



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

JUN - 3 2010

Honorable Kerri L. Briggs
State Superintendent
Office of the State Superintendent of Education
810 First Street, NE
9th Floor
Washington, D.C. 20002

Dear Superintendent Briggs:

Thank you for the timely submission of the District of Columbia's (D.C.'s) Federal fiscal year (FFY) 2008 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA section 616(d), D.C. needs intervention in implementing the requirements of Part B of the IDEA. The Department's determination is based on the totality of the State's data and information, including the State's FFY 2008 APR and revised SPP, other State-reported data, information obtained through the November 2009 verification visit, the State's submissions under the Special Conditions on D.C.'s FFY 2009 Part B grants, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2010: Part B" for further details.

The specific factors affecting the Office of Special Education Program's (OSEP's) determination of needs intervention include that D.C.: (1) did not provide valid and reliable FFY 2008 data for Indicator 12 (early childhood transition); (2) did not provide valid and reliable FFY 2008 data for Indicator 15 (identification and correction of noncompliance); and (3) failed to meet the Special Conditions imposed on its FFY 2009 grant award to ensure: timely initial evaluations and reevaluations; timely implementation of hearing officer determinations (HODs); identification and timely correction of noncompliance, including noncompliance regarding placement in the least restrictive environment; and that individualized education programs (IEPs) of youth aged 16 and above include the required secondary transition content.

Under Indicator 12, D.C. was required to provide data on the percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. D.C.'s FFY 2008 data are not valid and reliable because D.C. reported that "it is not clear whether the reported decrease in compliance is due to truly decreased performance or whether it results from inaccuracies in data collection and reporting." D.C. reported that its best available data indicate 8% compliance for Indicator 12. These data show that the majority of young children with disabilities in D.C. who are served in Part C and who are found eligible for Part B, are not experiencing a smooth and effective transition to Part B services.

Under Indicator 15, D.C. was required to report the number of findings of noncompliance identified in FFY 2007 (2007-2008) and the number of corrections completed as soon as possible but in no case later than one year from identification. The State's FFY 2008 data are not valid and reliable because the State acknowledged the data provided were based only on findings of

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noncompliance from complaint investigations and due process hearings. The State reported that it did not conduct any monitoring activities, other than dispute resolution activities, during FFY 2007. D.C.'s responsibility under IDEA is to implement a system of general supervision that effectively identifies and timely corrects noncompliance with the requirements of Part B of the IDEA.

In addition, D.C. failed to meet the Special Condition to ensure identification and timely correction of noncompliance, including noncompliance regarding placement in the least restrictive environment, which was first imposed on the State's FFY 2005 IDEA Part B grant and has continued to apply to each IDEA Part B grant since that time. OSEP recognizes that D.C. provided monitoring reports for ten LEAs that received onsite monitoring in May and June 2009, and notified eleven LEAs in March 2010 of their noncompliance with secondary transition requirements and required specific corrective actions. D.C. has not yet provided documentation of correction of the noncompliance identified through these activities. Therefore, D.C. has not demonstrated that it has a general supervision system that ensures correction of noncompliance in a timely manner consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

D.C. failed to meet the Special Condition imposed on its FFY 2009 grant award to ensure that IEPs of youth aged 16 and above include the required secondary transition content. This area of noncompliance was also included in the Memorandum of Agreement (MOA) entered into on December 7, 2009 between D.C. and the Department whereby D.C. agreed to dismiss its request for a hearing to appeal the Department's decision to withhold 20 percent of D.C.'s FFY 2009 State-level funds based on the Department's June 1, 2009 determination that D.C. needed intervention for three consecutive years. D.C. agreed to take corrective actions under specific timelines and provide regularly scheduled progress reports to OSEP and the Department agreed to release portions of the withheld funds as D.C. meets the benchmarks established in the MOA.¹ D.C. reported in the April 1, 2010 MOA progress report that of the 100 IEPs of youth aged 16 and above that D.C. reviewed in March 2010, none (0%) included the required secondary transition content. Ensuring that IEPs include the required transition content enables students to make a successful transition from school to post-school activities, including postsecondary education, vocational education, integrated employment, and independent living.

