

Pennsylvania

Part B

State Performance Plan

for

2005-2010



December 2, 2005

Table of Contents

Overview of the State Performance Plan Development	1
Monitoring Priority: FAPE in the LRE	
Indicator 1: <i>Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma</i>	3
Overview of Issue/Description of System or Process	3
Explanation of Pennsylvania's Calculation of Graduation Rates	3
Baseline Data for FFY 2004 (2004-2005)	4
Discussion of Baseline Data	5
Measurable and Rigorous Target	6
Improvement Activities/Timelines/Resources	7
Indicator 2: <i>Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.....</i>	8
Overview of Issue/Description of System or Process	8
Baseline Data for FFY 2004 (2004-2005)	9
Discussion of Baseline Data	9
Measurable and Rigorous Target	10
Improvement Activities/Timelines/Resources	11
Indicator 3: <i>Participation and performance of children with disabilities on statewide assessments: A. Percent of districts meeting the State's AYP objectives for progress for disability subgroup. B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards. C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards</i>	12
Overview of Issue/Description of System or Process	13
Baseline Data for FFY 2004 (2004-2005)	13
Discussion of Baseline Data	14
Measurable and Rigorous Target	15
Improvement Activities/Timelines/Resources	17
Indicator 4: <i>Rates of suspension and expulsion: A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity</i>	19
Overview of Issue/Description of System or Process	19
Baseline Data for FFY 2004 (2004-2005)	20
Discussion of Baseline Data	21
Measurable and Rigorous Target	21
Improvement Activities/Timelines/Resources	22

Indicator 5:	<i>Percent of children with IEPs aged 6 through 21: A. Removed from regular class less than 21% of the day; B. Removed from regular class greater than 60% of the day; or C. Served in public or private separate schools, residential placements, or homebound or hospital placements</i>	24
	Overview of Issue/Description of System or Process	24
	Baseline Data for FFY 2004 (2004-2005)	25
	Discussion of Baseline Data	25
	Measurable and Rigorous Target	26
	Improvement Activities/Timelines/Resources	27
Indicator 6:	<i>Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings)</i>	29
	Overview of Issue/Description of System or Process	29
	Baseline Data for FFY 2004 (2004-2005)	29
	Discussion of Baseline Data	29
	Measurable and Rigorous Target	30
	Improvement Activities/Timelines/Resources	31
Indicator 7:	<i>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</i>	33
	Overview of Issue/Description of System or Process	34
	Data Collection Activities for Baseline and Measurable Targets for FFY 2006 APR	37
	Baseline Data for FFY 2004 (2004-2005)	38
	Discussion of Baseline Data	38
	Measurable and Rigorous Target	39
	Improvement Activities/Timelines/Resources	39
Indicator 8:	<i>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</i>	40
	Overview of Issue/Description of System or Process	40
	Data Collection Activities for Baseline and Measurable Targets for FFY 2005 APR	43
	Baseline Data for FFY 2004 (2004-2005)	45
	Discussion of Baseline Data	45
	Measurable and Rigorous Target	45
	Improvement Activities/Timelines/Resources	45
Monitoring Priority: Disproportionality		
Indicator 9:	<i>Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification</i>	46
	Overview of Issue/Description of System or Process	46
	Data Collection Activities for Baseline and Measurable Targets for FFY 2005 APR	47
	Baseline Data for FFY 2004 (2004-2005)	47
	Discussion of Baseline Data	47
	Measurable and Rigorous Target	47
	Improvement Activities/Timelines/Resources	47

Indicator 10: <i>Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</i>	48
Overview of Issue/Description of System or Process	48
Data Collection Activities for Baseline and Measurable Targets for FFY	
2005 APR	49
Baseline Data for FFY 2004 (2004-2005)	49
Discussion of Baseline Data	49
Measurable and Rigorous Target	50
Improvement Activities/Timelines/Resources	50

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: <i>Percent of children with parental consent to evaluate who were evaluated and eligibility determined within 60 days (or State established timeline)</i>	51
Overview of Issue/Description of System or Process	51
Data Collection Activities for Baseline and Measurable Targets for FFY	
2005 APR	52
Baseline Data for FFY 2004 (2004-2005)	52
Discussion of Baseline Data	52
Measurable and Rigorous Target	53
Improvement Activities/Timelines/Resources	53

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 12: <i>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</i>	54
Overview of Issue/Description of System or Process	54
Baseline Data for FFY 2004 (2004-2005)	55
Discussion of Baseline Data	55
Measurable and Rigorous Target	56
Improvement Activities/Timelines/Resources...	56

Indicator 13: <i>Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals</i>	58
Overview of Issue/Description of System or Process	58
Data Collection Activities for Baseline and Measurable Targets for FFY	
2005 APR	58
Baseline Data for FFY 2004 (2004-2005)	59
Discussion of Baseline Data	59
Measurable and Rigorous Target	59
Improvement Activities/Timelines/Resources	59

Indicator 14: <i>Percent of youth who had 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</i>	60
Overview of Issue/Description of System or Process	60
Data Collection Activities for Baseline and Measurable Targets for FFY	
2005 APR	61
Baseline Data for FFY 2004 (2004-2005)	61
Discussion of Baseline Data	61
Measurable and Rigorous Target	62
Improvement Activities/Timelines/Resources	62

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15:	<i>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</i>	63
	Overview of Issue/Description of System or Process	63
	Baseline Data for FFY 2004 (2004-2005)	66
	Discussion of Baseline Data	67
	Measurable and Rigorous Target	67
	Improvement Activities/Timelines/Resources	68
Indicator 16:	<i>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</i>	69
	Overview of Issue/Description of System or Process	69
	Baseline Data for FFY 2004 (2004-2005)	69
	Discussion of Baseline Data	69
	Measurable and Rigorous Target	70
	Improvement Activities/Timelines/Resources	70
Indicator 17:	<i>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</i>	71
	Overview of Issue/Description of System or Process	71
	Baseline Data for FFY 2004 (2004-2005)	72
	Discussion of Baseline Data	72
	Measurable and Rigorous Target	75
	Improvement Activities/Timelines/Resources	75
Indicator 18:	<i>Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements</i>	76
	Overview of Issue/Description of System or Process	76
	Baseline Data for FFY 2004 (2004-2005)	76
	Discussion of Baseline Data	76
	Measurable and Rigorous Target	77
	Improvement Activities/Timelines/Resources	77
Indicator 19:	<i>Percent of mediations held that resulted in mediation agreements</i>	78
	Overview of Issue/Description of System or Process	78
	Baseline Data for FFY 2004 (2004-2005)	78
	Discussion of Baseline Data	79
	Measurable and Rigorous Target	79
	Improvement Activities/Timelines/Resources	80
Indicator 20:	<i>State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.....</i>	81
	Overview of Issue/Description of System or Process	81
	Baseline Data for FFY 2004 (2004-2005)	82
	Discussion of Baseline Data	82
	Measurable and Rigorous Target	82
	Improvement Activities/Timelines/Resources	82

Attachment 1: <i>Report of Dispute Resolution under Part B of the Individuals with Disabilities Education Act: Complaints, Mediations, Resolutions Sessions and Due Process Hearings.....</i>	83
Attachment 2: <i>Baseline Information for Part B Indicator 15</i>	84

List of Tables and Figures

Table 1:	<i>Three-Year Trend and 04-05 Baseline Graduation Rates for Students with Disabilities Using OSEP Formula</i>	5
Table 2:	<i>Drop Out Rates for Students with Disabilities Using the OSEP Formula</i>	9
Figure 1:	<i>Indicator 3A: Percent of Districts in Pennsylvania, by Grade Span, Meeting AYP in 2005</i>	13
Figure 2:	<i>Indicator 3B: Participation Rate of Children with Disabilities on Statewide Assessments (2005)</i>	14
Figure 3:	<i>Indicator 3C: Proficiency Rates of Children with Disabilities on Statewide Assessments (2005)</i>	14
Figure 4:	<i>Percent of Students with Disabilities Suspended more than 10 Days 2002-03 thru 2004-05</i>	20
Figure 5:	<i>Students Served by Setting</i>	25
Table 3:	<i>Preschool Settings Data</i>	29
Table 4:	<i>Preschool Parent Interview Data, 2004-05</i>	41
Table 5:	<i>Preschool Parent Interview Data - Training, 2004-05</i>	42
Table 6:	<i>Classroom Site Study (CSS), 2004-05</i>	42
Table 7:	<i>Race/Ethnicity of Students with Disabilities Compared to the Total Enrollment, 2003-04</i>	46
Table 8:	<i>Descriptive Statistics for Disproportionality, 2004-05</i>	48
Table 9:	<i>Upper and Lower Bounds for Disproportionality by Race, 2004-05</i>	49
Table 10:	<i>Compliance Monitoring Data for Effective Transition</i>	55
Table 11:	<i>Pilot Transition Data Base, July1 – September 30, 2005</i>	55
Table 12:	<i>Due Process Hearing Data for 2004-05</i>	72
Table 13:	<i>Due Process Hearing Outcomes for 2004-05</i>	73
Table 14:	<i>Three-year Trend of the Percent of Fully Adjudicated Cases</i>	73
Table 15:	<i>Three-year Trend of the Average Length of Time Fully Adjudicated Cases Remained Open</i>	74
Table 16:	<i>Three-year Trend of the Percent of Fully Adjudicated Cases Resolved within 45 Days</i>	74
Table 17:	<i>Three-year Mediation Results</i>	78

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development:

Pennsylvania has a long history of obtaining broad stakeholder input in the preparation of reports and responses to IDEA accountability requirements. Dating to 1999, and the earliest phases of OSEP's Continuous Improvement Monitoring Process, Pennsylvania relied upon input from a large and diverse group of stakeholders to assist the Bureau of Special Education (BSE) in assessing the status of programs, and setting goals to achieve improved results for children with disabilities and their families.

Although the timelines for development of this State Performance Plan (SPP) were extremely tight, the BSE again implemented a meaningful process to gather stakeholder input. A summary of this process is described below.

The State Special Education Advisory Panel (SEAP) took an active role in developing the FFY 2003 Annual Performance Report (APR), providing the BSE with quality input on improving performance in a number of the cluster areas. The SEAP has continued to fulfill the key role in advising the BSE concerning the development of this SPP. At the August and September 2005 SEAP meetings, the State Director of Special Education provided OSEP-developed information and materials to the Panel (e.g., the SPP Part B Indicator Measurement Table template and an explanation of the Indicators). On October 26, the BSE provided panel members with an overview of baseline data for various Indicators.

On October 27, 20 SEAP members (constituting a quorum) reviewed selected SPP indicators. Specifically, BSE sought input for those indicators not designated by OSEP as "New" and without pre-established "100%" or "0%" targets. Supported by a professional facilitator, the SEAP provided input to structured questions regarding: (A) reasonable yet rigorous targets for the next six-year period; (B) suggested improvement activities; and (C) selection of two most effective improvement activities. To answer question (C), each SEAP member selected the first and second most effective activities that had been suggested. The selections were weighted and re-ordered in descending order of perceived effectiveness. In setting rigorous goals, discussion emerged from the SEAP that, at times, it might be appropriate to maintain some targets at their current high levels of performance. However, realizing that exceeding those levels of performance will be beneficial to all students involved, the Pennsylvania Department of Education should continually strive to improve the performance of all students.

To broaden public input, on September 16, 2005, an electronic mail message was sent through PennLink, the official PDE electronic communication system. This message was distributed statewide to Parents, Advocacy Groups, School District Superintendents and Directors of Special Education, Charter School CEOs, Intermediate Unit (IU) Executive Directors and Directors of Special Education, and Other Interested Parties to notify them of the SPP and invite participation in three forums. These forums were held on October 18 in Harrisburg (Central Pennsylvania), October 31 in King of Prussia (Southeastern Pennsylvania), and November 3 in Pittsburgh (Western Pennsylvania). In addition to the broadly distributed PennLink, notices were posted on the State's Special Education ListServ as well as the PaTTAN and PDE websites.

One hundred five participants attended the public forums. This included 10 parents and advocacy agency representatives and 95 educators. At each forum, a structured and facilitated process was followed to solicit input regarding measurable and rigorous targets and prioritizing of improvement activities to reach the targets over six years. The three guiding questions used in the SEAP session (as described above) were also used in the public forums to gain stakeholder input.

On October 6, the 619 portion of the SPP was shared with the State Interagency Coordinating Council (SICC). The SICC members reviewed the material and gave input concerning the expansion of certain programs for preschool children.

A session was held on October 27 with the IU Directors of Special Education to provide additional information about the SPP, and to specifically gain input from this highly informed group about setting targets and prioritizing improvement activities. Twenty-five (of 29) IU Directors of Special Education participated in this session.

Finally, a small number of stakeholders who were unable to participate in the public forums provided written input directly to the BSE.

Data from all these stakeholders were summarized and carefully considered by the BSE in the establishment of measurable and rigorous targets as well as improvement activities in this SPP.

The BSE will continue to work closely with the SEAP and other stakeholders as we implement improvement strategies described in the SPP, and develop the APRs required as part of this process. Pennsylvania will also publish the SPP and related documents on PDE and PaTTAN websites, and will disseminate the SPP to public agencies and the media.

Part B State Performance Plan (SPP) for 2005-2010**Monitoring Priority: FAPE in the LRE**

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

Overview of Issue/Description of System or Process:

In its strategic plan, **Leading for Learning**, the Pennsylvania Department of Education (PDE) has defined its goal for all students. It is a challenging goal, one that sets the same expectations for learning and achievement for all students – without exception. PDE's goal aims at success for every student by name. It stipulates that all students will be proficient in the core subjects; will complete High School; and will experience educational success regardless of background or "condition". High School graduation requirements for all students are based on meeting rigorous academic standards, as outlined in State Board Regulations, 22 Pennsylvania Code § 4.24 (commonly referred to as Chapter 4).

The Chapter 4 regulations require, in part, that all school districts and charter schools must specify graduation requirements in a strategic plan and that students must demonstrate proficiency in reading, writing and mathematics for graduation. Children with disabilities who satisfactorily complete a special education program developed by an Individualized Education Program team under the Individuals with Disabilities Education Act and Chapter 4 are granted and issued a regular high school diploma by the school district of residence. This subsection applies if the special education program of a child with a disability does not otherwise meet all requirements of Chapter 4.

Consistent with these guiding principles, Pennsylvania has no alternate diploma for students with disabilities. Graduation rate reflects students receiving a regular education diploma.

The amendments to the Elementary and Secondary Education Act, known as the No Child Left Behind Act of 2002 (NCLB), do not prescribe the use of academic assessments for student promotion or graduation purposes. It is important to note, however, that demonstration of adequate yearly progress (AYP), required by NCLB to be defined by each state, is defined in Pennsylvania as including graduation rates at the secondary level. Pennsylvania's Consolidated Application under NCLB, approved by USDE, includes, among other factors for meeting AYP, an 80% graduation rate.

Explanation of Pennsylvania's Calculation of Graduation Rates:***OSEP Formula for Students with Disabilities***

To most accurately calculate graduation rates for students with disabilities, Pennsylvania is continuing to use the OSEP formula, as defined below.

$$\frac{\text{\# of graduates with regular HS diploma}}{\text{\# of graduates + \# received GED + \# of drop outs + \# who reached maximum age + \# deceased}}$$

We are using this calculation because, unlike that used under NCLB, this formula does not distort actual rates of graduation by failing to take into account those students with disabilities that continue on in an educational program beyond age 18.

Cohort Formula for General Education Currently Used in Pennsylvania

Pennsylvania uses the National Center for Educational Statistics (NCES) calculation methodology for graduation rate, both in the aggregate and, when necessary, disaggregated. This calculation method utilizes the number of graduates that have earned a standard diploma in the numerator, divided by the number of graduates and recipients of non-standard diplomas, plus dropouts from the current year and the previous three years in the denominator.

Until cumulative four-year data are available, the Pennsylvania Department of Education will use the NCES graduation rate synthetic methodology for reporting disaggregated data. The synthetic formula uses the graduates in the numerator. The graduates plus the 12th grade dropouts, 11th grade dropouts, 10th grade dropouts, and 9th grade dropouts from the same (current) year are used in the denominator.

YEAR 1 Graduation Rate for 2001-02 (Synthetic Rate)

$$\left[\begin{array}{l} \text{Number of graduates for 2001 – 02/} \\ \text{Number of graduates for 2001 – 02 + Grade 12 dropouts from 2001 – 02 +} \\ \text{Grade 11 dropouts from 2001 – 02 + Grade 10 dropouts from 2001 – 02 +} \\ \text{Grade 9 dropouts from 2001 – 02} \end{array} \right] \times 100$$

YEAR 2 Graduation Rate for 2002-03

$$\left[\begin{array}{l} \text{Number of graduates for 2002 – 03/} \\ \text{Number of graduates for 2002 – 03 + Grade 12 dropouts from 2002 – 03 +} \\ \text{Grade 11 dropouts from 2001 – 02 + Grade 10 dropouts from 2002 – 03 +} \\ \text{Grade 9 dropouts from 2002 – 03} \end{array} \right] \times 100$$

YEAR 3 Graduation Rate for 2003-04

$$\left[\begin{array}{l} \text{Number of graduates for 2003 – 04/} \\ \text{Number of graduates for 2003 – 04 + Grade 12 dropouts from 2003 – 04 +} \\ \text{Grade 11 dropouts from 2002 – 03 + Grade 10 dropouts from 2001 – 02 +} \\ \text{Grade 9 dropouts from 2003 – 04} \end{array} \right] \times 100$$

YEAR 4 Graduation Rate for 2004-05

$$\left[\begin{array}{l} \text{Number of graduates for 2004 – 05/} \\ \text{Number of graduates for 2004 – 05 + Grade 12 dropouts from 2004 – 05 +} \\ \text{Grade 11 dropouts from 2003 – 04 + Grade 10 dropouts from 2002 – 03 +} \\ \text{Grade 9 dropouts from 2001 – 02} \end{array} \right] \times 100$$

Since the option of remaining in school to age 21 is available for students with disabilities, and many students elect to do so, the above calculation method results in distortions in data when calculating graduation rates for students with disabilities.

Baseline Data for FFY 2004 (2004-05):

The baseline graduation rate for students with disabilities for 2004-05 is 92.5%. Table 1 shows the three-year trend beginning in 2002-03.

Table 1

**Three-Year Trend and 2004-05 Baseline Graduation Rates
for Students with Disabilities Using OSEP Formula**

School Year	Graduation Rate
2002-03	82%
2003-04	91.6%*
2004-05	92.5%

**Note that the FFY 2003 APR listed this rate as 82%. This resulted from 2002-03 data definitions of several categories being clarified by OSEP, including significant changes to the category of "moved, known to be continuing". Based on final analysis of the 618 data, the corrected rate is 91.6%.*

Using the general education cohort formula described above, the graduation rate for all students in Pennsylvania for 2001-02 was 86.4%, for 2002-03 was 86.7%, for 2003-04 was 82.2% and is not yet available for 2004-05. Although these data show a decline for 2003-04, data for 2004-05 are needed in order to establish if this represents a true downward trend. In any case, the graduation rate for students with disabilities shows a fairly consistent trending upward and remains higher than the general education graduation rate.

BSE monitors graduation rates in cyclical monitoring, and requires corrective action in any LEA where the graduation rate of students with disabilities is significantly discrepant with the state average. This includes an analysis of three-year graduation trend data in the LEA. In 2004-05, 7 of 139 LEAs monitored had findings of non-compliance in this performance area. Where violations are found, corrective action is required and monitored until correction has been accomplished. (see Overview of Indicator 15).

Discussion of Baseline Data:

Using the OSEP calculation, trend data for graduation rates of students with disabilities show an increase from 2002-03 to 2004-05 of 10.5%, and a further improvement of 0.9 % from 2003-04 to 2004-05. Compared with national data, this is an excellent overall rate of graduation.

Pennsylvania's NCLB accountability system includes the graduation rate, measured over time by comparing the number of students receiving a regular high school diploma in a given year against the total number of students entering that ninth grade class four years earlier. Schools and LEAs that either improve their graduation rate from the previous year, or are at or above the 80% rate, will meet the graduation criterion for AYP.

In the FFY 2003 APR, Pennsylvania reported on the establishment of a Data Council within the Department of Education to streamline and standardize data collection for students with and without disabilities which would allow for direct comparisons, including graduation and drop out data. The BSE continues to participate in this interdepartmental effort. Significant progress has been made toward aligning the data for general and special education. However, at this time BSE has more confidence in the 618 data because it accurately reflects the fact that students with disabilities do exercise their option to remain in school until age 21. Therefore, until discrepancies are fully resolved, or NCLB adopts a consistent calculation for computing graduation rates that will not skew data for students with disabilities who remain in school beyond a four-year cohort, we will continue to rely on the OSEP calculation rate for graduation and dropout rates for students with disabilities.

Stakeholder input to this target indicated that the graduation rate for students with disabilities in Pennsylvania is fairly high, especially when compared with national data. To address improvement, it was recommended that BSE target a goal of between 92-95%.

