



WEBINAR MATERIALS

"State Performance Plans and Annual Performance Reports Under IDEA: *What Special Education Advocates Need to Know*"

June 11, 2009

Supplemental Materials

- *The State Performance Plan Under IDEA 2004 (4 pgs)*
- *Determination Letters on State Implementation of Idea June 2009 (2 pgs)*
- *Determination FAQs (2 pgs)*
- *Using State Performance Plan Data to Focus ARRA Spending (4 pgs)*
- *Part B Tree of Influence (1 pg)*

The Advocate Academy is a project of



A not-for-profit organization dedicated to services and projects
that work to improve the lives of children, youth and adults with disabilities.

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The State Performance Plan Under IDEA 2004

Monitoring Priority Areas: Part B

- 20 USC 1416(a)(3)
 - FAPE in the LRE
 - Effective General Supervision
 - Disproportionality

Monitoring Priority Areas: Part C

- 20 USC 1416 (a)(3) & 1442
 - EI Services in the Natural Environment
 - Effective General Supervision

Two Types of Indicators

• Compliance

- Mandated indicators set by US DOE
 - Target must be 100%
 - 100% means that when you identify noncompliance, it is corrected within one year of identification and that it stays corrected over time

• Performance & Outcomes Indicators

- Rigorous & measurable targets set by broad group of stakeholders

Compliance Indicators

PART C COMPLIANCE INDICATORS

Indicator #1: EI in Natural Environments:

- Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner

Indicator #7: Effective General Supervision: EI Child Find

- Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.

Indicator #8: Effective General Supervision: EI Transition to Preschool

- Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:
 - IFSPs with transition steps and services; and
 - Notification to LEA if child is potentially eligible for Part B; and
 - Transition conference, if child potentially eligible for Part B

Indicator #9: Effective General Supervision: EI General Supervision

- 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.

Indicator #10-11: Effective General Supervision: EI Dispute Resolution

- Percent of signed written complaints resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
- Percent of due process hearing requests fully adjudicated within the applicable timeline.

Indicator #14: Effective General Supervision: EI Timely & Accurate Data

- State reported data (618 and SPP and APR) are timely and accurate.
 - 20 U.S.C. 1416(a)(3)(B) and 1442

PART B COMPLIANCE INDICATORS**Indicator #9-10 (new) Effective General Supervision: Disproportionality**

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

Indicator #11 (new) Effective General Supervision: Child Find

- Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline).

Indicator #12 Effective General Supervision: Effective Transition

- 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))

Indicator #13 (new) Effective General Supervision: Effective Transition

- 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)

Indicator #15 Effective General Supervision: General Supervision

- 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)

Indicator #16-17 Effective General Supervision: Dispute Resolution

- Percent of signed written complaints resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
- Percent of due process hearing requests fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

Indicator #20 Effective General Supervision: General Supervision

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

Part C PERFORMANCE AND OUTCOMES INDICATORS

Indicator #2: Settings

Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children

Indicator #3: Child Outcomes

% who demonstrate improved:

- Positive social-emotional skills (including social relationships);
- Acquisition and use of knowledge and skills (including early language/communication);
- Use of appropriate behaviors to meet their needs.

Indicator #4: Family Outcomes

% of families who report that EI services have helped their family:

- Know their rights
- Effectively communicate their child's needs
- Help their child develop & learn

Indicators #5-6: Child Find Birth to 1 & Birth to 3

% of infants and toddlers 0 to 1 & 0 to 3 with IFSPs compared to:

- Other States with similar eligibility definitions;
- National data.

Indicators 12-13: Resolution & Mediation Agreements

- Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (if uses Part B system)
- Percent of mediations held that resulted in mediation agreements

PART B PERFORMANCE AND OUTCOMES INDICATORS

Indicators #1-2: Graduation & Drop-Out

- 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
- 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.

Indicator #3: Assessments

- Participation & performance of children with disabilities on statewide assessment:
 - Percent of districts meeting AYP for disability subgroup
 - Participation rate for children (regular assessment; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate standards)
 - Proficiency rate against grade level standards and alternate achievement standards.