D.C. has also failed to meet the longstanding Special Condition imposed on its FFY 2009 grant award to ensure timely initial evaluations and reevaluations and implementation of HODs. These issues were initially identified in the 1998-2001 Compliance Agreement between D.C. and the Department and have been included in the Special Conditions imposed on each IDEA Part B grant award from 2001 to the present and are included in the MOA. D.C. continues to report noncompliance with these requirements. While D.C. met the MOA benchmarks of 50% and 60% for the January 11, 2010 and April 1, 2010 reporting periods related to timely implementation of HODs, D.C. did not meet the benchmarks of 80% and 85% for reducing the

¹ Because D.C. did not meet all of the MOA benchmark targets for the first or second reporting periods, it has not been permitted to draw down any portion of the withheld FFY 2009 funds. D.C.'s third MOA progress report is due to OSEP on July 1, 2010. The Department agreed that the FFY 2009 Special Conditions would be modified to align with the reporting under the MOA to avoid duplication and reduce the burden of reporting.

backlog of HODs that were not implemented in a timely manner. D.C. reported in the April 1, 2010 MOA progress report that 60% of HODs were implemented in a timely manner and 60% of the backlog of HODs were implemented. Ensuring timely implementation of HODs is an essential part of establishing an effective due process and general supervision system.

D.C. did not meet the MOA benchmarks of 75% and 80% for providing timely initial evaluations and reported 70% compliance in the April 1, 2010 MOA progress report. D.C. did not meet the MOA benchmarks of 70% and 75% for providing timely reevaluations and reported 68% compliance in the April 1, 2010 MOA progress report. D.C. did not meet the benchmarks of 45% and 55% for reducing the backlog of overdue initial evaluations and reported 17% in the April 1, 2010 MOA progress report. D.C. did not meet the benchmarks of 45% and 55% for reducing the backlog of overdue reevaluations and reported 37% in the April 1, 2010 MOA progress report. D.C. reported in its April 1, 2010 MOA progress report that 395 children had not been provided a timely initial evaluation and 399 children had not been provided a timely triennial reevaluation as of March 5, 2010. After more than ten years of documented noncompliance by D.C. with the requirements to ensure timely initial evaluations and reevaluations, and despite enforcement actions taken by the Department, including a compliance agreement, the application of special conditions, the withholding of funds, and the MOA, D.C. continues to demonstrate noncompliance with these critical IDEA requirements.

Though not a basis for our determination of needs intervention, we also note that due to problems in D.C.'s fiscal and program accountability, management systems, and related areas, the Department designated D.C. a "high risk" grantee under all grants received from the Department. D.C. continues to work on the Department's fiscal and programmatic concerns and its FFY 2010 grant award will again be subject to Department-wide Special Conditions.

The enclosed table provides OSEP's analysis of the State's FFY 2008 APR and revised SPP, and identifies by indicator OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources), and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2008 data; (2) whether such data met the State's FFY 2008 targets and reflect progress or slippage from prior year's data; (3) if applicable, that the State's data are not valid and reliable; and (4) whether the State corrected findings of noncompliance.

The State's determination for the FFY 2005, 2006, and 2007 APRs was also needs intervention and this is the fourth consecutive year that D.C. is receiving a determination of needs intervention. In accordance with IDEA section 616(e)(2)(B) and 34 CFR §300.604(b), if a State is determined to need intervention for three or more consecutive years, the Secretary shall take one or more of the following actions: (1) require the State to prepare a corrective action plan or improvement plan if the Secretary determines that the State should be able to correct the problem within one year; (2) require the State to enter into a compliance agreement under Section 457 of the General Education Provisions Act (GEPA), if the Secretary has reason to believe that the State cannot correct the problem within one year; (3) withhold, not less than 20 percent and not more than 50 percent of the Part B funds reserved for State-level activities for each year of the determination until the Secretary determines that the State has sufficiently addressed the area(s) in which the State needs intervention; (4) seek to recover Part B funds under Section 452 of GEPA; (5) withhold, in whole or in part, any further payments of Part B funds to the State; or (6) refer the matter for appropriate enforcement action, which may include referral to the Department of Justice. In addition, under IDEA section 616(e)(2)(A), the Secretary may take

one of the three actions specified under IDEA section 616(e)(1), (if a State is determined to need assistance for two consecutive years), which include under IDEA section 616(e)(1)(C) that the Secretary may direct the use of State-level funds under IDEA section 611(e) on the area or areas in which the State needs assistance.