FFY	Measurable and Rigorous Target
2005 (2005-06)	Pennsylvania will increase the graduation rate for students with disabilities by 0.05% from the baseline year of 2004-05, to 92.55%.
2006 (2006-07)	Pennsylvania will increase graduation rates for students with disabilities an additional 0.10% from the baseline year of 2004-05 to 92.65%.
2007 (2007-08)	Pennsylvania will increase graduation rates for students with disabilities an additional 0.25% from the baseline year of 2004-05 to 92.90%.
2008 (2008-09)	Pennsylvania will increase graduation rates for students with disabilities an additional 0.25% from the baseline year of 2004-05 to 93.15%.
2009 (2009-10)	Pennsylvania will increase graduation rates for students with disabilities an additional 0.25% from the baseline year of 2004-05 to 93.40%.
2010 (2010-11)	Pennsylvania will increase graduation rates for students with disabilities an additional 0.50% from the baseline year of 2004-05 to 93.90%.

Improvement Activities/Timelines/Resources:

- (1) During the next six years, BSE will target resources on the group of students most at risk of not graduating (see Improvement Activity #2 under Indicator 2 below) and will improve meaningful secondary transition planning, which is evidenced-based practice to improve rates of High School completion (see Improvement Activity under Indicators 13 and 14).
- (2) Pennsylvania will explore amending our Approved Consolidated Application under NCLB to remove disparities for calculating graduation rates, by not counting as "drop outs" students with disabilities who remain in school until age 21. Pennsylvania will follow the leadership of OSEP in this matter, as OSEP has indicated that if NCLB adopts a consistent calculation for computing graduation rates, OSEP will require that calculation.

Timelines and Resources: 2005-06 and 2006-07 school years. PDE personnel from Assessment and Accountability and BSE will collaborate in developing and submitting the amendment.

- (3) PDE has initiated a major High School reform initiative, Project 720 (which refers to the number of days in a High School student's career.) This program will result in significant redesign of instruction at the secondary level. Its goals are to create High School environments that are student-centered, results focused, data-informed, and personalized in a way that is seamlessly supported by systems, resources, technology and shared leadership. Schools that are part of Project 720 will commit to implementing reform strategies over a three - year period. It is anticipated that the outcomes of Project 720 will include an increase in graduation rates for all students. Data collected as part of Project 720 will be analyzed and included in future target setting for improving graduation rates among students in Pennsylvania.

Timelines and Resources: Six-year period effective 2005-06. PDE staff from Project 720 and districts participating in Project 720 will collect and analyze data for system wide improvement.

- (4) Continue to monitor and require corrective action and/or improvement plans when LEAs are found to have graduation rates for students with disabilities that are inconsistent with state rates.

Timelines and Resources: On-going for six years. BSE and PaTTAN staff will collaborate for monitoring and targeted technical assistance.

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

Measurement for youth with IEPs should be the same measurement as for all youth. Explain calculation.

Overview of Issue/Description of System or Process:

Pennsylvania Regulations (Chapter 12) establish the state's compulsory school attendance age as 8 to 17. All students, including students with disabilities, must attend school during this period. School districts develop local policies and procedures for identifying all students who have left school before graduation.

Using the general education cohort formula described in Indicator 1, the drop out rate for all Pennsylvania students the past three years has stayed consistently near 2%. (2001-02 = 2.2%; 2002-03 = 2.1%; 2003-04 = 1.9%; 2004-05 not yet available). Taken at face value, it appears that drop out rates for students with disabilities compare unfavorably to general education dropout rates. However, as explained in Indicator 1, this does not take into account that there are significant differences in the way the drop out rate is calculated under the general education formula.

Pennsylvania is using the OSEP formula to calculate and report the statewide drop out rate for this SPP. The formula is as follows:

$$\frac{\text{\# of graduates with regular HS diploma}}{\text{\# of graduates} + \text{\# received GED} + \text{\# of drop outs} + \text{\# who reached maximum age} + \text{\# deceased.}}$$

Using the OSEP formula, drop out rates for students with disabilities in Pennsylvania have steadily decreased and continue to do so. Ten-year trend data show dramatic improvement. In 1996-97, the drop out rate for students with disabilities was at 24%. The rate for 2003-04 was 7.8%. As described in Indicator 1, there are significant differences in the way the drop out rate is calculated under the general education formula and that used by OSEP and for the reasons identified above, BSE has more confidence in using the OSEP formula.

Baseline Data for FFY 2004 (2004-05):

The baseline drop out rate for students with disabilities for 2004-05 is 6.8%. Table 2 shows the four-year trend beginning in 2001-02.

Table 2
Four Year Trend & 2004-05 Baseline Drop Out Rates
for Students with Disabilities Using the OSEP Formula

2001-02	2002-03	2003-04	2004-05
28%	17%	7.8%*	6.8%

**Note that the FFY 2003 APR listed this rate as 17%. This resulted from 2002-03 data definitions of several categories being clarified by OSEP, including significant changes to the category of "moved, known to be continuing". Based on final analysis of the 618 data, the corrected rate is 7.8%.*

BSE monitors drop out rates in cyclical monitoring and requires corrective action in any LEA where the drop out rate of students with disabilities is significantly discrepant with the state average or with drop out rates of students without disabilities in the LEA. This includes an analysis of three-year trend data in the LEA. In 2004-05, seven of 139 LEAs monitored had a finding of non-compliance in this performance indicator. Where violations are found, corrective action is required and monitored until correction has been accomplished. (see Overview of Indicator 15).

Discussion of Baseline Data:

Although the overall drop out rate for students with disabilities in Pennsylvania is low compared to most other states, closer analysis of the data indicates that students in the category of Emotional Disturbance drop out at a disproportionate rate. In 2004-05, 14% of the students classified as ED dropped out. This is nearly double the drop out rate of any other disability group. Therefore, while BSE will continue to broadly target lowering drop out rates for all students with disabilities, particular emphasis will be placed on decreasing the drop out rate for students with emotional disturbance. If we can successfully reduce drop out rates for this group of students, the overall drop out rates for students with disabilities will greatly improve. Further examination of data needs to be accomplished and will begin in January 2006. For example, there was stakeholder interest in examining drop out rates for students with disabilities who attend career and technical centers (CTCs).

Stakeholder input to this target indicated that while the drop out rate for students with disabilities in Pennsylvania is fairly low, especially when considered against national data, to address improvement, it was recommended that we target a goal for those students with the highest drop out rates (students with ED) and target an overall rate of no higher than 6%.

FFY	Measurable and Rigorous Target
2005 (2005-06)	Decrease the overall drop out rate for students with disabilities by 0.05% from the baseline year of 2004-05 to 6.75%.
2006 (2006-07)	Decrease the overall drop out rate for students with disabilities an additional 0.10% from the baseline year of 2004-05 to 6.65%.
2007 (2007-08)	Decrease the overall drop out rate for students with disabilities an additional 0.10% from the baseline year of 2004-05 to 6.55%.
2008 (2008-09)	Decrease the overall drop out rate for students with disabilities an additional 0.20% from the baseline year of 2004-05 to 6.35%.
2009 (2009-10)	Decrease the overall drop out rate for students with disabilities an additional 0.20% from the baseline year of 2004-05 to 6.15%.
2010 (2010-11)	Decrease the overall drop out rate for students with disabilities an additional 0.20% from the baseline year of 2004-05 to 5.95%.

Improvement Activities/Timelines/Resources:

- (1) BSE has established eight strategic priorities for special education for 2004-2007. Among these is strong interagency collaboration, which includes addressing issues and the provision of Mental Health services in schools. BSE is collaborating with other agencies to develop a School-based Behavioral Health Cross Agency Initiative that will include performance grants to encourage greater development of school based behavioral health programs. BSE believes that implementation of these models may contribute to increased school completion rates for students with emotional disturbance.

Timelines and Resources: Cross-agency focus groups will be conducted to identify and seek solutions regarding issues and barriers to effective programming – Winter 2006. Performance Grants will be awarded in 2006, and implementation of program models will be in 2006-07 and beyond. Outcomes will be evaluated and programs scaled up as appropriate.

- (2) PDE will request technical assistance from the National Dropout Prevention Center for Students with Disabilities regarding effective practices to improve rates of school completion for students with emotional disturbance. The goal of this collaboration is to implement a selected small number of model sites where success can be demonstrated using research based effective practices. These practices can then be scaled up in subsequent years.

Timelines and Resources: Identify effective practices that will be applicable to state and local needs by December 31, 2006, with implementation in 2006-07, 2007-08 and 2008-09. Determine outcomes and scale up practices as indicated by progress measures. BSE, PaTTAN staff, and NDPC/SD consultants will collaborate in this effort.

- (3) Because high quality and effective instructional programs are the basis for students remaining in school, PDE has implemented extensive statewide professional development to improve instructional programs for students (see information provided in Improvement Activities for Indicator 3).

Timelines and Resources: These programs will continue and be expanded for the next five years.

- (4) PDE will continue to examine effective practices for drop out prevention, and target resources on those LEAs identified through cyclical monitoring and data analysis as most in need of intervention.

Timeline and resources: BSE will examine LEA level data each June throughout the SPP span and provide focused Technical Assistance (TA) where indicated.

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with disabilities on statewide assessments:

- A. Percent of districts meeting the State's AYP objectives for progress for disability subgroup.
- B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
- C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

A. Percent = # of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs) divided by the total # of districts in the State times 100.

B. Participation rate =

- a. # of children with IEPs in grades assessed;
- 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 standards (percent = d divided by a times 100); and
- e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = e divided by a times 100).

Account for any children included in a but not included in b, c, d, or e above

Overall Percent = b + c + d + e divided by a.

C. Proficiency rate =

- a. # of children with IEPs in grades assessed;
- b. # of children with IEPs in grades assessed 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 grades assessed 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 grades assessed who are proficient or above as measured by the alternate assessment against grade level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in grades assessed who are proficient or above as measured against alternate achievement standards (percent = e divided by a times 100).

Overall Percent = b + c + d + e divided by a.

Overview of Issue/Description of System or Process:

Indicator 3A (meeting AYP objectives): Pennsylvania has received approval in its Consolidated Application to use an alternate method for determining whether districts have met AYP. This method uses grade spans within a district as the unit of analysis rather than school districts as a whole by disability subgroup. Performance calculations can be based on seven different methods: (1) current year; (2) current year with confidence intervals; (3) current year with safe harbor considerations; (4) current year with safe harbor confidence intervals; (5) two-year average; (6) two-year average with confidence intervals; and (7) the Pennsylvania Performance Index, or PPI. Calculations regarding performance on statewide assessments for the purpose of AYP are made with consideration of the grade span data meeting a minimum subgroup size of 40 for any disability subgroup.

Indicator 3B (participation rate) and Indicator 3C (proficiency rate): These rates are based upon the number of students with disabilities in grades 5, 8 and 11, the three grade levels in Pennsylvania included in AYP calculations for NCLB.

Baseline Data for FFY 2004 (2004-05):

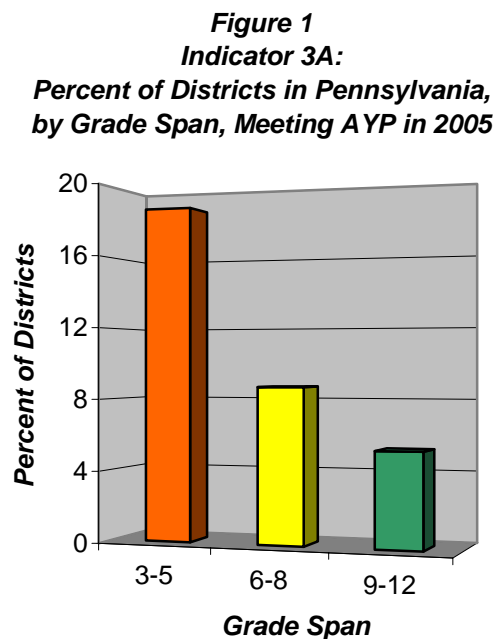


Figure 2
Indicator 3B:
Participation Rate of Children with Disabilities
on Statewide Assessments (2005)

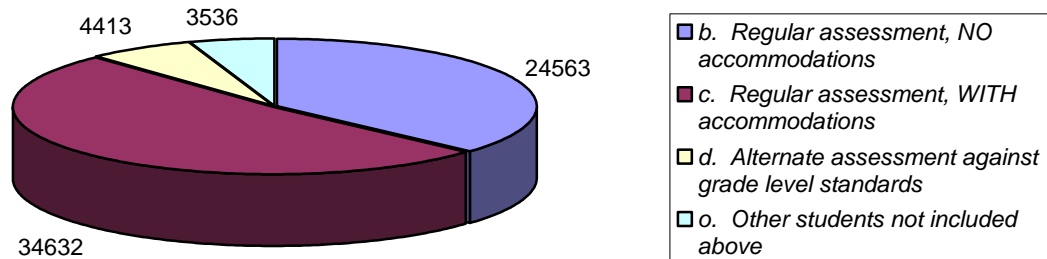
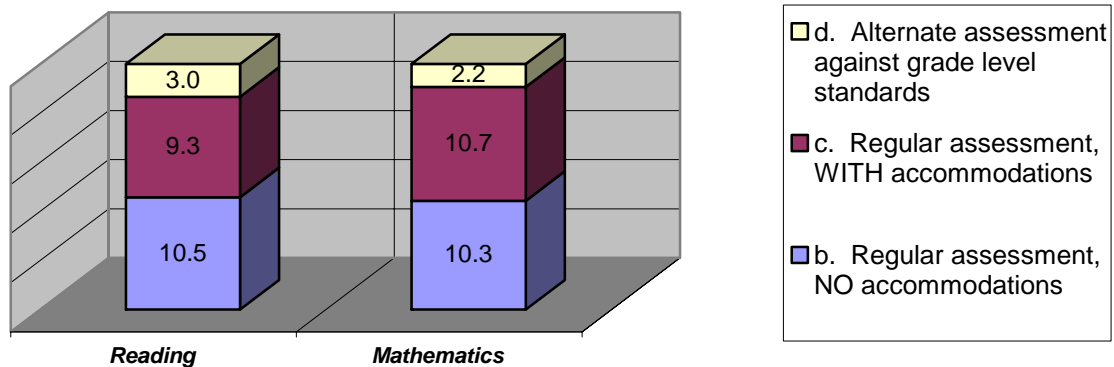


Figure 3
Indicator 3C:
Proficiency Rates of Children with Disabilities
on Statewide Assessments (2005)



Discussion of Baseline Data:

Indicator 3A: The 2005 assessment year was the first year in which the grade span methods listed above were used to determine AYP. For the grade span 3-5, 18.7 percent of districts in Pennsylvania met AYP. This represents 94 of 501 districts. The percent of districts meeting AYP for grade span 6-8 is 8.7 percent, or 44 of 501 districts, and 27 of 501 (5.3 percent) of districts met AYP in the grade span 9-12.

Indicator 3B: The participation rate of students with disabilities in Pennsylvania's statewide assessments is 95 percent in the grades assessed. There are a number of reasons why students with disabilities did not participate in the statewide assessment. These reasons include parental excusal for religious reasons, students left the state, students exited from special education before the assessment, students' medical fragility at the time of the assessment, and student absence during the testing window (and subsequent absence during the make-up testing window).

Indicator 3C: The proficiency rates for students with disabilities vary from reading to mathematics. Overall, the rate is 22.8 in reading, and 23.2 percent in mathematics. The chart for Indicator 3C demonstrates that for reading, more students assessed with the regular assessment with no accommodations earned proficient scores than those receiving accommodations or those assessed by the alternate assessment. For mathematics, more students assessed with the regular assessment receiving accommodations earned proficient scores than those not receiving accommodations or those assessed by the alternate assessment.

Stakeholder input regarding Indicator 3A generally supported a 10% increase in the number of school districts that make AYP over 6 years, while maintaining the progress in districts that already have met it. Stakeholders generally concurred that for Indicator 3B, participation rates are high, and targets should be maintenance, or improvement if possible, after analyzing reasons for non-participation. Recommendations for targets for 3C varied widely from very rigorous targets, i.e. improve performance of students with disabilities 10% per year, to those that recommended more modest improvements.

FFY	Measurable and Rigorous Target
2005 (2005-06)	<p>Indicator 3A: Increase the number of districts in each grade span that achieve AYP by 10% of the baseline number for 2004-05, to 103 in grades 3-5, 48 in grades 6-8 and 30 in grades 9-12.</p> <p>Indicator 3B: Increase the participation rate of students with disabilities in the state assessment to 95.15%, the level expected for non-disabled students.</p> <p>Indicator 3C: Increase the proficiency rate of students with disabilities by 3% of the baseline rate for 2004-05, to 25.8% in reading and 26.2% in mathematics.</p>
2006 (2006-07)	<p>Indicator 3A: Increase the number of districts in each grade span that achieve AYP by an additional 10% of the baseline number for 2004-05, to 112 in grades 3-5, 52 in grades 6-8 and 33 in grades 9-12.</p> <p>Indicator 3B: Increase the participation rate of students with disabilities in the state assessment to 95.25%.</p> <p>Indicator 3C: Increase the proficiency rate of students with disabilities by an additional 3% from the baseline rate for 2004-05, to 28.8% in reading and 29.2% in mathematics.</p>
2007 (2007-08)	<p>Indicator 3A: Increase the number of districts in each grade span that achieve AYP by an additional 10% of the baseline number for 2004-05, to 121 in grades 3-5, 56 in grades 6-8 and 36 in grades 9-12.</p> <p>Indicator 3B: Increase the participation rate of students with disabilities in the state assessment to 95.5%.</p> <p>Indicator 3C: Increase the proficiency rate of students with disabilities by an additional 3% from the baseline rate for 2004-05, to 31.8% in reading and 32.2% in mathematics.</p>

FFY	Measurable and Rigorous Target
<p>2008 (2008-09)</p>	<p>Indicator 3A: Increase the number of districts in each grade span that achieve AYP by an additional 12% of the baseline number for 2004-05, to 132 in grades 3-5, 61 in grades 6-8 and 39 in grades 9-12.</p> <p>Indicator 3B: Increase the participation rate of students with disabilities in the state assessment to 95.7%.</p> <p>Indicator 3C: Increase the proficiency rate of students with disabilities by an additional 3.5% from the baseline rate for 2004-05, to 35.3% in reading and 35.7% in mathematics.</p>
<p>2009 (2009-10)</p>	<p>Indicator 3A: Increase the number of districts in each grade span that achieve AYP by an additional 12% of the baseline number for 2004-05, to 143 in grades 3-5, 66 in grades 6-8 and 42 in grades 9-12.</p> <p>Indicator 3B: Increase the participation rate of students with disabilities in the state assessment to 95.85%.</p> <p>Indicator 3C: Increase the proficiency rate of students with disabilities by an additional 4% from the baseline rate for 2004-05, to 39.3% in reading and 39.7% in mathematics.</p>
<p>2010 (2010-11)</p>	<p>Indicator 3A: Increase the number of districts in each grade span that achieve AYP by an additional 14% of the baseline number for 2004-05, to 156 in grades 3-5, 72 in grades 6-8 and 46 in grades 9-12.</p> <p>Indicator 3B: Increase the participation rate of students with disabilities in the state assessment to 96.0%.</p> <p>Indicator 3C: Increase the proficiency rate of students with disabilities by an additional 5% from the baseline rate for 2004-05, to 44.3% in reading and 44.7% in mathematics.</p>

Improvement Activities/Timelines/Resources:

- (1) Pennsylvania has several statewide initiatives to improve learning and outcomes for individual students, and at the building and LEA levels, including the design and implementation of an aligned school improvement system that focuses on improved results for all students. As part of this system, professional development is implemented by the Pennsylvania Training and Technical Assistance Network, (PaTTAN) in partnership with the 29 Intermediate Unit special education and curriculum departments, to provide an integrated approach to school improvement based on state assessment results. PaTTAN supports local education agencies in providing evidence-based programs that serve students with disabilities in the least restrictive environment while accelerating performance to meet improved educational results for students. This is achieved through field-based training, technical assistance, and resources reflecting evidence-based practices for implementation tied to student success.
- (2) All of the major statewide initiatives described in this section of Improvement Activities are on-going, and will be monitored each year by practice and research personnel who are evaluating outcomes of each of the programs. Those that are shown to be effective will be maintained and expanded.

Major statewide initiatives for improving state performance include the following:

- ***Progress Monitoring Teams***- progress monitoring staff development training with over 1600 collecting and submitting data on over 2600 students. Results of the Pennsylvania study underscore the Fuchs work in fluency measures.

Timeline and resources: This project will continue and expand in 2005-06 and for the next five years. Resources are PaTTAN, IU, and local level personnel.

- ***Pennsylvania Value Added Assessment System (PVAAS)*** – PVAAS is a growth model to assist school districts attending to the growth of all students, not just a status measure of achievement.

Timeline and resources: This project will continue and expand in 2005-06 and for the next five years. Resources are PaTTAN, IU staff, and local level personnel.