Indicator #4: Suspension

- Rates of suspension and expulsion:
 - Percent of districts with significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in school year
 - Percent of districts with 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

Indicator #5: Placement/LRE

- Placement (school-age)
 - % removed from regular class < 21% of day
 - % removed from regular class > 60% of day
 - % served in public or private separate schools, residential, home or hospital placements

Indicator #6: Preschool Placement

- Placement (preschool)
 - % 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).

Indicator #7 (new): Preschool Outcomes

- % who demonstrate improved:
 - Positive social-emotional skills (including social relationships)
 - Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
 - Use of appropriate behaviors to meet their needs.

Indicator #8 (new): Parent Involvement

- Parent involvement
 - % of parents who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Indicator #14 (new): Post-School Outcomes

- 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

Indicator #18 (new) & 19: Resolution Sessions & Mediations

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

U.S. DEPARTMENT OF EDUCATION

DETERMINATION LETTERS ON STATE IMPLEMENTATION OF IDEA

JUNE 2009

The U.S. Department of Education's Office of Special Education and Rehabilitative Services released state determinations on implementation of the Individuals with Disabilities Education Act (IDEA) for Part B and Part C for fiscal year 2007. The 2004 Amendments to the IDEA require each State to develop a State Performance Plan (SPP) that evaluates the State's efforts to implement the requirements and purposes of the IDEA, and describes how the State will improve its implementation. The SPP includes baseline data, measurable and rigorous targets, and improvement activities for 20 indicators such as graduation rate, dropout rate, participation and performance on assessments, meeting evaluation timelines, and ensuring that complaints and hearings are resolved within required timelines.

The IDEA also requires each State to report annually to the Secretary on its performance under the SPP. Specifically, the State must report in its Annual Performance Report, the progress it has made in meeting the measurable and rigorous targets established in its SPP. The secretary is required to issue annual determination letters to each state on their progress in meeting the requirements of the statute. The determinations are part of the ongoing efforts to improve education for America's 7 million children with disabilities.

IDEA details four categories for the secretary's determination. The state:

- Meets the requirements and purposes of IDEA;
- Needs assistance in implementing the requirements of IDEA;
- Needs intervention in implementing the requirements of IDEA; or
- Needs substantial intervention in implementing the requirements of IDEA.

Data and criteria used to make determinations:

IDEA identifies specific technical assistance or enforcement actions aligned with each of the determinations, with the exception of "meets requirements," that the Department must take under specific circumstances. If a state "needs assistance" for two consecutive years, the Department must take one or more enforcement actions, including among others, requiring the state to receive technical assistance, designating the state as a high-risk grantee, or directing the use of state set-aside funds to the area(s) where the state needs assistance. If a state "needs intervention" for three consecutive years, the Department must require a corrective action plan or compliance agreement, or withhold further payments to the state. Any time a state "needs substantial intervention" the Department must take immediate enforcement action, such as withholding funds or referring the matter to the Department's inspector general or to the Department of Justice.

Following is each state's performance in meeting the requirements of IDEA Part B, which serves students with disabilities, ages 3 through 21:

- **MEETS REQUIREMENTS—**
Alabama, Alaska, Arkansas, Arizona, California, Commonwealth of the Northern Mariana Islands, Connecticut, , Hawaii, Idaho, Iowa, Kansas, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, New Jersey, Ohio, Oklahoma, Oregon, Republic of Marshall Islands, South Dakota, Utah, Virginia, Washington, Wisconsin and Wyoming
- **NEEDS ASSISTANCE—**
Delaware, Guam, Pennsylvania, Puerto Rico, Texas, Virgin Islands and Vermont
 - **NEEDS ASSISTANCE (two consecutive years) —**
American Samoa, Federated States of Micronesia , Florida, Georgia, Illinois, Kentucky, Massachusetts, Maine, Nebraska, New Hampshire, Nevada, New Mexico, New York, Palau, South Carolina, Tennessee and West Virginia
- **NEEDS INTERVENTION—**
Bureau of Indian Education, Louisiana and Rhode Island
 - **NEEDS INTERVENTION (three consecutive years)—**
Colorado, District of Columbia and Indiana

Following is a list of each state's performance under IDEA Part C, which serves infants and toddlers birth through age 2:

- **MEETS REQUIREMENTS—**
Alabama, Arkansas, Commonwealth of the Northern Mariana Islands, Connecticut, Delaware, Iowa, Idaho, Illinois, Indiana, Kansas, Maryland, Massachusetts, Minnesota, Missouri, Montana, North Carolina, Nebraska, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, West Virginia and Wisconsin
- **NEEDS ASSISTANCE—**
Alaska, Maine, South Carolina, Tennessee, Texas and Wyoming
 - **NEEDS ASSISTANCE (two consecutive years)—**
American Samoa, Arizona, California, Colorado, Florida, Guam, Hawaii, Louisiana, Michigan, Mississippi, New York, North Dakota, Ohio, Puerto Rico, Utah, Virginia, Virgin Islands, Vermont and Washington
- **NEEDS INTERVENTION—**
Georgia, Kentucky, New Mexico and Nevada
 - **NEEDS INTERVENTION (three consecutive years)—**
District of Columbia

Determination FAQs (10/19/06)

What are the Secretary's "Determinations?"

Based on information provided in the SPP, information obtained through monitoring visits and other public information, the Secretary will determine if the State--

- Meets the requirements
- Needs assistance
- Needs intervention
- Needs substantial intervention

What will OSEP consider in making the "Determinations?"

Department will consider all information available at the time of the determinations including:

- History, nature and length of time of any reported noncompliance
- Evidence of correction, including progress toward full compliance
- Information regarding valid and reliable data
- Special conditions
- Compliance agreements
- Audit findings
- Verification or focused monitoring findings

Are States required to make "Determinations?"

Pursuant to 616(a)(1)(C)(i) and 300.600(a), States are required to make "Determinations" annually under 616(d) on the performance of LEAs/EIS programs.

What should States consider in making their "Determinations?"

States **MUST** consider

- Performance on compliance indicators;
- Whether data submitted by LEAs/EIS programs is valid, reliable, and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, States could also consider:

- Performance on performance indicators; and
- Other information.

Must States use the same four categories as the Department will use?

- Yes, States must use "Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention."

Is there a deadline for States to make the Determinations for their LEAs or EIS Programs?

- There is nothing in the statute or regulations that addresses a timeline for when States must make Determinations regarding the performance of the LEAs or EIS programs in their States. However, States need to make the Determinations as soon as possible after making their annual report to the public on the performance of each LEA or EIS program. It is important to ensure that LEAs and EIS Programs have time to improve

performance prior to the next reporting to the State by each LEA or EIS program and the State's next Determinations point. In addition, there may be implications for the State's award of funds to LEAs or EIS programs so the State would ideally make its Determinations before grants are issued or contracts are signed or renewed.

Must States report the Determinations of each LEA or EIS Program to the Department and/or the public?

- IDEA does not require States to report to the Department or to the public the Determinations the State makes regarding the performance of each LEA or EIS Program. States, of course, must inform each LEA or EIS Program of the State's Determination regarding that LEA or EIS program.

Using State Performance Plan Data to Focus ARRA Spending

SPP Indicators - Part B	Compliance or Performance/Outcome	ARRA Focus
<ul style="list-style-type: none"> ❖ Evaluate the States' efforts to implement the requirements & purposes of IDEA; include measurable & rigorous targets for the indicators established under the priority areas; describe how the State will improve implementation ❖ Primary focus of state & federal monitoring shall be on improving educational results & functional outcomes for all CWD, & ensuring that states meet IDEA requirements with a particular emphasis on those requirements that are most closely related to improving education results 		<ul style="list-style-type: none"> ❖ Core reform (2): Establishing data systems & using data for improvement; "first step is a careful examination of student achievement data to determine where to focus improvement efforts"
<p>Indicator 1-2: Graduation & Drop-Out</p>	Performance/Outcomes	<ul style="list-style-type: none"> ❖ Framing Question 1: Improve results for students including SWD ❖ Train principals, teachers, & other staff to use data to identify the specific help students needs to success, to adjust classroom instruction to better address student strengths & weaknesses, & to target professional development & other resources on student & teacher needs ❖ Track # & % of students by school who graduate high school; use the information to strengthen HS programs & increase % of students going on to college ❖ Provide professional development for special & general educators on evidence-based school-wide strategies in academic & PBS to improve outcomes
<p>Indicator 3: Assessments</p>	Performance/Outcomes	<ul style="list-style-type: none"> ❖ See above ❖ Launch a comprehensive literacy program, support literacy development across content areas, & provide intervention for struggling students ❖ Purchase & train teachers to use