Pursuant to IDEA section 616(e)(1)(C) and (2)(A), the Secretary is directing D.C. to use \$500,000 of its FFY 2010 State-level funds under IDEA section 611(e) to address the longstanding noncompliance with the requirements to conduct timely initial evaluations and reevaluations. D.C. must use \$500,000 of its FFY 2010 State-level funds to carry out initial evaluations and reevaluations for children who have not been provided a timely initial evaluation or reevaluation (i.e., to reduce the backlog of overdue evaluations and reevaluations). The Secretary authorizes D.C. to use the otherwise directed funds for other purposes if the State elects to direct local educational agencies (LEAs) that demonstrated noncompliance with the requirements to conduct timely initial evaluations and reevaluations, to use \$500,000 of their FFY 2010 Part B funds to reduce the backlog of overdue evaluations and reevaluations.²

D.C. must report with its October 1, 2010 MOA progress report on whether it intends to: (1) use \$500,000 of its FFY 2010 State-level funds under IDEA section 611(e) to carry out initial evaluations and reevaluations for children who have not been provided a timely initial evaluation or reevaluation (i.e., to reduce the backlog of overdue evaluations); (2) direct those LEAs that demonstrated noncompliance with the requirements to conduct timely initial evaluations and reevaluations to use \$500,000 of their FFY 2010 Part B funds to reduce the backlog of overdue evaluations and reevaluations; or (3) use a portion of its FFY 2010 State-level funds, and direct those LEAs that demonstrated noncompliance with the requirements to conduct timely initial evaluations and reevaluations to use a portion of their FFY 2010 Part B funds, to reduce the backlog of overdue evaluations and reevaluations. D.C. must also provide information on how it will track the use of these funds to ensure they are used for the required purpose. D.C. must provide documentation to the Department by May 15, 2011, that demonstrates that it has used \$500,000 of FFY 2010 State-level funds under IDEA section 611(e), and/or has directed LEAs to use FFY 2010 Part B funds to reduce the backlog.

Directing the use of funds is an appropriate enforcement action because it supports D.C.'s and its LEAs' ability to timely evaluate and reevaluate children with disabilities, which are critical IDEA requirements that directly impact a child's right to receive a free appropriate public education. The failure of a State to ensure the provision of a timely initial evaluation and reevaluation results in a delay in the determination of whether a child is or continues to be a child with a disability, and in the provision of services that appropriately meet a child's current educational needs. The amount of \$500,000 represents a significant commitment of resources that will be targeted to ensure that D.C. and its LEAs take the necessary action to reduce the backlog of overdue initial evaluations and reevaluations. This will also assist D.C. in meeting the benchmarks for the MOA and may enable it to receive the FFY 2009 withheld funds.

In addition, pursuant to IDEA section 616(e)(2)(B)(i), the Secretary is requiring D.C. to submit a corrective action plan (CAP) by August 1, 2010, that is reasonably designed to address each of

² D.C. reported during the November 2009 verification visit that its system of progressive sanctions and enforcement options to address uncorrected noncompliance includes directing the LEA's use of IDEA Part B funds.

the areas in which the State needs intervention. Specifically, the CAP must address the actions D.C. will take to: (1) provide valid and reliable data for Indicator 15 with its FFY 2009 APR, due February 1, 2011; (2) provide valid and reliable data for Indicator 12 with its FFY 2009 APR; (3) demonstrate compliance with the requirement to ensure children referred by Part C prior to age 3, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays (IDEA section 612(a)(9) and 34 CFR §300.124(b)); (4) demonstrate compliance with the requirement that IEPs for youth aged 16 and above include required secondary transition content (IDEA section 614(d)(1)(A)(i)(VIII) and 34 CFR §300.320(b)); (5) demonstrate compliance with the requirement to implement HODs in a timely manner (IDEA sections 615(f) and (i)); (6) demonstrate compliance with the requirement to conduct timely initial evaluations and reevaluations (IDEA sections 612(a)(7) and 614(a) through (c) and 34 CFR §§300.301(c)(1) and 300.303); and (7) demonstrate that it has a general supervision system that is reasonably designed to effectively identify and correct noncompliance in a timely manner (IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600, 20 U.S.C. 1232d(b)(3), and OSEP Memo 09-02).

The Secretary is requiring D.C. to submit a CAP because the Secretary has determined that, in combination with directing the use of funds, D.C. should be able to correct the problems that are the bases for the State's needs intervention determination within one year from this determination letter and that other enforcement remedies under IDEA section 616(e)(2)(B) are not appropriate at this time. D.C.'s CAP must include the specific actions and timelines by which the State will carry out the actions. The Department will provide technical assistance to D.C. to align the CAP with the requirements under the MOA and the required actions for early childhood transition described in the May 12, 2010 verification letter.