- ***Assessing to Learn: Pennsylvania Benchmark Initiative*** - an effort that allows the Pennsylvania Department of Education and its Intermediate Units, along with the Center for Data-Driven Reform in Education (CDDRE), to collaborate to provide 4Sight Benchmark Assessments, which are aligned with the PSSA in reading and math, to twenty-seven school districts across the Commonwealth. Thirteen Intermediate Units submitted applications on behalf of two of their school districts for participation in the Initiative and the use of the 4Sight Benchmark Assessments at no cost to the districts. This initiative allows districts not participating in the CDDRE research school intervention project to still benefit from the use of formative benchmark assessments. The Pennsylvania 4Sight Benchmarks are aligned to the PSSA and provide an estimate of student performance on the PSSA as well as diagnostic sub-skill data to guide classroom instruction and professional development efforts.

Timeline and resources: This project will continue and expand in 2005-06 and for the next five years. Resources are PaTTAN, IU staff, and local level personnel.

- **Educational Assistance Program** - a targeted program to accelerate learning to help close the achievement gap in struggling school districts and CTCs by funding evidence-based tutoring. The program began in 2003-04 and has been expanded for 2005-06. The Educational Assistance Program is a special tutoring program targeted to the state's most academically challenged school districts. The 82 school districts that were eligible to receive funding in 2004-05 will receive the same base level of funding to continue tutoring services in 2005-06. These are the districts with at least one building that did not make school-wide Adequate Yearly Progress targets in reading or math. Tutoring is conducted using an evidenced-based instructional model that is aligned with the state's standards, the curriculum in the student's classroom, and meets the student's needs. Eligible school districts/CTCs must commit to using a model that is PDE approved. A baseline assessment on each eligible student is required prior to the tutoring program's implementation.

Timeline and resources: In 2005-06, new or expanded tutoring will be provided in 175 school districts and full-time CTCs for eligible students enrolled in seventh through twelfth grade. These are school districts or CTCs that have at least one school with eleventh grade students where the 2003-04 PSSA scores were below proficient levels of 45% in math and 54% in reading. PDE fiscal support will continue for this project. PaTTAN staff will continue to support this initiative. This will be an on-going initiative for at least the next three years.

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and
- B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

- A. Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year divided by # of districts in the State times 100.
- B. Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race ethnicity divided by # of districts in the State times 100.

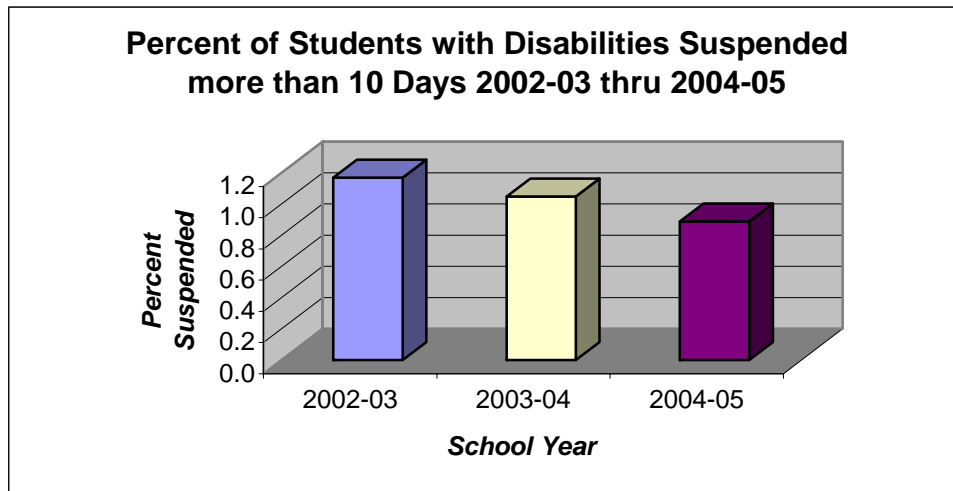
Include State's definition of "significant discrepancy."

Overview of Issue/Description of System or Process:

Indicator 4A: Historically, Pennsylvania has been more restrictive than federal requirements in permitting LEAs to suspend students with disabilities. Pennsylvania adopts all requirements of IDEA for suspensions of 10 days, but also has State Regulations that prohibit an LEA from suspending a student beyond a total of 15 cumulative school days without prior notice and signed permission of the student's parents. Pennsylvania routinely has significantly lower rates of suspension of students with disabilities than non-disabled students. Further, in Pennsylvania, because of the *PARC v. Commonwealth* case, any disciplinary exclusion of a student with mental retardation is considered a change of placement requiring prior notice and all applicable requirements.

The overall number of students with disabilities being suspended for more than 10 days has significantly decreased over the past three years. The unduplicated count of students is as follows: 2002-03 = 3,079; 2003-04 = 2,890; and 2004-05 = 2,532. This represents slightly more than 1% of all students each year, and also represents a continuous decline in the proportion of students with disabilities suspended more than 10 days each year (see Figure 4).

Figure 4



Indicator 4B: Data to address Indicator 4B are available from the current data tables. Preliminary analyses indicate no districts identified as having a significant discrepancy in the rate of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race/ethnicity. This conclusion is based on a comparison of LEAs using the same process described in the 2004-05 baseline (see below) with the added data point of race/ethnicity. However, since this is a New Indicator and the BSE does not have monitoring data to supplement a conclusion, the BSE will conduct a more thorough examination of the data prior to finalizing the conclusions that will be reported in the 2005 APR.

The BSE has sufficient data collection strategies in place to collect baseline in 2005-06. In addition to the 618 data collection, BSE will continue to coordinate efforts with the Office of Safe Schools to assess suspension practices, including the variables of race and ethnicity. Data will be reviewed during the 2005-06 school year. If required, follow up activity, including data verification and other monitoring, will be used to resolve discrepancies or violations.

Baseline Data for FFY 2004 (2004-05):

Indicator 4A: No children were suspended from participation in the 619 program during 2004-05.

In the 2004-05 school year, Pennsylvania began a pilot to collect data under the Safe Schools Report regarding students with disabilities who were suspended for greater than 10 days in a school year. Data received under the Safe Schools Report were reviewed by the BSE, and compared with the 618 data collection. It was determined that additional data elements were required in the Safe Schools Report in order to accurately compare suspension rates for students with and without disabilities within LEAs. Therefore, for this SPP, baseline data will continue to be 618 data comparing suspension rates among LEAs.

The FFY 2003 APR included statewide suspension data for 2002-03 and 2003-04. To collect 2004-05 baseline data, we followed the same process used and reported on in the 2003 APR. Using the 618 and revised child count data from July 2005, we created percentages of the total special education enrollment for each of the columns on the discipline tables. A significant statistical difference was determined if the percent of students (in each column) was greater than 10 percent of the total special education enrollment. Consistent with the 2003-04 findings reported in the prior APR, there were no IUs in 2004-05 where a significant statistical difference of greater than 10 percent was found.

Indicator 4B: This is a New Indicator. Baseline data will be provided in the 2005 APR.

Discussion of Baseline Data:

Indicator 4A: BSE is again reporting no discrepancy among LEAs in rates of suspension. Although this meets the SPP data reporting requirement, BSE is also reporting that it confirms LEA suspension practices and comparison rates between students with disabilities and without disabilities as part of cyclical monitoring. Data are provided by the LEA as part of a self-assessment and confirmed through review of policies/procedures and student records. LEAs provide the BSE with data for an entire school year, including comparative information about rates of suspension of students with and without disabilities. (This includes both the requirement to report suspensions greater than 10 days and those placed in interim alternative educational settings). The BSE Monitoring Chairperson also reviews a random sample of 20% of files of students with suspensions, including a focused review of students with mental retardation. The Chairperson considers all data and determines if there are procedural violations that require changes in local policy or practice, or both. In 2004-05, 20 of 139 LEAs monitored had findings in this outcome area. Where violations were found, required corrective action was assigned, and monitored as described in the Overview of Indicator 15.

Stakeholder input for this target indicated that the suspension rate for students with disabilities in Pennsylvania is fairly low, especially when considered against national data. It was recommended that we maintain or improve the current rate of performance. Stakeholders gave broad based suggestions for various ways to analyze the data in subsequent reports, and also had many suggestions for improvement activities. Several stakeholders made suggestions regarding training initiatives for general educators and alternative strategies to use of suspension. BSE will explore these recommendations further in 2005-06.

FFY	Measurable and Rigorous Target
2005 (2005-06)	<p>Indicator 4A: The percent of districts identified by the state as having a significant discrepancy in the rates of suspension and expulsions of students with disabilities for greater than 10 school days in a school year will continue to be 0%.</p> <p>Indicator 4B: Since this is a New Indicator, measurable and rigorous targets will be provided in the FFY 2005 APR due February 1, 2007.</p>
2006 (2006-07)	<p>Indicator 4A: The percent of districts identified by the state as having a significant discrepancy in the rates of suspension and expulsions of students with disabilities for greater than 10 school days in a school year will continue to be 0%.</p>
2007 (2007-08)	<p>Indicator 4A: The percent of districts identified by the state as having a significant discrepancy in the rates of suspension and expulsions of students with disabilities for greater than 10 school days in a school year will continue to be 0%.</p>
2008 (2008-09)	<p>Indicator 4A: The percent of districts identified by the state as having a significant discrepancy in the rates of suspension and expulsions of students with disabilities for greater than 10 school days in a school year will continue to be 0%.</p>

FFY	Measurable and Rigorous Target
2009 (2009-10)	Indicator 4A: The percent of districts identified by the state as having a significant discrepancy in the rates of suspension and expulsions of students with disabilities for greater than 10 school days in a school year will continue to be 0%.
2010 (2010-11)	Indicator 4A: The percent of districts identified by the state as having a significant discrepancy in the rates of suspension and expulsions of students with disabilities for greater than 10 school days in a school year will continue to be 0%.

Improvement Activities/Timelines/Resources:

Indicator 4A:

- (1) See Improvement Activity #1 under Indicator 2 above related to the School-based Behavioral Health Cross Agency Initiative.
- (2) BSE has extensive training initiatives to address behavior and is refining them. With support of the State Improvement Grant and other prioritized funding, this includes at least five major statewide training efforts. These initiatives will continue to be funded, evaluated and refined for the next six years as determined appropriate through feedback, research and validation efforts, and stakeholder input.
 - **The Behavior–Instruction Connection** - this training series consists of the foundation components of a comprehensive model for effective behavior support in schools.
 - **Progress Monitoring for Effective Behavior Support** - focuses on the progress monitoring process as it relates to providing a comprehensive system of behavior support. Emphasis is on using progress monitoring through use of real-life examples in the schools.
 - **Functional Behavior Assessment and Behavior Intervention Plans** - consists of the foundation components of a comprehensive model through teaching of key concepts in behavior assessment, developing, implementing, and revising behavior intervention plans and progress monitoring.
 - **School Wide Effective Behavior Support** - an overview of the process of developing effective school wide behavior support systems and the steps to begin implementation.
 - **Leadership Initiative** - provides school leaders with capacity to implement effective special education programs, including content areas that focus on effective instruction, behavior support, and knowledge of regulatory requirements (including behavior and suspension).
- (3) BSE personnel will continue to work with the Office of Safe Schools to accomplish consolidated reporting which would allow for direct comparison of suspension rates for students with disabilities and without disabilities in each LEA on an annual basis.

Timeline and resources: This will be on-going and require collaboration between BSE and Safe Schools Office personnel. Target for consolidated data is no later than June 2007.

- (4) Because the goal is always to reduce the number of students suspended from school, PDE will continue to monitor data trends over time and conduct focused monitoring of LEAs where data suggest significant discrepancies.

Timeline and resources: This is an on-going administrative activity that requires BSE and PaTTAN staff resources.

- (5) BSE will continue to monitor LEAs' policies and procedures for suspending students with disabilities as part of cyclical monitoring.

Timeline and resources: On-going monitoring by BSE staff and customized TA plans in conjunction with PaTTAN

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

(20 U.S.C. 1416(a)(3)(A))

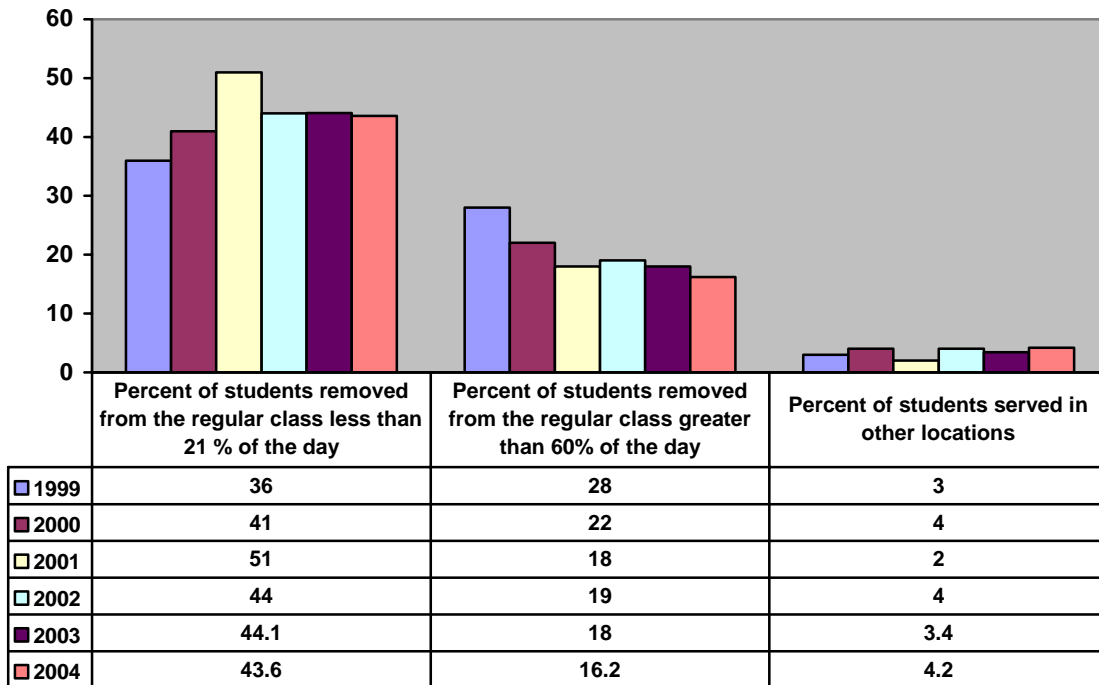
Measurement:

- A. Percent = # of children with IEPs removed from regular class less than 21% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.
- B. Percent = # of children with IEPs removed from regular class greater than 60% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.
- C. Percent = # of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements divided by the total # of students aged 6 through 21 with IEPs times 100.

Overview of Issue/Description of System or Process:

As reported in the FFY 2003 APR, Pennsylvania monitors the provision of services to school aged students in the Least Restrictive Environment in cyclical monitoring and through the special education planning process. LEAs must provide detailed information regarding the continuum of services as well as local policies and procedures in both their special education performance plans and the self-assessment documents that are part of the cyclical monitoring system. During monitoring, interviews with parents, teachers, and students probe the appropriateness of decision-making procedures for individual students and review overall policies and options. File reviews confirm whether appropriate procedures were followed in determining placement. Cyclical monitoring data for the past three years indicate that BSE is effectively identifying non-compliance with the continuum of services requirements and requiring and monitoring implementation of corrective action. Violations are found when root cause analysis indicates that the continuum of placement options is not sufficient to meet the placement needs of all students.

Figure 5
Students Served by Setting



Pennsylvania has established an upward trend for students with disabilities outside the regular education class less than 21%. Figure 5 shows that the total number of students in that placement option went from 36% in 1999 to nearly 44% in 2004. The upward trend appears to be stabilized. The percent of students with disabilities outside of regular education more than 60% continues to decline, with nearly a 12% reduction from 1999 to 2004. Variability in the use of the option of other locations is shown, with no consistent pattern observed in the data.

Baseline Data for FFY 2004 (2004-05):

For the 2004-05 school year, the percent of students with disabilities removed from the regular class less than 21% of the day was 43.6%, was 16.2% for students removed greater than 60% of the day, and was 4.2% for students served in other locations.

Discussion of Baseline Data:

In 2004-05, approximately 96% of students with disabilities in Pennsylvania were served in regular schools with non-disabled peers. Other settings included approved private schools, residential facilities, correctional facilities, as well as separate school buildings. In some cases, students were placed in separate facilities by entities other than LEAs. There is a need to further examine data from a variety of perspectives, including trend data on how the use of various settings may be fluctuating with changes in disability identification rates, e.g., autism.

BSE received rich input from stakeholders concerning targets for this Indicator. Many stakeholders expressed the opinion that numerical targets should not be established for this indicator, citing, for example, that such an approach may be viewed as jeopardizing IEP team discretion or parental preference. Others expressed that the Indicator should be re-worked so that it more effectively explores the existence of a continuum of options vs. numerical standards or preference for certain options. Some stakeholders questioned the accuracy of the data, since training of IEP teams in coding LRE data has only recently been emphasized. An LEA Director suggested that any state-level evaluation of the numbers had to consider many other factors, like the overall identification rate of students with disabilities at the local level. Unanimously, stakeholders agreed that there is an on-going need for training of general education teachers in effective practices to support inclusion both at the pre-service and in-service level and particular need for IEP teams to have training regarding the recent Gaskin Settlement Agreement. In response to stakeholder input, BSE is setting targets that emphasize movement across the entire continuum of options and is also committing substantial resources to on-going cyclical monitoring as well as LRE focused monitoring as described in the Improvement Activities below. BSE anticipates that the significant improvement activities described below will result in expansion of placement options, particularly where local data indicate greatest need.

FFY	Measurable and Rigorous Target
2005 (2005-06)	<p>The percent of children with IEPs aged 6-21 removed from regular class less than 21% of the day will increase at least 0.1% from the baseline rate for 2004-05, to 43.7%.</p> <p>The percent of children with IEPs aged 6-21 removed from regular class greater than 60% of the day will decrease at least 0.1% from the baseline rate for 2004-05, to 16.1%.</p> <p>The percent of children with IEPs aged 6-21 served in other locations will decrease at least 0.1% from the baseline rate for 2004-05, to 4.1%.</p>
2006 (2006-07)	<p>The percent of children with IEPs aged 6-21 removed from regular class less than 21% of the day will increase at least an additional 0.1% from the baseline rate for 2004-05, to 43.8%.</p> <p>The percent of children with IEPs aged 6-21 removed from regular class greater than 60% of the day will decrease at least an additional 0.1% from the baseline rate for 2004-05, to 16.0%.</p> <p>The percent of children with IEPs aged 6-21 served in other locations will decrease at least an additional 0.1% from the baseline rate for 2004-05, to 4.0%.</p>
2007 (2007-08)	<p>The percent of children with IEPs aged 6-21 removed from regular class less than 21% of the day will increase at least an additional 0.1% from the baseline rate for 2004-05, to 43.9%.</p> <p>The percent of children with IEPs aged 6-21 removed from regular class greater than 60% of the day will decrease at least an additional 0.1% from the baseline rate for 2004-05, to 15.9%.</p> <p>The percent of children with IEPs aged 6-21 served in other locations will decrease at least an additional 0.1% from the baseline rate for 2004-05, to 3.9%.</p>

FFY	Measurable and Rigorous Target
2008 (2008-09)	<p>The percent of children with IEPs aged 6-21 removed from regular class less than 21% of the day will increase at least an additional 0.2% from the baseline rate for 2004-05, to 44.1%.</p> <p>The percent of children with IEPs aged 6-21 removed from regular class greater than 60% of the day will decrease at least an additional 0.1% from the baseline rate for 2004-05, to 15.8%.</p> <p>The percent of children with IEPs aged 6-21 served in other locations will decrease at least an additional 0.2% from the baseline rate for 2004-05, to 3.7%.</p>
2009 (2009-10)	<p>The percent of children with IEPs aged 6-21 removed from regular class less than 21% of the day will increase at least an additional 0.2% from the baseline rate for 2004-05, to 44.3%.</p> <p>The percent of children with IEPs aged 6-21 removed from regular class greater than 60% of the day will decrease at least an additional 0.1% from the baseline rate for 2004-05, to 15.7%.</p> <p>The percent of children with IEPs aged 6-21 served in other locations will decrease at least an additional 0.2% from the baseline rate for 2004-05, to 3.5%.</p>
2010 (2010-11)	<p>The percent of children with IEPs aged 6-21 removed from regular class less than 21% of the day will increase at least an additional 0.2% from the baseline rate for 2004-05, to 44.5%.</p> <p>The percent of children with IEPs aged 6-21 removed from regular class greater than 60% of the day will decrease at least an additional 0.1% from the baseline rate for 2004-05, to 15.6%.</p> <p>The percent of children with IEPs aged 6-21 served in other locations will decrease at least an additional 0.2% from the baseline rate for 2004-05, to 3.3%.</p>

Improvement Activities/Timelines/Resources:

- (1) In 2005-06, BSE will implement new, multi-layered monitoring based on an "LRE index" score developed pursuant to the September 19, 2005 Settlement Agreement in Gaskin v. Commonwealth of Pennsylvania. The 20 districts with the lowest LRE index scores will be subject to "Tier One LRE Monitoring", which would feature on-site visits by a PDE-appointed monitoring team and the preparation of a corrective action plan with interim reporting and monitoring obligations.

