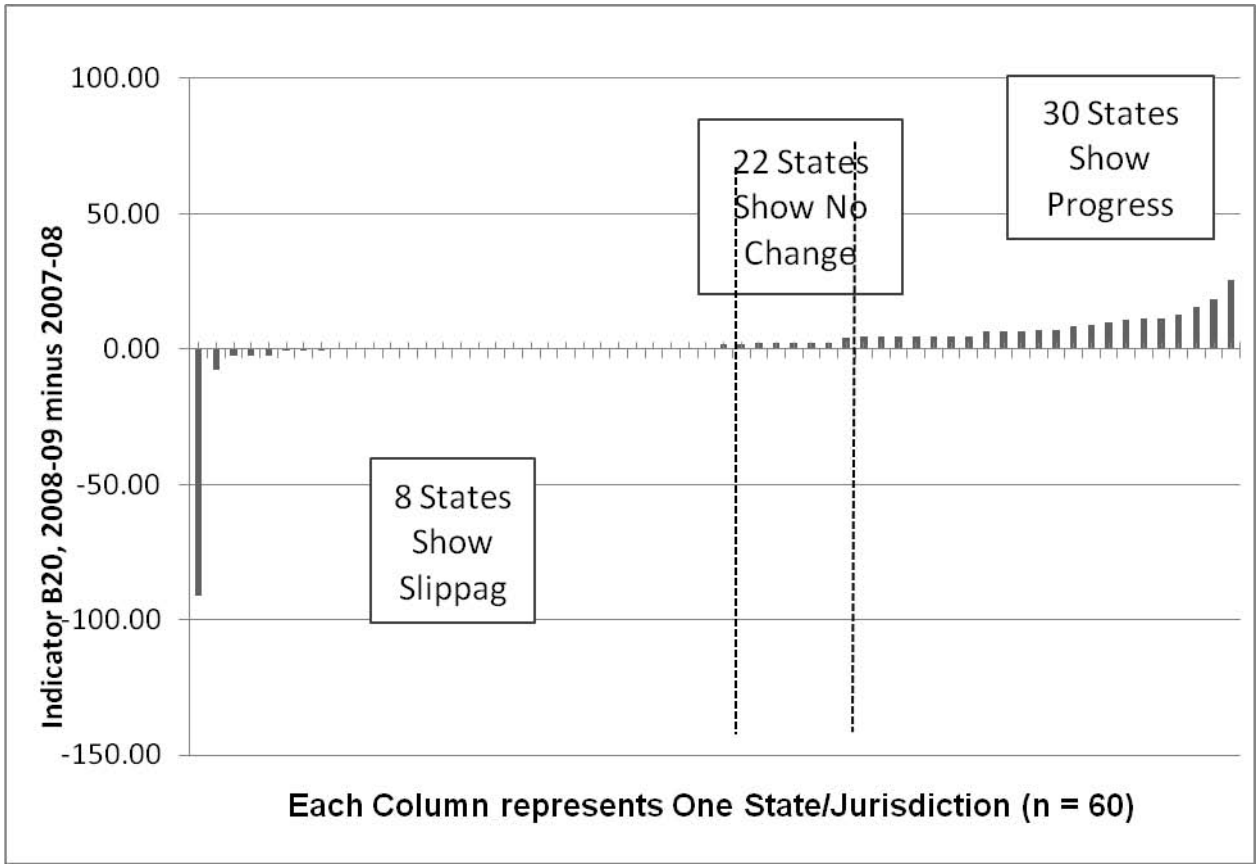
- Thirty-nine (65%) States reported that their data were 100% accurate.
- Twenty-one (35%) States reported accuracy other than 100%.
- Of these 21 States, 20 reported a percentage between 90 and 99%.

The remainder of this analysis focused on three elements: (1) States' descriptions of progress and/or slippage, (2) descriptions of how States ensured timely and accurate data and (3) States' improvement activities.

PROGRESS OR SLIPPAGE

Thirty States (50%) reported progress, eight States (13%) reported slippage while 22 States showed no change (37%) (see Figure 1).

Figure 1. Progress and slippage from 2007-09 to 2008-09



States attributed progress to a variety of factors, including (listed from highest to lowest frequency):

- Updating existing or establishing new data systems;
- Receiving targeted technical assistance from OSEP-contracted technical assistance providers (i.e., DAC and RRCs);
- Providing technical assistance to local districts; and
- Increasing knowledge of the OSEP requirements.

States attributed slippage to:

- Inability to submit 618 tables in a timely and accurate manner;
- Difficulties with the *EDFacts* file specifications;
- Not responding to data notes in a timely fashion; and
- Specific districts in the State.

DESCRIPTION OF METHODS OF ENSURING TIMELY AND ACCURATE DATA

The majority of States, 49 (82%), provided some description of how they ensured that their data were timely and accurate. Many States relied on their data systems to provide

timely and accurate data. Eleven States (18%) had built-in edit checks and validations to ensure that the data were valid. This is about half of the number of States that reported using edit checks in the FFY 2007 APR. More States, 18 (30%) for FFY 2008, relied on technical assistance to help ensure timely and accurate data. Some States also used onsite monitoring, manual comparisons of State data to district-level data and internal and external workgroups.