The Secretary also is advising the State of technical assistance available related to the following indicators: Indicator 12 (early childhood transition); Indicator 13 (secondary transition); and Indicator 15 (identification and correction of noncompliance). A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rrfcnetwork.org/techassistance.html>. You will be directed to a list of indicators. Click on a specific indicator for a list of centers, documents, webinars, and other sources of relevant technical assistance for that indicator.

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

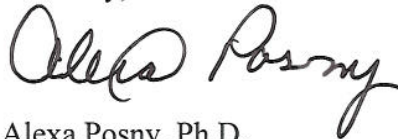
As you know, pursuant to IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(A), your State must report annually to the public on the performance of each LEA located in the State on the targets in the SPP as soon as practicable, but no later than June 1, 2010. In addition, your State must: (1) review LEA performance against targets in the State's SPP; (2) determine if each LEA "meets requirements" of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the IDEA; (3) take appropriate enforcement action; and (4) inform each LEA of its determination. 34 CFR §300.600(a)(2) and (3). For further information regarding these requirements, see the SPP/APR Calendar at: <http://spp-apr-calendar.rrfcnetwork.org/explorer/view/id/656>. Finally, if your State included revisions to baseline, targets, or improvement activities in its APR submission, and OSEP accepted those

revisions, please ensure that your SPP is updated accordingly and that the updated SPP is posted on the State's website and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

Pursuant to section 616(d)(2)(B) of the IDEA and 34 CFR §300.603(b)(2), a State that is determined to need intervention or need substantial intervention, and does not agree with this determination, may request an opportunity to meet with an appropriate Department official, as designated by the Department, to demonstrate why the Department should change the State's determination. To request a hearing, submit a letter to "IDEA Determination Appeal," Office of the Assistant Secretary for the Office of Special Education and Rehabilitative Services, United States Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202 within 15 days of the date of this letter. The letter must include the basis for your request for a change in the State's determination.

OSEP is committed to supporting D.C.'s efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Lisa Pagano, your OSEP State Contact, at 202-245-7413.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexa Posny".

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

Enclosures

cc: State Director of Special Education

District of Columbia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table), FFY 2007 and FFY 2008 targets, and improvement activities for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets.</p> <p>The State's FFY 2007 reported data for this indicator are 68.19%. OSEP was unable to determine whether there was progress or slippage because the State changed the way the data were calculated. The State met its FFY 2007 target of 66.23%.</p> <p>The State provided a narrative that describes the conditions youth must meet to graduate with a regular diploma.</p> <p>The State reported that it used the graduation rate calculation for reporting under the Elementary and Secondary Education Act (ESEA) and that the data reported for this indicator are the same as reported under the ESEA. In its FFY 2008 APR, the State reported FFY 2007 data for this indicator.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 5.03%. OSEP was unable to determine whether there was progress or slippage because the State changed its data source for this indicator. The State indicates on page 11 of the APR that its FFY 2007 target for this indicator is 6.6%. However, page 11 of the SPP indicates that the FFY 2007 target is 6.8%. While OSEP is unable to determine which of these is correct, the State met both targets.</p> <p>The State provided a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p> <p>The State must review the FFY 2007 target reflected in the SPP and revise it, as appropriate.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet</p>	<p>The State revised its FFY 2008 target and the improvement activities for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised FFY 2008 target and reported that it will revise its FFY 2009 and FFY 2010 targets after receiving stakeholder input.</p> <p>The State's FFY 2008 reported data for this indicator are 13.33%. These data</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR, due February 1, 2011.</p>

District of Columbia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>the State's AYP targets for the disability subgroup.</p> <p>[Results Indicator]</p>	<p>represent progress from the FFY 2007 data of 0%. The State did not meet its FFY 2008 target of 50%.</p> <p>The State revised its definition of "minimum 'n' size" for this indicator to align with data used for accountability reporting under Title I of the ESEA.</p>	
<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>B. Participation rate for children with IEPs.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 93.39% for reading and 93.06% for math. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from the State's reported FFY 2007 data. The State did not meet its FFY 2008 target of 95%.</p> <p>The State provided a web link to 2008 publicly-reported assessment results at http://www.nclb.osse.dc.gov/reportcards.asp.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table), targets, and improvement activities for this indicator and OSEP accepts those revisions. The State indicated that the targets were revised to align with the State's ESEA targets and that stakeholders were provided an opportunity to comment on the targets.</p> <p>The State's FFY 2008 reported data for this indicator are 18.37% for reading and 16.93% for math. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from the State's reported FFY 2007 data. The State did not meet its FFY 2008 target of 38%.</p> <p>The State provided a web link to 2008 publicly-reported assessment results at http://www.nclb.osse.dc.gov/reportcards.asp.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and</p>	<p>The State revised its definition of "significant discrepancy," targets, and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 42.86%. Because this is the first year that the State provided data for this indicator, OSEP could not determine whether there was progress or slippage. Since these are baseline data the State is not required to compare the data to a target.</p> <p>The State reported it did not complete its review of the LEA's policies,</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</p> <p>The State did not conduct the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral</p>