Timeline and resources: PDE's Advisory Panel on the Gaskin Settlement Agreement, BSE staff, selected LEAs, PaTTAN TA staff as indicated in the Settlement Agreement. This will be an on-going activity under the Settlement Agreement.

- (2) During the first year of the Gaskin Settlement Agreement, PDE will conduct a needs assessment of school district and intermediate unit personnel related to research-based inclusive practices.

Areas of needs assessment will include: effective instruction/access to general curriculum, partnerships with families, supplementary aids and services in regular classrooms, IEP practices, and educational placement, as well as others identified by the Gaskin Advisory Panel.

- (3) In 2005-06, BSE will initiate a Mini-Grant Program designed to fund school district initiatives to expand and/or develop inclusive practices in schools. These grants will be designed to overcome gaps in knowledge and skills identified by the statewide needs assessment in Improvement Activity #2 (above).

Timeline and resources: 2005-06 grant awards; BSE Coordinator, PaTTAN support, IU and school district staff

- (4) Statewide professional development and technical assistance will provide training for school district staff and families in the use of supplementary aids and services in general education classes for students with disabilities. Training and technical assistance will be built on research-based practices and specialized interventions and will focus on developing customized, sustained technical assistance plans. Partners will be school districts, parents, local IU and PaTTAN personnel.

Timeline and resources: as indicated in the September 2005 Gaskin Settlement Agreement (a copy of the Gaskin Settlement and related material is posted on the PDE website).

- (5) BSE cyclical monitoring will continue to focus on root cause analysis of LEA practices with respect to LRE. Where violations are found, corrective action is required and monitored. (see Overview of Indicator 15)

Timeline and resources: ongoing with BSE and PaTTAN personnel support.

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

(20 U.S.C. 1416(a)(3)(A))

Measurement:

Percent = # of preschool children with IEPs who received all special education services in settings with typically developing peers divided by the total # of preschool children with IEPs times 100.

Overview of Issue/Description of System or Process:

Currently, data are collected based on established educational environments and are entered into the BSE statewide data system, PennData. The data fields are reflected in the chart below. Data reports are available to BSE on a monthly basis. In 2005-06, the data fields in the PennData System will be aligned with the federal definitions of educational environments for eligible young children. PennData and the BSE will provide guidance and training to ensure consistent and accurate data collection and reporting.

Baseline Data for FFY 2004 (2004-05):

Table 3
Preschool Settings Data

<i>Location</i>	<i>Total Number of Children</i>	<i>Percent of Total</i>
Early Childhood Setting	12945	35.2
Early Childhood Special Education Setting	12311	33.5
Home	3107	8.4
Part-Time Early Childhood/Special Education	604	1.6
Residential	9	0.0
Separate School	501	1.4
Itinerant: outside home	6668	18.1
Reverse Mainstreaming	645	1.8
Total	36786	100.0

Discussion of Baseline Data:

Data from 2004-05 indicate that 47.0% of children are placed in inclusive settings that include early childhood settings, home, part time early childhood/special education, and reverse mainstreaming (see Table 3). During 2004-05, the BSE met with a work group of Mutually Agreed-upon Written Arrangement (MAWA) Agency supervisors to clarify definitions of location to ensure statewide consistency. The category of itinerant services provided outside the home remains a location that needs clarification to determine whether this includes itinerant services provided in early childhood settings, a designation which would increase the total number of children in inclusive settings.

The BSE will be changing data collection requirements in PennData, effective 2005-06, to reflect the national definitions for educational environments.

Stakeholder input into these targets focused on the need for more research to support less restrictive settings for preschoolers, and, mirroring the school age settings recommendations, ensuring that setting targets does not interfere with placement determinations being made by the IEP team. Recognition was given to the different challenges in expanding the continuum of options, given that many EI settings do not have naturally occurring opportunities for inclusion of young children with disabilities with their typically developing peers.

FFY	Measurable and Rigorous Targets
2005 (2005-2006)	The percent of preschool children with IEPs who received special education and related services in settings with typically developing peers will increase by at least 0.5% from the baseline rate, to 47.5%.
2006 (2006-2007)	The percent of preschool children with IEPs who received special education and related services in settings with typically developing peers will increase by at least an additional 0.5% from the baseline rate, to 48.0%.
2007 (2007-2008)	The percent of preschool children with IEPs who received special education and related services in settings with typically developing peers will increase by at least an additional 0.5% from the baseline rate, to 48.5%.
2008 (2008-2009)	The percent of preschool children with IEPs who received special education and related services in settings with typically developing peers will increase by at least an additional 0.5% from the baseline rate, to 49.0%.
2009 (2009-2010)	The percent of preschool children with IEPs who received special education and related services in settings with typically developing peers will increase by at least an additional 1.0% from the baseline rate, to 50.0%.
2010 (2010-2011)	The percent of preschool children with IEPs who received special education and related services in settings with typically developing peers will increase by at least an additional 1.0% from the baseline rate, to 51.0%.

Improvement Activities/Timelines/Resources:

- (1) In 2005-06, the BSE is supporting competitive grants for MAWA agencies to review and revise local policies and practices with the goal of creating more opportunities for children to be included in early childhood settings. Twenty-seven proposals were received, and funds were awarded to 10 MAWA agencies. Continuation of funding in 2006-07 will be based on a review of the MAWA agencies' policies, practices and outcomes. This continuation of funding will help support the dissemination of effective policies and practices statewide.
- (2) The Office of Child Development (OCD) in the Pennsylvania Department of Public Welfare (lead agency for Part C and child care) and the BSE work collaboratively with the Pennsylvania BUILD initiative to expand inclusive opportunities for children from birth to age 5. The BUILD initiative is designed to help states construct a coordinated system of programs, policies and services that respond to the needs of families, carefully use public and private resources, and effectively prepare children for a successful future. Pennsylvania is one of five states participating in this initiative. Pennsylvania BUILD has focused this year on improving support for childcare professionals and the quality of childcare. Collaboration will be on-going for the next several years.
- (3) The OCD and the BSE will continue to collaborate to fund Early Intervention Technical Assistance to provide statewide and local training with a focus on increasing the capacity of early care and education settings to support children with disabilities. Two statewide conferences with an emphasis on increasing the capacity of providers in early care and education to support child outcomes in inclusive settings were held in the fall of 2005. Sessions focused on strategies to increase providers' ability to improve and measure early literacy, early math, and social and emotional development in early care and education settings. Several sessions focused on understanding how to implement the state early learning standards to improve child outcomes across programs (child care, early intervention and pre-kindergarten programs). By bringing together the various stakeholders in early care and education/early intervention, more programs will develop policies and practices that promote opportunities for inclusive practices.
- (4) The OCD and the BSE are collaborating to host 10 community-based inclusion forums in 2005-06. A summary document is being developed, with recommendations based on outcomes of these forums. The forums were designed to allow the different stakeholders in early care and education/early intervention to build relationships that are expected to increase inclusive opportunities. Stakeholders at the forums are identifying factors that support the creation and maintenance of policies and practices to promote inclusive settings, and challenges that require a review by the BSE and OCD.
- (5) In 2005-06, training will be provided on the new national educational environments data requirements so that data entry will accurately reflect the number of children in inclusive settings. Written examples and guidelines will be available to ensure accurate and consistent data entry.
- (6) Changes to the data system will be completed in the spring of 2006 based on final OSEP definitions of educational environments.
- (7) As part of the on-going general supervision process, BSE staff reviews, and will continue to review, monthly educational environment data. The BSE will ensure through policy and procedures that decisions about placement are made on an individual child basis. Technical assistance will be provided for those MAWA agencies that fall below the state average to examine their data, policies, procedures and practices and help them determine the root causes for the lower numbers. For MAWA agencies that have the lowest inclusive numbers, it will trigger a response from BSE to provide technical assistance in analyzing their data and examining the factors impacting on settings. MAWA agencies will develop and implement strategies to increase

options in inclusive settings based on the root causes identified. This will be on going for the next several years.

- (8) In 2006, the PDE Office of Policy Development plans to issue state pre-kindergarten guidelines for early care and education that address policies and practices that promote inclusive practices.

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: FAPE in the LRE

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.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

A. Positive social-emotional skills (including social relationships):

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy)

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.

- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If $a + b + c$ does not sum to 100%, explain the difference.

Overview of Issue/Description of System or Process:

The preschool outcome measurement system for Pennsylvania includes:

- Policies and procedures to guide outcome assessment and measurement practices
- Provision of training and technical assistance supports to administrators and service providers in outcome data collection, reporting, and use
- Quality assurance and monitoring procedures to ensure the accuracy of the outcome data
- Data system elements for outcome data input and maintenance, and outcome data analysis functions; and
- Collaboration with the Part C early intervention program in order to collect and report child outcomes from birth to age five.

This system will be in place to report pre/post outcome data as part of the Annual Performance Report due in February 2008.

(1) *Policies and procedures to guide outcome assessment and measurement practices*

All children referred to the Part B preschool early intervention program after June 30, 2006 will be evaluated using an approved assessment protocol for measuring child outcomes. Prior to exiting from the preschool program, each child will be re-evaluated using the approved assessment protocol to ensure the exit data point for the OSEP child outcome data. MAWA agencies must report information on specific items from the approved assessment protocol to PennData at both entry and exit from the Part B preschool early intervention system.

A sample of data on eligible preschoolers will be reported to OSEP. The sampling plan will use a stratified random sampling of eligible children who have been enrolled in the MAWA early intervention program for at least six months. The sample will include enough children to ensure a confidence level of 95% with a +/- 2% confidence interval. Stratification of the sample will ensure representation based on age, ethnicity, gender, geographic area, level of disability, and type of disability. The entry status data point will be the information gathered at the initial evaluation for eligibility to the Part B preschool program. The exit data point will be the information from the assessment closest to the time of exit from the early intervention program.

(2) *Provision of training and technical assistance supports to administrators and service providers in outcome data collection, reporting, and use*

In order to insure inter-rater reliability and fidelity to the child outcome measures, training on the approved assessment protocol will be provided statewide to MAWA agencies. Training will be provided by staff from Early Intervention Technical Assistance (EITA), the statewide training system for both Parts C and B preschool in Pennsylvania. MAWA agencies will be given information on how:

- to accurately perform, score and report results from the approved assessment protocol;
- to enter that child outcome information into the PennData system; and
- the child outcome data will be gathered, analyzed and reported.

(3) *Quality assurance and monitoring procedures to ensure the accuracy of the outcome data*

Four primary methodologies will be used to ensure the accuracy of the child outcome data collected: 1) error analysis of data entered into PennData; 2) quality assurance through the Early Intervention Compliance Monitoring for Continuous Improvement; 3) on-going reviews of MAWA agency level and state level data reports; and 4) on-going local training efforts focused on ensuring the quality of child outcome data and analysis.

Procedures currently exist in the PennData system to provide for on-going review of the quality of data entered into the system. Indicator 20 provides details of the PennData system.

The Part B preschool early intervention system has a number of components to ensure quality data, including the cyclical monitoring of each MAWA agency and the annual development of special education plans. Data reports will also be provided to the SICC through their Continuous Quality Improvement Outcome Measure Subcommittee. This subcommittee is responsible for reviewing child outcome data and making recommendations to the Part C and Part B preschool lead agencies. Participants on the subcommittee represent MAWA agency preschool program administrators and providers, county early intervention programs, infant/toddler early intervention providers, families of infants, toddlers and preschoolers with disabilities, university programs, and Part C and Part B preschool lead agencies.

Through annual training plans with MAWA agencies, EITA will provide ongoing training to MAWA agency early intervention staff who needs additional information on how to perform the approved assessment protocol or other training needs related to gathering, analyzing, and reporting child outcome data. Training will also be provided to MAWA agency staff that need additional information on how to enter information into PennData or who are generating errors from their data entry.

(4) *Elements for outcome data input, maintenance, and analysis*

The PennData system is currently used in Pennsylvania for all Part B preschool and school age data collection, analysis and reporting. Details of the parameters of the system can be found in Indicator 20.

The PennData system will be enhanced to require entry of information from the approved assessment protocol that is needed in order to measure child outcomes. PDE early intervention staff will work with PennData support staff to modify the database and to develop reporting procedures that will allow analysis at both the state level and local level. All data entry and reporting enhancements will be operational in July 2006.

(5) *Collaboration with the Part C early intervention program in order to collect and report child outcomes from birth to age five.*

The Part B preschool and Part C early intervention programs have worked to develop a collaborative child outcome measurement system that will allow Pennsylvania to report high quality, accurate information on infants, toddlers and preschoolers with disabilities.

This collaborative system has been designed to ensure:

- a statewide assessment protocol;
- standard data collection, sampling, analysis and reporting procedures; and
- the joint use of the SICC as the birth to five stakeholders group to provide input into Pennsylvania's measurement of child outcomes.

Data Collection Activities for Baseline and Measurable Targets for FFY 2006 APR:

The activities and procedures described below will be implemented in order to ensure that Pennsylvania has quality baseline child outcome data for the Annual Performance Report due in February 2008.

1. Pennsylvania will report baseline data from a representative sample of eligible preschoolers in the early intervention system. The stratified random sample will be based on preschoolers who have entry data (initial evaluations) from April to June 2006. All MAWAs* will be included in the sampling at least once over the six year time span of this SPP. Philadelphia is the only MAWA that has a school district with an average daily membership of over 50,000 students. Therefore, the MAWA serving Philadelphia will be included in the sampling each year. Data will be reported at both the MAWA and state level in a data profile produced with PennData system and accessible on the website for public reporting. The baseline data in 2005-06 will be based on a probability sample as described below.

Pennsylvania will draw a stratified random sample to collect baseline data in 2005-06 that meets the probability sampling requirement. Our overall sample size will be approximately 2100 and the expected participation is approximately 1600 (75%) based on allowance for non-consenting by parents and non-completion of assessments by teachers. Thus, 75% is the approximate expected "participation" rate (not response rates as in survey research). Cluster sampling will not be used, but rather a stratified random sample.

Over-sampling will not occur. The unit of analysis is the LEA, and all the programs in each LEA will be included in the sample pool. The sample will be drawn across all LEAs, large and small, an average of 25% of the children for participation in the assessments. This will assure sufficient sample size even for the smallest LEA. Therefore, no over-sampling will be necessary.

In the first year baseline design, Pennsylvania will focus on county pilots in 6 regions of the state (which have already been identified for year 1). The 6 MAWAs selected for the sampling are representative of the state. Two LEAs have identified in each region (12 LEAs: 6 for 0-3; 6 for 3-5) and electronic data lists by child ID# are presently being collected from each LEA using state data systems (Penn Data and EIRS). A 25% random sample will be drawn from this list of target children using a random number generator. The probability sampling plan will ensure representation of both age and gender. However, the population size precludes the use of additional variables in the plan. Both age and gender will be drawn in an effort to optimize representation of other unstratified variables such as disability and ethnicity.

Two primary modes will be used: state archived data; child files; and direct teacher/caregiver assessments. Basic demographic data will be archived from the state databases. All data will be collected by each child's teachers, developmental specialists/with parent participation, or care coordinators following an "authentic assessment" model (e.g., SPECS). In the longitudinal model, entry-level assessments will be collected from each child's file on the eligibility assessments for entry into EI. This is Time 1. The follow-up assessments for year 1 will occur in May, 2006. The state of PA with the PEIOS proposal allowed LEAs to either choose their commonly used measure (such as the Battelle Developmental Inventory or DAYC) or the Adaptive Behavior Assessment System II for the follow-up or Time 2 progress assessment.

**** Act 212 of 1990, the Early Intervention Services System Act of the Commonwealth of Pennsylvania, designated the Department of Education as the responsible agency to provide for the delivery of early intervention services for all eligible young children, ages 3-5. The Department provides for the delivery of such services through a Mutually Agreed Upon Written Arrangement (MAWA). A MAWA Agency can be an intermediate unit, school district, or other public or private agency which complies with state and federal regulations. At present there are 34 MAWA Agencies providing services to the eligible population of children.***

2. Pennsylvania will require the use of an approved assessment protocol for collecting entry and exit data points. Final determination of the protocol will be completed by March 30, 2006. The specific items/subtest of the protocol will be mapped to the OSEP child outcomes measures, using both a local workgroup and the Early Childhood Outcomes (ECO) Center materials. This mapping process will enable Pennsylvania to determine which items best meet the measurement intent of the OSEP child outcomes indicators.
3. The approved assessment protocol will be used by MAWA agency early intervention providers to collect both the entry and exit data points for eligible children.
4. The entry data point for each child will be gathered during the initial evaluation process. For the baseline data, the initial data point will be gathered between April and June 2006. The exit data point for each child will be gathered from the ongoing child progress monitoring procedures closest to the time of exit for both children who are transitioning to school age programs or children who are exiting Part B because they no longer meet eligibility requirements. The first exit data in Pennsylvania will be reported in the February 2008 APR.
5. The MAWA agency early intervention staff that gathers the entry and exit data points for each child will enter the child outcome measurement data in the PennData system. The MAWA agency provider will enter the data on a quarterly basis.
6. For those eligible preschoolers who are selected through the sampling procedures, the specific child outcome measurement items from their initial evaluation will be compared to the age level expectations identified through the approved assessment protocol. The baseline scores will be sorted into one of two categories for each of the three OSEP indicators: a) percentage of children at the level of same-aged peers; and b) percentage of children who are at a level below same aged peers.

As baseline and exit data are collected and analyzed, additional improvement activities will be added to the following list. However, there are a number of activities currently in place to enhance the development of baseline and ongoing child outcomes data collection. These activities and their timelines are described below.

- A collaborative, birth through five, pilot child outcome research study is being conducted by Dr. Stephen Bagnato of Children's Hospital of Pittsburgh. The study will evaluate child outcome data from a sample of infants, toddlers and preschoolers in six different geographic areas, representing both rural and urban populations. Child outcome data will be gathered as close to entry as possible and then the children will be reevaluated in the spring of 2006 to ensure two points of data. The study will determine a mechanism to analyze the data and develop a process to match to the three measurement areas outlined by the OSEP using the same coding of children being at level, improving or not improving. The process will allow Pennsylvania to compare child outcomes from both Part B preschool and Part C. It will also provide an opportunity for comparison of child outcome data from the evaluation of the Pennsylvania Early Learning Standards for Pre Kindergarten. Data will be gathered through to spring 2006 with final report and recommendations in June 2006.
- In 2005 the BSE and the OCD submitted a proposal for a General Supervision Enhancement Grant (GSEG) to conduct a joint data collection and evaluation of child and family outcomes, birth to five. The proposed GSEG will enhance Pennsylvania's current data collection systems, coordinate the development of a birth through five data collection system and provide for normative data through implementing data collection procedures at a sample of early childhood sites. BSE is awaiting notification of funding.

- A series of collaborative public forums designed to gather input from both parents and early intervention providers will be held across the state. The purpose of the public forums is to gather input on the most appropriate assessment protocol for measuring child progress for OSEP. Public forums will be held in January to February 2006 with final determination of statewide protocol by March 2006.
- A Child Outcome Mapping workgroup has begun work and will continue to meet until April 2006. This workgroup will be composed of PDE early intervention staff, OCD early intervention staff, MAWA agency early intervention program administrators and staff, county early intervention program administrators, infant/toddler early intervention providers, family members, and consultants with expertise in evaluation development and design. The purpose of this workgroup will be to “map” the specific items/subtests from the state assessment protocol to OSEP’s outcome indicators for measuring child outcomes. Information from the ECO Center will be used to guide the mapping process. The workgroup will determine which items/subtest give the best match and quality of data to report to OSEP. This activity will begin in March 2006 with final recommendations delivered by April 2006.
- Based on the final recommendations from the Child Outcome Mapping workgroup, enhancements will be made to PennData to accommodate the increased data collection requirements. This will begin in April 2006 with updates completed by the end of May 2006.
- An external evaluation consultant will work with PDE early intervention staff to develop a sampling plan that will ensure that unbiased, representative data will be reported to OSEP for both the Part B preschool and Part C programs. The plan will use a stratified random sampling of preschoolers who are enrolled in the Part B early intervention program. Stratification of the sample will ensure representation based on geographic area, level of disability, and type of disability. The sample will include enough children to ensure a confidence level of 95% with a +/- 2% confidence interval.
- Training on the approved assessment protocol will be provided statewide to MAWA early intervention providers who will be collecting entry and exit data. Training will be provided by staff from EITA. MAWA agency early intervention providers will be given information on how to accurately implement the assessment protocol and how the child outcome data will be gathered, analyzed, and reported.

Baseline Data for FFY 2004 (2004-05):

This is a New Indicator. Baseline data will be provided in the 2006 APR due February 2008.