SPP Indicators - Part B	Compliance or Performance/Outcome	ARRA Focus
		instructional software, technology-enabled white boards, & other interactive technologies that have been shown to be effective aids for instruction, particularly for SWD
Indicator 4: Suspension	Performance/Outcomes	❖ Provide professional development for special & general educators on evidence-based school-wide strategies in academic & PBS to improve outcomes
Indicator 5: Placement/LRE	Performance/Outcomes	<ul style="list-style-type: none"> ❖ Redesign teacher professional development & school schedules to ensure that teacher learning opportunities are sustained, job-embedded, collaborative, data-driven, & focused on student instructional needs ❖ Provide intense PD over 2 years & additional training to highly effective teachers who will be able to serve as expert instructional leaders & coaches in the future ❖ Fill shortage areas by supporting teachers in obtaining dual certification in special education ❖ Modernize schools to be accessible
Indicator 6: Preschool Placement/LRE	Performance/Outcomes	<ul style="list-style-type: none"> ❖ Expand the availability & range of inclusive placement options for preschoolers with disabilities by developing the capacity of public & private preschool programs to serve all children ❖ Include early learning facilities that are safe & appropriate for young children
Indicator 7: Preschool outcomes	Performance/Outcomes	❖ Strengthen early learning: Align a district preschool program with state early learning guidelines & K-3 standards & support credentialing & intensive training for staff
Indicator 8: Parent involvement	Performance/Outcomes	❖ Train school staff to partner with families to improve student learning, including helping staff clearly communicate about school programs & individual

SPP Indicators - Part B	Compliance or Performance/Outcome	ARRA Focus
		<p>student progress & fostering involvement in school activities & decision-making</p> <ul style="list-style-type: none"> ❖ Support home visits, family nights, & parent training that help families make informed decisions about their children's academic program, request needed services, assist with homework, & support learning ❖ Develop a data-driven approach to understanding school performance & the causes of low performance; provide results to school staff, families & communities; use this information to modify approaches
Indicator 9-10: Effective General Supervision: Disproportionality	Compliance	
Indicator 11: Effective General Supervision: Child Find	Compliance	<ul style="list-style-type: none"> ❖ Provide comprehensive screenings to identify at-risk children & connect with services
Indicator 12: Effective General Supervision: Transition from EI	Compliance	
Indicator 13: Effective General Supervision: Effective Transition to Adulthood	Compliance	<ul style="list-style-type: none"> ❖ Launch an easy-to-use online IEP system for SWD that is aligned with state academic standards & can be used by educators to create content-rich IEPs that are aligned with the general education curriculum ❖ Offer dual enrollment courses & student internships; train staff to help students understand college & career options, provide effective guidance, & create a college-going culture ❖ For students with disabilities, employ transition coaches for 2 years to identify work-study, community service, internship, college, & career opportunities & to establish community partnerships that can endure after 2 years
Indicator 14: Post-school outcomes	Performance/Outcomes	<ul style="list-style-type: none"> ❖ Track # & % of students by school who graduate high school & go on to complete at least one year's worth of college credit; use the information to strengthen HS programs &

SPP Indicators - Part B	Compliance or Performance/Outcome	ARRA Focus
		increase % of students going on to college
Indicator 15: General supervision identifies & corrects noncompliance ASAP but no later than 1 year from identification	Compliance	
Indicator 16-17: Effective General Supervision: Dispute Resolution (Complaints & Hearings)	Compliance	
Indicator 18: % of hearing requests resolved through resolution session	Performance/Outcomes	
Indicator 19: % of hearing requests resolved through mediation	Performance/Outcomes	
Indicator 20: Effective General Supervision: State reported data are timely & effective	Compliance	<ul style="list-style-type: none"> ❖ ARRA priority: establishing data systems & using data for improvement ❖ Link districts' multiple data systems

Part B Tree of Influence (DRAFT)

Using the System of SPP Indicators as a Blueprint for State Improvement