District of Columbia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Results Indicator]	procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies for FFY 2007. The State reported that its “review will be completed prior to June 30, 2010 in order to ensure that the identified LEAs have compliant policies, practices and procedures in place prior to the beginning of the 2010-2011 [school year] SY.” The State indicated it will report on the results of its review in the FFY 2009 APR.	<p>interventions and supports, and procedural safeguards, to ensure that these policies, procedures, and practices comply with IDEA, as required in 34 CFR §300.170(b). The failure to conduct the review required in 34 CFR §300.170(b) is noncompliance.</p> <p>In the FFY 2009 APR, the State must report correction of this noncompliance by describing the review, and if appropriate, revision of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that these policies, procedures, and practices comply with the IDEA, for LEAs identified with significant discrepancies in FFY 2007, as required in 34 CFR §300.170(b).</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator; New for</p>	The State is not required to report on this indicator in the FFY 2008 APR.	<p>Indicator 4B is new for FFY 2009. Baseline data from 2008-2009, targets (0%), and improvement activities must be submitted with the FFY 2009 APR.</p>

District of Columbia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
FFY 2009]																						
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s reported data for this indicator are:</p> <table><tr><td></td><td>FFY 2007 Data</td><td>FFY 2008 Data</td><td>FFY 2008 Target</td><td>Progress</td></tr><tr><td>A. % Inside the regular class 80% or more of the day</td><td>17.34</td><td>17.9</td><td>13.5</td><td>0.56%</td></tr><tr><td>B. % Inside the regular class less than 40% of the day</td><td>19.49</td><td>28.2</td><td>13.5</td><td>-8.71%</td></tr><tr><td>C. % In separate schools, residential facilities, or homebound/hospital placements</td><td>12.15</td><td>22.8</td><td>27</td><td>-10.65%</td></tr></table> <p>These data represent progress for 5A and slippage for 5B and 5C from the FFY 2007 data. The State met its FFY 2008 targets for 5A and 5C, but did not meet its FFY 2008 target for 5B.</p>		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	A. % Inside the regular class 80% or more of the day	17.34	17.9	13.5	0.56%	B. % Inside the regular class less than 40% of the day	19.49	28.2	13.5	-8.71%	C. % In separate schools, residential facilities, or homebound/hospital placements	12.15	22.8	27	-10.65%	<p>OSEP appreciates the State’s efforts to improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR.</p>
	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress																		
A. % Inside the regular class 80% or more of the day	17.34	17.9	13.5	0.56%																		
B. % Inside the regular class less than 40% of the day	19.49	28.2	13.5	-8.71%																		
C. % In separate schools, residential facilities, or homebound/hospital placements	12.15	22.8	27	-10.65%																		
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and</p> <p>B. Separate special education class, separate school or residential facility.</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR.</p>	<p>The instruction package for the FFY 2009 APR/SPP will provide guidance regarding the information that States must report for this indicator in their FFY 2009 APRs.</p>																				