Discussion of Baseline Data:

Not Applicable

FFY	Measurable and Rigorous Target
2005 (2005-06)	Baseline data on sampling of preschool children at entry 2005-06 in 3 functional areas. Targets will be set after baseline is established.
2006 (2006-07)	
2007 (2007-08)	
2008 (2008-09)	
2009 (2009-10)	
2010 (2010-11)	

Improvement Activities/Timelines/Resources:

Not Applicable

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: FAPE in the LRE

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.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

Percent = # of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities divided by the total # of respondent parents of children with disabilities times 100.

Overview of Issue/Description of System or Process:

For several years, as part of cyclical monitoring, BSE has collected feedback from parents regarding delivery of special education. This occurs both for school age and EI monitoring. During the on-site reviews, trained peer monitors (including parents who serve as peer monitors) contact and interview parents of those students who were selected for the student sample. Students are selected using a stratified random sample. Trained peer monitors conduct structured interviews using a standardized protocol.

Monitoring findings from school age programs:

As reported in the 2003 APR, in 2003-04, 477 parent interviews were conducted in 51 LEAs. Responses to key probes indicate that parents are participating in the development of their child's IEP at a high rate. In 2003-04, 96.4% of the parents interviewed responded that they participated or had an opportunity to participate in planning their child's program; 93.5% indicated that they have been asked to provide information for their child's evaluation or reevaluation; 88.8% indicated that the IEP was developed at the IEP meeting. In 2004-05, the number of parent interviews increased dramatically (from 477 to 1192) and for each of these questions, the rate of positive response improved (to 96.7, 94.3, and 93.2% respectively). This positive response rate is consistent with file reviews that show that 95% of IEPs reviewed had a parent signature indicating their participation. In any instance where a parent response raises a concern at the compliance level, other monitoring activity is triggered to verify whether the issue rises to either a non-compliance finding or an area of needed improvement. Slight variations in the data (prior APR to this SPP) are to be expected and, while data are positive, they do not yet constitute a solid trend. However, in general, we believe the data indicate positive trends in parental involvement in their child's educational program.

Monitoring findings from EI programs:

Tables 4, 5 and 6 below are based on the 2004-05 BSE Compliance Monitoring, which includes a highly structured interview protocol administered by trained peer monitors. In 2004-05, 92 parent interviews were conducted in 8 MAWA agencies during the cyclical monitoring process. The tables below document the questions from the parent interviews, file reviews, and classroom site studies that measure parent involvement in their child's program. There are numerous opportunities for parents to be involved in the improvement of services for their children, such as active participation in the evaluation, sharing information at the IEP, reviewing progress reports and participating in trainings.

Since 1991, PDE has had a system for monitoring compliance and quality of the Part B 619 preschool programs. The monitoring system provides PDE with a process to collect and analyze data to identify trends and issues for corrective action. On an annual basis, BSE staff and a team of peer monitors conduct compliance and monitoring reviews for 6-8 MAWA agencies based on a 6-year cycle.

During the 2005-06 year, BSE staff will utilize a revised tool based on IDEIA requirements. The compliance monitoring team follows an established protocol when conducting the compliance review. The protocol includes a review of child files, quality classroom evaluations, and parent and teacher interviews. The BSE Chairperson conducts an extensive assessment of MAWA agency policies and procedures to ensure the MAWA agency is in compliance with state and federal regulations and is responsible for issuing the monitoring report.

Table 4
Preschool Parent Interview Data, 2004-05

<i>Item</i>	<i>Yes</i>	<i>No</i>	<i>Percent Yes</i>
13e. Has the MAWA Agency documented the provision of opportunities for assistance to parents and for joint training?	8	0	100.0%
128. CCS-PI: During my child's evaluation, I was asked to share what my child is able to do and what my child needs help to do.	91	1	98.9%
129. CCS-PI: During my child's evaluation, I was asked to share any language or cultural preferences that might be important to me.	82	10	89.1%
130. CCS-PI: During my child's evaluation, I was asked to share about my child's behavior in the home, school, or community.	90	2	97.8%
131. CCS-PI: During my child's evaluation, I was asked to share information about my child's physical condition and health.	91	1	98.9%
132. CCS-PI: During my child's evaluation, I was asked to share information about my concerns and priorities for my child.	91	1	98.9%
133. CCS-PI: Evaluation results were explained to me before the IEP was developed.	88	4	95.7%
135. CCS-PI: I participated or had an opportunity to participate in planning my child's education program.	90	2	97.8%
137. CCS-PI: I have opportunities to be involved in my child's program in ways that are important to me.	89	3	96.7%
138. CCS-PI: I receive information that helps me at home to teach my child the skills that he/she is learning in the classroom.	84	8	91.3%
139. CCS-PI: I receive reports about my child's progress.	90	2	97.8%
143. CCS-PI: I know I can talk with my child's teacher, service coordinator, and preschool supervisor if I have concerns about my child's program.	91	1	98.9%

Table 5
Preschool Parent Interview Data - Training, 2004-05

	Very Satisfied	Mostly Satisfied	Somewhat Satisfied	Not Satisfied	Does Not Apply
149. CCS-PI: I am satisfied with the MAWA Agency's training that I could attend that relates to my child's needs.	37	18	7	0	30

Table 6
Classroom Site Study (CSS), 2004-05

PARENT INVOLVEMENT: Does program encourage parent involvement, including activities parents can do with their child?	
Item	Percent Yes
156. CSS (Observe)	100.0%
157. CSS (Document)	100.0%
170. CSS (Interview)	98.6%

For the Classroom Site Study in 2004-05:

- 8 MAWA agencies were monitored.
- 92 successful parent interviews were completed; 10 unsuccessful parent interviews were attempted.
- 70 classroom site studies and teacher interviews were completed.

These data reflect results from a review of MAWA policies and procedures, item 13e, the parent interview portion of the file review, one of the 8 Classroom Site Study (CSS) components (Parent Involvement), and the teacher interview to assess articulation of how parents are encouraged to be involved in their child's program. Data indicate a high degree of parental involvement and satisfaction with their child's EI program. Responses to key probes from the interviews and facilitated self assessment indicate that parents are participating in the development of their child's IEP at a high rate. Parent interviews revealed that 98.9% of parents interviewed indicated that they participated, or had an opportunity to participate, in planning their child's program. Finally, 96.7 % of the parents said they had opportunities to be involved in their child's program in ways that are important to them.

Note that Classroom Site Studies are conducted only for programs operated or contracted for by the MAWA agency. Typical early childhood programs including Head Start, regular preschools, and childcare settings where children are included are visited to ensure that the child's IEP is being implemented. However, the MAWA agency has no jurisdiction to change program and curricular structure of the private early childhood program or Head Start. Consequently, PDE does not conduct classroom monitoring observations on these programs.

Data Collection Activities for Baseline and Measurable Targets for FFY 2005 APR:

- (1) During the past two years, Pennsylvania's SEAP and the BSE have had discussions regarding the establishment of a large-scale consumer feedback mechanism. BSE has examined various state surveys being used to solicit parent input regarding special education programs. A decision has been made to proceed with final arrangements to use the NCSEAM surveys. BSE has contracted with Dr. Batya Elbaum to present an overview of the survey and process options to the SEAP at the November 2005 meeting. SEAP will be asked to provide feedback and advice to the BSE on the survey and plans for implementation. The survey will be rolled out at the March 2006 annual Special Education Conference, which is the major statewide meeting for stakeholders and professionals. Dr. Elbaum will also present at that meeting. The survey will be piloted in Pennsylvania between May and August 2006, and pilot data will be collected and available for the 2005 APR. The population of interest consists of parents of children ages 3 to 21 years who are receiving special education services. The December 1, 2004, Pennsylvania child count indicates that there were 284,125 children with IEPs in the state: 247,335 enrolled in kindergarten through 12th grade and 36,790 enrolled in preschool programs. This total number is far greater than the number required in order to draw valid inferences concerning the percentage of parents who report that schools facilitated their involvement as a means of improving services and results for children with disabilities. Multiple sources of sampling guidance (e.g., <http://www.surveysystem.com/sscalc.htm>), concur in suggesting that for a population equal to or greater than 100,000, a sample size of 384 is adequate to achieve a 95% confidence level in conjunction with a confidence interval (expressed in terms of responses to individual dichotomous survey items) of 5%. Given the high reliability of the NCSEAM measurement instrument, the same figures can be used as reasonable guidelines for required sample sizes to achieve similar results. Consequently, a representative sample of parents of children in kindergarten through age 21 years will be used to address this indicator. In contrast, no sampling will be applied to the population of parents of children receiving preschool special education services.

The state of Pennsylvania is comprised of 501 public school districts and 117 charter schools, of which only one has an average daily enrollment of over 50,000 students. The one district with an average daily enrollment of over 50,000 students will be included in the statewide sample every year. In addition, approximately one-sixth of the remaining districts and charter schools will be included in the K-12 sample each year. The state of Pennsylvania has 34 Mutually Agreed Upon Written Arrangements (MAWA) agencies that serve as the LEAs for preschool programs. None of the 34 MAWA agencies have an average daily enrollment of over 50,000 students. Parents of children receiving preschool special education services will be sampled in all 34 MAWA agencies each year.

The first stage of sampling occurs at the district level. In addition to the one LEA with an average daily membership of over 50,000 students to be included annually in the sample, a stratified random sample of Local Educational Agencies (LEAs) will be selected each year without replacement. Stratification will be based on size grouping (large, middle, small/middle, small) and geographical location. The second stage of sampling occurs within individual LEAs. The sampling guidance referenced above indicates that for a population of 1,000, a sample size of 278 is adequate to achieve a 95% confidence level with a 5% confidence interval; for a population of 10,000, the required sample size is 370.

Pennsylvania is initiating for the first time the annual parent survey and therefore at this time has no historical response rate data to include. Research indicates that for states of comparable size that population statewide response rates have ranged from 10 to 15%. Using the more conservative response rate of 10% as an expected rate for 2005-06, the required sample size for the state and for each participating LEA must be multiplied by a

factor of 10 in order to have a reasonable likelihood of yielding the sample size necessary to allow valid inferences to be drawn concerning the population.

A stratified random sample will be selected for all school districts and charter schools. Stratification will be based on the child's race/ethnicity, grade, and primary disability. Stratification for preschool students will be based on the child's race/ethnicity, age, and primary disability. When data from all the sampled LEAs are aggregated, the results may indicate that the distribution of respondents by child's race/ethnicity, grade grouping, and primary disability does not reflect the distribution within the state as a whole. In this case, the sample will be trimmed to fit the state parameters by a process of random sampling from within over-sampled categories. Review of the baseline data collected to address data anomalies such as extremely small district populations will be analyzed and the sample may be required to be adjusted.

The Pennsylvania Department of Education has elected to use the 25-item scale from the NCSEAM survey that addresses family involvement. Each family selected to be included in the annual sample will receive a mailed survey printed on an optical scan form accompanied by a cover letter explaining the importance of the survey and guaranteeing the confidentiality of the parent's responses. The packet will also include a pre-addressed, postage-prepaid envelope for return of the survey. The survey will be provided in two languages: English and Spanish. The Pennsylvania Department of Education will be exploring the logistics of moving to a web-based system for future years.

Data from the surveys will be scanned into an electronic database. The database will be sent to Dr. William Fisher, Chief Science Officer of Avatar Measurement, and an expert in analyzing the NCSEAM Parent Survey, who will analyze the data and produce reports at both the state and LEA levels. Dr. Batya Elbaum and Dr. William Fisher are currently under contract with the Pennsylvania Department of Education to provide technical assistance and consultation during the development and implementation of the Pennsylvania parent survey. Pennsylvania will adhere to the standard recommended by NCSEAM's national stakeholder group in calculating the percentage of parents with measures at or above a level indicating their perception that schools facilitated their involvement.

- (2) In 2005-06, the Pennsylvania BSE and the OCD will be piloting the national NCSEAM parent surveys for Part C and Part B preschool and school age. Specific to the Preschool NCSEAM parent survey, a work group from the SICC will review the survey and make recommendations for implementation in Pennsylvania. This survey will significantly increase the number of parents surveyed and will yield a greater amount of information on parent involvement that links to the OSEP family outcomes. Training will be provided to all MAWA Agency staff.
- (3) For both EI and school age programs, BSE will continue to collect and analyze parent interview data from cyclical monitoring.
- (4) In 2005, the BSE and the OCD submitted a proposal for a grant through the GSEG program to conduct a joint data collection and evaluation of child and family outcomes birth to five. The proposed GSEG will enhance Pennsylvania's current data collection systems, coordinate the development of a birth to five data collection system and provide for normative data through implementing data collection procedures at a sample of early childhood sites.

Baseline Data for FFY 2004 (2004-05):

This is a New Indicator. Baseline data will be provided in the 2005 APR due February 2007.

Discussion of Baseline Data:

Not Applicable

FFY	Measurable and Rigorous Target
2005 (2005-06)	Since this is a New Indicator, measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
2006 (2006-07)	
2007 (2007-08)	
2008 (2008-09)	
2009 (2009-10)	
2010 (2010-11)	

Improvement Activities/Timelines/Resources:

Not Applicable

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: Disproportionality

Indicator 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.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = # of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by # of districts in the State times 100.

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

Overview of Issue/Description of System or Process:

In Pennsylvania, approximately 256,000 students (14%) were identified with disabilities (based on the 2003-04 revised count of school aged children and excluding preschool). Table 7 demonstrates that proportions of students with disabilities by race/ethnicity match the relative proportions of all students in the general population.

Table 7
Race/Ethnicity of Students with Disabilities
Compared to the Total Enrollment, 2003-04

<i>Race/Ethnicity</i>	<i>Percent of Total Enrollment</i>	<i>Percent of Special Education Population</i>
White (Not Hispanic)	76	77
Black/African American (Not Hispanic)	16	15
Hispanic/Latino	5	5
Asian	2	2
American Indian or Alaskan Native	<1	<1

The BSE monitors disproportionality in identification during cyclical monitoring. This includes a review of the LEA's data regarding minority students with disabilities compared to the demographic distribution of minorities in that LEA. A significant discrepancy is suspected if the rate of identification is plus or minus 20% from the proportion in the general population of the LEA. In addition to data analysis, the LEA responds to six specific probes regarding racial/ethnic composition of the LEA, concerns about specific disability categories and any over- and under-representation, and policies and procedures for evaluating students. Monitoring data for 2004-05 indicate that 4 of 139 LEAs were cited for violations in this topical area. Corrective action was required, and will be monitored by the BSE until closure (see Indicator 15).

BSE has an effective system in place to identify disproportionality that occurs at the LEA level, including identification and correction of policies and procedures that result in inappropriate identification. There are very few findings of non-compliance relating to this Indicator. BSE will continue to monitor LEAs and ensure corrective action in a timely manner as required.

Data Collection Activities for Baseline and Measurable Targets for FFY 2005 APR:

BSE will continue monitoring for disproportionality in cyclical monitoring and will require corrective action where policies and procedures cause the occurrence of inappropriate identification or placement practices based on race/ethnicity. This is on-going and requires staff resources of BSE and PaTTAN. BSE will continue to analyze data for each Annual Performance Report.

Baseline Data for FFY 2004 (2004-05):

This is a New Indicator. Baseline data will be provided in the 2005 APR due February 2007.

Discussion of Baseline Data:

Not Applicable

FFY	Measurable and Rigorous Target
2005 (2005-06)	Since this is a New Indicator, measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
2006 (2006-07)	
2007 (2007-08)	
2008 (2008-09)	
2009 (2009-10)	
2010 (2010-11)	

Improvement Activities/Timelines/Resources:

Not Applicable

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: Disproportionality

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = # of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification divided by # of districts in the State times 100.

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

Overview of Issue/Description of System or Process:

For the FFY 2003 APR, Pennsylvania used the risk ratio to determine disproportionality. By using the upper bound to determine disproportionality, the following were reported as over-represented in Pennsylvania based on the risk ratio: American Indian/Alaskan Native who are visually impaired; Asian/Pacific Islanders who are deaf-blind or with a setting of combined separate facility. By using the lower bound to determine disproportionality, there are no areas under-represented in Pennsylvania based on the risk ratio.

For SY 2004-05 Pennsylvania used the same procedure that was used in SY 2003-04, but also set a minimum N of 40 to include a subgroup in the analysis. To determine the mean and standard deviation of the risk ratios, a MEANS procedure was run on the set of risk ratios for all of the districts by race using SAS software. Data resulting from this process are presented in Tables 8 and 9.

Table 8
Descriptive Statistics for Disproportionality, 2004-05

	American Indian/Alaskan Native	Asian/Pacific Islander	Black (not Hispanic)	Hispanic	White (not Hispanic)
Mean	1.64	0.40	1.13	0.95	1.37
Median	0.80	0.36	1.05	0.90	1.08
Count	69	315	525	381	561
Standard Deviation	5.84	0.36	0.72	0.62	1.01

In order to determine if an observation is significantly different we determined an upper bound equal to the mean + 1.96 standard deviations and a lower bound equal to the mean – 1.96 standard deviations (or 0, if larger). Table 9 displays these bounds.

Table 9
Upper and Lower Bounds for Disproportionality by Race, 2004-05

	<i>American Indian/Alaskan Native</i>	<i>Asian/Pacific Islander</i>	<i>Black (not Hispanic)</i>	<i>Hispanic</i>	<i>White (not Hispanic)</i>
Upper Bound	13.08	1.10	2.53	2.16	3.34
Lower Bound	0.00	0.00	0.00	0.00	0.00

Using the upper bound to determine disproportionality, the following are considered as over-represented in Pennsylvania based on the risk ratio: Asian/Pacific Islanders who are visually impaired, or deaf-blindness or with a setting of outside regular class 60% of the time. Each of these categories of disability is based on clinical determination and medical condition.

Using the lower bound to determine disproportionality, there are no areas under-represented in Pennsylvania based on the risk ratio.

Data Collection Activities for Baseline and Measurable Targets for FFY 2005 APR:

- a. BSE will continue to collect and analyze statewide and LEA level data for this Indicator, and conduct focused and cyclical monitoring where indicated. This will be accomplished through review of LEA Data Summaries on an annual basis, using BSE and PaTTAN personnel.
- b. Although, based on two-year trend data, Pennsylvania is not reporting disproportionality as a systemic issue, we will continue to collaborate with the Disproportionality Community of Practice to examine other strategies for data analysis and the provision of effective TA practices where monitoring indicates the need for corrective action or improvement at the local level. This is on- going and requires BSE and PaTTAN staff.

Baseline Data for FFY 2004 (2004-05):

This is a New Indicator. Baseline data will be provided in the 2005 APR due February 2007.

Discussion of Baseline Data:

Not Applicable

FFY	Measurable and Rigorous Target
2005 (2005-06)	Since this is a New Indicator, measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
2006 (2006-07)	
2007 (2007-08)	
2008 (2008-09)	
2009 (2009-10)	
2010 (2010-11)	

Improvement Activities/Timelines/Resources:

Not Applicable

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children with parental consent to evaluate, who were evaluated and eligibility determined 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 delays.

Percent = $b + c$ divided by a times 100.

Overview of Issue/Description of System or Process:

Current Pennsylvania State Regulations governing school district special education programs require that school districts must complete the initial evaluation and a copy of the Evaluation Report must be presented to the parents of a school aged child no later than 60 school days after the agency receives written parental consent for evaluation. Unless state regulations are changed pursuant to adoption of federal regulations for IDEA, this timeline will remain in effect.

For students served in charter schools, there are no state-imposed timelines for evaluation. Charter schools are required to adhere to federal regulations. Prior to adoption of IDEA 2004, charter schools had to adhere to the requirements at 300.343 that, "within a reasonable period of time following the agency's receipt of parent consent to an initial evaluation, the child is evaluated..." IDEA 2004 established the federal timeline of 60 days. Therefore, as of July 1, 2005, Pennsylvania charter schools were required to adhere to the IDEA timeline of 60 days.

For children being evaluated for an EI program, the initial evaluation must be completed and a copy of the evaluation report presented to the parents no later than 60 days after the EI agency receives written parental consent for evaluation.

BSE has available only partial data for this Indicator for school age students receiving special education in school district programs. In 2003-04, 666 student files were reviewed for adherence to the 60 school day requirement, and in 2004-05, 1,358 files were reviewed. However, while BSE did monitor timelines for evaluation, the same monitoring probe addressed both initial and reevaluation timelines. If violations were found in either required timeline (initial or reevaluation) the district was cited for non-compliance. Although the overall rate of compliance with timelines is very high (over 90%), the BSE believes that compliance is even higher for initial evaluation timelines. However, the only way to establish correct baseline data for 2004-05 for this New Indicator would be to disaggregate initial from re-evaluation findings for over 1300 files, a process that would be extremely cumbersome and time-consuming.