IMPROVEMENT ACTIVITIES

One of the requirements of this indicator is the implementation of improvement activities that will increase compliance. Among the 60 States and territories, two States did not report improvement activities in their FFY 2008 APR. Updating or establishing new data systems was the most widely reported activity, while increasing/adjusting FTE was the least reported. The most frequent improvement activities were improving data collection and/or reporting (80%) and providing technical assistance or training or professional development (50%).

Most States reported using improving the data collection or reporting practices as an improvement activity. Twenty-four (40%) attributed their progress or meeting the target to the number of data collections that were approved for *EDFacts*-only submissions. Many States that used this improvement activity were also using their database to help with the technical assistance being provided. Forty-five States (75%) were creating or revising reports that LEAs could access on a monthly or quarterly basis. Twenty-four States (40%) reported that they held monthly or quarterly trainings to inform the providers of the required data collection elements.

TECHNICAL ASSISTANCE PROVIDED TO STATES

DAC reviewed TA logs and records to determine the number of States receiving specific levels of technical assistance from us in FFY 2008. The levels of technical assistance listed below are defined by DAC and are not precisely aligned to those in the OSEP draft Conceptual Model. The percentages of States that received technical assistance from DAC related to this indicator are reflected using the following three codes:

A. National/regional technical assistance – 100%;
B. Individual State technical assistance – 58%; and
C. Customized technical assistance – 23.

DAC provides national technical assistance support to all States through the annual data meeting and www.IDEAdata.org. Individual technical assistance was provided primarily through email and telephone contact based on individual State requests. DAC also provides customized technical assistance to several States specifically related to this indicator.

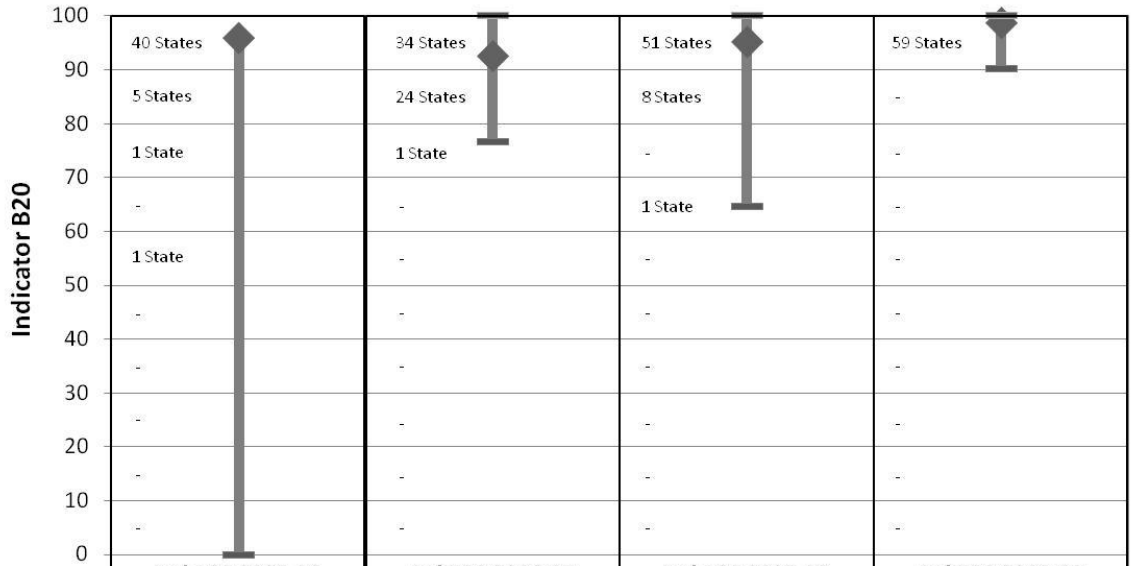
Eleven States (18%) also reported receiving technical assistance from their RRC, which helped them make progress or meet the target. Five States (8%) reported receiving technical assistance from DAC, which helped them make progress or meet the target.

OBSERVATIONS AND CONCLUSIONS

It is important to note that certain problems came up when trying to analyze these data. Some States did not describe to what their progress or slippage was attributed and did not provide many details about how their programs ensure timely and accurate data. A few States did not specify which activities they considered their improvement activities in this SPP/APR. In addition, many States did not specify whether their activities for ensuring quality data were used for 618 and/or 616 data.

Based on this analysis, States seem to have a better understanding of the requirements for Indicator 20. In FFY 2006, the mean percentage reported was 93, with the lowest being 77%. The mean percentage reported in FFY 2007 increased to 95, with the lowest being 65%. For FFY 2008, the mean percentage reported was 99 with the lowest being 90% (see Figure 2 below.

Figure 2. Four-year trend chart



	Ind B20 2005-06	Ind B20 2006-07	Ind B20 2007-08	Ind B20 2008-09
Mean	96	93	95	99
Highest	0	100	100	100
Lowest	0	77	65	90
No Data	12	1	0	1

Additionally, and perhaps more importantly, most States reported improved data collection methods. This was clear from the number of States that had either updated or implemented a new data system.

A final observation was that last year States had the option of using the rubric to calculate their percentage for this indicator. This year the rubric was a requirement. As a result, it made it easier to compare progress and slippage among States.