District of Columbia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Results Indicator; New]		
<p>7. Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator]</p>	<p>The State revised the measurement language (consistent with the revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State did not provide data collected during the required FFY 2008 reporting period for this indicator. The State reported that it began collecting entry data in FFY 2009. The State provided the number and percent of preschool children who entered the preschool program in the fall of 2009 at a typical level of functioning compared to same-aged peers and those that entered below age expectations in each of the Outcome areas. The State reported that it will be unable to provide progress data for children who exit the preschool special education program after at least six months in that program, and for whom there are both entry and exit data until February 2012.</p> <p>The State reported that it is “using a pilot methodology for the first two years of the SPP rather than an ongoing sampling methodology.” The State indicated that the “pilot sample consisted of 13 local education agencies” and that in “spring 2010, the 14th local education agency will be added to the sample.” It is unclear to OSEP whether: (1) the State intends to use census data for this indicator; and (2) the State will be able to include data from all LEAs that serve preschool children with disabilities for the remaining years of the SPP.</p> <p>Because the State did not provide entry data in its FFYs 2005, 2006, and 2007 APRs, OSEP’s June 1, 2009 FFY 2007 SPP/APR response table required the State to provide entry data and improvement activities in the FFY 2008 APR. The State provided entry data collected since the fall of 2009, reported on improvement activities completed in FFY 2008, and revised its improvement activities for FFY 2009.</p>	<p>While States were required to provide baseline data and establish targets with the FFY 2008 APR, the State did not begin collecting entry data until FFY 2009. Therefore, the State was unable to report baseline data and establish targets. In its FFY 2009 APR, the State must report the entry data collected during FFY 2009 (fall 2009 through June 30, 2010). The State will not be able to provide baseline data and targets until the FFY 2010 APR, due February 1, 2012.</p> <p>OSEP could not determine if the State used sampling to collect data for this indicator. If the State intends to collect data for this indicator through sampling, the State must submit its sampling methodology for this indicator as soon as possible to ensure that its data will be valid and reliable. If the State does not intend to sample, but intends to use census data, the State must inform OSEP and revise its SPP accordingly.</p>
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p>	<p>The State’s FFY 2008 reported data for this indicator are 78.6%. OSEP was unable to determine whether there was progress or slippage because the State did not provide FFY 2007 data for this indicator. The State met its FFY 2008 target of 70% for this indicator.</p> <p>In its description of its FFY 2008 data, the State addressed whether the response group was representative of the population.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>

District of Columbia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Results Indicator]		
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State revised its definition of disproportionate representation and its improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 0%. Because this is the first year that the State provided data for this indicator, OSEP could not determine whether there was progress or slippage. The State met its FFY 2008 target of 0%.</p> <p>The State reported that one district was identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.</p> <p>The State provided the definition of disproportionate representation.</p> <p>The State was identified as being in need of intervention for three consecutive years based on the State's FFYs 2005, 2006, and 2007 APRs. The State and the U.S. Department of Education (Department) entered into a Memorandum of Agreement (MOA) that includes a requirement that the State report valid and reliable FFY 2008 data for this indicator. The State provided the required information.</p>	<p>OSEP appreciates the State's efforts regarding this indicator.</p> <p>OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State if there are questions or concerns.</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State revised its definition of disproportionate representation and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 0%. Because this is the first year that the State provided data for this indicator, OSEP could not determine whether there was progress or slippage. The State met its FFY 2008 target of 0%.</p> <p>The State reported that eight districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p>	<p>OSEP appreciates the State's efforts regarding this indicator.</p> <p>OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State if there are questions or concerns.</p>

District of Columbia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>The State provided the definition of disproportionate representation.</p> <p>The State was identified as being in need of intervention for three consecutive years based on the State's FFYs 2005, 2006, and 2007 APRs. The State and the Department entered into an MOA that includes a requirement that the State report valid and reliable FFY 2008 data for this indicator. The State provided the required information.</p>	
<p>11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p>	<p>The State revised the measurement language (consistent with the revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 66.56%. These data represent progress from the FFY 2007 data of 45.3%. The State did not meet its FFY 2008 target of 100%.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the State to include in the FFY 2008 APR, data demonstrating that the three remaining uncorrected noncompliance findings identified in FFY 2006 were corrected. The State reported that it is "unable to verify the correction of all identified noncompliance associated with this indicator for FFY 2006."</p> <p>Although the State reported less than 100% compliance for this indicator for FFY 2007, the State reported that it did not identify any noncompliance for this indicator during FFY 2007.</p> <p>The State was identified as being in need of intervention for three consecutive years based on the State's FFYs 2005, 2006, and 2007 APRs. The State and the Department entered into an MOA that requires the State to report as specified in the MOA on the percent of children with disabilities whose initial evaluations and placements were conducted in a timely manner. As required by the MOA, the State submitted its first progress report on January 11, 2010 and second progress report on April 1, 2010.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in future submissions to OSEP demonstrating that the State is in compliance with the timely initial evaluation requirements in 34 CFR §300.301(c). The State must provide in the FFY 2009 APR, progress data, including reporting on the correction of the noncompliance as noted below.</p> <p>Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely,</p>