For EI programs, data has been collected regarding timelines for evaluation of children found to be eligible. In 2003-04, 70 files were reviewed to determine if the initial Evaluation Report was completed within 60 days. Eighty five percent of the evaluations were timely. In 2004-05, 110 files were

reviewed. Ninety-three percent of the initial evaluations were completed within 60 calendar days from receipt of parental permission. As described in Indicator 15, corrective action was required for any MAWA agency where non-compliance with timelines was found.

Data Collection Activities for Baseline and Measurable Targets for FFY 2005 APR:

- (1) Monitoring probes were adjusted for the cyclical monitoring for school age in 2005-06 to evaluate compliance with initial evaluation timeline requirements for both school districts and charter schools. Data will be available from 2005-06 monitoring to establish baseline and report on this Indicator in the 2005 APR.
- (2) Like most states, Pennsylvania has not collected any data regarding evaluation timelines for students evaluated for special education eligibility and found *not* eligible. To address the new requirement for reporting on timelines for students aged 3-21 who are evaluated and found not to be eligible for special education, BSE must initiate new data collection. Data will be collected through revision to the PennData system. A PennLink will be issued to all LEAs informing them of the requirement to collect and store data on students evaluated and found not to be eligible. For the 2005-06 school year, this will be a paper collection with data collected from all LEAs for the period of April 1 - June 30, 2006. Effective in 2006-07, this will be incorporated into statewide 618 and 619 data collection. LEA Data Managers will be trained regarding these requirements as part of on-going statewide training.
- (3) BSE conducted statewide training regarding the timelines contained in IDEA 2004. Following adoption of the federal regulations, additional training will be provided and timelines for conducting evaluations will again be addressed for school districts, charter schools, and MAWA agencies. This will be on-going for 2006 and 2007, and will be based on the same scaling-up model used for training on the statute.
- (4) Monitoring of MAWA agencies will continue to evaluate compliance with timelines for initial evaluation and where timelines are violated, corrective action will be required.

Baseline Data for FFY 2004 (2004-05):

This is a New Indicator. Baseline data will be provided in the 2005 APR due February 2007.

Discussion of Baseline Data:

Not Applicable

FFY	Measurable and Rigorous Target
2005 (2005-06)	Since this is a New Indicator, measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
2006 (2006-07)	
2007 (2007-08)	
2008 (2008-09)	
2009 (2009-10)	
2010 (2010-11)	

Improvement Activities/Timelines/Resources:

Not Applicable

Part B State Performance Plan (SPP) for 2005-2010**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

Indicator 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.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.

Account for children included in a but not included in b or c. Indicate the range of days beyond the third birthday when eligibility was determined and reasons for the delays.

Percent = c divided by a – b times 100.

Overview of Issue/Description of System or Process:

As indicated in the FFY 2003 APR, upon OSEP approval, the BSE would pilot a data collection procedure in a minimum of 20% of the MAWA agency Preschool Programs. The data would then be analyzed and recommendations made for adding those data fields to the existing PennData reporting system to become required fields. If data did not yield sufficient or useful information, it would be revised.

In 2005, Part B preschool and Part C collaborated on the development of a database to collect more information on the local implementation of the transition process and IEP timelines. Data fields for Part C and Part B preschool were aligned so that similar data could be gathered and analyzed. The database was implemented in July 2005.

BSE has gone beyond the planned activities by adding the transition fields to the state data system at the outset of the pilot to collect the necessary elements on referral, eligibility status, and IEP development and implementation dates. Standard reporting fields became mandatory in October 2005. Use of this new data collection is being refined to ensure mandatory reporting in every field by every MAWA agency.

Baseline Data for FFY 2004 (2004-05):

Table 10 displays the Compliance Monitoring item that demonstrates that all MAWA agencies monitored had written procedures in place to ensure an IEP is in place by a child's third birthday.

Table 10
Compliance Monitoring Data for Effective Transition

Item	Criteria	Yes	No	NA	Percent No	Percent Yes
14c FSA	For children found eligible for services from the MAWA (LEA), does the written procedure require that an IEP be in place for implementation by the child's 3 rd birthday?	8	0		0.00	100%

Information in the new transition database (implemented in July 2005) was gathered from all MAWA preschool agencies during the first quarter of FY 2005. In this pilot data collection, the range of days beyond the third birthday when the IEP was developed was 1-113. Of these, 10% exceeded 60 days. Table 11 displays the percent of eligible children in the pilot that had an IEP in place by the third birthday. More in-depth analysis of the data showed the following reasons for not having an IEP in place by the child's third birthday: later referrals from the Part C early intervention program; children whose parents did not sign the required permissions; child illness; and children withdrawn from the early intervention program.

Table 11
Pilot Transition Data
July1 – September 30, 2005

Number of children eligible from 7/1/05 to 9/30/05	Number (Percent) of children with an IEP in place by their 3 rd birthday	Number (Percent) of eligible children with no IEP in place by parental choice
1167	794 (68.0)	131 (11.2)

Discussion of Baseline Data:

Because of the importance of reporting this data in the SPP, PDE only permitted a short pilot period of three months. While the piloting process allowed for field validation of the database, it did not allow for revisions to the database based on the results of the field validation. In the process of collecting the transition data, MAWA agencies reported that some children referred from Part C did not complete the transition process because parents moved prior to completion of the evaluation and the development of the IEP. However, the pilot data elements did not allow for this variable, causing the resultant data to be somewhat incomplete, problematic and unreliable. BSE has taken steps to correct deficiencies identified in the pilot.

An additional source of data to support the baseline findings from the transition database is derived from compliance monitoring data. Results are from the components of the monitoring tool entitled the Facilitated Self Assessment (FSA) of Policies and Procedures for Transition from the Part C to Part B preschool program. A total of 8 MAWA agencies were monitored in 2004-05. One hundred percent (100%) of the MAWA programs monitored were found in compliance with the following measurement criteria: "For children found eligible for services from the MAWA (LEA), does the written procedure require that an IEP be in place for implementation by the child's third birthday".

FFY	Measurable and Rigorous Target
2005 (2005-06)	100% of eligible children will have IEPs in place by their 3 rd birthday.
2006 (2006-07)	100% of eligible children will have IEPs in place by their 3 rd birthday.
2007 (2007-08)	100% of eligible children will have IEPs in place by their 3 rd birthday.
2008 (2008-09)	100% of eligible children will have IEPs in place by their 3 rd birthday.
2009 (2009-10)	100% of eligible children will have IEPs in place by their 3 rd birthday.
2010 (2010-11)	100% of eligible children will have IEPs in place by their 3 rd birthday.

Improvement Activities/Timelines/Resources:

- (1) PDE and OCD collaborated on a process for local county early intervention programs to invite MAWA agencies to attend the transition conference (90 day meeting). A standard format and process was developed to ensure that there is ample time to schedule the transition conference so that preschool early intervention staff may attend.

Timeline and resources: Local county programs began using the letter in September 2005 and will continue using the letter throughout 2005-06. The effectiveness of the transition letter will be reviewed in June 2006 and adaptations will be made to the process as needed.

- (2) An Early Intervention Guideline on Transition at 3 years will be completed and disseminated across the state. This guideline will provide information on timelines and requirements for the transition process along with information on strategies for increasing the quality of transition plans. The guidelines will be posted on the EITA system website and disseminated statewide to families, MAWA agencies, county early intervention staff, and early intervention providers.

Timeline and resources: Completion and statewide dissemination by January 2006

- (3) An Infant/Toddler/ Preschool Early Intervention Leadership Meeting will be held with all the local county early intervention program coordinators and the preschool Part B early intervention coordinators. The agenda will focus on transition conference issues, improved communication among local programs, and opportunities to brainstorm local issues. The meeting will be facilitated by OCD early intervention staff.

Timeline and resources: Leadership meeting in November 2005

- (4) Annual training and technical assistance plans will be developed with each MAWA agency and county early intervention program through EITA. Training and technical assistance specific to the transition process will be provided upon request.

Timeline and resources: This is an on-going activity.

- (5) As part of both the Autism Summer Institute and the “Off to A Great Start” Institute on young children who are deaf or hard of hearing, early intervention staff will be provided with information and strategies to better support the transition of young children who have low incidence disabilities.

Timeline and resources: Training will occur in August 2006 and be on-going.

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = # of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals divided by # of youth with an IEP age 16 and above times 100.

Overview of Issue/Description of System or Process:

BSE has monitored secondary transition IEP requirements for several years. In addition to evaluating overall IEP content, for students age 14 and older specific targeted probes were included. In accordance with federal regulations in effect at the time, probes for students requiring transition services included content of IEP goals and objectives; whether IEPs included desired post-school outcomes; a statement of coordinated transition services and activities to support desired post-school outcomes; whether interests, preferences and aptitudes served as the basis for the student's post-school outcomes; whether interagency linkages were included; and whether the LEA had documented efforts to involve outside agencies in transition planning.

Although BSE has monitoring data related to Indicator 13, the data cannot serve as baseline due to changes to the IDEA 2004 statute that rendered these data obsolete in some cases. For example, Indicator 13 requires data about IEP annual goals. Prior to 2005-06, BSE's monitoring system had a single probe for whether annual goals *and* objectives were measurable. Under IDEA 2004, short-term objectives are not required for every student. However, BSE has no way to disaggregate and report a finding regarding goals vs. objectives. Other monitoring data, although generally indicating positive trends, cannot be disaggregated to address the statutory change in the required age for transition planning. BSE's monitoring data reflects findings for students age 14 and older vs. age 16 as required by IDEA 2004. BSE will establish 2005-06 as baseline for this New Indicator and report in the FFY 2005 APR.

Data Collection Activities for Baseline and Measurable Targets for FFY 2005 APR:

- (1) BSE revised the 2005-06 monitoring document to incorporate changes to the IDEA 2004 statute. This will allow us to provide data for Indicator 13 in the 2005 APR.
- (2) Improvement in IEP content is based on improved program offerings for students preparing for and engaged in transition activities. Therefore, BSE is undertaking three major initiatives. First, BSE is awarding competitive Employment Grants to local agencies. Three evidenced-based models for secondary transition have been identified and will be funded to serve as mentors to other grant recipients. In 2005-06, ten additional applicants will receive funds to replicate the identified effective models, with one criterion being geographical diversity. The grants will require professional development, student level performance outcome data, and overall program performance data. The grants use job coaches, and the outcome goal is competitive employment in real work settings. Second, a targeted training initiative is being implemented to focus specifically on career and technology centers (CTCs). This includes instruction in effective math

and reading practices, progress monitoring, and student strategies for learning and self-advocacy skills. Five years of targeted technical assistance by PaTTAN secondary academic and transition consultants will be provided to the CTCs. Third, a state-level team of special education and CTC policy makers and practitioners has been established to identify and address systemic changes in CTC services to students with disabilities. Each of the 13 CTCs have been awarded grants in the amount of \$30,000 for the 2005-06 school year to be used to improve reading and math instruction, with a goal of increased student proficiency in these areas. Data will be available from each of these initiatives for the 2005 APR.

Baseline Data for FFY 2004 (2004-05):

This is a New Indicator. Baseline data will be provided in the 2005 APR due February 2007.

Discussion of Baseline Data:

Not Applicable

FFY	Measurable and Rigorous Target
2005 (2005-06)	Since this is a New Indicator, measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
2006 (2006-07)	
2007 (2007-08)	
2008 (2008-09)	
2009 (2009-10)	
2010 (2010-11)	

Improvement Activities/Timelines/Resources:

Not Applicable

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who had 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 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = # of youth who had 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 divided by # of youth assessed who had IEPs and are no longer in secondary school times 100.

Overview of Issue/Description of System or Process:

The Pennsylvania Community on Transition (PACT), the state cross-agency leadership team on secondary transition, has been meeting on a regular basis to develop a common set of performance indicators for student post-school outcomes in four areas: employment, post-secondary education, community living and healthy lifestyles. In spring 2005, the group held four focus groups, with broad representation of stakeholders, to further refine the performance indicators and to suggest questions and format for a post-school follow-up survey for collecting information related to the status of school leavers one year out of school. Information from the surveys will provide ongoing guidance as Pennsylvania implements this SPP and subsequent APRs.

Pennsylvania recently conducted a statewide review to determine if our state can obtain reliable information about post-school outcomes of youth with disabilities. We learned that several agencies serving youth collect post-secondary education, training, and employment outcome data, but the data do not provide a complete profile of the outcomes of our youth with disabilities. This review enabled us to closely examine statewide practices related to post-school outcome data collection and analysis. For the majority of the local education agencies questioned, we found: (1) the various systems collect different information; (2) the levels of scientific integrity of data collection vary among agencies; (3) representative sampling procedures are inconsistent; (4) sample sizes are not reliable; (5) data collection methodology lacked standardization; and, (6) procedures for addressing inter-rater reliability were not considered in most cases. We also concluded that many districts collected the information but did not conduct further analyses that could lead to program improvements.

During school year 2005-06, our SEA and PACT will work with the National Post-School Outcomes Center (NPSO) and Auburn University to develop a post-school outcome data collection system. We will sample school leavers from 100 school districts annually, which will result in a five-year cycle for sampling all 501 school districts. The sampling process will be guided by the NPSO to develop a Sampling Calculator. The Sampling Calculator is a software system that will afford access to the complete listing of all Pennsylvania school districts. The project staff, PACT Advisory Team members and NPSO staff will select variables to serve as sampling parameters. For example, districts could be coded by geographical location, percentage of students on free or reduced lunch, percentage of English as a Second Language (ESL) students, and total number of students. After the sampling parameters are established and those data are entered into the Sampling Calculator, the software will select a representative sample reflecting the population of the state at a pre-set confidence level (e.g., + or -3%). After the sample is established, and based on census data, and again through the Sampling Calculator software, comparisons of demographic characteristics of the students with disabilities in the sample to the population of students with disabilities on selected demographic

characteristics (e.g., gender, ethnicity, percentage of students in each disability category, etc.) will ensure the sample is representative of the state. In Pennsylvania, only one LEA has an average daily membership (ADM) of over 50,000 students. This LEA (Philadelphia) will be included in the sample, as required.

In keeping with our focused monitoring process, some districts may be sampled more often if the monitoring results warrant. Additionally, we will design the system to attempt to collect information on youth who drop out of our schools. To improve the response level of our sample, we will build into our system an analysis and correction of non-response. No personally identifiable information about individual children will be disclosed. As mentioned, we will work with the NPSO and Auburn University in the development of a web-based survey process. We will participate in the National Center on Secondary Education and Transition (NCSET)/NPSO sponsored Post-School Outcomes Community of Practice by attending the NPSO conference in Winter, 2006. We submitted an OSEP GSEG application to assist in our system development.

Data Collection Activities for Baseline and Measurable Targets for FFY 2006 APR:

- (1) Work with Auburn and NPSO to design a PSO collection system including our sampling plan (January-July, 2006)
- (2) Identify districts to pilot the process (February 2006)
- (3) Report on the results to participants at the Annual Transition Conference and provide technical assistance on data collection protocol with districts identified to be part of the sample (summer, 2006 and annually thereafter)
- (4) Gather exit information on students leaving during 2005-06 (spring 2006)
- (5) Gather post-school outcome data on students leaving during 2005-06 (April – June, 2007)
- (6) Build baseline of exit and post-school outcome data annually (every fall beginning with the fall of 2007)
- (7) Analyze data at the district and state-level, compile simple, user-friendly reports (every fall beginning with the fall of 2007)
- (8) Set annual rigorous and measurable targets based on baseline data collected to date (to be submitted in the APR due February 2008)
- (9) Provide technical assistance to districts to learn to read and use the data and report to develop district improvement strategies; implement improvement activities (annually in the winter-spring)
- (10) Adjust data collection protocol and training as needed to improve response rate (annually in the winter-spring)
- (11) Review and adjust the rigorous and measurable targets annually; complete APR (annually by February)

Baseline Data for FFY 2004 (2004-05):

This is a New Indicator. Baseline data will be provided in the 2006 APR due February 2008.

Discussion of Baseline Data:

Not Applicable

FFY	Measurable and Rigorous Target
2005 (2005-06)	Since this is a New Indicator, measurable and rigorous targets will be provided in FFY 2006 APR due February 1, 2008.
2006 (2006-07)	
2007 (2007-08)	
2008 (2008-09)	
2009 (2009-10)	
2010 (2010-11)	

Improvement Activities/Timelines/Resources:

Not Applicable

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B))

Measurement:

A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:

- a. # of findings of noncompliance made related to monitoring priority areas and indicators.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:

- a. # of findings of noncompliance made related to such areas.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:

- a. # of agencies in which noncompliance was identified through other mechanisms.
- b. # of findings of noncompliance made.
- c. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = c divided by b times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

Overview of Issue/Description of System or Process:

Pennsylvania has established an effective system for general supervision of LEAs through planning, monitoring, complaint management, dispute resolution mechanisms, professional development and technical assistance. A brief overview of these systems follows.

LOCAL PERFORMANCE PLANS

A. School age

Each school district and Intermediate Unit develops a Special Education Plan that is submitted, reviewed, and approved or disapproved by the BSE. The school district's special education plan is an action plan that describes the local Board's commitment to ensure that a quality education will be provided to each student with a disability eligible for special education for the upcoming three-year period. The school district's plan is aligned with the district's strategic plan required under State Regulations, Chapter 4. In developing the Special Education Plan, districts must incorporate information from their Special Education Data Summary, as well as any corrective action that resulted from monitoring or complaint management. Local Special Education Plans are closely aligned with state performance targets. They reflect current data, analysis of data, and projected improvement goals and plans. IU Plans also reflect adherence with IDEA requirements, adopting policies and procedures as set forth in the Eligibility Application, and also describing their role in providing training aligned to state priorities to member school districts, charter schools and other entities.

BSE staff is assigned based on a Single Point of Contact (SPOC) structure, with one professional Special Education Adviser serving a designated geographical area. This individual reviews the local performance plan for that geographical area's Intermediate Unit and member school districts, serves as the Chairperson for monitoring teams in that same area, and also reviews complaints filed against those LEAs. This promotes development of a strong knowledge base and expertise in regional issues and needs, which in turn leads to systemic identification by the BSE of issues and concerns as well as targeting of resources to improve local results.

B. Early Intervention

The MAWA agency's Special Education Plan is an action plan that describes the administrative and staff commitment to ensure that a quality education will be provided to each child with a disability eligible for special education for whom the MAWA agency is responsible over the upcoming year. MAWA agencies are required to submit their Special Education Plan on an annual basis.

The Special Education Plan describes the special education programs and services that are provided within a MAWA agency and those special education programs and services that are accessed by the MAWA agency, including contracted private providers, Approved Private Schools, Head Start programs, or other typical early childhood programs.

The Special Education Plan reflects ongoing programs and services (including staff training and induction programs) and incorporates anticipated changes in programming as a result of corrective action generated by the cyclical monitoring improvement plan and other factors.

MONITORING

A. School age

BSE monitors programs for school aged students of districts and charter schools on a cyclical basis. Monitoring encompasses both procedural requirements and performance outcomes (see topical areas described on the monitoring template for this Indicator submitted as Attachment 2). Monitoring teams, chaired by a BSE SPOC, use a variety of on-site review processes to gain an overall understanding of LEA programs, identify non-compliance, and assist the LEA in corrective action and improvement planning activities. A number of parents and stakeholders have been trained as peer monitors and serve on these local teams. In addition, the Local Task Force for Right to Education that serves the IU where the school district or charter school is located is notified of the monitoring and invited to submit input to the Chairperson.

The 501 school district programs for school age students are monitored on a six-year cycle. The Philadelphia School District, which is the only school district in Pennsylvania with an ADM of over 50,000, is monitored every year. There are currently 117 Charter Schools (CSs) operating in Pennsylvania. Charter schools are generally monitored on a five-year cycle to coincide with the charter renewal process, which takes into account the CS's compliance and performance with special education requirements. There are 26 State Correctional Institutions, 11 State Juvenile Facilities, 65 county prisons, and 19 county detention facilities in Pennsylvania. State Correctional Institutions and State Juvenile facilities are monitored every three years. County prisons and detention centers are monitored every six years, or when the district responsible for education is monitored. Three Regional Assessment Support Teams (RASTs) do the monitoring of correctional facilities throughout the state.

All of these monitoring systems are web-based. This includes reporting, corrective action planning, and implementation and tracking of corrective action. BSE has an effective system to impose sanctions if a LEA fails to implement required corrective action. The Basic Education Circular (BEC), Special Education Compliance, approved by OSEP details a hierarchy of sanctions. This BEC remains in effect.

The timeline for corrective action of non-compliance in corrections education facilities has been one year from the date of the on-site review. BSE has required school districts and charter schools to correct all non-compliance within one year of the date of the Corrective Action Verification Plan (CAVP). Unusual circumstances require an extension, granted only with Division Chief approval. The most typical reason for an extension is lack of sufficient sample size on which to draw a valid conclusion that systemic non-compliance has been resolved. In this instance, additional corrective action verification activity is required and occurs.

In 2002, the BSE submitted its school age monitoring procedures to OSEP with the State IDEA-B Grant Application. These procedures included a description of the process for developing the CAVP and the timeline for correction of non-compliance as a year from the CAVP date. For the past three years, BSE has operated in compliance with this timeline. It is important to note that BSE's timelines for issuing the monitoring report and developing the CAVP are short. In 2003-04, the average elapsed time from the date of the on-site monitoring to issuance of the report was 34 days. The average elapsed time from the date the report was issued to the date the CAVP was completed was 32 days. BSE believes that an average turn around time of 66 days from the on-site to completion of the CAVP is likely superior to timelines in the majority of states. In the Spring of 2005, OSEP informed the BSE of the requirement that correction of deficiencies must be within one year of the date of the monitoring report. Accordingly, we have made adjustments to our monitoring procedures for 2005-06 to address this new requirement. The result of this shifting in timeline requirements is that, as instructed by OSEP in this Indicator, we are reporting data on completion of corrective action within one year of the date of the monitoring report when the actual requirements in effect at the time was for completion of corrective action within one year of the date of the CAVP. This will cause negative skewing of the 2003-04 data.

In addition to cyclical monitoring, the BSE has established pilots for focused monitoring of LEAs where data indicate discrepancies in certain topical areas. Previously, focused monitoring has addressed graduation and drop out rates, as well as LRE. For 2005-06, additional focused monitoring will be conducted around LRE.

B. Early Intervention

BSE monitors Part B 619 MAWA programs on a cyclical basis. Monitoring for Part B eligible students encompasses both procedural requirements and performance outcomes (see topical areas described on the monitoring template for this Indicator submitted as Attachment 2). Monitoring teams, chaired by a BSE Chairperson, use a variety of on-site review processes to gain an overall understanding of MAWA agency programs, identify non-compliance, and assist the MAWA agency in other improvement planning activities.

Section 619 Early Intervention Programs operated by MAWA agencies are generally monitored on a six-year cycle. There are 34 MAWA agencies. Like the school age monitoring system, the EI monitoring system is web-based. This includes reporting, corrective action planning, and implementation and tracking of corrective action.

The 619 program has historically assigned timelines for corrective action to begin the date the report is issued to the MAWA agency. MAWA agencies are given one year to complete the required corrective action unless an extension is required for unusual circumstances with approval of the Division Chief.

DISPUTE RESOLUTION SYSTEMS

Pennsylvania operates an effective, broad-based system for families of children with disabilities to access in resolving disputes. This includes the complaint management system, which investigates and resolves formal complaints concerning individual and systemic violations of federal and state special education regulations. This system is data based and allows for tracking of issues by LEA and statewide, as well as timelines for investigation, issuance of timely reports, and implementation of required corrective action.

The Office for Dispute Resolution (ODR) operates the due process hearing system in conformance with regulatory requirements, and also maintains data for reporting and systemic improvement. ODR has a system of less formal dispute resolution processes, including mediation services, IEP facilitation, Dispute Resolution Skills Training, Solutions Panels, a ConsultLine for parents, and a Call Resolution Process (CRP) that enables families to have informal third party intervention in resolving issues before they become contentious.

TECHNICAL ASSISTANCE

Pennsylvania has a model program for provision of technical assistance to LEAs. The mission of the Pennsylvania Training and Technical Assistance Network (PaTTAN) is to support the efforts and initiatives of the BSE, and to build the capacity of all educational agencies in the state to serve students who receive special education services. PaTTAN has three regional offices located across Pennsylvania. These offices develop training courses, offer technical assistance, and provide resources to school personnel and families to improve student achievement and outcomes. The Pennsylvania Early Intervention Technical Assistance (EITA) system, which is part of PaTTAN, supports early intervention programs through professional development and family informational services. PaTTAN and EITA are directly linked into BSE monitoring and corrective action. PaTTAN and EITA consultants assist MAWA agencies, LEAs, and the BSE in developing and implementing CAVPs.

Baseline Data for FFY 2004 (2004-05): (See Template enclosed as Attachment 2)

Indicator 15 requires states to describe correction of non-compliance within one year of identification. Baseline data for both the 619 and school age programs are presented on Attachment 2.

The Section 619 program has operated under the requirement to correct non-compliance within one year of the date the monitoring report is issued. All required corrective action from 2003-04 has been closed out.

The Correctional Institutions described above have established a timeline for correction of non-compliance as one year from the date of the monitoring on-site. All items of non-compliance identified in 2003-04 monitoring through the RAST system were corrected within one year of the monitoring on-site.

The monitoring process for school age programs identifies individual as well as systemic non-compliance. Using a stratified random sample of students, conclusions are applied to the entire population of students for purposes of assigning corrective action. One exception is when a finding is made that an individual student is not receiving a Free Appropriate Public Education in accordance with his/her IEP. In 2003-04, there were three such findings made. In those cases, immediate corrective action was required and the LEAs demonstrated full correction of the non-compliance within 30 days. The BSE SPOC documents that corrective action has been accomplished. All instances of individual non-compliance found in 2003-04 were corrected within 30 days of the identification of non-compliance. In addition, all required corrective action from 2003-04 has been closed out, with one exception. As described on the template, an extension was granted for one school district because the sample size was insufficient to conclude that systemic correction had been accomplished. This district's corrective action continues to be monitored by the SPOC and closure will be accomplished within the extension period that ends in February 2006.

Discussion of Baseline Data:

The BSE has both an effective monitoring and dispute resolution system that identifies and corrects non-compliance in a timely manner. Timelines for correction of deficiencies identified through monitoring of school age programs have been adjusted in accordance with new direction provided by OSEP in 2005.

FFY	Measurable and Rigorous Target
2005 (2005-06)	100% compliance with requirement for correction of non-compliance within one year of identification.
2006 (2006-07)	100% compliance with requirement for correction of non-compliance within one year of identification.
2007 (2007-08)	100% compliance with requirement for correction of non-compliance within one year of identification.
2008 (2008-09)	100% compliance with requirement for correction of non-compliance within one year of identification.
2009 (2009-10)	100% compliance with requirement for correction of non-compliance within one year of identification.
2010 (2010-11)	100% compliance with requirement for correction of non-compliance within one year of identification.

Improvement Activities/Timelines/Resources:

- (1) The BSE has taken the necessary steps to adhere to OSEP's recent direction concerning needed adjustments to corrective action timelines. BSE has sufficient personnel and technical support to ensure that systemic non-compliance is corrected within one year of identification. Staff has been trained regarding this requirement and timelines will continue to be monitored by SPOCs and Division Chiefs on an on-going basis.
- (2) Division Chiefs will continue to monitor timelines for completion of complaint investigations to ensure 100% compliance with timelines.

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: Effective General Supervision Part B / General Supervision

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.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = $(1.1(b) + 1.1(c))$ divided by (1.1) times 100.

Overview of Issue/Description of System or Process:

BSE maintains a closely monitored database that tracks elapsed days from the date a complaint is received by the BSE through issuance of the Complaint Investigation Report (CIR) and closure of all required corrective action. Complaint assignments are manageable and timelines are being met. Division Chiefs monitor complaint timelines, and re-assign staff as needed to comply with timelines. The BSE maintains standardized practices for complaint management and staff has been trained and updated regularly. Monthly bureau meetings provide SPOCs with an opportunity to review and discuss CIRs that may have systemic implications.

In order to be more consistent with other states' reporting in this SPP and future APRs, the BSE is establishing baseline data using the number of complaints received that are determined to be within our jurisdiction. All written complaints received by the BSE are logged into the system and are tracked to completion. Extensive training has been provided to SPOCs regarding the determination of BSE jurisdiction. A Procedural Manual outlines in detail how determinations of jurisdiction are made. If, after reviewing the written complaint and contacting the Complainant for clarification, it is determined that the allegation is not addressed by special education regulations or statutes, the BSE issues a "Jurisdiction Letter" to the Complainant explaining why the issue is either not one for which a complaint can be filed, or not within the BSE's jurisdiction. This letter also advises the Complainant of other resources that can be accessed to resolve the concern, for example, the Office for Dispute Resolution, Office for Civil Rights, Educator Misconduct Office, Child Abuse Hotline, other offices within PDE, etc.

Baseline Data for FFY 2004 (2004-05):

In 2004-05, there were 400 complaints investigated by the BSE. CIRs were issued within 60 days of the BSE's receipt of the complaint for 396 of these complaints. Three of the remaining four CIRs exceeded 60 days due to extenuating circumstances with approval of the Division Chief.

Discussion of Baseline Data:

BSE has an excellent record of accomplishing complaint investigation and closure within the required 60 days. Only four complaints exceeded 60 days, which is 1% of the total complaints managed by the BSE.

The number of extensions granted (3 of 400) is also extremely low, indicating that requests for extensions are closely scrutinized and represent very unusual circumstances. Only one CIR exceeded 60 days without an approved extension (the CIR was issued on day 68). This represented a highly unique circumstance that has not otherwise occurred in either the current or previous reporting period.

FFY	Measurable and Rigorous Target
2005 (2005-06)	The BSE will maintain 100% rate of complaint investigation reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2006 (2006-07)	The BSE will maintain 100% rate of complaint investigation reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2007 (2007-08)	The BSE will maintain 100% rate of complaint investigation reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2008 (2008-09)	The BSE will maintain 100% rate of complaint investigation reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2009 (2009-10)	The BSE will maintain 100% rate of complaint investigation reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
2010 (2010-11)	The BSE will maintain 100% rate of complaint investigation reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

Improvement Activities/Timelines/Resources:

Division Chiefs will continue to monitor timelines for completion of complaint investigations to ensure 100% compliance with timelines for closure. Newly hired personnel will continue to receive intensive training concerning timelines and all requirements for complaint management. This will be on-going through the entire span of the SPP.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development:

In addition to receiving general input at the public forums and through the SEAP (as described on pp. 1-2 of this Plan), Pennsylvania's Office for Dispute Resolution (ODR) has an ODR Focus Group and Advisory Committee, made up of a broad spectrum of stakeholders, including parents, school personnel, attorneys, and educational leaders. The Focus Group meets several times a year and provides guidance to ODR on procedures and policies. Most recently, the Focus Group was actively involved in guiding ODR in its implementation of IDEA 2004.

Monitoring Priority: Effective General Supervision Part B / General Supervision

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.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = $(3.2(a) + 3.2(b))$ divided by (3.2) times 100.

Overview of Issue/Description of System or Process:

Through intensive training of Hearing Officers and restructuring procedures at ODR, Pennsylvania has a 100% compliance rate with this Indicator. In an on-going effort to improve timelines for due process hearings, the procedures for scheduling cases have undergone a significant change in the past two fiscal years. Historically, ODR Case Managers secured a mutually agreeable date between the parties and then canvassed the Hearing Officers for availability on that date. Time spent scheduling with the parties and locating a Hearing Officer constituted a small, yet significant, portion of the allotted forty-five (45) days in which the entire due process hearing is to be resolved. In an effort to reduce the portion of the 45-day period spent on this part of the process, effective July 1, 2004, Case Managers began immediately referring due process requests to Hearing Officers, who initiated direct contact with the parties to find a date that the parties were available, and to discuss any anticipated scheduling difficulties, etc. The elimination of case managers as the "middle man" has streamlined the process. Stakeholder input was overwhelmingly in favor of this new process.

ODR has engaged in a systematic, concerted effort to address the issue of timeliness. As of September 2002, the following procedures were implemented:

1. Hearing Officers were not renewed for reasons of non-performance.
2. ODR stated in clear terms its expectations of Hearing Officer performance. In conjunction with this discussion, individual and group statistics were provided to the Hearing Officers (and continue to be provided on an annual basis to Hearing Officers).
3. The issue of timely resolution of due process hearings, barriers to accomplishing this, and strategies to overcome the barriers is regularly discussed at Hearing Officer training sessions. Specifically, Hearing Officers have been trained to more closely examine the basis for continuance requests to ensure that only continuances for appropriate reasons are granted.

4. ODR Case Managers have received training on providing more rigorous oversight of the due process proceedings. Hearing Officers are monitored and timelines are vigorously tracked.

Baseline Data for FFY 2004 (2004-05):

Table 12
Due Process Hearing Data for 2004-05

Type	Number
Due process hearing requests	1036
Resolved without a hearing as per OSEP criteria	670
Fully adjudicated hearings	173
Decisions within timeline	46
Decisions within extended timelines	127
Active cases as of June 30,2005	193
Active cases remaining as of September 26,2005	50

Discussion of Baseline Data:

Analysis of this indicator is three fold: first, the number of requests; second, the number of fully adjudicated cases; and third, the timeliness of adjudicated cases.

NUMBER OF REQUESTS

Of the total number of mediation and due process requests received during 2004-05, more than a third constituted students accessing the system more than once during the reporting period. The breakdown is as follows:

- 878 or 63% were students who accessed mediation/due process only once during 2004-05.
- 525 or 37% were students who accessed mediation/due process more than once during 2004-05.

Pennsylvania is believed to be quite unique in that although IDEA 2004 now utilizes a statute of limitations, in Pennsylvania litigants have been operating under a statute of limitations since the 2002 Pennsylvania Commonwealth Court decision entitled *Montour*. Under *Montour*, parties must request due process in order to preserve their rights. Litigants are reluctant to withdraw due process hearing requests while they attempt to negotiate settlements for fear that they will harm their rights under *Montour*. Moreover, because Pennsylvania does not allow attorneys to attend mediations, the only mechanism for attorneys to secure reimbursement for their services is by requesting a due process hearing.

Over half (56%) of the total due process requests emanate from a large urban school district and it's surrounding Intermediate Units.

Of the 35 hearing requests received for children in Part B early intervention programs, none went on to a decision (although some cases are still active and may result in a decision).

Of the total number of due process requests, 873 were requested by the parent.

Of the 1,036 due process requests received during 2004-05, 65% of the requests (670) were completed without a hearing decision. Table 13 shows how these hearing requests were resolved.

Table 13
Due Process Hearing Outcomes for 2004-05

Type	Number
Agreement	378
Withdrawn by litigant	218
Dismissed by hearing officer	74

Of those requests withdrawn by the litigant, the parent withdrew the majority (177). It is possible that the withdrawal of many requests was the result of a settlement, but was not reported as such to ODR.

Therefore, it is clear that local resolution of disputes is highly effective, as evidenced by the small number of due process requests that actually proceed to full adjudication. Moreover, local resolution efforts continue despite the commencement of a due process hearing, as cases continue to settle, notwithstanding the active litigation.

NUMBER OF FULLY ADJUDICATED CASES

As shown in Table 14, Pennsylvania's efforts to have litigants communicate and settle disputes has led to a steady decline in the number of fully adjudicated cases.

Table 14
Three-year Trend of the Percent of Fully Adjudicated Cases

Year	Percent of Cases
2002-03	23
2003-04	22
2004-05	16

TIMELINESS OF RESOLUTION

A. Non-Adjudicated Cases

Of the 2004-05 cases that were not fully adjudicated, the average duration a case remained active was 46.6 days. Therefore, the average is quite close to the required resolution of cases within 45 days.

B. Adjudicated Cases

Based upon concerted efforts to improve timelines, Pennsylvania is seeing a slow, but steady decline in the length of time a fully adjudicated case is remaining open. Table 15 displays a downward trend in the number of days these cases remained open for the last three years.

Table 15
Three-year Trend of the Average Length of Time
Fully Adjudicated Cases Remained Open

Year	Number of Days
2002-03	96
2003-04	92
2004-05	87

This decline is attributable, at least in part, to significantly more intensive oversight from ODR of the Hearing Officers and awareness activities with the Hearing Officer regarding the necessity for timely resolution.

Another positive development is the slow, but steady increase in the percentage of fully adjudicated decisions resolving within the 45-day time line. As shown on Table 16, this percentage improved by 9% in the short three-year period from 2002-03 through 2004-05.

Table 16
Three-year Trend of the Percent of
Fully Adjudicated Cases Resolved within 45 Days

Year	Percent of Cases
2002-03	18
2003-04	20
2004-05	27

The reasons cases are continued are varied and legitimate, ranging from illness of litigants or their counsel, to religious holidays, to the unavailability of expert witnesses. The most common reason for a Hearing Officer to grant a continuance is the result of a joint scheduling conflict with both parent and school district individuals. The next most common reason for a continuance was the parties' need for time to attempt to negotiate a settlement. The Hearing Officers are faced with the challenge of resolving cases in a timely fashion while not unduly preventing the amicable resolution of matters pending before them. The data are clear that increased awareness activities on timeliness have resulted in consistent gains in this area.

FFY	Measurable and Rigorous Target
2005 (2005-06)	Pennsylvania will continue to show 100% compliance with this indicator. Pennsylvania will increase the number of hearings fully adjudicated within 45 days by 1.5%
2006 (2006-07)	Pennsylvania will continue to show 100% compliance with this indicator. Pennsylvania will increase the number of hearings fully adjudicated within 45 days by 1.5%
2007 (2007-08)	Pennsylvania will continue to show 100% compliance with this indicator. Pennsylvania will increase the number of hearings fully adjudicated within 45 days by 1.5%
2008 (2008-09)	Pennsylvania will continue to show 100% compliance with this indicator. Pennsylvania will increase the number of hearings fully adjudicated within 45 days by 1.8%
2009 (2009-10)	Pennsylvania will continue to show 100% compliance with this indicator. Pennsylvania will increase the number of hearings fully adjudicated within 45 days by 1.8% Pennsylvania
2010 (2010-11)	Pennsylvania will continue to show 100% compliance with this indicator. Pennsylvania will increase the number of hearings fully adjudicated within 45 days by 1.9%

Improvement Activities/Timelines/Resources:

- (1) ODR, through its provision of annual mandatory training to Hearing Officers, will continue to emphasize this issue on the training agenda.
- (2) The ODR Case Managers will receive ongoing training and support and perform intensive oversight of hearing timelines as they assist Hearing Officers in remaining cognizant of the 45-day requirement.
- (3) ODR will continue to track and supply Hearing Officers with individual and group performance statistics for purposes of self-assessment and goal setting.
- (4) ODR will continue to evaluate Hearing Officers annually on timeliness issues and will continue to make this indicator a criterion for the retention of Hearing Officers.

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = 3.1(a) divided by (3.1) times 100.

Overview of Issue/Description of System or Process:

The resolution session is a new requirement under IDEA 2004. Effective July 1, 2005, ODR began to collect data regarding local resolution activity during the initial 30 days after a due process hearing has been requested.

When ODR receives a due process hearing request, it is assigned to a Case Manager, who opens a case file and assigns a Hearing Officer. The Hearing Officer sets a hearing date and advises the parties that they must report progress/activity to the Hearing Officer regarding the resolution session. The Hearing Officer forwards information to the ODR Case Manager, who enters the data into the ODR database.

The information that will be stored in the database includes: date of resolution session, results of resolution session, date of receipt of the signed waiver (both parties) to forego the resolution session, date of scheduled mediation if both parties choose this in lieu of resolution session and the result of mediation.

The ODR Case Manager will contact the Hearing Officer for regular updates on the case. Case Managers will not close out a case until the Hearing Officer has provided as much information as is known.

On a monthly basis, ODR will collect and monitor accuracy of data being collected on Resolution Sessions to ensure completeness for reporting in the 2005 APR.

Baseline Data for FFY 2004 (2004-05):

This is a New Indicator. Baseline data will be provided in the 2005 APR due February 2007.

Discussion of Baseline Data:

Not Applicable

FFY	Measurable and Rigorous Target
2005 (2005-06)	Since this is a New Indicator, measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
2006 (2006-07)	
2007 (2007-08)	
2008 (2008-09)	
2009 (2009-10)	
2010 (2010-11)	

Improvement Activities/Timelines/Resources:

Not Applicable

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = (2.1(a)(i) + 2.1(b)(i)) divided by (2.1) times 100.

Overview of Issue/Description of System or Process:

In Pennsylvania, mediation is available to parties at any time there is disagreement and is not limited only to due process hearing requests. Either the LEA or the parent can request mediation. Once requested, ODR initiates the process, which includes opening a case file and contacting the other party to determine their interest. Because mediation is voluntary, the other party may decline participation. A mediator is assigned by ODR after both parties have agreed to participate.

All participants complete evaluations at the end of each mediation session. This information is reviewed to determine the need for any procedural updates. Mediators are contracted with ODR and receive training through ODR. ODR is responsible for observing, evaluating, and providing feedback to the mediators.

Table 17
Three-Year Mediation Results

	2001-02		2002-03		2003-04		2004-05	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent
Requests for Mediation	421		360		400		367	
Mediation Sessions Held	151		192		213		190	
Mediations Resulting in Agreements	119	78.8	143	74.5	180	84.5	148	77.9

Baseline Data for FFY 2004 (2004-05):

For 2004-05, of 367 requests for mediation, 190 mediation sessions were actually held (see Table 17). Of these held, 51 were related to a due process hearing request, and 139 were not. Of the 367 requests, 177 did not result in a mediation session for various reasons, such as: case still active; conciliations; denials to participate; request withdrawn. Of the 190 mediation sessions held, 148 or 78% resulted in agreement.