District of Columbia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>OSEP responded under separate cover to the MOA progress reports. The State must continue to provide progress reports as specified in the MOA.</p>
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>The State revised the measurement language (consistent with the revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 8.0%. These data are not valid and reliable because the State reported that "it is not clear whether the reported decrease in compliance is due to truly decreased performance or whether it results from inaccuracies in data collection and reporting." Because the State's data are not valid and reliable, OSEP could not determine whether there was progress or slippage or whether the State met its target.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the State to include in the FFY 2008 APR, data demonstrating that the four remaining uncorrected noncompliance findings identified in FFY 2006 were corrected. The State reported that it is "unable to verify the correction of all identified noncompliance associated with this indicator for FFY 2006 and FFY 2007."</p>	<p>The State did not submit valid and reliable data and the State must provide the required data for FFY 2008 in the FFY 2009 APR.</p> <p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). The State must report on the status of correction of noncompliance reflected in its revised FFY 2008 data.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the revised FFY 2008 data: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely,</p>

District of Columbia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</p> <p>[Compliance Indicator]</p>	<p>The State is not required to provide actual target data for FFY 2008 for this indicator.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the State to include in the FFY 2008 APR, data demonstrating that the six remaining uncorrected noncompliance findings identified in FFY 2006 were corrected. The State reported that because it is "unable to locate the data and files related to the noncompliance identified in the [FFY] 2006 and [FFY] 2007 APRs," it is "unable to verify the correction of all identified noncompliance associated with this indicator for FFY 2006 and FFY 2007." Because these data were not available, the State re-monitored the LEAs in which the noncompliance was previously identified, issued findings and, where appropriate, required LEAs to develop corrective action plans to address "noted areas of concern."</p> <p>The State was identified as being in need of intervention for three consecutive years based on the State's FFYs 2005, 2006, and 2007 APRs. The State and the Department entered into an MOA that requires the State to ensure the IEPs of youth aged 16 and above include the required secondary transition content. As required by the MOA, the State submitted its first progress report on January 11, 2010 and second progress report on April 1, 2010.</p>	<p>In the FFY 2009 APR, the State must provide a revised baseline using data from 2009-2010. Targets must remain 100%.</p> <p>OSEP responded under separate cover to the MOA progress reports. The State must continue to provide progress reports as specified in the MOA.</p>
<p>14. Percent of youth who are no</p>	<p>The State is not required to provide actual target data, targets, or improvement</p>	<p>In the FFY 2009 APR, the State must</p>

District of Columbia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school.</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>activities for FFY 2008 for this indicator.</p>	<p>report a new baseline, targets, and, as needed, improvement activities.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data are 65.6%. However, the State did not provide valid and reliable data for this indicator. These data are not valid and reliable because the State acknowledged that these data were based only on findings of noncompliance from complaint investigations and due process hearings. Therefore, OSEP was unable to determine whether there was progress or slippage or whether the State met its target.</p> <p>The State reported that 600 of 915 findings of noncompliance identified in FFY 2007 were corrected in a timely manner and that the remaining 315 findings of noncompliance were subsequently corrected by April 12, 2010.</p> <p>The State acknowledged that these data were based only on findings of noncompliance from complaint investigations and due process hearings. The State reported that it did not conduct on-site monitoring activities during FFY 2007 (2007-2008); therefore, there were zero findings of noncompliance issued through on-site monitoring activities in SY 2007-2008. The State reported that it conducted on-site focused monitoring visits in FFY 2008</p>	<p>The State did not submit valid and reliable data and the State must provide the required data in the FFY 2009 APR.</p> <p>The State provided a plan to collect and report valid and reliable data beginning with the FFY 2009 APR. The State must provide the required data in the FFY 2009 APR.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2009 APR, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2008 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>In reporting on the correction of</p>

District of Columbia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>(2008-2009).</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table and the <u>Special Conditions</u> imposed on the State's FFY 2009 IDEA, Part B grant award required the State to include in the FFY 2008 APR, updated data on the seven remaining FFY 2005 findings of noncompliance and the 16 remaining FFY 2006 findings of noncompliance, including the status of correction.</p> <p><u>FFY 2005 Findings of Noncompliance:</u></p> <p>The State reported that it was unable to locate source documents for the seven remaining findings of noncompliance identified in FFY 2005 that involve one LEA. The State reported that it conducted focused monitoring of the LEA during the 2008-2009 school year, identified noncompliance, and required the LEA to submit a corrective action plan.</p> <p><u>FFY 2006 Findings of Noncompliance:</u></p> <p>The State reported that four of the 16 remaining FFY 2006 findings were issued to an LEA that had moved and the LEA could not locate the student records associated with the findings. Similarly, three of the 16 remaining FFY 2006 findings were issued to an LEA that was "unable to verify timely correction due to a lack of historical records." The State reported that as a result, it "is unable to verify the correction" of these findings.</p> <p>The State reported that one of the 16 remaining findings of noncompliance identified in FFY 2006 was related to a State complaint decision and that the finding was corrected subsequent to the one-year timeline for correction. The State further reported that "eight findings were erroneously counted as State complaint findings in FFY 2006" but that "these eight 'findings' were never issued, therefore there could not be correction of noncompliance." Based on the State's explanation, OSEP determines that the State did not provide valid and reliable data for this indicator in its FFY 2007 APR.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required that the State clarify that its FFY 2008 data on the timely correction of findings of noncompliance identified in FFY 2007 include <u>all</u> findings of noncompliance that were identified through dispute resolution (i.e., State complaints and due process hearings). The State reported that four findings were issued in FFY 2007 as a result of State complaint investigations. Two of the four findings were timely corrected and the remaining two were corrected subsequent to the</p>	<p>noncompliance in the FFY 2009 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2008: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 Worksheet.</p> <p>In responding to Indicators 4A, 11, and 12 in the FFY 2009 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>OSEP responded under separate cover to the MOA progress reports. The State must continue to provide progress reports as required by the MOA.</p>

District of Columbia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>one-year timeline. The State further reported that “while there is not necessarily a one-to-one correspondence between [Hearing Officer Determinations] HODs issued and findings of noncompliance... [the State] states, with fair confidence than an HOD issued represents one finding of noncompliance.” The State reported that 911 HODs were issued in FFY 2007. Of these, 598 were reported as “timely corrected” and “310 were subsequently corrected.” The State reported that the remaining three cases were “administratively closed” in accordance with procedures under the Blackman/Jones Consent Decree.</p> <p>The State was identified as being in need of intervention for three consecutive years based on the State’s FFYs 2005, 2006, and 2007 APRs. The State and the Department entered into an MOA that requires the State to report as specified in the MOA on the identification and correction of noncompliance. As required by the MOA, the State submitted its first progress report on January 11, 2010 and its second progress report on April 1, 2010.</p>	
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[Compliance Indicator]</p>	<p>The State revised the indicator language (consistent with the revisions in the Indicator Measurement Table) and improvement activities and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data are 0%. These data remain unchanged from the FFY 2007 data of 0%. The FFY 2008 data are based on five complaints. The State did not meet its FFY 2008 target of 100%.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2009 APR, demonstrating that the State is in compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party</p>	<p>The State revised the indicator language (consistent with the revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 89.27%. OSEP was unable to determine whether there was progress or slippage because the State did not provide valid and reliable FFY 2007 data for this indicator. The State</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2009 APR, demonstrating that the State is in compliance with the due process hearing timeline requirements in 34</p>

District of Columbia Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>or in the case of an expedited hearing, within the required timelines.</p> <p>[Compliance Indicator]</p>	<p>did not meet its FFY 2008 target of 100%.</p> <p>The State was identified as being in need of intervention for three consecutive years based on the State's FFYs 2005, 2006, and 2007 APRs. The State reported in its FFY 2007 APR that it could not provide valid and reliable data for Indicator 17 prior to August 11, 2008. The State and the Department entered into an MOA that includes a requirement that the State provide FFY 2008 data from August 11, 2008 through June 30, 2009 for this indicator. The State provided the required information.</p>	<p>CFR §300.515.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State revised its improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 24.4%. OSEP was unable to determine whether there was progress or slippage because the State did not provide valid and reliable FFY 2007 data for this indicator. The State met its FFY 2008 target of 9%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State revised its improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 90%. These data represent progress from the FFY 2007 data of 18.18%. The State met its FFY 2008 target of 25%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2008 reported data for this indicator are 90.29%. OSEP notes that on page 102 of the APR, the State reported 80.77% compliance for this indicator. However, OSEP's calculation of the data for this indicator is 87.73%. These data represent progress from the FFY 2007 data of 64.6%. The State did not meet its FFY 2008 target of 100%.</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2009 APR, demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).</p> <p>In reporting on Indicator 20 in the FFY 2009 APR, the State must use the Indicator 20 Data Rubric.</p>