Discussion of Baseline Data:

Mediation requests were slightly lower for 2004-05 (367 requests) than in 2003-04 (400 requests). One factor for this is that some LEAs and parents are attempting IEP Facilitation in lieu of, or prior to, requesting mediation.

Of the total number of mediation requests for 2004-05, 33 were from families of students in Part B Early Intervention Programs.

Twenty-three fewer mediations were held in 2004-05 than in 2003-04. However, of the 190 mediations held, 51 were related to due process, which is an increase from 2003-04, when this number was 42. Historically, there are a low number of agreements that result from mediations that are held as a result of a due process hearing request (45% for 2004-05). One reason for this might be the fact that attorneys are not permitted to participate in mediations, and therefore the only remedy for recouping attorney fees is through due process. However, many times mediation will result in partial agreements; some issues are resolved through mediation with the remaining issues being determined at a due process hearing. This lowers the time and cost involved for hearings.

Overall, for the 190 cases during 2004-05 in which mediation sessions were held:

- the average number of days for resolution was 15 days (a 53% decrease from the previous year's average resolution days of 32);
- only 8 cases (4%) took longer than 60 days to resolve; and
- for each of the 8 cases that took longer than 60 days to resolve there were 7 agreements reached, indicating that in at least a small percentage of cases, parties might reach agreement if given additional time or more than one mediation session.

Some Stakeholders expressed the opinion that the measurement for this Indicator is off the mark, and that the issue is not whether an agreement was reached but whether there is a comprehensive mediation system with good public awareness. Others felt that an appropriate target was to raise the percent of mediation agreements to 80% each year.

FFY	Measurable and Rigorous Target
2005 (2005-06)	Increase the percent of mediations held that result in mediation agreements by 1.5% over the previous year.
2006 (2006-07)	Increase the percent of mediations held that result in mediation agreements by 1.5% over the previous year.
2007 (2007-08)	Increase the percent of mediations held that result in mediation agreements by 1.5% over the previous year.
2008 (2008-09)	Increase the percent of mediations held that result in mediation agreements by 1.8% over the previous year.
2009 (2009-10)	Increase the percent of mediations held that result in mediation agreements by 1.8% over the previous year.

FFY	Measurable and Rigorous Target
2010 (2010-11)	Increase the percent of mediations held that result in mediation agreements by 1.9% over the previous year.

Improvement Activities/Timelines/Resources:

- (1) Pennsylvania has developed an effective system to broaden use of alternate dispute resolution systems, including mediation. BSE will continue to encourage the use of mediation, and therefore will continue and expand activities to increase public awareness. IDEA 2004 states that parties have the option of attempting mediation in lieu of the required resolution session once a due process hearing has been requested. Based on this, it is anticipated that the number of mediation requests will increase. Within the system, Pennsylvania will also set goals to improve positive outcomes from mediation, i.e. mediation agreements. However, it is recognized that to some extent variables within the issues and process of each mediation may or may not be amenable to agreement, and the SEA has no control over these. Specific activities that are on-going for the next six years include:
 - increasing public awareness to parent groups to explain and encourage the option of mediation as an alternative to due process;
 - meeting with LEAs to encourage the use of mediation as an alternative to due process; and
 - providing more consistent observation/monitoring of mediators.
- (2) ODR will increase public dissemination of The Mediation Guide, Frequently Asked Questions, and the ODR Request Form to request mediation (which is available on the ODR website). This form can be completed and submitted directly on-line. The Mediation Guide is also mailed to parents participating in mediation for the first time. This provides specific information to assist them in understanding the process and helping them prepare. Mediation brochures and the above materials are disseminated through conference exhibit booths that ODR staff attends. As part of a Dispute Resolution Skills Training that ODR offers, mediation is explained and encouraged. The impact of this campaign will be evaluated annually, and adjusted in accordance with results each year of the SPP span.
- (3) For the next three years ODR will continue to focus on expanding its Alternate Dispute Resolution Systems, including the following:
 - *Dispute Resolution Skills Training* – Upon request, ODR (at no cost to constituents) offers a skill-building training that teaches a process for parties to resolve conflicts and to improve communication. ODR staff trained approximately 75 parents and educators during 2004-05.
 - *IEP Facilitation* - In addition to mediation, a core group of mediators have been trained in IEP Facilitation as another option for early dispute resolution offered through ODR. Prior to developing current procedures, ODR staff met with stakeholders to discuss and gather input, including an ODR Focus Group and Parent Education Network. For 2004-05, 27 IEP Facilitations took place, with 23 IEPs being agreed upon and developed (85%).
 - *Solutions Panels* – Several IUs where staffs were trained in Solutions Panels continue to develop their systems. ODR continues to provide technical assistance as needed.
- (4) ODR will monitor the use of mediation and other dispute resolution activities bi-monthly and will report to BSE on a quarterly basis regarding use of the various options. Data will be reported in APRs, and adjustments to the system will be made as required.

Part B State Performance Plan (SPP) for 2005-2010

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

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; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring accuracy).

Overview of Issue/Description of System or Process:

The Pennsylvania Department of Education (PDE) works directly with its 29 IUs to collect the required special education data from their member districts. PDE supports each IU by providing training opportunities and technical assistance. The following is an overview of the process for collecting 618 and 619 data:

- A *Data Resource Guide* is updated and published every year by May.
- Also in May, statewide trainings are conducted for all IU PennData Managers and IU Special Education Directors regarding
 - submission of aggregate data during that summer, and
 - December 1 collection.
- For the December 1 count, all IUs submit their data, and BSE:
 - reviews all data with edit checks to ensure accuracy,
 - contacts all IUs if data need to be verified, and
 - produces flags for BSE review (for example, 10% increase/decrease from previous year).
- Once within-IU data issues are resolved, BSE checks for any duplicates among IUs.
- BSE conducts a final review of the December 1 count for any program issues or explanations needed from IUs.
- BSE sends *Verify Reports* to each IU to ensure that the data being reported to the federal government are accurate. Every IU Executive Director signs an assurance verifying the accuracy of the data reported.
- The same process is used during the revised count for the aggregate federal tables.

Data are made available to the general public. Pennsylvania publishes the following documents every year on the PennData website:

- All federal tables submitted to OSEP (child count, LRE, discipline, personnel and exiting), and
- Statistical Summary (data reported by district, age, ethnicity, disability, etc.).

In addition, each year PDE publishes *Special Education Data Reports*. These reports are designed to share with districts a summary of how they compare with state averages. Currently, districts may find the reports online. The expectation is to continue adding data to the reports each year to facilitate longitudinal analyses by school districts.

Baseline Data for FFY 2004 (2004-05):

Pennsylvania has an effective system for timely collection and reporting of required federal data.

Discussion of Baseline Data:

Within this SPP, additional data collection strategies were described for New Indicators. Some of these collections will require revisions to the PennData system and training of local level personnel. These revisions will be made to facilitate the collection of new data elements

FFY	Measurable and Rigorous Target
2005 (2005-06)	Maintain 100% compliance with this indicator.
2006 (2006-07)	Maintain 100% compliance with this indicator.
2007 (2007-08)	Maintain 100% compliance with this indicator.
2008 (2008-09)	Maintain 100% compliance with this indicator.
2009 (2009-10)	Maintain 100% compliance with this indicator.
2010 (2010-11)	Maintain 100% compliance with this indicator.

Improvement Activities/Timelines/Resources:

- (1) Within this SPP, additional data collection strategies were described for New Indicators that require new data collection. Personnel responsible for each of these data collection strategies will oversee and monitor implementation to ensure that BSE has information to set baselines for the 2005 APR and continue effective reporting of progress.
- (2) BSE SPOCs will receive ongoing training regarding use of the Special Education Data Reports, as this will contribute to making the data more useful in identifying local needs and targeting resources.

**Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act
Complaints, Mediations, Resolution Sessions, and Due Process Hearings**

SECTION A: Signed, written complaints	
(1) Signed, written complaints total	490
(1.1) Complaints with reports issued	400
(a) Reports with findings	207
(b) Reports within timeline	396
(c) Reports within extended timelines	3
(1.2) Complaints withdrawn or dismissed	90
(1.3) Complaints pending	0
(a) Complaint pending a due process hearing	0

SECTION B: Mediation requests	
(2) Mediation requests total	367
(2.1) Mediations	
(a) Mediations related to due process	51
(i) Mediation agreements	23
(b) Mediations not related to due process	139
(i) Mediation agreements	125
(2.2) Mediations not held (including pending)	177

SECTION C: Hearing requests	
(3) Hearing requests total	1036
(3.1) Resolution sessions	0
(a) Settlement agreements	
(3.2) Hearings (fully adjudicated)	173
(a) Decisions within timeline	46
(b) Decisions within extended timeline	127
(3.3) Resolved without a hearing	670

SECTION D: Expedited hearing requests (related to disciplinary decision)	
(4) Expedited hearing requests total	40
(4.1) Resolution sessions	0
(a) Settlement agreements	
(4.2) Expedited hearings (fully adjudicated)	11
(a) Change of placement ordered	7

ATTACHMENT 2
2004-05 BASELINE INFORMATION for PART B INDICATOR 15

Table for Indicator 15A

Monitoring Priority: Effective General Supervision Part B		
Indicator	Measurement Calculation	Explanation
<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>A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:</p> <p>a. # of findings of noncompliance made related to monitoring priority areas and indicators.</p> <p>b. # of corrections completed as soon as possible but in no case later than one year from identification.</p> <p>Percent = b divided by a times 100.</p>	<p>a = 49</p> <p>b = 37</p> <p>$b/a = 37/49 = .76$ $\times 100 = 76\%$</p>	

Compilation Table

<i>Indicator</i>	<i>Monitoring Mechanism</i>	<i># Reviewed</i>	<i># with Findings</i>	<i>a. # of Findings</i>	<i>b. # Corrected w/in 1 yr</i>	<i>% Corrected w/in 1 yr</i>
1. Percent of youth with IEPs graduating from high school with a regular diploma.	Self-Assessment	0	NA	NA	NA	NA
	On-site Visit	51	6	6	3	50% ¹
	Data Review	0	NA	NA	NA	NA
	Other: <i>Focused Monitoring Review</i>	32	1	1	1	100%
2. Percent of youth with IEPs dropping of high school	Self-Assessment	0	NA	NA	NA	NA
	On-site Visit	51	6	6	3	50% ¹
	Data Review	0	NA	NA	NA	NA
	Other: <i>Focused Monitoring Review</i>	32	2	2	2	100%
3. Participation and performance of children with disabilities on statewide assessments	Self-Assessment	0	NA	NA	NA	NA
	On-site Visit	51	2	2	2	100%
	Data Review	0	NA	NA	NA	NA
	Other: NA	0	NA	NA	NA	NA
4. Rates of suspension and expulsion	Self-Assessment	0	NA	NA	NA	NA
	On-site Visit	51	10	10	9	90% ²
	Data Review	0	NA	NA	NA	NA
	Other: NA	0	NA	NA	NA	NA
5. Percent of children with IEPs aged 6 through 21 – educational placements	Self-Assessment	0	NA	NA	NA	NA
	On-site Visit	51	13	13	12	92%
	Data Review	0	NA	NA	NA	NA
	Other: <i>Focused Monitoring Review</i>	32	5	5	3	60% ³
6. Percent of preschool children who received	Self-Assessment	0	NA	NA	NA	NA

<i>Indicator</i>	<i>Monitoring Mechanism</i>	<i># Reviewed</i>	<i># with Findings</i>	<i>a. # of Findings</i>	<i>b. # Corrected w/in 1 yr</i>	<i>% Corrected w/in 1 yr</i>
special education and related services in settings with typically developing peers	On-site Visit	7	2	3	2	67% ⁴
	Data Review	0	NA	NA	NA	NA
	Other: NA	0	NA	NA	NA	NA
7. Percent of preschool children with IEPs who demonstrated improved outcomes NEW INDICATOR NO DATA 2004-05	Self-Assessment					
	On-site Visit					
	Data Review					
	Other: NA					
8. Percent of parents with a child receiving special education services who report that schools facilitated parents involvement NEW INDICATOR NO DATA 2004-05	Self-Assessment					
	On-site Visit					
	Data Review					
	Other: NA					
9. & 10. Percent of districts with disproportionate representation of racial and ethnic groups in special education NEW INDICATOR NO DATA 2004-05	Self-Assessment					
	On-site Visit					
	Data Review					
	Other: NA					
11. Percent of children with parental consent to evaluate, evaluated within State established timelines NEW INDICATOR NO DATA 2004-05	Self-Assessment					
	On-site Visit					
	Data Review					
	Other: NA					

<i>Indicator</i>	<i>Monitoring Mechanism</i>	<i># Reviewed</i>	<i># with Findings</i>	<i>a. # of Findings</i>	<i>b. # Corrected w/in 1 yr</i>	<i>% Corrected w/in 1 yr</i>
12. Percent of children referred by Part C prior to age 3 have an IEP developed and implemented by their third birthday	Self-Assessment	0	NA	NA	NA	NA
	On-site Visit	7	1	1	0	0% ⁴
	Data Review	0	NA	NA	NA	NA
	Other: NA	0	NA	NA	NA	NA
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals NEW INDICATOR NO DATA 2004-05	Self-Assessment					
	On-site Visit					
	Data Review					
	Other: NA					
14. Percent of youth who had 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 NEW INDICATOR NO DATA 2004-05	Self-Assessment					
	On-site Visit					
	Data Review					
	Other: NA					
TOTALS	SUM COLUMNS A AND B			49	37	

¹Completed within one year of CAVP

²This is the only CA remaining open for the 2003-04 SY. An extension was granted because of need to collect a sufficient sample in this small rural SD. This CA is open but within the timeline granted for the extension.

³Within CAVP dates

⁴Extension was granted. Closure of corrective action was achieved within the extension.

Table for Indicator 15B (Cont'd)

Monitoring Priority: Effective General Supervision Part B		
Indicator	Measurement Calculation	Explanation
<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>B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:</p> <p>a. # of findings of noncompliance made related to such areas.</p> <p>b. # of corrections completed as soon as possible but in no case later than one year from identification.</p> <p>Percent = b divided by a times 100.</p>	<p>School age Data</p> <p>a = 708</p> <p>b = 541</p> <p>$b/a = 541/708 = .76$</p> <p>$.76 \times 100 = 76\%$</p>	<p>This is monitoring data from 2003-04. There were 51 LEAs and 7 MAWA agencies monitored in 2003-04. Complaint data is presented in 15C. Due Process hearings do not identify non-compliance in PA.</p> <p>Areas of noncompliance findings- school age:</p> <p>Assistive Technology & Hearing Aids</p> <p>Behavior Support Policies</p> <p>Child Find and Annual Public Notice</p> <p>Confidentiality Requirements</p> <p>Facilities Used for Special Education</p> <p>Policies on Independent Educational Evaluation</p> <p>Training for parents</p> <p>Surrogate parents</p> <p>Training for personnel</p> <p>Intensive Interagency Approach</p> <p>Required student documents present, timely and complete</p> <p>Evaluation requirements</p> <p>IEP content</p> <p>Secondary Transition Requirements</p>

Table for Indicator 15B (Cont'd)

Monitoring Priority: Effective General Supervision Part B		
Indicator	Measurement Calculation	Explanation
	Early Intervention Data a = 82 b= 42 $b/a = 42/82 = .51$ $.51 \times 100 = 51\%$	Areas of Noncompliance Findings – Early Intervention Assistive Technology & Hearing Aids Behavior Support Requirements Caseloads & Class Sizes Child Find & Annual Public Notice Confidentiality Requirements Policies on Independent Educational Evaluation Surrogate Parents Parent & Staff Training Referral & Evaluation Process IEP Development & Implementation Notice/Procedural Safeguards Classroom Service Delivery

Table for Indicator 15C

Monitoring Priority: Effective General Supervision Part B												
Indicator	Measurement Calculation	Explanation										
<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>C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:</p> <p>a. # of agencies in which noncompliance was identified through other mechanisms.</p> <p>b. # of findings of noncompliance made.</p> <p>c. # of corrections completed as soon as possible but in no case later than one year from identification.</p> <p>Percent = c divided by b times 100.</p>	<p>a = 180 b = 288 c = 288</p> <p>288/288 = 100%</p> <p>100% of noncompliance identified through other mechanisms was corrected within one year of identification.</p>	<p>Pennsylvania does not make findings of noncompliance through due process hearings or mediations. These data are from the complaint management system for 2003-04. The data include complaints for school age and the 619 programs.</p> <p>180 agencies had findings of non-compliance through complaints. There were a total of 288 findings (some complaints have multiple allegations and findings). All findings of non-compliance from complaints were resolved within one year of the date of the finding.</p> <p>Of the findings of noncompliance in the 180 agencies, the top five areas cited are as follows:</p> <table> <tr> <td>IEP Implementation</td> <td>133</td> </tr> <tr> <td>MDE Timelines</td> <td>33</td> </tr> <tr> <td>IEP Development</td> <td>31</td> </tr> <tr> <td>MDE Process</td> <td>28</td> </tr> <tr> <td>Discipline/Suspension</td> <td>16</td> </tr> </table> <p>Other areas have wide scatter and often represent unique circumstances.</p>	IEP Implementation	133	MDE Timelines	33	IEP Development	31	MDE Process	28	Discipline/Suspension	16
IEP Implementation	133											
MDE Timelines	33											
IEP Development	31											
MDE Process	28											
Discipline/Suspension	16											



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

Honorable Gerald L. Zahorchak
Secretary of Education
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333

MAR 13 2006

Dear Secretary Zahorchak:

Thank you for your timely submission of Pennsylvania's State Performance Plan (SPP) for review under Part B of the Individuals with Disabilities Education Act (IDEA). Section 616(b) of the Act requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate the State's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were to include: (1) baseline data that reflect the State's efforts to implement Part B of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part B.

The SPP included a description of the broad stakeholder input that went into its development and clearly delineated both how the State solicited that involvement and used the responses received through that process. The State conducted a series of public input meetings across the State, posted information on its web page, accepted comment, and conducted a series of meetings across the State that included interactive work with State's Special Education Advisory Panel. Analysis of the State's baseline data was thorough and complete. The results of that analysis were displayed in an easy-to-use format and the descriptions were useful in understanding the presentation of the data.

The targets for each of the 20 indicators were measurable and demonstrated the intent of the State to improve performance and compliance for children and youth with disabilities and their families.

OSEP is pleased to inform you that your State's SPP under Part B meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. The State must make its SPP available through public means, including posting on the State educational agency's (SEA's) website, distribution to the media, and distribution through public agencies (Section 616(b)(2)(C)(ii)(I)).

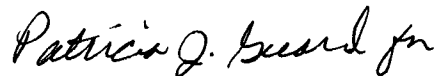
Under section 616(b)(2)(C)(ii)(II) of the Act, the State must annually report to OSEP on its performance under the SPP. The State's first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A addressing issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of State performance and compliance based on data presented in the State's APR. As a result, your State needs to provide additional information as part of its February 2007 APR submission.

In addition to reporting to OSEP, the State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the State's performance plan. (Section 616(b)(2)(C)(ii)(I)). The requirement for public reporting on LEA performance is a critical provision related to ensuring accountability and focusing on improved results for children with disabilities. OSEP will be providing technical assistance regarding the reporting on LEA performance, at the National Accountability Conference, September 18 and 19, 2006 in Denver and through periodic technical assistance conference calls.

We hope that your State found helpful the August 5, 2005 guidance on submission of the SPPs, the technical assistance provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the SPP Resources website. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

Thank you for your continued work to improve results for children and youth with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Hugh Reid at 202-245-7491.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education
Programs

Enclosures
Table A

cc: Linda Rhen
State Director of Special Education

Table A– Part B**Issues Identified in the State Performance Plan**

SPP Indicator	Issue	Required Action
<p>Indicator 6:</p> <p>Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>(20 U.S.C. 1416(a)(3)(A))</p>	<p>Other: The State reported in indicator 6, that it was unable to determine if the 18.1% of preschool children with disabilities who received itinerant services outside the home were provided the services in settings with typically developing peers.</p>	<p>The State must clarify the extent, if any, to which itinerant services outside of the home are provided in inclusive settings, in reporting its performance on this indicator in the APR, due February 1, 2007.</p>
<p>Indicator 12:</p> <p>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>(20 U.S.C. 1416(a)(3)(B))</p>	<p>Noncompliance: The State reported a 79.2% level of compliance in the data reported from its pilot for indicator 12 in the SPP, specifically the requirement at 34 CFR §300.132.</p>	<p>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary, revise improvement strategies included in the SPP to ensure they will enable the State to include data in the APR that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p>Indicator 15:</p> <p>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>(20 U.S.C. 1416 (a)(3)(B))</p>	<p>Noncompliance: The State reported a 76% level of compliance for school-aged, and a 51% level of compliance for preschool-aged, children with disabilities, for indicator 15 in the SPP, specifically the requirement at 34 CFR §300.600.</p>	<p>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary, revise its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>